Humanitarian Intervention in World Politics
Alex J. Bellamy and Nicholas J. Wheeler

- Introduction
- The case for humanitarian intervention
- The case against humanitarian intervention
- The 1990s: A golden era of humanitarian intervention?
- Humanitarian intervention and the war on terror
- The Responsibility to Protect

Reader's Guide

Non-intervention is commonly understood as the norm in international society, but should military intervention be permissible when governments massively violate the human rights of their citizens, are unable to prevent such violations, or if states have collapsed into civil war and anarchy? This is the guiding question addressed in this chapter. International law forbids the use of force except for purposes of self-defence and collective enforcement action authorized by the UN Security Council (UNSC). The challenge posed by humanitarian intervention is whether it also should be exempted from the general ban on the use of force. This chapter examines arguments for and against forcible humanitarian intervention. The theoretical analysis is explored in relation to humanitarian intervention during the 1990s and the war on terror. The final section focuses on *The Responsibility to Protect,* an important attempt to address this challenge.

Introduction

Humanitarian intervention poses a hard test for an international society built on **principles** of sovereignty, non-intervention, and the non-use of force. Immediately after the holocaust, the society of states established laws prohibiting genocide, forbidding the mistreatment of civilians, and recognising basic human rights. These humanitarian principles often conflict with principles of sovereignty and non-intervention. Sovereign **states** are expected to act as guardians of their

citizens' security, but what happens if states behave as criminals towards their own people, treating sovereignty as a licence to kill? Should **tyrannical states**[1] be recognized as legitimate members of international society and accorded the protection afforded by the non-intervention principle? Or, should states forfeit their sovereign rights and be exposed to legitimate intervention if they actively abuse or fail to protect their citizens? Related to this, what responsibilities do other states or institutions have to enforce human rights **norms** against governments that massively violate them?

Armed humanitarian intervention was not a legitimate practice during the **cold war** because states placed more value on sovereignty and order than on the enforcement of human rights. There was a significant shift of attitudes during the 1990s, especially among liberal democratic states, which led the way in pressing new humanitarian claims within international society. The UN Secretary-General noted the extent of this change in a speech to the General Assembly in September 1999. Kofi Annan declared that there was a 'developing international norm' to forcibly protect civilians who were at risk from genocide and mass killing. The new norm was a weak one, however. At no time did the UNSC authorise forcible intervention against a fully-functioning sovereign state and intervention without UNSC authority remained controversial. States in the **global south** especially continued to worry that humanitarian intervention was a 'Trojan horse': rhetoric designed to legitimate the interference of the strong in the affairs of the weak. At the same time, however, a group of liberal democratic states and **non-governmental organisations** (NGOs) attempted to build a consensus around the principle of the **responsibility to protect.** The **responsibility to protect** insists that states have primary responsibility for protecting their own citizens. However, if they are unwilling or unable to do so, the responsibility to end atrocities and mass killing is transferred to the wider 'international community'. The **responsibility to protect** was adopted by the UN General Assembly in a formal declaration at the **2005 UN World Summit.** Its advocates argue that it will play an important role in building consensus about humanitarian action whilst making it harder for states to **abuse** humanitarian justifications.

---

[1] This term is Stanley Hoffmann's (Hoffmann 1995-6: 31).

This chapter is divided into five sections. The first sets out the arguments for both a legal right and a moral duty of humanitarian intervention. The second section outlines objections to humanitarian intervention, including **realist**, legal and moral objections. Next we consider the evolution of state practice during the 1990s, and in the post-9/11 era. The final section focuses on the **responsibility to protect**.

The Case for Humanitarian Intervention

In the first part, we explore the **legal** case for a right of humanitarian intervention, commonly labelled **counter-restrictionist**, and in the second part we discuss the **moral justification for it.**

The legal argument

The 'counter-restrictionist' case for a legal right of individual and collective humanitarian intervention rests on two claims: first, the UN Charter commits states to protecting fundamental human rights, and second, there is a right of humanitarian intervention in customary **international law.**

Counter-restrictionists argue that human rights are just as important as peace and security in the UN Charter. The Charter's preamble and Articles 1(3), 55 and 56 all highlight the importance of human rights. Indeed, Article 1(3) identifies the protection of human rights as one of the principle purposes of the UN system. This has led counter-restrictionists to read a humanitarian exception to the ban on the use of force in the UN Charter. Michael Reisman (1985: 279-80) argued that given the human rights principles in the Charter, the UNSC should have taken armed action during the cold war against states that committed genocide and mass murder. The on-going failure of the UNSC to fulfil this legal responsibility led him to assert that a legal exception to the ban on the use of force in Article 2(4) of the Charter, should be created that would permit individual states to use force on humanitarian grounds. Likewise, some international lawyers (e.g. Damrosch 1991: 219) argued that humanitarian

intervention did not breach Article 2(4) because the article only prohibits the use of force against the 'political independence' and 'territorial integrity' of states and humanitarian intervention does neither of these things.

Other counter-restrictionists admitted that there is no legal basis for **unilateral humanitarian intervention** in the UN Charter, but argued that humanitarian intervention is permitted by customary **international law**. For a rule to count as customary international law, states must actually engage in the practice that is claimed to have the status of law, and they must do so because they believe that the law permits this. International lawyers describe this as **opinio juris**. **Counter-restrictionists** contend that the customary right to humanitarian intervention preceded the UN Charter, evidenced by the legal arguments offered to justify the British, French and Russian intervention in Greece (1827) and American intervention in Cuba (1898). They also point to British and French references to customary international law to justify the creation of safe havens in Iraq (1991) and Kofi Annan's insistence that even unilateral intervention to halt the 1994 genocide in Rwanda would have been legitimate.

There are, however, a number of problems with both elements of the counter-restrictionist case. They exaggerate the extent of consensus about the rules governing the use of force and their reading of the textual provisions of the UN Charter runs contrary to both majority international legal opinion (e.g. Brownlie 1974, Chesterman 2001) and the opinions expressed by its architects at the end of the Second World War.

The moral case

Many writers argue that irrespective of what the law says, there is a moral duty to intervene to protect civilians from genocide and mass killing. They argue that **sovereignty** derives from a state's responsibility to protect its citizens and when a state fails in its duty, it loses its sovereign rights (Tesón 2003: 93). There are a number of different ways of arriving at this argument. Some point to the idea of **common humanity** to argue that all individuals have basic human rights and

duties to uphold the rights of others (Caney 1997: 34). Others argue that today's globalized world is so integrated that massive human rights violations in one part of the world have an effect on every other part, creating moral obligations (Blair 1999). Some advocates of **Just War theory** argue that the duty to offer charity to those in need is universal (Ramsey 2002: 35-6). A further variety of this argument insists that there is moral agreement between the world's major religions and ethical systems that genocide and mass killing are grave wrongs and that others have a duty to prevent them and punish the perpetrators (Lepard 2002).

There are problems with this perspective too. Granting states a moral permit to intervene opens the door to potential **abuse:** the use of humanitarian arguments to justify wars that are anything but. Furthermore, those who advance moral justifications for intervention run up against the problem of how bad a humanitarian crisis has to have become before force can be used, and there is also the thorny issue of whether force should be used to prevent a humanitarian emergency from developing in the first place.

Key points
- Counter-restrictionists argue in favour of a legal right of humanitarian intervention based on interpretations of the UN Charter and customary international law.
- The claims for a moral duty of humanitarian intervention stem from the basic proposition that all individuals are entitled to a minimum level of protection from harm by virtue of their **common humanity.**

Box 2 Around Here

The Case Against Humanitarian Intervention

Seven key objections to humanitarian intervention have been advanced, at various times, by scholars, international lawyers and policymakers. These objections are not mutually exclusive and can be found in the writings of Realists, Liberals, Feminists, Postcolonial theorists and others, though these different theories afford different weight to each of the objections.

