
1. Controversies about humanitarian military intervention

Once considered an aberration in international affairs, humanitarian military intervention is now a compelling foreign policy issue. It is on the front line of debates about when to use military force; it presents a fundamental challenge to state sovereignty; it radically influences the way humanitarian aid organizations and military organizations work; and it is a matter of life or death for thousands upon thousands of people.

The modern international system is founded on the premise that sovereign states have a right to non-intervention, to be free from unwanted external involvement in their internal affairs. Yet repeated humanitarian interventions since 1991 have confronted the idea of sovereign immunity in the name of protecting civilians from harm. This human security perspective on the use of force, grounded in the belief that the rights of people, not states, are the bedrock of a just and secure world, has found its voice in the concept that states have a responsibility to protect civilians within their jurisdiction.

The painful events in Darfur, Sudan, are a case in point. Since 2003 tens of thousands of people have been killed and hundreds of thousands have been driven from their homes by government-backed militia. Advocates for intervention decry the loss of human life; they do not argue for intervention to protect the sovereignty of a state or to address a threat to international peace and security. Many governments and the United Nations (UN) have echoed the concern, with the United States going so far as to officially accuse the Sudanese Government of genocide.¹ It is the first time in history that one government has accused another of ongoing genocide. At the same time, responses to the mass killing in Sudan have been wholly inadequate to protect civilians, as they were during the violence in Rwanda, Bosnia and Herzegovina, and many other places of mayhem. The reluctance to act reflects the tension between the emerging norm of human security and the continued dominance of traditional security concerns, respect for state sovereignty, and a very practical recognition that stopping the killing is difficult and dangerous.

This tension has been played out in recent years both at the highest political level and down in the dirt of operational practice. UN Secretary-General Kofi Annan intensified the debate over humanitarian intervention following the military operation in Kosovo in 1999—a controversial case of intervention to protect civilians that was not endorsed by the UN Security Council. His challenge to governments to agree on guidelines for the use of force led to the publication

¹ The White House, 'President speaks to the United Nations General Assembly', Washington, DC, 21 Sep. 2004, URL <<http://www.whitehouse.gov/news/releases/2004/09/20040921-3.html>>.

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in 2001, by an independent commission, of *The Responsibility to Protect*, which emphasized that a duty inherent in state sovereignty is to safeguard the lives and livelihoods of civilians.² If that duty is not upheld, the commission argued, other governments, authorized by the UN, have the right to act, including to use military force as a last resort.³

The concept of states' responsibility to protect civilians drew sharp reactions from many governments, particularly in Asia and Latin America, which saw in it the legitimization of military intervention by strong states against weak ones. Their criticisms appeared to be borne out in 2003 when the USA tried to justify its invasion of Iraq in humanitarian terms after its initial justification—that Saddam Hussein possessed weapons of mass destruction—was proved false. Human rights organizations, however, forced the US Administration of President George W. Bush to back away from the claim when they exposed its absurdity, with reference to the conditions for legitimate humanitarian intervention laid out in *The Responsibility to Protect*.⁴

Despite the misgivings of many countries, human security as a justification for military intervention under certain circumstances has gained widespread acceptance. The UN Secretary-General's High-level Panel on Threats, Challenges and Change endorsed 'the emerging norm that there is an international responsibility to protect [civilians] . . . in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent'.⁵ Annan carried forward this endorsement in his report to the UN General Assembly, 'In larger freedom'.⁶ Surprisingly, the General Assembly, at the September 2005 World Summit, endorsed the concept of the sovereign responsibility to protect civilians, including by using force as a last resort against states that do not live up to that responsibility.⁷

If there is an emerging consensus in theory (and that is open to debate), many questions remain in practice.⁸ Under what conditions should outsiders intervene militarily? Should the intervention force be a UN force, as in Haiti, or a coalition of like-minded states, as in Kosovo? Should the interveners be combat

² International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (International Development Research Centre: Ottawa, 2001).

³ See section I below for an extended discussion of the contemporary normative context and its historical antecedents.

⁴ See e.g. 'War in Iraq: not a humanitarian intervention', *Human Rights Watch World Report, 2004: Human Rights and Armed Conflict* (Human Rights Watch: New York, 2004), pp. 13–35.

⁵ United Nations, 'A more secure world: our shared responsibility', Report of the High-level Panel on Threats, Challenges and Change, UN documents A/59/565, 4 Dec. 2004, and A/59/565/Corr., 6 Dec. 2004, URL <<http://www.un.org/secureworld/>>.

⁶ United Nations, 'In larger freedom: towards development, security and human rights for all', Report of the Secretary-General, UN document A/59/2005, 21 Mar. 2005.

⁷ UN General Assembly Resolution 59/314, 26 Oct. 2005. The text of this and other General Assembly resolutions referred to in this volume is available at URL <<http://www.un.org/documents/resga.htm>>.

⁸ See below in this chapter for an extended discussion of the practical debates and the position of this book within those debates.

troops or peacekeepers? How much force is appropriate and at whom should it be directed? Humanitarian aid workers define their role as non-political and impartial, seeking to minimize violence and treat all sides equally. Militaries, on the other hand, take sides and look for enemies. When should intervention happen? Preventive military action is difficult to justify on humanitarian grounds, given the potential destructiveness of a military operation, yet delayed action almost invariably means large-scale loss of life in crises. When soldiers and aid workers interact, how can humanitarian organizations avoid being seen as parties to the conflict? The controversy over provincial reconstruction teams (PRTs) in Afghanistan in recent years highlights the scope for extreme disagreement between military and humanitarian perspectives on appropriate military activities in complex emergencies.

A great deal of ink has been spilled on this topic already, much of it by international lawyers and moral philosophers whose legal and moral debates have shifted ground considerably since the end of the cold war, but whose arguments remain in ‘a state of vincible ignorance’ of empirical support.⁹ Political scientists, aid practitioners and military analysts, for their parts, have spent less time on the issue of justification, preferring instead to analyse past interventions to determine what happened; why it happened; and what the implications are for the resolution of violent conflict, humanitarian assistance and military affairs. This book attempts to bridge the gap between normative debates and empirical analysis by looking at past interventions from political, humanitarian and military perspectives in order to shed light on the conditions under which humanitarian intervention can be morally justified.

This book provides a fine-grained analysis of humanitarian military interventions during the decade that followed the cold war. Grounded in a theory of what makes humanitarian intervention effective, it rigorously and systematically compares military responses to politically induced humanitarian crises in northern Iraq in 1991, in Bosnia and Herzegovina, Somalia, Rwanda and Kosovo, and in East Timor in 1999. The historical–analytical approach provides responses to important questions that have yet to be adequately answered. Which past interventions, if any, were effective? How is it possible to know they were effective? What were the reasons for success or failure? How much control did governments have over the outcome of an intervention? What does past experience tell us about the prospect of success when military force is used for human protection purposes in the future?

The link between effectiveness and moral justification in this book’s argument is based on the premise that military intervention for human protection purposes can *only* be justified in humanitarian terms if the intervention does more good than harm. More formally, humanitarian military intervention is morally justifiable only when, at a minimum, the intended beneficiaries of the

⁹ Holzgrefe, J. L., ‘The humanitarian intervention debate’, eds J. L. Holzgrefe and R. O. Keohane, *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge University Press: Cambridge, 2003), p. 50.

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action are better off after the intervention than they would have been had the intervention not taken place. This is not simply the consequentialist approach of saying that the ends justify the means. Rather, it emphasizes that, no matter what other legitimating rationale is offered, the means (military intervention) cannot be justified in humanitarian terms unless there is a reasonable prospect that it will achieve the desired ends (betterment of the human condition).

In summary, this book argues that effectiveness should be measured by the number of lives saved. About half of the humanitarian military interventions in the 1990s were effective; this can be determined by close examination of mortality statistics and analysis of military and humanitarian organizations' activities.¹⁰ The fundamental cause of success and failure across all the cases was the interaction of military strategy with humanitarian objectives and the demands of the situation on the ground. When strategy, objectives and demands were aligned, success was far more likely than when one or more pieces were incongruent. Intervening governments, this book contends, have a great deal of control over the outcome of a humanitarian intervention if they understand what they are up against and have the political will to pay a price in soldiers' lives to save strangers.

Some people argue that humanitarian intervention is 'yesterday's problem' and that the 'war on terrorism' since September 2001 has made it obsolete because governments now focus only on protecting their vital national interests.¹¹ There is no doubt that national interests, traditionally understood, remain at the centre of every state's foreign and security policies. Furthermore, the Bush Administration's doctrine of 'preventive war' and its experiment with regime change in Iraq have generated considerable controversy in the halls of government over the use of force in pursuit of national interests. Those concepts, while relevant to the practice of humanitarian intervention, are part of a separate, more traditional, debate about how states can and should secure their vital interests. They do not make humanitarian intervention yesterday's problem.

On the contrary, humanitarian intervention is likely to be rare but it is not likely to disappear. It is only necessary to look as far as the 2005–2006 African Union mission in Darfur, Sudan, to see humanitarian intervention (and its limitations) in action. Many vicious and debilitating wars continue to occur, from Africa, across the Middle East and Central Eurasia, to South-East Asia. Most of them cause large-scale human suffering when rebel militia or government soldiers kill, rape and torture civilians and drive people from their homes and livelihoods. Given the ascendancy of human rights norms in international affairs, continual large-scale violence, the precedents of past humanitarian interventions and available military capacity, it is reasonable to expect that

¹⁰ Chapter 2 provides an in-depth discussion of counterfactual analysis to determine the number of people who did not die but would have died without intervention.

¹¹ See e.g. Traub, J., 'Never again, no longer?', *New York Times Magazine*, 18 July 2004, pp. 17–18.

political leaders will sometimes become concerned enough about the welfare of civilians to consider taking drastic action.¹²

False humanitarian rhetoric must also be taken seriously. Abuse of the humanitarian justification for military action blurs the distinction between legitimate exceptions to the non-intervention principle and subversion of the principle for reasons of national interest.¹³ If the allowable scope for pursuing national interests through aggressive use of force expands, the international system is likely to become more dangerous and violent. Conversely, humanitarian intervention might be less likely in future situations where civilians truly need help if the claim of humanitarian motives is doubted because of past misuse of such a claim or if the action is not approved by the UN or another multilateral body. If there is a legitimate case for humanitarian intervention—and there is—such intervention must be strictly limited. A better understanding of what constitutes legitimate humanitarian intervention will aid recognition of a wolf in sheep's clothing and help to maintain peace in international affairs.

It is imperative that policymakers and the implementers of intervention—humanitarian workers, soldiers and civil servants—learn from the past. Humanitarian intervention is a dangerous and expensive enterprise. The mixed record of the past 15 years leaves enormous room for improvement, and there are no easy answers. The balance between political and humanitarian considerations is delicate; the relationship between military and civilian humanitarian actors is both fragile and crucially important. If not done well, humanitarian intervention wastes lives and resources and might perpetuate or exacerbate the problems it is intended to address. Humanitarian assistance can feed wars.¹⁴

Before summarizing the major debates, a definition of humanitarian intervention and a few words about context are in order. The term 'humanitarian military intervention'—or 'humanitarian intervention' for short—is used here to mean 'the threat or use of force across state borders by a state (or group of

¹² In addition to majority agreement with the principles laid out in *The Responsibility to Protect* (note 2) and subsequent documents, a number of governments have individually supported the idea of legitimate intervention. Government of Belgium, 'Argument of Belgium before the International Court of Justice', 10 May 1999, URL <<http://www.icj-cij.org>>; Aartsen, J. van, Foreign Minister of the Kingdom of the Netherlands, Opening remarks, International Peace Academy, 'Humanitarian action: a symposium summary', 20 Nov. 2000, pp. 12–13, URL <<http://www.ipacademy.org/Publications/Publications.htm>>; and Cook, R. (British Foreign Secretary), 'Guiding humanitarian intervention', Speech presented at the American Bar Association Meeting, 19 July 2000, URL <<http://www.fco.gov.uk>>—all 3 cited in Stromseth, J., 'Rethinking humanitarian intervention: the case for incremental change', eds Holzgrefe and Keohane (note 9), pp. 237, 239, 263.

¹³ When the Bush Administration put forward a humanitarian argument for its invasion of Iraq in 2003, many observers objected. When the USA invaded Afghanistan in 2001 it justified the action on national security grounds, but certain actions by US military units substantially blurred the line between the military and humanitarian realms. Among the controversial actions were airdrops of food during the period of fighting and the establishment of 'provincial reconstruction teams' (PRTs) during the post-combat stabilization phase.

¹⁴ Maren, M., *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity* (Free Press: New York, 1997); Reiff, D., 'The humanitarian illusion', *New Republic*, 16 Mar. 1998, pp. 27–32; and Terry, F., *Condemned to Repeat? The Paradox of Humanitarian Action* (Cornell University Press: Ithaca, N.Y., 2002).

states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens [due to violence], without the permission of the state within whose territory force is applied', and the use of military personnel to assist the delivery of humanitarian aid to people in need.¹⁵ This definition excludes interventions by a state to rescue its own citizens. It also excludes non-forcible interventions such as economic or diplomatic sanctions. Non-forcible use of military personnel for logistical and other specialized tasks falls within the definition only in instances of response to crises caused by violence, not by natural disasters. The UN Security Council can authorize humanitarian military intervention, or intervention can occur without legal authorization. An 'effective' humanitarian intervention is one that saves lives by preventing or ending violent attacks on unarmed civilians, or by assisting the delivery of aid, or both.

Humanitarian intervention is a short-term activity with limited political objectives. It is intended only to stop the worst suffering. It is not intended to establish a lasting peace or to put a new, or renewed, political system in place, although it can establish a basis for peace-building by creating an environment in which people can think about more than mere survival. Explicitly political objectives follow, but are distinct from, humanitarian objectives. This distinction becomes blurred when policymakers want an intervention to alleviate human suffering *and* promote a political resolution to the crisis, as UN-led operations were asked to do in Somalia and Bosnia and Herzegovina. The difference between humanitarian and political objectives was more obvious in Kosovo and East Timor, where initial humanitarian operations quickly handed over to long-term political operations. In brief, humanitarian intervention is meant to protect fundamental human rights in extreme circumstances; it is not meant directly to protect or promote civil and political rights.

Military intervention for human protection purposes takes place in a hostile environment, where the political order is contested and the national government does not have the capacity or the will to respond to the basic needs of people for safety, shelter, food, water and medical services. In some cases the government itself is responsible for creating the humanitarian crisis in its effort to defeat rebels or impose demographic changes through killing and forced displacement. Politicians call these situations crises or wars; humanitarian workers call them complex emergencies; soldiers used to call them military operations other than war and now refer to them as peace operations. In cases where parties to the conflict have reached a (provisional) negotiated settlement, diplomats and military officers refer to peacekeeping.

Whatever the label, the essential point is that humanitarian crises are a symptom of deeper political and social problems. In the aftermath of a natural disaster the leaders and population of a country almost always welcome outside assistance, even when it is delivered by armed forces. In contrast, during a

¹⁵ Holzgrefe (note 9), p. 18.

complex emergency—a political crisis with humanitarian consequences—some armed elements within a country are very likely to be hostile to the delivery of aid or the protection of civilians because the intervention gets in the way of their political objectives.

Diverse organizations and groups populate this complicated and volatile environment. Apart from troops, outside governments and the UN may send in civilian administrators with specialized knowledge of different aspects of governance and economic development. International non-governmental organizations (NGOs) play significant roles, with competences ranging from emergency relief to long-term development. The ways in which these diverse actors work with, and in opposition to, each other and the indigenous government, rebels and civil society organizations remains poorly understood.¹⁶ The practice of humanitarian intervention, and debates about it, take place against this backdrop of political violence and multiple organizations with diverse, often incompatible, agendas.

I. Humanitarian intervention debates

The literature on humanitarian military intervention is vast and the practice of intervention to ‘help the innocent’ has a substantial history. The following review of moral and legal debates focuses on the principles of ‘just war’ and identifies the ‘reasonable prospect of success’ as an important consideration that analysts often treat only in passing.

After the moral and legal perspective, a review of the debates among political scientists, humanitarian practitioners and military officers addresses key questions that have emerged in response to interventions since the end of the cold war. The strategy employed by an intervener emerges as a central determinant of success that is poorly addressed in the existing literature. This discussion lays the foundation for the analytical model developed in chapter 2.