No basis for humanitarian intervention in international law

Restrictionist international lawyers insist that the common good is best preserved by maintaining a ban on any use of force not authorized by the UNSC. They argue that aside from the right of individual and collective self-defence enshrined in Article 51 of the UN Charter, there are no other exceptions to Article 2(4). They also point to the fact that during the cold war when states acting unilaterally could have plausibly invoked humanitarian claims (the key cases are India's intervention in East Pakistan in 1971, Vietnam's intervention in Cambodia in December 1978, and Tanzania's intervention in Uganda in January 1979), they had chosen not to do so. Interveners have typically either claimed to be acting in self-defence (during the cold war especially), have pointed to the 'implied authorization' of UNSC resolutions, or have refrained from making legal arguments at all.

States do not intervene for primarily humanitarian reasons

States almost always have mixed motives for intervening and are rarely prepared to sacrifice their own soldiers overseas unless they have self-interested reasons for doing so. For **Realists** this means that genuine humanitarian intervention is imprudent because it does not serve the national interest. For other critics, it points to the idea that the powerful only intervene when it suits them to do so and that strategies of intervention are more likely to be guided by calculations of national interest than by what is best for the victims in whose name the intervention is ostensibly being carried out.

States are not allowed to risk the lives of their soldiers to save strangers

Realists not only argue that states do not intervene for humanitarian purposes; their **statist** paradigm also asserts that states should not behave in this way. Political leaders do not have the moral right to shed the blood of their own citizens on behalf of suffering foreigners. Bhikhu Parekh (1997: 56) encapsulates this position: 'citizens are the exclusive responsibility of their state, and their state is entirely their own business'. Thus, if a civil authority has broken down or is behaving in an appalling way towards its citizens, this is the responsibility of that state's citizens, and crucially its political leaders.

The problem of abuse

In the absence of an impartial mechanism for deciding when humanitarian intervention is permissible, states might espouse humanitarian motives as a pretext to cover the pursuit of national self-interest (Franck and Rodley 1974). The classic case of **abuse** was Hitler's argument that it was necessary to invade Czechoslovakia to protect the 'life and liberty' of that country's German population. Creating a right of humanitarian intervention would only make it easier for the powerful to justify interfering in the affairs of the weak. Critics argue that a right to intervention would not create more 'genuine' humanitarian action because self-interest not sovereignty has traditionally been the main barrier to intervention. However, it would make the world a more dangerous place by giving states more ways of justifying force (Chesterman 2001).

Selectivity of response

States always apply principles of humanitarian intervention selectively, resulting in an inconsistency in policy. Because state behaviour is governed by what governments judge to be in their interest, they are selective about when choose to intervene. The problem of selectivity arises when an agreed moral principle is at stake in more than one situation, but national interest dictates a divergence of

responses. A good example of the selectivity of response is the argument that NATO's intervention in Kosovo could not have been driven by humanitarian concerns because it has done nothing to address the very much larger humanitarian catastrophe in Darfur. Selectivity of response is the problem of failing to treat like cases alike.

Disagreement about moral principles

Pluralist international society theory identifies an additional objection to humanitarian intervention, the problem of how to reach a consensus on what moral principles should underpin it. Pluralism is sensitive to human rights concerns but argues that humanitarian intervention should not be permitted in the face of disagreement about what constitutes extreme human rights violations. The concern is that in the absence of consensus on what principles should govern a right of humanitarian intervention, the most powerful states would be free to impose their own culturally determined moral values on weaker members of international society.

Intervention does not work

A final set of criticisms suggests that humanitarian intervention should be avoided because it is impossible for outsiders to impose human rights. **Liberals** argue that states are established by the informed consent of their citizens. Thus, one of the foremost nineteenth century liberal thinkers, John Stuart Mill (1973: 377-8), argued that democracy could only be established by a domestic struggle for liberty. Human rights cannot take root if they are imposed or enforced by outsiders. Interveners will therefore find either that they become embroiled in an unending commitment or that human rights abuses re-ignite after they depart. Mill argued that oppressed peoples should themselves overthrow tyrannical government.

Key points:
- States will not intervene for primarily humanitarian purposes.

- States should not place their citizens in harm's way in order to protect foreigners.
- A legal right of humanitarian intervention would be vulnerable to abuse as states employ humanitarian claims to cloak the pursuit of self-interest.
- States will apply principles of humanitarian intervention selectively.
- In the absence of consensus about what principles should guide humanitarian intervention, a right of humanitarian intervention would undermine international order.
- Humanitarian intervention will always be based on the cultural preferences of the powerful

The aim of the following two sections is to demonstrate how these different ideas and claims play out in world politics, and to chart how far there is an emerging norm of humanitarian intervention.

The 1990s: A Golden Era of Humanitarian Activism?

It has become common to describe the immediate post cold war period as something of a 'golden era' for humanitarian activism. Thomas Weiss (2004: 136) argues that 'the notion that human beings matter more than sovereignty radiated brightly, albeit briefly, across the international political horizon of the 1990s'. There is no doubt that during the 1990s, states began to contemplate intervention to protect imperilled strangers in distant lands. This was symbolised for many by NATO's intervention to halt Serb atrocities in Kosovo in March 1999 and the Australian led intervention to end mass killing in East Timor. But the 1990s also saw the world stand aside during the genocides in Rwanda and Srebrenica. This section tries to make sense of these developments by focusing on international interventions in northern Iraq, Somalia, Rwanda and Kosovo. It is divided into three parts: the place of humanitarian impulses in decisions to intervene; the legality and legitimacy of the interventions; and the success of these military interventions.

The role of humanitarian sentiments in decisions to intervene

In the case of northern Iraq in April 1991, but also Somalia in December 1992, domestic public opinion played an important role in pressurizing policymakers into using force for humanitarian purposes. In the face of a massive refugee crisis caused by Saddam Hussein's oppression of the Kurds in the aftermath of the 1991 Gulf War, US, British, French, and Dutch military forces intervened to create protected 'safe havens' for the Kurdish people. Similarly, the US military intervention in Somalia in December 1992 was a response to sentiments of compassion on the part of US citizens. However, this sense of solidarity disappeared once the United States began sustaining casualties. The fact that the White House pulled the plug on its Somali intervention after the loss of eighteen US Rangers in a fire-fight in October 1993 indicates how capricious public opinion is. Television pictures of starving and dying Somalis had persuaded the outgoing Bush administration to launch a humanitarian rescue mission, but once the US public saw dead Americans dragged through the streets of Mogadishu, the Clinton administration announced a timetable for withdrawal. What this case demonstrates is that the 'CNN effect' is a double-edged sword: it can pressurize governments into humanitarian intervention, yet with equal rapidity produce public disillusionment and calls for withdrawal. However, these cases suggest that even if there are no vital national interests at stake, liberal states might launch humanitarian rescue missions if sufficient public pressure is mobilized. Certainly, there is no evidence in either of these cases to support the realist claim that states cloak power political motives behind the guise of humanitarianism.

By contrast, the French intervention in Rwanda in July 1994 seems to be an example of **abuse.** The French government emphasized the strictly humanitarian character of the operation, but this interpretation lacks credibility given the evidence that they were covertly pursuing national self-interest. France had propped up the one-party Hutu state for twenty years, even providing troops when the Rwandan Patriotic Front (RPF), operating out of neighbouring Uganda, threatened to overrun the country in 1990 and 1993. The French President, François Mitterrand, was reportedly anxious to restore waning French influence in Africa, and was fearful that an RPF victory in French-speaking Rwanda would

bring the country under the influence of Anglophones. France therefore did not intervene until the latter stages of the genocide, which was ended primarily by the RPF's military victory. It seems, therefore, that French behaviour accords with the **realist** premise that states will only risk their soldiers in defence of the national interest. French leaders may have been partly motivated by humanitarian sentiments but this seems to be a case of a state abusing the concept of humanitarian intervention since the primary purpose of the intervention was to protect French national interests.

The moral question raised by French intervention is why international society failed to intervene when the genocide began in early April 1994. French intervention might have saved some lives but it came far too late to halt the genocide. Some 800,000 people were killed in a mere hundred days. The failure of international society to stop the genocide indicates that state leaders remain gripped by the mindset of **statism**. There was no intervention for the simple reason that those with the military capability to stop the genocide were unwilling to sacrifice troops and treasure to protect Rwandans. International solidarity in the face of genocide was limited to moral outrage and the provision of humanitarian aid.

If the French intervention in Rwanda can be criticized for being too little, too late, NATO's intervention in Kosovo in 1999 was criticized for being too much, too soon. At the beginning of the war, NATO said it was intervening to prevent a humanitarian catastrophe. To do this, NATO aircraft were given two objectives, reduce Serbia's military capacity and coerce Milošević into accepting the Rambouillet settlement, with the emphasis initially placed on the former. Three arguments were adduced to support NATO's claim that the resort to force was justifiable. First, it was argued that Serbian actions in Kosovo had created a humanitarian emergency and breached a whole range of international legal commitments. Second, NATO governments argued that the Serbs were committing crimes against humanity, possibly including genocide. Third, it was contended that the Milošević regime's use of force against the Kosovar Albanians challenged global norms of **common humanity**.

Closer analysis of the justifications articulated by Western leaders suggests that whilst humanitarianism may have provided the primary impulse for action, it was by no means the exclusive impulse, and the complexity of the motives of the interveners coloured the character of the intervention. Indeed, NATO was propelled into action by a mixture of humanitarian concern and self-interest gathered around three sets of issues. The first might be called the 'Srebrenica syndrome' – a fear that left unchecked Milošević's henchmen would replicate the carnage of Bosnia in Kosovo. The second is related directly to self-interest and was a concern that protracted conflict in the southern Balkans would create a massive refugee crisis in Europe. Finally, NATO governments were worried that if they failed to contain the crisis, it would spread and engulf several neighbouring states especially Macedonia and Albania, Bulgaria (Bellamy 2002: 3). This suggests that humanitarian intervention might be prompted by mixed motives. This only becomes a problem if the non-humanitarian motives undermine the chances of achieving the humanitarian purposes.

How legal and legitimate were the interventions?

In contrast with state practice during the cold war, the interventions in northern Iraq, Somalia, Rwanda and Kosovo were all justified in humanitarian terms by the intervening states. Justifying the use of force on humanitarian grounds remained hotly contested, with China, Russia and members of the Non-Aligned Movement (NAM) defending a traditional interpretation of state sovereignty. However, this position became less tenable as the 1990s progressed, and by the end of the decade most states were prepared to accept that the UNSC was entitled to authorize armed humanitarian intervention. Thus, almost every peacekeeping mandate passed by the UNSC since 2000 contains an instruction for international soldiers to protect endangered civilians, using force if necessary and prudent. **Chapter VII** of the Charter enables the UNSC to authorize military enforcement action only in cases where it finds a threat to 'international peace and security'. Since the early 1990s, the UNSC has expanded its list of what counts as a threat to the peace to include human suffering, the overthrow of democratic government, state failure, refugee movements, and ethnic cleansing. This attempt to justify humanitarian intervention on the grounds that human suffering constitutes a

threat to international security was first controversially employed in the cases of northern Iraq and Somalia (Wheeler 2000, 2004: 32-41).

NATO's intervention in Kosovo raised the fundamental question of how international society should treat intervention where a state, or in this case a group of states, decide to use force to alleviate human suffering without the explicit authorization of the Security Council. Although the UN did not expressly sanction NATO's use of force, the UNSC also chose not to condemn it. Russia tabled a draft UNSC resolution on 26 March 1999 condemning NATO's use of force and demanding an immediate halt to the bombing. Surprisingly, only Russia, China, and Namibia voted in favour, leading to a resounding defeat of the resolution. The UNSC's response to NATO's breach of the UN Charter's rules governing the use of force suggested that whilst it was not prepared to endorse unilateral humanitarian intervention, it was not necessarily going to condemn it either.

What emerges from post cold war state practice is that Western states took the lead in advancing a new norm of armed humanitarian intervention. Although some states, notably Russia, China, India, and some members of the NAM remained very uneasy with this development, they had reluctantly come to accept by the end of the 1990s that military intervention authorized by the UNSC was justifiable in cases of genocide and mass killing. The best illustration of this is the fact that no member of the UNSC tried to oppose intervention in Rwanda to end the genocide on the grounds that this violated its sovereignty. Instead, the barrier to intervention was the lack of political will on the part of states to incur the costs and risks of armed intervention to save Rwandans. There were also important limits to the emerging norm: intervention outside the UN remained very controversial; the UNSC refrained from authorizing intervention against fully functioning states; and although it is inconceivable that any state would have complained about intervention in Rwanda, this was a uniquely horrible case with a rate of killing higher than that of the holocaust.

Were the interventions successful?

Does the record of post-cold war interventions lend support to the proposition that the use of force can promote humanitarian values? Humanitarian outcomes might usefully be divided into short and long-term ones. The former would refer to the immediate alleviation of human suffering through the termination of genocide or mass murder and/or the delivery of humanitarian aid to civilians trapped in war zones. Long-term humanitarian outcomes focus on how far intervention addresses the underlying causes of human suffering by facilitating conflict-resolution and the construction of viable polities.

'Operation Safe Haven' in Iraq enjoyed initial success in dealing with the refugee problem in northern Iraq and clearly saved lives. However, as the media spotlight began to shift elsewhere and public interest waned, so did the commitment of Western governments to protect the Kurds. Whilst Western air forces continued to police a 'no-fly zone' over northern Iraq, the intervening states quickly handed over the running of the safe havens to what they knew was an ill-equipped and badly supported UN relief operation. This faced enormous problems owing to Iraqi hostility towards its Kurdish minority. Nevertheless, the Kurds were able to fashion a significant degree of autonomy in the 1990s, which has persisted since the 2003 US-led invasion.

Some commentators identify the initial US intervention in Somalia in the period between December 1992 and May 1993 as a successful humanitarian intervention. In terms of short-term success, the US claims that it saved thousands of Somalis from starvation, though this is disputed (Weiss 1999: 82-7). What is not disputed is that the mission ended in disaster. This can be traced to the attempt by UNOSOM II (this UN force took over from the United States in May 1993 but its military missions were principally controlled by US commanders) to go beyond the initial US mission of famine relief to the disarmament of the warring factions and the provision of law and order. Suffering always has political causes, and the rationale behind the expanded mandate of UNOSOM II was to try and put in place a framework of political civility that would prevent a return to civil war and famine. However, this attempt to convert a short-term humanitarian outcome (famine relief) into the longer-term one of conflict-resolution and reconstruction proved a failure. Once the UNSC had sanctioned the arrest of General Aidid after

his forces killed twenty three UN peace-keepers in June 1993, UNOSOM II acted like an imperial power, relying on high-tech American weaponry to police the streets of southern Mogadishu.