Moral and legal perspectives

The question of when and why to use military force has occupied princes, popes and presidents for centuries. Military interventions in the name of humanity must be understood in the normative context in which they occur. The post-cold war normative context gives purpose and meaning to actions that were politically inconceivable not long ago. It shapes the rights and duties states believe they have, the goals they value, and the means they believe are effective and

¹⁶ Aall, P., Miltenberger, D. and Weiss, T. G., *Guide to IGOs, NGOs and the Military in Peace and Relief Operations* (United States Institute of Peace Press: Washington, DC, 2000); and Crocker, A. C., Hampson, F. O. and Aall, P., *Herding Cats: Multiparty Mediation in a Complex World* (United States Institute of Peace Press: Washington, DC, 2001).

legitimate to achieve those goals.¹⁷ Debates today are based on the work of theologians, philosophers and legal scholars who broke new ground, first regarding natural law, then regarding positive law, and currently regarding attempts to meld the two.

Natural law is grounded in moral reasoning. It holds that proper behaviour is governed by precepts that can be known by reason and are binding on all rational beings. Chief among these precepts is that natural rights accrue to people simply by virtue of their being human. Natural law recognizes the right (and, according to some thinkers, the duty) of sovereigns to use force to uphold the good of the human community, particularly in cases where unjust injury is inflicted on innocents.¹⁸ The substance of the precepts, it must be said, has changed over time, suggesting that natural law is based on reason informed by current norms, rather than on pure reason. Serious scholarship on natural law as a guide to justified war first appeared in the work of Pope Innocent IV in the 13th century. Writing at the time of the crusades, he sought to answer a question that preoccupied many thinkers of the time: was it morally justifiable for Christians to invade the land of non-Christians?¹⁹

Natural law persisted as the basis for reasoning on the legitimate use of force ('just war') until the Treaty of Westphalia of 1648, which brought the Thirty Years War to an end. The general congress of European powers that produced the treaty had the immediate effect of ushering in a period of peace in Europe and the long-term (and more important) effect of putting positive law before natural law.²⁰ This enabled the development of the modern international system, with the sovereign state as the ordering principle of power. A central tenet of positive international law is that law is determined by the joint will of sovereign states. Whereas natural law is based on moral reasoning, positive law in the international sphere is based on political reasoning.

Under the influence of positive law, relations between states became increasingly governed by the view that a sovereign government has the right to rule within its own territory as it sees fit without fear of outside intervention. Thus, state sovereignty came to be treated as nearly absolute and individual rights, while recognized, were at the mercy of the state.

Today, the point of departure for the debate on justified military intervention is the tension between state sovereignty and individual human rights that is embodied in the pinnacle of positive international law—the Charter of the

¹⁷ Finnemore, M., *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Cornell University Press: Ithaca, N.Y., 2003), p. 53.

¹⁸ Bellamy, A. J., 'Ethics and intervention: the "humanitarian exception" and the problem of abuse in the case of Iraq', *Journal of Peace Research*, vol. 41, no. 2 (2004), p. 132; and Nardin, T., 'The moral basis of humanitarian intervention', *Ethics and International Affairs*, vol. 16, no. 2 (2002), p. 58.

¹⁹ Nardin (note 18), p. 59.

²⁰ Smith, D., 'Sovereignty in the age of intervention', ed. A. McDermott, *Sovereign Intervention*, PRIO Report 2/99 (International Peace Research Institute: Oslo, 1999), p. 19.

United Nations.²¹ The UN Charter prohibits the use of military force except in cases of self-defence or when authorized by the UN Security Council to address threats to international peace and security.²² Until recently, there was almost universal agreement among legal scholars that military intervention against the will of the target state is not legal outside these two exceptions. The sanctity of state sovereignty is based on the assumption, backed by centuries of experience before the Treaty of Westphalia, that outside involvement in internal strife will escalate and broaden a conflict. Complementing this dominant theme, international law seeks to protect the rights of people within a state to exercise their political will free from outside interference—commonly referred to as the right of self-determination.

At the same time, the UN Charter recognizes the legal status of individual human rights, which is embodied in the Universal Declaration of Human Rights.²³ The 1948 Genocide Convention and international humanitarian law further consolidate within international law the rights of individuals independent from those of sovereign states.²⁴

These two aspects of modern international law neatly embody the recurrent tension in political theory between order and justice.²⁵ Where do legal and moral responsibilities lie when the imperatives of state sovereignty and human rights clash? When a state is unable or unwilling to protect the rights of its citizens, what are other actors within the international system allowed, or required, to do?

In their extensive summary of the ‘intricate debate’ during the second half of the 20th century, Oliver Ramsbotham and Tom Woodhouse give an account of the historical dichotomy between positive and natural law.²⁶ They distinguish between ‘restrictionists’, who adhere to the dominant interpretation of positive law that prohibits intervention,²⁷ and ‘counter-restrictionists’, who argue that state sovereignty is not absolute and intervention is allowed for the purpose of

²¹ An excellent collection of scholarly essays on both sides of the debate is Lillich, R. (ed.), *Humanitarian Intervention and the United Nations* (University of Virginia Press: Charlottesville, Va., 1973).

²² Charter of the United Nations, articles 2(4), 39, 42 and 51.

²³ Charter of the United Nations, Article 1(3); and United Nations, Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), 10 Dec. 1948.

²⁴ The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the UN General Assembly on 9 Dec. 1948 and entered into force on 12 Jan. 1951. The text of the convention is available at URL <http://www.unhchr.ch/html/menu3/b/p_genoci.htm>.

²⁵ The standard text is Bull, H., *The Anarchical Society: A Study of Order in World Politics*, 2nd edn (Macmillan: London, 1995).

²⁶ Ramsbotham, O. and Woodhouse, T., *Humanitarian Intervention in Contemporary Conflict* (Polity Press: Cambridge, 1996), pp. 8–66.

²⁷ Examples of the restrictionist view are Brownlie, I., *International Law and the Use of Force by States* (Clarendon Press: Oxford, 1963); Brownlie, I., ‘Thoughts on kind-hearted gunmen’, ed. Lillich (note 21), pp. 139–48; Akehurst, M., ‘Humanitarian intervention’, ed. H. Bull, *Intervention in World Politics* (Clarendon Press: Oxford, 1984); Verwey, W., ‘Humanitarian intervention under international law’, *Netherlands International Law Review*, vol. 32 (1985), pp. 357–418; and Ferar, T., ‘An enquiry into the legality of humanitarian intervention’, eds L. F. Damrosch and J. Scheffer, *Law and Force in the New International Order* (Westview Press: Boulder, Colo., 1991), pp. 316–47.

preventing atrocities, even when those atrocities occur within the borders of the responsible state.²⁸ The debates remained largely theoretical through the 1970s and 1980s, as no government seriously sought to justify military intervention on humanitarian grounds, even though the interveners used the term gratuitously on many occasions.²⁹

The outstanding exception was India's intervention in East Pakistan in 1971. Following the electoral victory in East Pakistan of the independence-minded Awami League, the Pakistani Army killed over 1 million people and drove millions more into India. Indian Government representatives at the UN initially justified their military response in part on humanitarian grounds. They withdrew that justification, however, and relied on a national security argument when other governments objected that the principles of sovereignty and non-interference should take precedence. In 1979 Viet Nam overthrew Pol Pot in Cambodia and Tanzania overthrew Idi Amin in Uganda. Although the two dictators were among the most atrociously brutal in the 20th century, and both actions have been cited subsequently (years later) as examples of intervention with positive humanitarian results, both governments justified their actions on national security grounds and shunned humanitarian arguments.³⁰

In the 1990s the question of justifiable humanitarian intervention took on new urgency when states, the United Nations and regional multinational organizations repeatedly intervened to help people subject to human rights abuses and severe deprivation, from Iraq in 1991 to East Timor in 1999.³¹ The restrictionist camp, despite holding the legal high ground, faced a strong challenge from the counter-restrictionists, who sought ways to make intervention allowable in order to protect individuals from the state.

The concept of absolute state sovereignty began to give way because its insistence on strict adherence to the principle of non-intervention did not allow engagement with questions of great theoretical and practical importance. Are

²⁸ Examples of the counter-restrictionist view are Lillich, R., 'Forcible self-help by states to protect human rights', *Iowa Law Review*, vol. 53 (1967), pp. 325–51; Fonteyne, J.-P., 'The customary international law doctrine of humanitarian intervention: its current validity under the United Nations Charter', *California Western International Law Journal*, vol. 4, no. 2 (1974), pp. 203–70; Bazylar, M., 'Re-examining the doctrine of humanitarian intervention in light of the atrocities in Kampuchea and Ethiopia', *Stanford Journal of International Law*, vol. 23 (1987), pp. 547–619; Reisman, M., 'Sovereignty and human rights in contemporary international law', *American Journal of International Law*, vol. 84 (1990), pp. 866–76; Vincent, R. J., *Human Rights and International Relations* (Cambridge University Press: Cambridge, 1986); and Tesón, F., *Humanitarian Intervention: An Inquiry into Law and Morality* (Transnational Publishers: Dobbs Ferry, N.Y., 1988).

²⁹ Anthony Arend and Robert Beck list 11 interventions from 1948 to 1983 where the intervening government claimed humanitarian motives. They dismiss every one, in part because of their restrictive definition of humanitarian intervention. Arend, A. C. and Beck, R. J., *International Law and the Use of Force* (Routledge: London, 1993), pp. 112–37. Despite their critique, 3 cases of intervention that stopped widespread massacres and displacement during the cold war are regularly cited in debates on humanitarian intervention—those of Viet Nam in Cambodia, Tanzania in Uganda, and India in East Pakistan.

³⁰ Tesón (note 28), chapter 8; and Wheeler, N., *Saving Strangers: Humanitarian Intervention in International Society* (Oxford University Press: Oxford, 2000).

³¹ The following chapters address the issue of whether or not the interventions in question were truly motivated by a desire to assist the victims of atrocities.

states' rights always morally and legally superior to individual rights, or are there circumstances in which states forfeit certain rights in favour of individual rights?³² How can governments address the tension inherent in the UN Charter? Can a meaningful distinction be made between legal action and legitimate action? If states occasionally engage in humanitarian intervention despite its legal prohibition, should their actions be subject to standards of behaviour, and if so what should they be?

By 1993 some writers detected an emerging and controversial 'normative consensus' concerning the conditions under which international intervention in intra-state crises could be justified,³³ that is, an intervention should be in response to the violation of a recognized set of moral and political standards, it should be done collectively rather than by a single state, it should comply with procedural safeguards, and it should be effective at achieving its goal of helping the people of the state concerned.³⁴ In such work can be seen an attempt to meld principles of positive law, such as the legitimacy of collectively authorized action, with principles of natural law presented in the modern language of human rights.

Despite these contributions from the early post-cold war period and many more that followed,³⁵ not to mention prior centuries of thought, the idea of a moral right to intervene remains 'conceptually obscure and legally controversial'³⁶ and has led to 'profound normative confusion' among international lawyers and ethicists.³⁷ In fact, the contention that a consensus is emerging seems unfounded, as many writers and governments remain to this day implacably opposed to the idea of legitimate humanitarian intervention.³⁸

Nonetheless, it became clear by the mid-1990s that the legal and ethical debate had shifted.³⁹ In an international environment where some states are prepared to contemplate military intervention for altruistic reasons, writers interested in developing new normative guidelines have embraced the natural law principles of just war as a useful framework.

³² Tesón (note 28).

³³ See e.g. Reed, L. W. and Kaysen, C., *Emerging Norms of Justified Intervention* (American Academy of Arts and Sciences: Cambridge, Mass., 1993).

³⁴ Damrosch, L. F. (ed.), *Enforcing Restraint: Collective Intervention in Internal Conflicts* (Council on Foreign Relations Press: New York, 1993), pp. 1–27; and Farer, T. J., 'A paradigm of legitimate intervention', ed. L. F. Damrosch, *Enforcing Restraint: Collective Intervention in Internal Conflicts* (Council on Foreign Relations Press: New York, 1993), pp. 316–47.

³⁵ E.g. Kaplan, R., 'Humanitarian intervention: which way forward?', *Ethics and International Affairs*, vol. 14 (2000), pp. 23–38; and Mertus, J. A., 'Legitimizing the use of force in Kosovo', *Ethics and International Affairs*, vol. 15, no. 1 (2001), pp. 133–50.

³⁶ Verway, W., quoted in Ramsbotham and Woodhouse (note 26), p. 45.

³⁷ Damrosch, L., 'Changing conceptions of intervention in international law', eds Reed and Kaysen (note 33), p. 91.

³⁸ See e.g. Roberts, A., 'The so-called "right" of humanitarian intervention', *Yearbook of International Humanitarian Law*, 2000 (T. M. C. Asser Press: The Hague, 2002), pp. 3–51; and Cotton, J., 'Against the grain: the East Timor intervention', *Survival*, vol. 43, no. 1 (spring 2001), pp. 127–42.

³⁹ Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects* (Danish Institute of International Affairs: Copenhagen, 1999).

Since the concept of just war developed over a long period of time, there is no definitive set of principles, but modern writers focus on some or all of five principles for going to war (*jus ad bellum*) and two principles during war (*jus in bello*). The criteria for a legitimate resort to military force are: just cause, right intention, right authority, last resort and a reasonable prospect of success. The criteria for legitimacy during war are proportionality and discrimination.

The touchstone work on just war principles in modern times is *Just and Unjust Wars*, in which Michael Walzer builds on the work of classical writers and Enlightenment philosophers to argue that communal liberty and human rights have greater intrinsic value than state sovereignty. Walzer stresses the limits on the legitimate use of military force, but he does not adhere to a strict legalist paradigm. ‘Humanitarian intervention’, he writes, ‘is justified when it is a response (with reasonable expectations of success) to acts “that shock the moral conscience of mankind”’.⁴⁰ Setting a precedent for most work that follows this line, he devotes a good portion of his work to discussion of what constitutes a just cause, but says very little about how an intervening government could reasonably expect to attain success.

Summarizing the nature of the relationship between human rights and the state, Ramsbotham and Woodhouse lay out the logical steps that put individual rights before state rights and allow intervention when a state does not fulfil its duty to protect its citizens: ‘victim’s right to protection and assistance; host government’s duty to provide it; outside governments’ duty to act in default; outside governments’ right to intervene accordingly’.⁴¹ Aware that this logic could lead to illegitimate interventions, they propose five questions to determine if a past intervention was, in fact, humanitarian:

(i) was there a *humanitarian cause*? (ii) was there a declared *humanitarian end* in view? (iii) was there an appropriate *humanitarian approach*—in other words, was the action carried out impartially, and were the interests of the interveners at any rate not incompatible with the humanitarian purpose? (iv) were *humanitarian means* employed? (v) was there a *humanitarian outcome*?⁴²

These questions adhere closely to the just war principles first articulated by writers in the Middle Ages. It is relevant to the consequentialist analysis of this book that Ramsbotham and Woodhouse believe that ‘The criterion of humanitarian outcome is particularly difficult to apply’, largely because it requires counterfactual judgements about what would have happened to the population if intervention had not occurred.⁴³

In a project to trace the evolution of the norm of humanitarian intervention in international affairs, Nicholas Wheeler attempts a ‘reconciliation of the

⁴⁰ Walzer, M., *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (Basic Books: New York, 1977), p. 107.

⁴¹ Ramsbotham and Woodhouse (note 26), p. 23.

⁴² Ramsbotham and Woodhouse (note 26), p. 73 (emphasis in the original).

⁴³ Ramsbotham and Woodhouse (note 26), pp. 73, 75–76.

imperatives of order and justice'.⁴⁴ He is the first writer to provide an extended evaluation of humanitarian intervention cases with explicit reference to just war principles. Like Walzer, he seeks to emphasize the principles of just cause and reasonable prospect of success. This is a controversial position, given the importance accorded in policy debates to the motives of interveners. Unlike Walzer, Wheeler develops an argument in favour of military intervention to protect civilians from predation by states. He is also one of the first authors to provide a serious evaluation of the effectiveness of intervention across multiple cases.⁴⁵ Few writers have taken up the issue of effectiveness beyond single case studies,⁴⁶ but just war principles have been widely recognized as an analytical framework for judging the legitimacy of an intervention for humanitarian purposes.