The jury remains out on whether the international community can succeed in building a new multiethnic state in Kosovo. On the one hand, an improved security situation has enabled a marked decrease in the number of international soldiers and police deployed there and there have been a number of successful elections and transitions of power. On the other hand, ethnic violence remains a feature of life in province, there is high unemployment, and Kosovo has become a haven for organized crime. Looking back, the NATO-led force that entered Kosovo at the end of Operation Allied Force succeeded in returning Kosovar Albanian refugees to their homes but failed to protect the Serbian community from reprisal attacks.

The conclusion that emerges from this brief overview is that forcible intervention in humanitarian crises is most likely to be a short-term palliative that does little to address the underlying political causes of the violence and suffering. It is for this reason that the International Commission on Intervention and State Sovereignty (ICISS) insisted that intervention was only one of three international responsibilities, the other two involving long-term commitments to building the political, social, economic, military and legal conditions necessary for the promotion and protection of human rights.

Humanitarian Intervention and the War on Terror

What effect did the terrorist attacks on September 11, 2001 have on humanitarian intervention? Has the 'war on terror' made it less likely that powerful states will use their militaries to save strangers? Is there a danger that US administrations will return to their Cold War policy of prioritizing strategic advantage over human rights? There are two prominent perspectives on these questions.

The first is a sceptical position. It holds that since the 'war on terror'

began, the United States has placed its own strategic interests ahead of concern for human rights, both overseas and at home. It has become more willing to align itself with repressive governments such as Tajikistan and Sudan that support its anti-terror strategy (Ignatieff 2002). According to this view, where it might have been difficult to marshal Western commitment to humanitarian intervention in the 1990s, it has become virtually impossible after 9/11. Since 2001, the Western contribution to peace operations has markedly declined. Just as worrying for the skeptics is the fear that the US and its allies are actually undermining the consensus on humanitarian intervention by **abusing** humanitarian principles in justifying their use of force.

The second perspective is more optimistic. It springs from the core premise that Western states will only militarily intervene in humanitarian emergencies if they believe that vital security interests are at stake. For the optimists, Afghanistan seemed to show that there is often a critical linkage between failed states and terrorism. Therefore, they predicted that the war on terror could provide the necessary strategic interests to motivate intervention that is defensible on grounds of both human rights and national security (Chesterman 2004). The Afghanistan experience might be seen as supporting the optimistic viewpoint, though important question marks can be raised over whether military means have been properly calibrated to humanitarian ends since the intervention in October 2001 (Wheeler and Morris 2006). However, the more recent experiences in relation to Iraq and Darfur suggests not only that the war on terror has fractured the fragile consensus over humanitarian intervention, but also that the problem of political will continues to bedevil effective humanitarian intervention as it did over Rwanda. Indeed, the Darfur case suggests that the commitment of to the war on terror is making it less likely that it will intervene to save strangers in strategically unimportant regions.

Afghanistan

Although the US-led intervention in Afghanistan was a war of self-defence, the US President nevertheless felt the need to make a humanitarian argument to support his case. He told Afghans that, 'the oppressed people of Afghanistan will know

the generosity of America and its allies. As we strike military targets, we'll also drop food, medicine and supplies to the starving and suffering men and women and children of Afghanistan' (Bush 2001). The United States took steps to minimize non-combatant suffering in Afghanistan but at least two operational choices undermined the humanitarian credentials of the war. The first was the decision to rely heavily on intelligence provided by different Afghan factions for the identification of military targets. This reflected the US determination to reduce the risks to its own armed forces. But this decision left US forces open to manipulation by Afghans eager to settle scores with their rivals, resulting in a number of attacks where innocent civilians were killed. The second failure was Washington's refusal to contribute ground troops to the UN-mandated International Security Assistance Force (ISAF) and make a sustained contribution to rebuilding Afghanistan. The ISAF was initially confined to operating in Kabul and even though it was later expanded, only relatively small 'reconstruction teams' were dispatched to other regional centers. In 2005, ISAF became primarily engaged with combating a resurgent Taliban. The relative neglect of post-intervention Afghanistan can be measured by the amount of resources committed to it. In 2004, the US committed $18.4 billion of development spending to Iraq and a mere $1.77 billion to Afghanistan.

The fact that the United States and its allies felt it necessary to employ humanitarian arguments in this case highlights the extent to which this justification has become a legitimating basis for military intervention in the post-cold war world. However, the use of humanitarian language did not presage a new Western commitment to protecting civilians in need. In Afghanistan, the humanitarian impulse has been less important than political and strategic considerations, the protection of allied soldiers has been prioritized over the security of Afghans, and there has been insufficient commitment to post-conflict reconstruction (Wheeler 2004, Wheeler and Morris 2006). This lends credence to the skeptical view about humanitarian intervention in a post-9/11 world.

Iraq

The use of humanitarian arguments by the United States, United Kingdom, and Australia to justify the invasion and occupation of Iraq posed a crucial challenge to the legitimacy of humanitarian intervention in international society. The Iraq war was primarily justified as one necessitated by the danger posed by Saddam Hussein's weapons of mass destruction (WMD). However, as the offending weapons became more elusive, those justifying the use of force to remove Saddam Hussein relied increasingly on humanitarian rationales. As criticism of the war mounted, President Bush and British Prime Minister Tony Blair frequently retorted that regardless of WMD, the war was justifiable because 'Iraq is a better place' without Saddam (see Cushman 2006). There are two important issues that stem from this. First, was the war in Iraq a legitimate humanitarian intervention? We cover the arguments for and against this proposition in the **Case Study**. Second, how was Iraq perceived by the society of states, and what effect has this case had on the emerging norm of humanitarian intervention?

Case Study Here

Many commentators and politicians believe that the use of humanitarian justifications in relation to Iraq damaged the emerging norm of humanitarian intervention by highlighting the potential for the norm to be **abused** by the powerful to justify interfering in the affairs of the weak. Of course, many states were deeply skeptical about humanitarian intervention before Iraq, but there is evidence that some states that were initially supportive of humanitarian intervention have become less so as a result of the perceived misuse of humanitarian rationales over Iraq. For example, in 2003 Germany – a strong supporter of the Kosovo intervention – refused to endorse a British statement on the **'responsibility to protect'** because it feared that any doctrine of humanitarian intervention outside the UNSC might be used by the USA and UK to justify the invasion of Iraq (Bellamy 2005: 39). A more subtle variant on this argument holds that whilst Iraq may not have damaged the norm itself, it has damaged the status of the USA and UK as **norm carriers**, weakening the extent to which they are able to persuade others to agree to action in humanitarian

crises (Bellamy 2005, Wheeler and Morris 2006). As Kenneth Roth of Human Rights Watch grimly predicted, as a consequence of the use of humanitarian justifications in relation to Iraq, 'it will be more difficult next time for us to call on military action when we need it to save potentially hundreds of thousands of lives' (Roth 2004: 2-3). Sadly, Roth's prediction was proved correct by the world's response to the humanitarian catastrophe in Darfur.

Darfur

Since 2003, the Sudanese government and its 'janjaweed' militia have embarked on what the UN has described as a 'reign of terror' in Darfur. At least 250,000 people have died and over two million people have been forced from their homes. Despite this toll of human suffering, at the time of writing the world's response had been limited to the deployment of an understaffed and under-funded African Union (AU) mission that has proved utterly incapable of protecting civilians from harm.