In early 1999 the North Atlantic Treaty Organization (NATO) intervened in the Serbian province of Kosovo, without UN Security Council authorization. The action sparked vehement disagreement over whether human rights and humanitarian concerns can ever be a legitimate cause of war.⁴⁷ UN Secretary-General Kofi Annan recognized that it was time to address head-on the tension in the UN Charter.⁴⁸ He confronted the UN General Assembly in 1999 and again in 2000 with a startling challenge (by General Assembly standards) to 'forge unity' around basic principles of intervention in cases of extreme need: 'if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity? In essence the problem is one of responsibility: in circumstances in which universally accepted human rights are being violated on a massive scale we have a responsibility to act.'⁴⁹

In response to the challenge, Canada initiated the International Commission on Intervention and State Sovereignty which produced *The Responsibility to Protect* in 2001. In its attempt to square the circle of order and justice—sovereignty and individual rights—the commission emphasized the *duties* inherent in sovereignty. It turned the issue of 'intervention for human protection purposes' from a debate about a right to intervene into one about the responsibility to protect innocent lives, following the logic set out by Francis Deng

⁴⁴ Wheeler (note 30), p. 17.

⁴⁵ Wheeler looked at the interventions of India in East Pakistan in 1971; Viet Nam in Cambodia in 1979; Tanzania in Uganda in 1979; France, the UK and the USA in northern Iraq in 1991; the UN and the USA in Somalia in 1991–93; France in Rwanda in 1994; and the UN and the North Atlantic Treaty Organization (NATO) in Bosnia and Herzegovina and Kosovo in 1992–99.

⁴⁶ An exception, published before Wheeler's book, is Weiss, T., *Military–Civilian Interactions: Intervening in Humanitarian Crises* (Rowman & Littlefield: Lanham, Md., 1999).

⁴⁷ For a review of 8 books that provide a range of opinions on the question, with specific reference to Kosovo, see Mertus, J., 'Legitimizing the use of force in Kosovo', *Ethics and International Affairs*, vol. 15, no. 1 (2001), pp. 133–50.

⁴⁸ Annan, K. A., 'Two concepts of sovereignty', *The Economist*, 18 Sep. 1999, pp. 49–50.

⁴⁹ United Nations, General Assembly, Report of the Secretary-General on the work of the organization, 55th Session, Supplement no. 1 (A/55/1), 30 Aug. 2000, para. 37.

and his colleagues five years earlier.⁵⁰ Starting from a presumption of non-intervention, deviation from which must be exceptional and justified, the report offered guidelines for the ‘exceptional and extraordinary measure’ of military intervention to protect large numbers of people from imminent danger.⁵¹

The commission argued that ‘all the relevant decision-making criteria can be succinctly summarized under the following six headings: *right authority, just cause, right intention, last resort, proportional means and reasonable prospects*’.⁵² It is really quite extraordinary that a government-sponsored report, in response to a United Nations call for consensus, should so boldly embrace natural law principles. Certainly, the principles have been modernized. Just cause no longer concerns religious affiliation, but large-scale loss of life and expulsion from homelands. Right authority no longer rests with the pope, as it was once considered to do, but with the UN (and possibly with regional organizations). To its credit, the commission’s report pays a significant amount of attention to factors that influence the prospects of successful military intervention. In keeping with the nature of the report, however, the discussion remains general and free of empirical examples.⁵³

A landmark report on the future direction of the United Nations, published in late 2004, revealed sustained political interest in the idea that governments have a duty to protect individuals. A central theme of ‘A more secure world: our shared responsibility’ is the responsibility of governments to prevent and, if necessary, to stop large-scale killing of civilians and violation of human rights.⁵⁴ The High-level Panel that produced the report presented five criteria for Security Council authorization of the use of force that are directly descended from just war principles: seriousness of threat, proper purpose, last resort, proportional means and balance of consequences. The panel defined the fifth principle in terms of the likelihood of success by asking ‘Is there a reasonable chance of the military action being successful in meeting the threat in question, with the consequences not likely to be worse than the consequences of inaction?’⁵⁵

The point has now been reached where the just war principles have wide currency as a political and moral, but not legal, framework for judging the legitimacy of military intervention for human protection purposes. These guidelines are presented as a complement to positive law and the strong presumption of non-intervention. In that regard, it must be noted that the principles are not used only to justify or excuse intervention, but sometimes to draw cautionary lessons or to criticize an intervention. Some observers, for example, worry that legitim-

⁵⁰ Deng, F. et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Brookings Institution Press: Washington, DC, 1996).

⁵¹ International Commission on Intervention and State Sovereignty (note 2).

⁵² International Commission on Intervention and State Sovereignty (note 2), p. 32 (emphasis in the original).

⁵³ International Commission on Intervention and State Sovereignty (note 2), pp. 57–67.

⁵⁴ United Nations (note 5), pp. 17, 65–66.

⁵⁵ United Nations (note 5), p. 67.

ized humanitarian causes, combined with technological advances in weapons that make some kinds of military action relatively cheap and easy for powerful states, will make it less likely in the future that military intervention will be used only as a last resort.⁵⁶

The importance of a reasonable prospect of success

Although the just war principles have gained wide currency in the humanitarian intervention debate, there remain deep disagreements about some principles and a lack of serious thought about others. For none is this more true than it is for the principle of a reasonable prospect of success. Evaluations of interventions in Somalia, Bosnia and Herzegovina, Rwanda, Kosovo and elsewhere have great value, but studies of single cases cannot easily provide generally applicable lessons.⁵⁷ The few cross-case comparisons that delve deeply into the issue of effectiveness have looked at the question of legitimacy or the balance of costs and benefits but have not attempted to provide a set of criteria for judging the prospective effectiveness of future interventions.⁵⁸

Two recent surveys of the literature on the changing attitude towards humanitarian intervention, which appear in the same edited volume, conclude that empirical studies of the short-term and long-term effects of intervention ‘are absolutely essential if these disagreements [about the justice of humanitarian intervention] are ever to be resolved’.⁵⁹ ‘In the end the normative debate over the circumstances warranting humanitarian intervention will be incomplete unless the question of the *effectiveness* of using military force for humanitarian purposes is fully addressed. . . . But such analysis is absent from much of the recent writing on humanitarian intervention.’⁶⁰

Academic debates aside, policymakers and analysts must make decisions in specific cases based on what they expect will happen. Prior to an intervention, what indicators should a government official use to determine the chances of success? What constitutes a ‘reasonable’ chance? After an intervention, how are observers to judge whether the intervention succeeded and why or why not? If these questions are to be answered (and they must be), there is no responsible alternative to learning from past cases to discern future prospects. It is unfortu-

⁵⁶ Hodge, C. C., ‘Casual war: NATO’s intervention in Kosovo’, *Ethics and International Affairs*, vol. 14 (2000), pp. 23–54.

⁵⁷ Clarke, W. S. and Herbst, J. (eds), *Learning from Somalia: The Lessons of Armed Humanitarian Intervention* (Westview Press: Boulder, Colo., 1997); Eriksson, J., *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience*, Synthesis Report (Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda: [Copenhagen], 1996); Burg, S. L. and Shoup, P. S., *The War in Bosnia–Herzegovina: Ethnic Conflict and International Intervention* (M. E. Sharpe: London, 2000); and Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford University Press: Oxford, 2000).

⁵⁸ Wheeler (note 30); Weiss (note 46); and Brown, M. E. and Rosecrance, R. N. (eds), *The Costs of Conflict: Prevention and Cure in the Global Arena* (Rowman & Littlefield: Lanham, Md., 1999).

⁵⁹ Holzgrefe (note 9), p. 51.

⁶⁰ Stromseth (note 12), pp. 267–68.

nate, therefore, that serious treatment of the efficacy of humanitarian intervention is so rare. This book takes up the challenge of defining and measuring the effectiveness of past humanitarian interventions.