Why has the world's response been so tepid? Three sets of factors are at work. The first, emphasized by the British and American governments especially, are prudential concerns. The Sudanese government has steadfastly refused to contemplate any non-African deployments in Darfur, so any armed intervention might be strongly resisted. In addition, intervention might make the Sudanese government close its ports to aid agencies, making it difficult to get life-saving assistance to the refugees. There are also worries that firm action in Darfur might ruin a peace settlement for Sudan's other civil war, which claimed two million lives over more than a decade. The second set of factors relate more directly to the war on terror. The idea of forcible Western intervention in Darfur is strongly opposed by Russia, China, the AU, and the NAM. Since the invasion of Iraq, many states have been keen to reaffirm the principle of state sovereignty and are less willing than before to contemplate actions that violate this. Finally, the reluctance to act in Darfur demonstrates the continuing relevance of **statism**. Just as in Rwanda, Western governments do not want to sacrifice troops and treasure to stop one group of Africans killing another group. Furthermore, several of the great powers have self-interested reasons for not upsetting the

Sudanese government: China has significant interests in Sudanese oil; Russia has a smaller oil interest but also sells arms to Sudan; and the United States sees Sudan as a vital regional ally in the war on terror. The enduring logic of **statism** means that these powers afford more weight to their interests than they do to the lives of Darfurians.

Overall, the sceptical position has proven more accurate than the optimistic one in relation to humanitarian intervention after 9/11. Humanitarian justifications are being used with greater frequency to justify a wide range of military operations, but the developing consensus on a new norm charted in the previous section has been set back by the perceived **abuse** of humanitarian claims in relation to Afghanistan and especially Iraq. Many governments, especially in the NAM have reacted to this by reaffirming state sovereignty. This worrying development was manifested in international society's failure to prevent or end the humanitarian catastrophe in Darfur. Yet at the same time, the inroads that humanitarian concerns have made into the sovereign prerogatives of states can be seen in the agreement at the 2005 UN **World Summit** to the idea of the 'responsibility to protect'. The next section will explore how far this offers the basis for a new global consensus on the use of force to protect endangered peoples.

Key points:
- Optimists argued that 9/11 injected self-interest into humanitarian endeavors, making states more likely to intervene to halt human suffering.
- Skeptics worried that the war on terror would 'crowd out' humanitarianism and encourage powerful states to cloak self-interest in the veneer of humanitarian concern.
- There was a major debate about whether or not the war in Iraq could be justified as a legitimate humanitarian intervention.
- Iraq has made many states more wary of embracing a humanitarian exception to the rule of non-intervention.
- A combination of prudence and **statism** has contributed towards inactivity in the face of the humanitarian catastrophe in Darfur.

The Responsibility to Protect

The Responsibility to Protect, the 2001 report of the ICISS, attempted to resolve the tension between the competing claims of sovereignty and human rights by building a new consensus around the principles that should govern the protection of endangered peoples. The principle of '**responsibility to protect**' was adopted by the UN General Assembly at the 2005 **World Summit**, a move described as a 'revolution...in international affairs' by one commentator (Lindberg 2005). But what is the 'responsibility to protect', how was it adopted, and what does it mean for the future of humanitarian intervention.

The ICISS Report

The Commission argued that states have the primary **responsibility to protect** their citizens. When they are unable or unwilling to do so, or when they deliberately terrorize their citizens, the 'the principle of non-intervention yields to the international responsibility to protect' (ICISS 2001: xi). The report broadens this responsibility to encompass not only the responsibility to react to humanitarian crises but also the responsibility to prevent such crises and the 'responsibility to rebuild' failed and tyrannical states. This reframing of the debate away from the question of whether states have a right of intervention towards the question of where responsibility rests for protecting endangered peoples formed the basis of an attempt to generate a new international political consensus supporting what the ICISS report calls 'intervention for human protection purposes' (ICISS 2001: xiii).

Two crucial motivating factors behind the setting up of ICISS were the aspiration to avoid future situations like Kosovo, where the UNSC was paralyzed

by division among the five permanent members of the UNSC (P-5), and future situations like Rwanda, where the world stood aside as genocide unfolded.

There are two competing accounts of the causes of deadlock in the UNSC over Kosovo. On the one hand, there are those like British Prime Minister, Tony Blair, who argued that it was caused by 'unreasonable' threats of veto on the part of Russia and China (Bellamy 2006: 148, see also Wheeler and Dunne 2004). This position was endorsed by the two co-chairs of the ICISS when they described the UNSC's failure to authorise armed intervention in Kosovo as a failure 'to discharge its own responsibility to protect in a conscience-shocking situation crying out for action' (Evans and Sahnoun 2002: 108). The alternative position holds that Russia and China had genuine concerns about the use of force, based on their view that the level of killing and ethnic cleansing was not bad enough to warrant intervention. To build an international consensus that would help prevent future Kosovos, therefore, the ICISS needed to make it more difficult for members of the UNSC to use the veto capriciously, but also to make it harder for states to **abuse** humanitarian justifications. The principle device for achieving this goal was a set of criteria that governments and other observers could use to evaluate whether military intervention would be legitimate on humanitarian grounds (see **Box 3)**. The ICISS argued that if states committed to these principles, it would make it easier to build consensus on how to respond to humanitarian emergencies. On the one hand, it would be harder for states like China and Russia to oppose genuine humanitarian intervention because they would have committed themselves to the **responsibility to protect** in cases of genocide, mass killing, and large-scale ethnic cleansing (the **thresholds established** by the ICISS that justify military intervention). On the other hand, it would be harder for states to **abuse** humanitarian justifications because it would be very difficult to satisfy these criteria in cases where there was not a compelling humanitarian rationale to act.

Preventing future Rwandas can be boiled down to overcoming a single obstacle: how to persuade states, particularly powerful states, to risk troops and treasure to save strangers in distant lands where few strategic interests at stake. Overcoming this obstacle requires that two fundamental problems be addressed:

first, identifying precisely which actors should assume the responsibility to protect and second, persuading those actors to accept the obligation to use force for 'human protection purposes'.

According to the ICISS, the UNSC has the primary responsibility to act. The report argued that if it failed to live up to this responsibility, there was a danger that other states might choose to take the law into their own hands with negative consequences for both order and justice. The Commissioners warned that,

> if the Security Council fails to discharge its responsibility in conscience-shocking situations crying out for action, then it is unrealistic to expect that concerned states will rule out other means and forms of action to meet the gravity and urgency of these situations. If collective organizations will not authorise collection intervention against regimes that flout the most elemental forms of legitimate governmental behaviour, then the pressures for intervention by ad hoc coalitions or individual states will surely intensify. And there is a risk then that such interventions, without the discipline and constraints of UN authorization, will not be conducted for the right reasons or with the right commitment to the necessary precautionary principles (ICISS 2001: 71).

In cases where there is majority support for intervention in the UNSC (a resolution supporting for intervention for humanitarian purposes has secured nine votes or more), but collective action is blocked by a veto, the ICISS suggested that states seek political support from the General Assembly. If it was not possible to secure a two thirds majority in that body recommending military action (the legal basis of which would be highly dubious), the report even more tentatively suggested that intervention might still be justifiable if authorised by a relevant regional organizations (ICISS 2001: 75. See also Wheeler 2005). This suggests a hierarchy of where responsibility lies, starting with the host state,

then the UNSC, the General Assembly, regional organizations, coalitions of the willing and finally individual states.

How, though, are we to persuade governments to abandon the **statism** that caused the world to stand aside in Rwanda and, more recently, Darfur? The ICISS had an answer to this, too. A commitment to the **just cause thresholds** would create expectations amongst domestic publics about when their governments ought to act to save imperilled people. Thus, in cases of mass killing and ethnic cleansing, governments would be put under pressure to act because they had already committed in principle to doing so.

Although the ICISS marked a bold and important step towards building consensus, there are at least three important problems with the logic that it employed.