What accounts for the variations in effectiveness of past interventions? If policymakers and pundits want to judge the prospects of success prior to an intervention, what criteria should they use? To answer these questions, the focus must move from the literature of lawyers and ethicists to work by soldiers, aid workers and political scientists.⁶¹

Political, humanitarian and military perspectives

Adam Roberts observed in the late 1990s that in ‘the long history of legal debates about humanitarian intervention, there has been a consistent failure to address directly the question of the methods used in such interventions’.⁶² That charge cannot be levelled against practitioners and policy analysts, many of whom make it their business to debate various methods of intervention. The literature is vast and can be categorized in any number of ways. The following review focuses on two overarching debates that encompass many smaller disputes. The first is about whether humanitarian action in times of war is politically neutral or politically fraught. The second is over whether military intervention for humanitarian purposes is easy or hard. These two debates do not encompass broader conceptual issues, such as the relative merits of cosmopolitan and liberal internationalist approaches to foreign policy. Rather, they aid focus on whether military intervention is an effective method for saving civilian lives in extreme circumstances.

The review concludes that the question of effectiveness can only be answered by examining alternative military strategies and the circumstances under which they are appropriate. Surprisingly, most analysts of humanitarian intervention have ignored strategy. This book argues that it is a fundamentally important determinant of success and failure.

The political context of humanitarian intervention

Humanitarian assistance in time of war was originally conceived as a non-political activity. That position has come under increasing strain since 1991, but it continues to hold strong attraction for humanitarian practitioners.⁶³ Inter-

⁶¹ According to Terry Nardin, political theorists and lawyers have left the question of defining a reasonable prospect of success largely unaddressed because effectiveness is particular to an individual case and so not amenable to a general definition. Nardin (note 18), p. 69.

⁶² Roberts, A., ‘NATO’s humanitarian war over Kosovo’, *Survival*, vol. 41, no. 3 (1999), p. 110.

⁶³ Chr. Michelsen Institute, *Humanitarian Assistance and Conflict* (Chr. Michelsen Institute: Bergen, 1997); Whitman, J., ‘The political limits of humanitarian assistance’, eds J. Whitman and D. Pocock, *After Rwanda: The Coordination of United Nations Humanitarian Assistance* (Macmillan: London, 1996), pp. 3–16; and Roberts, A., International Institute for Strategic Studies, *Humanitarian Action in War: Aid Protection and Impartiality in a Policy Vacuum*, Adelphi Paper no. 305 (Oxford University Press: Oxford, 1996).

national NGOs and UN aid agencies insist that their activities are non-political. They provide assistance on the basis of need without regard to the recipient's ethnicity, religion or political position. This needs-based delivery, they contend, makes their actions impartial. Traditionally, aid organizations have relied on the impartial, non-political nature of aid to keep their personnel safe in zones of conflict. Maintaining a clear distinction between humanitarian and political work is an abiding concern for them. According to this view, humanitarian and political objectives can and must be clearly separated so that local actors do not see humanitarian relief as a tool for their own political objectives and do not target aid projects for violence.⁶⁴ Humanitarian practitioners argue that a lack of political impartiality will lead to situations in which humanitarian action is corrupted, emergency relief is politicized, relief delivery efforts are inhibited, and aid workers' lives are endangered.⁶⁵

Advocates of the non-political nature of humanitarian aid dislike the idea of military intervention for humanitarian purposes. Not only is it an oxymoron—since military intervention is inherently political—but military intervention also causes humanitarian action to become politicized. When foreign soldiers arrive, and particularly when they engage in relief work, foreign aid personnel have a difficult time distinguishing themselves from soldiers in the eyes of local actors. The politicization and militarization of aid puts politics ahead of humanitarian principles and can turn aid workers into targets.⁶⁶ For example, the separation of humanitarian and political objectives was hotly contested in Afghanistan in 2003 when soldiers set up the PRTs and began to do aid work while wearing civilian clothes and carrying guns.⁶⁷ Although this practice was short-lived, the politicization of aid and the continued high level of violence led many international NGOs to withdraw from the country.

Military intervention can also increase the intensity of the violence by adding troops, firepower and another armed group to an already volatile environment. In Somalia in 1993, UN and US forces engaged Somali leader General Muham-

⁶⁴ Egeland, J. (UN Under-Secretary-General for Humanitarian Affairs), 'Challenges to future humanitarian action', Second annual Fritz Institute lecture on humanitarian relief, Georgetown University, 28 Apr. 2004; Russbach, R. and Fink, D., 'Humanitarian action in current armed conflicts: opportunities and obstacles', *Medicine and Global Survival*, vol. 1, no. 4 (Dec. 1994), pp. 188–99; and Sommaruga, C., 'Humanitarian action and peace-keeping operations', Address by the President of the International Committee of the Red Cross to the UNITAR/IPS/NIRA Conference, 24 Feb. 1997, URL <<http://www.icrc.org/web/eng/siteeng0.nsf/iwplList160/>>.

⁶⁵ James, A., 'Humanitarian aid operations and peacekeeping', eds E. A. Belgrad and N. Nachmias, *The Politics of International Humanitarian Aid Operations* (Praeger: Westport, Conn., 1997); and International Institute for Strategic Studies (IISS), 'Military support for humanitarian operations', *Strategic Comments*, vol. 1, no. 2 (22 Feb. 1995).

⁶⁶ Hendrickson, D., 'Humanitarian action in protracted crises: an overview of the debates and dilemmas', *Disasters*, vol. 22, no. 4 (Dec. 1998), pp. 283–87; and Duffield, M., Macrae, J. and Zwi, A., 'Conclusion', eds J. Macrae and A. Zwi, *War and Hunger: Rethinking International Responses to Complex Emergencies* (Zed Books and Save the Children Fund (UK): London, 1994).

⁶⁷ Dzeidzic, M. and Seidel, M., *Provincial Reconstruction Teams and Military Relations with International Nongovernmental Organizations in Afghanistan*, Special Report no. 147 (United States Institute of Peace: Washington, DC, Sep. 2005).

mad Farah Aidid in the most intense fighting since 1991. NATO's air campaign over Kosovo and Serbia in 1999 led to accelerated expulsion of Albanians by Serb soldiers and to physical destruction in Belgrade.⁶⁸

Humanitarian aid workers and some policy analysts contend that the best way to address these problems is to improve the practice of aid delivery and to keep it clearly distinct from political and military actions. Reaffirming the traditional principles of independence, impartiality and neutrality and reinforcing them with a code of conduct will preserve the integrity of humanitarian action and help to avoid unintended consequences such as feeding the war.⁶⁹ Some in this camp explicitly give short-term assistance priority over long-term conflict resolution: 'Prioritizing the moral good of peace building may not be the right ethical choice at a time when the sheer volume of people's suffering dictates that more emphasis should be placed on simpler life-saving'.⁷⁰

The issue of the impartiality of aid becomes particularly acute when civilian and military actors meet on the ground during complex emergencies. Effective interaction between humanitarian and military actors is hard to achieve, yet humanitarian, political and military organizations must strive to overcome parochial organizational interests and deep-seated philosophical differences or they will squander resources and people will die. For NGOs, independence of action is a defining characteristic. They argue that if they are constrained by an agenda set by others, they will lose their ability to respond agilely to rapidly changing circumstances—an ability that is essential in chaotic environments. More importantly, they will be seen as political actors, which will cause belligerents in the conflict to restrict their access to people in need and will endanger the safety of their personnel. Recognizing that civilian–military interaction of some kind is necessary, they believe that the best route to coordination is to establish and encourage standards of professional behaviour for individuals and organizations and to encourage the voluntary exchange of information in informal forums. This approach also allows humanitarian actors to maintain their distance from soldiers and minimize the politicization of aid.⁷¹

Those who argue for the non-political nature of aid invariably question the motives of states that respond militarily to a humanitarian crisis. Humanitarian practitioners see mixed humanitarian and political motives as highly problematic because they believe that a state's political interests will overwhelm its

⁶⁸ The assertion that bombing accelerated ethnic cleansing was hotly debated at the time. Independent International Commission on Kosovo (note 57).

⁶⁹ Sommaruga, C., 'Humanity: our priority now and always', *Ethics and International Affairs*, vol. 13 (1999), pp. 23–28; and Leader, N., 'Proliferating principles, or how to sup with the devil without getting eaten', *Disasters*, vol. 22, no. 4 (Dec. 1998), pp. 288–308.

⁷⁰ International Federation of Red Cross and Red Crescent Societies, *World Disasters Report 2003: Focus on Ethics in Aid* (Kumerian Press: Bloomfield, Conn., 2003), p. 13.