Agreement on criteria does not guarantee agreement on action in real cases

States might agree on what criteria to use in making judgments about humanitarian intervention, but the application of the criteria to real cases is always open to interpretation. Skilled lawyers and diplomats will use the criteria to make convincing arguments both for and against particular interventions, as they did in the recent case of Darfur (Bellamy 2005). In 2005, UNSC members argued about whether or not the Sudanese government had indeed proven itself 'unable and unwilling' to protect its people. Without an authoritative judge to determine such matters, the criteria can only provide a language for argument and discussion. They cannot resolve differences of opinion.

The criteria are open to manipulation by powerful actors

Although criteria reduces the dangers of **abuse** by establishing the parameters within which justifying arguments have to be framed, the way the facts are interpreted and the arguments presented are inevitably shaped by power politics. Moreover, the interpretations of powerful states with the capacity to reward and

punish others are likely to carry more weight in the deliberations of governments, than the arguments of those who lack such sticks and carrots.

Assumes that governments can be persuaded to act

Translating the 'responsibility to protect' from the ideal into reality rests on the notion that governments can be shamed into acting to end genocide, mass killing, and large-scale ethnic cleansing by moral pressure from other governments, their own citizens, and wider world public opinion. There are reasons to doubt that these pressures can really be so effective. Imagine if there had been an ICISS report in early 1994. Would New Zealand as President of the UNSC for April (the presidency rotates each month between the members of the UNSC) have been able to 'shame' the Clinton Administration into intervening in Rwanda? If this logic holds, why were major public campaigns such as the *Save Darfur Coalition* unable to persuade their governments to act more effectively? Public opinion can only galvanise action when governments themselves are already predisposed towards taking it. Sadly, few citizens change the way they vote because their government chooses not to intervene to save foreigners.

The 2005 World Summit

In 2005, the UN **World Summit** adopted a declaration committing all one hundred and ninety one member-states to the principle of the responsibility to protect. Some lauded it as a major breakthrough, whilst others argued that the ICISS report's findings had been watered down to such an extent that it would not, in practice, afford new protections to imperiled peoples. There are some notable differences between the ICISS report and the World Summit text. What are those differences and how did they come about?

Box 5 somewhere here

The 2001 ICISS report was received most favorably by states such as Canada (the progenitor of the idea of the ICISS and the political custodian of the process), Germany, and the United Kingdom (since the 1999 Kosovo intervention, the British

led by the Secretary of State for Foreign Affairs, Robin Cook, had been exploring the potential to develop criteria to guide global decision-making about humanitarian intervention). Other supporters of the ICISS report included Argentina, Australia, Colombia, Croatia, Ireland, South Korea, New Zealand, Norway, Peru, Rwanda, Sweden, and Tanzania. The great powers were much more sceptical from the outset. The United States rejected the idea of criteria on the grounds that it could not offer pre-commitments to engage its military forces where it had no national interests at stake, and that it would not bind itself to criteria that would constrain its right to decide when and where to use force (Welsh 2004: 180). China insisted that all questions relating to the use of force should be dealt with by the UNSC, a position supported by Russia. Both of these countries argued that the UN was already equipped to deal with humanitarian crises, and that by countenancing unauthorized intervention, the *Responsibility to Protect* risked undermining the UN Charter.

Opinion outside the UNSC was also generally cuatious. The NAM rejected the concept. India, for example, argued that the UNSC was already sufficiently empowered to act in humanitarian emergencies and observed that the failure to act in the past was caused by a lack of political will not a lack of authority. Speaking on behalf of the NAM, the Malaysian government argued that the *Responsibility to Protect* represented a reincarnation of humanitarian intervention for which there was no basis in international law.

As a result of these doubts, significant changes had to be made to persuade states to adopt the principle of the responsibility to protect. In particular, the proposal to include criteria governing the use of force was dropped during the negotiations leading up to the agreement at the **World Summit**. Moreover, and significantly watering down the recommendations in the ICISS report, it was agreed that **responsibility to protect intervention** required express UNSC authorization. This closed down the possibility of appealing to other bodies even if the will of a majority of Council members was blocked by one or more of the P-5 exercising the veto (Wheeler 2005). Although momentous in that this was the first time that the society of states had formally declared that sovereignty might sometimes give way to concerns about human rights, it is perhaps best

understood as a codification of the humanitarian intervention norm that had developed in the 1990s.

Key points:

- The 'responsibility to protect' switches the focus from a debate about sovereignty versus human rights to a discussion of how best to protect endangered peoples.
- The ICISS report attempted to move the norm of humanitarian intervention forward by forging a new consensus around the criteria for judging when armed intervention for humanitarian purposes was justifiable.
- There are good reasons to think that criteria alone will not galvanise action or consensus in difficult cases.
- The responsibility to protect was adopted by states at the 2005 World Summit, but in a significantly revised form.

Conclusion

Globalization is bringing nearer Kant's vision of moral interconnectedness, but as the Rwandan genocide and global inaction over Darfur so brutally demonstrate, this growth in 'cosmopolitan moral awareness' has not yet been translated into a global consensus on **forcible humanitarian intervention**. Western publics are increasingly sensitized to the human suffering of others, but this media nurtured sense of compassion is very selective in its response to human suffering. The media spotlight ensured that governments directed their humanitarian energies to the crises in northern Iraq, Somalia, and Bosnia, but during the same period millions perished in the brutal civil wars in Angola, Liberia, and the DRC.

Each case has to be judged on its merits, but as the examples of Somalia, and perhaps Kosovo demonstrate, interventions which begin with humanitarian credentials can all too easily degenerate into 'a range of policies and activities which go beyond, or even conflict with, the label "humanitarian"' (Roberts 1993: 448). A further fundamental problem with a strategy of **forcible humanitarian intervention** concerns the so-called `body-bag' factor. Is domestic public opinion, especially in Western states, prepared to see their military personnel die in the

cause of humanitarian intervention? A striking feature of all post-cold war humanitarian interventions is that no Western government has yet chosen to risk its military personnel in defence of human rights where there was a significant risk of casualties from the outset.

Since 9/11, Western states have expressed humanitarian sentiments in relation to many different types of war. Whilst this indicates the growing power of humanitarianism, the downside of this is that states might **abuse** humanitarian rationales in justifying their use of force, whilst only **selectively** responding to humanitarian crises in strategically important areas. For many in the developing world, this is precisely what the United States and the United Kingdom have done in Iraq, damaging rather than furthering the humanitarian agenda.

The chapter ended by considering the responsibility to protect, which has sought to reshape the terms of the debate between supporters and opponents of humanitarian intervention. The concept has certainly helped change the political language used to describe and debate humanitarian intervention, and its adoption at the UN World Summit was an important milestone. The real test, however, is whether it will generate a new political will on the part of the major states to incur the costs and risks of saving strangers. The evidence from Darfur is not encouraging in this regard.

Questions:

1. How far is the use of force the defining characteristic of a humanitarian intervention?

2. How important are motives, intentions, means, and outcomes in judging the humanitarian credentials of an intervention?

3. How persuasive is the **counter-restrictionist** case for a legal right of humanitarian intervention?

4. Should considerations of international order always be privileged over concerns of individual justice in the society of states?

5. Why has the society of states failed to arrive at a collective consensus on what moral principles should underpin a right of humanitarian intervention?

6. Is there a new norm of legitimate humanitarian intervention?

7. Has the 'war on terror' made it less likely that powerful states will use their armed forces to 'save strangers'?

8. Was the 2003 invasion of Iraq a legitimate humanitarian intervention?

9. To what extent does the 'responsibility to protect' principle resolve some of the political problems association with humanitarian intervention?

10. How far is military force an effective instrument for the promotion of humanitarian values?

Guide to Further Reading

Wheeler, N. J., *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000). Offers a new way of evaluating humanitarian interventions and considers a wide range of interventions in the cold war and post-cold war eras.