⁷¹ Girod, C. and Gnaedinger, A., *Politics, Military Operations and Humanitarian Action: An Uneasy Alliance* (International Committee of the Red Cross: Geneva, 1998). A notable effort to set standards for humanitarian action is the Sphere Project, launched in 1997; see URL <<http://www.sphereproject.org>>.

humanitarian ones, to the detriment of humanitarian objectives.⁷² This reasoning leads many in this camp to contend that moral concerns ought to be sufficient to warrant international action, even military action, when people need physical protection. When people are being killed or driven from their homes in great numbers, governments have a responsibility to respond, whether they have political interests at stake or not.⁷³ In short, humanitarian action must be non-political. On the rare occasions when military intervention is used to protect civilians, it should be as non-political as possible.

In contrast to the non-political view of humanitarian intervention, military officers and many analysts, including the present author, argue that humanitarian intervention is inherently political. They note that even something as seemingly non-political as food can be used as a weapon in violent environments where normal economic activity is disrupted and a significant portion of the population is in desperate straits. Armed groups can manipulate the supply of food to civilians as a means of repression, political bargaining or forced migration.⁷⁴ The practice was common in Angola, Bosnia and Herzegovina and Ethiopia, for example. Food and medicine can also be diverted to sustain soldiers and militia instead of unarmed civilians, as happened in Somalia and Sudan. In addition, humanitarian assistance can give legitimacy to the most violent leaders and undermine non-violent ones by allowing the militarily powerful to present themselves as the leaders who are able to bring relief to desperate people.⁷⁵ Refugee camps can sustain the conflict by serving as rear bases and recruiting grounds for armed factions.⁷⁶ Examples of this problem range from the Khmer Rouge camps in Thailand starting in the late 1970s, to the Afghan camps in Pakistan in the 1980s, and to the Rwandan camps in Zaire in the 1990s. In the longer run, large-scale aid can distort the local economy and inhibit rehabilitation and development. It can distort markets by creating commodity gluts and high premiums on property. It can further undermine a weak state's ability to collect tax revenue, or it can provide a predatory state

⁷² A good review of the spectrum of positions can be found in Weiss, T. G., 'Principles, politics, and humanitarian action', *Ethics and International Affairs*, vol. 13 (1999), pp. 1–22.

⁷³ Jean, F., 'Introduction', ed. F. François, *Life, Death and Aid: The Médecins Sans Frontières Report on World Crisis Intervention* (Routledge: New York, 1993), pp. 1–10; Jonah, J. O., 'Humanitarian intervention', eds T. Weiss and L. Minear, *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Lynne Rienner: Boulder, Colo., 1993), pp. 69–83; United Nations, 'An agenda for peace', Report of the Secretary-General, UN document A/47/277 - S/24111, 17 June 1992, section I; Weiss, T. G. and Chopra, J., 'Sovereignty is no longer sacrosanct', *Ethics and International Affairs*, vol. 6 (1992), pp. 95–118; and des Forges, A., *Leave None to Tell the Story: Genocide in Rwanda* (Human Rights Watch and International Federation of Human Rights: New York, 1999).

⁷⁴ De Waal, A., *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Indiana University Press: Bloomington, Ind., 1997); and Macrae, J. and Zwi, A., 'Famine, complex emergencies and international policy in Africa: an overview', eds Macrae and Zwi (note 66).

⁷⁵ Anderson, M. B., *Do No Harm: How Aid Can Support Peace—or War* (Lynne Rienner: Boulder, Colo., 1999).

⁷⁶ Lischer, S. K., 'Collateral damage: humanitarian assistance as a cause of conflict', *International Security*, vol. 28, no. 1 (summer 2003), pp. 79–109; Barber, B., 'Feeding refugees or war?', *Foreign Affairs*, vol. 76, no. 4 (July/Aug. 1997), pp. 8–14; and Greenhill, K., 'Mission impossible? Preventing deadly conflict in the African Great Lakes region', *Security Studies*, vol. 11, no. 1 (fall 2001), pp. 77–124.

with large amounts of foreign exchange.⁷⁷ Finally, humanitarian aid is often used by donor governments as a substitute for the political action that is required to address the causes of the violence and suffering.⁷⁸ Governments want to be seen to be ‘doing something’ but do not want to commit the resources or take the risks necessary to really tackle the problem. According to this line of thought, it is naive and probably counterproductive for humanitarian organizations to maintain the pretence of neutrality.⁷⁹

According to this perspective, the decision to get involved in a war zone, which is where the worst humanitarian crises occur, is a political decision. For this reason, a humanitarian intervention is more likely to succeed when an intervener has clearly identified political motives in addition to humanitarian ones (as long as the political motives are not in conflict with the humanitarian motives) than when the political interests are obscure or minor. It follows from this line of reasoning that military action should *only* be undertaken when political concerns are at stake in addition to moral ones.

Morality alone cannot be a guide for humanitarian intervention, for two reasons. First, there are many more places in the world that have a moral claim to help due to their desperate condition than there are resources available to provide help. Therefore a second standard must be used, which is the level of political interest that the country in question holds for the potential intervener.⁸⁰ Second, humanitarian intervention is most likely to succeed when the political interests of the intervening states are strongly engaged because only then will other important factors be present, such as adequate resources and the commitment to persevere in the face of adversity.⁸¹

A major advantage of explicitly recognizing the political nature of humanitarian intervention is the potential to avoid unintended consequences. Political awareness opens the possibility of humanitarian assistance complementing conflict resolution by using local connections and knowledge to assist diplomacy, providing economic rehabilitation when fighting ends, and monitoring compliance with human rights norms.⁸² Fortunately, some NGOs have come to focus on the importance of conflict-sensitive development and humanitarian practice. They seek to change the way in which conflicts are approached and

⁷⁷ Anderson (note 75); and Duffield, M., ‘The political economy of internal war: asset transfer, complex emergencies and international aid’, eds Macrae and Zwi (note 66).

⁷⁸ De Waal, A. and Omaar, R., *Humanitarianism Unbound? Current Dilemmas Facing Multi-Mandate Relief Operations in Political Emergencies*, Discussion Paper no. 5 (African Rights: London, Nov. 1994).

⁷⁹ Taw, J. M., ‘The perils of humanitarian assistance in armed internal conflicts: Somalia in the 1990s’, *Small Wars and Insurgencies*, vol. 15, no. 2 (autumn 2004), pp. 5–19; and Seybolt, T., ‘The myth of neutrality’, *Peace Review*, vol. 8, no. 4 (Dec. 1996).

⁸⁰ Mandelbaum, M., ‘Foreign policy as social work’, *Foreign Affairs*, vol. 75, no. 1 (Jan./Feb. 1996), pp. 16–32; and Stedman, S. J., ‘The new interventionists’, *Foreign Affairs*, vol. 72, no. 1 (1993), pp. 1–16.

⁸¹ Whitman, J., ‘Military risk and political commitment in United Nations humanitarian peace support operations’, eds Belgrad and Nachmias (note 65), pp. 19–35; Betts, R., ‘The delusion of impartial intervention’, *Foreign Affairs*, vol. 73, no. 6 (Nov./Dec. 1994), pp. 20–33; and Stedman (note 80).

⁸² Weiss (note 72), pp. 1–22; and MacFarlane, S. N. and Weiss, T. ‘Political interests and humanitarian action’, *Security Studies*, vol. 10, no. 1 (autumn 2000), pp. 112–42.

aid is delivered.⁸³ The ways in which humanitarian aid can inhibit conflict resolution can be addressed only when planning and implementation anticipate the political and economic effects of aid. Politically aware, not politically blind, humanitarianism should influence when and how aid is provided in response to violent conflicts. To ignore politics is to invite disaster.

The difficulty of humanitarian military intervention

Some observers contend that humanitarian military intervention is not as hard as it is generally assumed to be. Sceptics, in contrast, argue that it is even harder than most people imagine. The debates over difficulty revolve around two main factors—military requirements and timing.

There are two variants of the argument that a small military force can do a lot of good, that is, that humanitarian military intervention is easy. The first is based on the peacekeeping model. According to this point of view, humanitarian interventions take place in permissive environments in which the indigenous fighting forces refrain from attacking civilians and aid workers when foreign troops are present.⁸⁴ This position has largely fallen by the wayside as experience has repeatedly shown it to be erroneous.