Weiss, T. G., *Humanitarian Intervention: Ideas in Action* (Cambridge: Polity Press, 2007). Provides a compelling introduction to the theory and practice of humanitarian intervention and covers the responsibility to protect.

Holzgrefe, J. F. and Keohane R. (eds.) (2002), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press, 2002). A superb edited collection that explores the practice of humanitarian intervention from the perspectives of moral philosophy, international law and political practice.

Welsh, J. (ed.) (2004), *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press). Another first-rate edited volume which brings together International Relations theorists and practitioners who have been involved in intervention in the past decade. It includes a chapter by Nicholas Wheeler that analyses the development of the humanitarian intervention norm into the twenty-first century: N. J. Wheeler, 'The Humanitarian Responsibilities of Sovereignty: Explaining the Development of a New Norm of Military Intervention for Humanitarian Purposes in International Society'.

Chesterman, S. (2001), *Just War or Just Peace: Humanitarian Intervention in International Law* (Oxford: Oxford University Press). An excellent analysis of the legality of humanitarian intervention which strongly supports the 'restrictionist' view.

Bellamy, A. (2006), *Just Wars: From Cicero to Iraq* (Cambridge: Polity, 2006). This book charts the development of the Just War tradition and its relationship with international law. It contains a chapter on humanitarian intervention addressed from a 'just war' perspective.

Web Links

www.un.org The official website of the United Nations. Includes links to all the UN's major institutions and agencies concerned with humanitarian intervention, including the Security Council, General Assembly, Department of Peacekeeping Operations and UNHCR

www.iciss.ca The ICISS website. Contains details of the commission, full copies of the ICISS report and supplementary material, details about UN reform and relevant speeches.

www.hrw.org Home page of Human Rights Watch. Provides detailed human rights reports for around 100 states and up-to-date reports on the human rights implications of current interventions.

www.crisisweb.org   Home page of the International Crisis Group, whose head, Gareth Evans, was co-chair of ICISS. The website contains detailed reports on numerous international crises as well as a number of special reports.

www.amnesty.org.uk   Provides details of Amnesty International's work and includes press briefings and links to detailed human rights reports.

www.isn.ethz.ch Vast archive on all aspects of security and intervention, including many links to institutes working in the field.

www.responsibilitytoprotect.org   Home page of the 'Responsibility to Protect – Engaging Civil Society' programme, which involves a number of NGOs. Provides information about on-going efforts to further this emerging norm.

Box 1

Summary of Key Concepts in the Theory of Humanitarian Intervention

Abuse   - States justify self-interested wars by reference to humanitarian principles

Common humanity – We all have human rights by virtue of our common humanity, and these rights generate correlative moral duties for individuals and states.

Communitarianism – The idea that moral values are produced by discrete communities and that there is therefore no common humanity.

Cosmopolitanism – The idea that all humans comprise a single universal community.

Counter-restrictionists – International lawyers who argue that there is a legal right of humanitarian intervention in both the UN Charter and customary international law.

Humanitarian intervention – Military intervention that breaches the principle of **state sovereignty** where the primary purpose is to alleviate the human suffering of some or all within the state's borders.

Pluralist international society theory - States share common interests and values but these are limited to norms of sovereignty and non-intervention that provide a basic degree of order in world politics.

Responsibility to Protect – States have a responsibility to protect their own citizens but when they are unable or unwilling to do so, this responsibility is transferred to the society of states.

Selectivity – An agreed moral principle is at stake in more than one situation, but national interest dictates a divergence of response.

Statism – The moral claim that states only have duties to their own citizens, and that they should not risk their soldiers lives to protect the citizens of other states.

Tyrannical states – States where the sovereign government is massively abusing the human rights of its citizens, engaging in acts of mass killing, ethnic cleansing and/or genocide.

Unilateral humanitarian intervention – Military intervention for humanitarian purposes which is undertaken without the express authorisation of the United Nations Security Council.

Box 3: The Responsibility to Protect: principles for military intervention

The Responsibility to Protect: Principles for Military Intervention

(1) The Just Cause Threshold

Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind:

   A. **large scale loss of life,** actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
   B. **large scale 'ethnic cleansing'**, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.

(2) The Precautionary Principles

   A. **Right intention:** The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.
   B. **Last resort:** Military intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded.
   C. **Proportional means:** The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.
   D. **Reasonable prospects:** There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

(3) Right Authority

   A. There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.
   B. Security Council authorization should in all cases be sought prior to any military intervention action being carried out. Those calling for an intervention should formally request such authorization, or have the Council raise the matter on its own initiative, or have the Secretary-General raise it under Article 99 of the UN Charter.
   C. The Security Council should deal promptly with any request for authority to intervene where there are allegations of large scale loss of human life or ethnic cleansing. It should in this context seek adequate verification of facts or conditions on the ground that might support a military intervention.
   D. The Permanent Five members of the Security Council should agree not to apply their veto power, in matters where their vital state interests are not

involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.

E. If the Security Council rejects a proposal or fails to deal with it in a reasonable time, alternative options are:

    I. consideration of the matter by the General Assembly in Emergency Special Session under the "Uniting for Peace" procedure; and

    II. action within area of jurisdiction by regional or sub-regional organizations under Chapter VIII of the Charter, subject to their seeking subsequent authorization from the Security Council.

F. The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation - and that the stature and credibility of the United Nations may suffer thereby.

(4) Operational Principles

A. Clear objectives; clear and unambiguous mandate at all times; and resources to match.

B. Common military approach among involved partners; unity of command; clear and unequivocal communications and chain of command.

C. Acceptance of limitations, incrementalism and gradualism in the application of force, the objective being protection of a population, not defeat of a state.

D. Rules of engagement which fit the operational concept; are precise; reflect the principle of proportionality; and involve total adherence to international humanitarian law.

E. Acceptance that force protection cannot become the principal objective.

F. Maximum possible coordination with humanitarian organizations.

Source: ICISS, 2001.

Box 4: Paragraphs 138 and 139 of the 2005 World Summit Outcome Document

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. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help

States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter of the United Nations, to help protect populations from war crimes, ethnic cleansing and crimes against humanity. 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 are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Box 6 Recommendations of the High-Level Panel on Measures to Prevent War

1. The Security Council should be prepared to refer matters to the International Criminal Court.
2. The UN and other agencies should work towards cooperative agreements about the management of natural resources.
3. The UN should develop frameworks for minority rights and the protection of democratic governments from unconstitutional overthrow.
4. The UN should expedite negotiations on the marking and tracing of small arms.
5. Member states should give accurate reports to the UN Register on Conventional Arms.
6. A training facility should be created for Special-Representatives to the Secretary-General.
7. The UN's Department for Political Affairs should be given additional resources for preventive diplomacy.

8. The UN should create a mediation support capacity, develop its competence on thematic issues, increase its interaction with other agencies and consult with civil society during peace processes.
9. Parties to conflicts should make constructive use of preventive peacekeepers (High Level Panel 2004: 90-104).

Case Study. Iraq: A Humanitarian Intervention?

The case for
The case for seeing Iraq as a legitimate humanitarian intervention came from a variety of sources, including liberals, neo-conservatives, and the left. We will focus only on the **liberal** case, as put forward by Fernando Tesón (2005: 1-20, see also Cushman 2005). Tesón's case was predicated on four claims. First, the invasion of Iraq had as its purpose the ending of tyranny. According to Tesón, humanitarian intervention requires humanitarian intent, not humanitarian motive (like **realists,** Tesón believes that states will never act out of purely humanitarian motives). Even though the US-led coalition was not motivated by humanitarian impulses, it still had humanitarian intentions because only by removing tyranny and installing democracy would the threat posed by Iraq be removed.   Second, Tesón argued that the abuse of civilians by the Iraqi government was severe enough to warrant intervention, arguing that that it makes no sense to argue that intervention should be reserved for on-going mass-killing because that rule would have prohibited the removal of Hitler after the Holocaust. Third, Tesón pointed to the fact that the overwhelming majority of Iraqis welcomed the intervention as providing an important source of legitimacy. Finally, he argued that although UN authorization is preferable, the doctrine of humanitarian intervention permits unauthorized intervention, as in the case of Kosovo.

The case against
Opposition to this case came from an equally diverse range of people. Even some people who defend an expansive right to humanitarian intervention rejected the humanitarian case for invading Iraq. We will focus on Terry Nardin's response to

Tesón's argument (2005: 21, see also Evans 2004, Wheeler and Morris 2006). Nardin argued that Tesón's case involved 'significant revision' of the traditional doctrine of humanitarian intervention. First of all, according to the traditional doctrine, intervention is permitted only by the commission of particular crimes (genocide, mass killing) not by the 'character' of the regime. As Nardin put it, 'humanitarian intervention aims to rescue the potential victims of massacre or some other crime against humanity by thwarting the violence against them' (2005: 22). Second, Nardin argued that Tesón's position overlooked international society's strong predisposition towards non-intervention. Third, he claimed that humanitarian intervention could only be justified if it was calculated to cause more good than harm. Iraq's current woes were foreseen. Finally, Nardin argues that Tesón's account misunderstood the place of humanitarian intervention in international society. Nardin argued that international society is based on rules of coexistence and that humanitarian intervention is a carefully calibrated exception to those rules. Tesón understands world politics as being based 'not on rules of coexistence but solely and directly on universal principles of morality and human rights' (2005: 23).

REFERENCES

Bellamy, A. J. (2002), *Kosovo and International Society* (Basingstoke: Palgrave).

Bellamy, A. J. (2005), 'Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention After Iraq', *Ethics and International Affairs*, 19(2): 31-54.

Bellamy, A. J. (2006), 'Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit', *Ethics and International Affairs*, 20(2): 143-170.

Brownlie, I. (1974), 'Humanitarian Intervention', in J. N. Moore (ed.), *Law and Civil War in the Modern World* (Baltimore: Johns Hopkins University Press).

Bull, H. (ed.) (1984a), *Intervention in World Politics* (Oxford: Clarendon Press).

Bull, H. (1984b), *Justice in International Relations* (Ontario: Hagey Lectures, University of Waterloo).

Bush, G. W. (2001), 'Bush Announces Military Strikes in Afghanistan', 9 October, available online at www.usinfo. Org, accessed 27 July 2004.

Caney, S. (1997), 'Human Rights and the Rights of States: Terry Nardin on Non-Intervention', *International Political Science Review*, 18(1)

Chesterman, S. (2001), *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press).

Chesterman, S. (2004), 'Humanitarian Intervention in Afghanistan' in J. Welsh (ed.), *Humanitarian Intervention in International Relations* (Oxford: Oxford University Press).

Cushman, T. (ed.) (2006), *A Matter of Principle: Humanitarian Arguments for War in Iraq* (Berkeley, CA: University of California Press).

Damrosch, L. F. (ed.) (1993), *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York: Council on Foreign Relations).

Evans, G. (2004), 'When is it Right to Fight?', *Survival*, 46(3): 59-82.

Evans, G. and M. Sahnoun (2002), 'The Responsibility to Protect', *Foreign Affairs*, 81(6): 99-110.

Franck, T. and N. Rodley (1974), 'After Bangladesh: The Law of Humanitarian Intervention by Force', *American Journal of International Law*, 67: 275-305.

Hoffman, S. (1995-6), 'The Politics and Ethics of Military Intervention', *Survival*, 37(4): 29-51.

Ignatieff, M. (2002), 'Is the Human Rights Era Ending?', *New York Times*, 5 Feb.

International Commission on Intervention and State Sovereignty (ICISS) (2001), *The Responsibility to Protect* (Ottawa: ICISS).

Jones, B. D. (1995), ' "Intervention without Borders": Humanitarian Intervention in Rwanda, 1990-1994', *Millennium: Journal of International Studies*, 24.

Klintworth, G. (1989), *Vietnam's Intervention in Cambodia in International Law* (Canberra: AGPS Press).

Lindberg, T. (2005), 'Protect the People', *Washington Times*, 27 September.

Medecins sans Frontieres (2000), *Notes from the Field: The Work of Medecins sans Frontieres* (London: Medecins sans Frontieres).

Mill, J. S. (1973), 'A Few Words on Non-Intervention' in G. Himmelfarb (ed.), *Essays on Politics and Culture* (Gloucester, MA: Peter Smith).

Minear, L. and T. G. Weiss (1995), *Mercy Under Fire: War and the Global Humanitarian Community* (Boulder, Col: Westview).

Nardin, T. (2005), 'Humanitarian Imperialism: Response to "Ending Tyranny in Iraq"', *Ethics and International Affairs,* 19(2): 21-6.

Parekh, B. (1997), 'Rethinking Humanitarian Intervention', *International Political Science Review*, 18(1): 49-70.

Ramsey, P. (2002), *The Just War: Force and Political Responsibility* (Lanham MD: Rowman and Littlefield).

Roberts, A. (1993), 'Humanitarian War: Military Intervention and Human Rights', *International Affairs*, 69.

Formatted: Font: Italic

Roth, K. (2004), 'The War in Iraq: Justified as Humanitarian Intervention?', Kroc Institute Occasional Paper No. 25 (The Joan B. Kroc Institute, Notre Dame, Ind, 2004).

Tesón, F. (2003), 'The Liberal Case for Humanitarian Intervention' in J. L. Holzgrefe and R. O. Keohane (eds.), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press): 93-129.

Tesón, F. (2005), 'Ending Tyranny in Iraq', *Ethics and International Affairs*, 19(2): 1-20.

Thomas, C. (1985), *New States, Sovereignty and Intervention* (Aldershot: Gower).

United Nations High-Level Panel on Threats, Challenges and Change (2004), *A More Secure World: Our Shared Responsibility*, A/59/565, December.

Vincent, R. J. (1974), *Nonintervention and International Order* (Princeton, NJ: Princeton University Press)

Weiss, T. G. (1999), *Military-Civil Interactions: Intervening in Humanitarian Crises* (Lanham MD: Rowman and Littlefield).

Weiss, T. G. (2004), 'The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era', *Security Dialogue*, 35(2).

Wheeler, N. J. (2000), *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press).

Wheeler, N. J. (2004), 'Humanitarian Intervention after 9/11' in A. Lang (ed.), *Humanitarian Intervention* (Georgetown: Georgetown University Press).

Wheeler, N. J. (2005), A Victory for Common Humanity? The Responsibility to Protect after the 2005 World Summit, *Journal of International Relations and international Law* , 2 (1), pp. 95-106.

Wheeler, N. J. and T. Dunne (2004), 'Moral Britannia: Evaluating the Ethical Dimension in Britain's Foreign Policy', *Foreign Policy Centre,* 26 April.

Wheeler, NJ and J. Morris (2006), 'Justifying Iraq as a Humanitarian Intervention: The Cure is Worse than the Disease', in Ramesh Thakur and W. P. S. Sidhu (eds.), *The Iraq Crisis and World Order: Structural, Institutional and Normative Challenges* (Tokyo: United Nations University Press)

Formatted: Font: Bookman Old Style, 12 pt