The second variant recognizes the possibility of a hostile environment but points out that many indigenous armed forces are small, poorly trained, lightly equipped and disorganized. In most cases, it does not take very many crack troops from a developed country to have a significant impact on the level of violence, and thus the mortality rate, in a complex emergency.⁸⁵ The best-known advocate of this position is Canadian General Roméo Dallaire, who commanded approximately 400 UN troops in Rwanda during the genocide in 1994. He claims that, if he had been immediately provided with a single well-equipped battalion of 5000 trained soldiers, he could have stopped the genocide and saved hundreds of thousands of lives.⁸⁶

On the matter of timing, those who see intervention as easy emphasize the importance of waiting for consent from the host government (and, preferably, other fighting forces). Waiting for consent is important because a non-consensual military presence is more likely to be attacked. An attack will raise

⁸³ Lange, M., *Building Institutional Capacity for Conflict-Sensitive Practice: The Case of International NGOs* (International Alert: London, May 2004).

⁸⁴ James, A., 'Humanitarian aid operations and peacekeeping', eds Belgrad and Nachmias (note 65); Haynes, L. and Stanley, T. W., 'To create a United Nations fire brigade', *Comparative Strategy*, vol. 14, no. 1 (Jan. 1995), pp. 7–21; and Canadian Department of Foreign Affairs and International Trade and Department of National Defence, 'Towards a rapid reaction capability for the United Nations', Report of the Government of Canada, Sep. 1995.

⁸⁵ Mueller, J., 'The banality of ethnic war', *International Security*, vol. 25, no. 1 (summer 2000); and Urquhart, B., 'For a U.N. volunteer military force', *New York Review of Books*, vol. 40, no. 11 (10 June 1993), pp. 3–4.

⁸⁶ Dallaire, R., 'Foreword', S. R. Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda*, Report to the Carnegie Commission on Preventing Deadly Conflict (Carnegie Corporation of New York: New York, Apr. 1998).

the level of violence, making both humanitarian and military endeavours far more difficult.⁸⁷ The problem with this position is that the longer the delay, the more people will die.

Observers who think that humanitarian intervention is hard, including the present author, base their argument on deterrence and war-fighting assumptions. For them, even a large military force can only do a little good.⁸⁸ When countries commit themselves to humanitarian military intervention, they must be ready to fight. Too often governments send in militarily weak forces and hope for the best—at their peril. Experience has shown that humanitarian intervention usually occurs in places where one or more armed party does not give its consent. Intervening troops attempt to deter attacks on civilians and aid operations, but deterrence often fails and intervening forces are required to apply deadly force in a defensive mode and in some cases in offensive action. According to this view, intervening forces should be able to dominate the battlefield in order to attain their objectives quickly with as few casualties as possible. Dominating the battlefield almost always requires significant air forces and ground forces, and a large logistical infrastructure to support them. Supporters of this position cite as evidence the 3 October 1993 firefight in Mogadishu, Somalia, that resulted in the deaths of 18 US soldiers, one Malaysian soldier and hundreds of Somalis. They also point to the 1995 massacre of Muslims by Serbs in Srebrenica, Bosnia and Herzegovina, despite the presence of a small unit of UN troops and NATO military aircraft in the area.

Those who believe humanitarian intervention is hard recognize the advantage of waiting for consent, but there are situations in which waiting for consent is disastrous. The people who would have to consent are responsible for purposefully creating and perpetuating the humanitarian crisis as part of their larger political–military strategy. If France, the United Kingdom and the USA had sought Iraq’s consent before rescuing the Kurds in 1991, the rescue would never have happened. Expecting all parties to a conflict to give their consent for military intervention is naive and will only make reaction times worse, at potentially great cost in civilian lives lost.⁸⁹

Despite the advantages of rapid response, its advocates recognize that in many cases it is not possible. Lack of institutional capacity and governments’ lack of political interest work against early action. Despite attempts in recent years to improve institutional capacity to act—such as the UN’s self-critical report on how to improve peace operations (the Brahimi Report⁹⁰)—and to

⁸⁷ Roberts, A., ‘The crisis in UN peacekeeping’, eds C. A. Crocker, F. O. Hampson and P. Aall, *Managing Global Chaos: Sources of and Responses to International Conflict* (United States Institute of Peace Press: Washington, DC, 1996), pp. 297–319.

⁸⁸ O’Hanlon, M., *Saving Lives with Force: Military Criteria for Humanitarian Intervention* (Brookings Institution: Washington, DC, 1997); Posen, B. R., ‘Military responses to refugee disasters’, *International Security*, vol. 21, no. 1 (summer 1996), pp. 72–111; and Betts (note 81).

⁸⁹ De Waal and Omaar (note 78).

⁹⁰ United Nations, Report of the Panel on United Nations Peace Operations, UN document A/55/305, S/2000/809, 21 Aug. 2001.

generate political will to act (the *Responsibility to Protect* report), rapid reaction is likely to be the exception rather than the rule in the foreseeable future. The extensive discussions and paltry action in response to the crisis in Darfur, Sudan, provide a case in point.

Strategy: the missing element

If using military force to help provide humanitarian assistance is difficult, is unavoidably political and is subject to severe problems of civilian–military interaction, should policymakers ever attempt humanitarian military intervention? Some people at both ends of the spectrum—traditional humanitarian aid workers and political realists—answer the question with a resounding ‘no’.⁹¹ They are in the minority. The arguments in this book belong to the camp that says ‘The solution is not indifference or withdrawal but rather appropriate engagement’.⁹² Humanitarian intervention will always be difficult and fraught with the possibility of unintended negative consequences. Most of the problems, however, are not inherent in the practice but come about because of particular policies and the way in which they are implemented. The debates about humanitarian aid and military intervention have rarely gone far enough in offering practical analysis of what works and what does not.

This book contends that the question of how to intervene with a reasonable prospect of success is fundamentally a question of strategy. ‘The threat or use of force for humanitarian purposes is as much an act of strategy as is the threat or use of force to achieve geostrategic goals.’⁹³ Strategy is the process of selecting goals and choosing appropriate means to achieve them within the resource constraints faced. A strategy is a distinct plan linking policy and operations that allows decision makers to set priorities and focus available resources on the main effort.⁹⁴

The term ‘strategy’ is used in many different contexts, from sports to business to foreign policy. In all contexts, strategy generally refers to the plan for how to achieve an objective in a given situation, whether that objective is winning a match, making money, besting your rival or providing your country with peace and prosperity. Strategy is used here specifically to refer to the use of military means to achieve humanitarian ends. This book focuses on military strategy at the regional level, or what soldiers call the theatre level, but also pays attention to linkages with broader foreign policy concerns and ground-level considera-

⁹¹ Palwankar, U. (ed.), *Symposium on Humanitarian Action and Peacekeeping Operations* (International Committee of the Red Cross: Geneva, 1994); and Luttwak, E., ‘The curse of inconclusive intervention’, eds C. A. Crocker, F. O. Hampson and P. Aall, *Turbulent Peace: The Challenges of Managing International Conflict* (United States Institute of Peace Press: Washington, DC, 2001), pp. 265–72.

⁹² Weiss (note 72), p. 9.

⁹³ Posen, B. R., ‘Military responses to refugee disasters’, ed. M. E. Brown, *Nationalism and Ethnic Conflict* (MIT Press: Cambridge, Mass., 1997), p. 341.

⁹⁴ Betts, R., ‘Is strategy an illusion?’, *International Security*, vol. 25, no. 2 (fall 2000), p. 7; and Posen, B., ‘The struggle against terrorism: grand strategy, strategy, and tactics’, *International Security*, vol. 26, no. 3 (winter 2001/2002), p. 42.

tions such as civil–military coordination. For example, the behaviour of Western governments in Rwanda in 1994 cannot be understood without knowing the impact that the 1993 disaster in Somalia had on higher-level strategic thinking. Nor can the difficulties of interaction between humanitarian practitioners and soldiers be fathomed without knowing that humanitarian organizations' strategy is to be non-confrontational, even with war criminals.

While cognizant of the wider context, this book focuses on military strategy because the main subject of study is military intervention. Equally important, a narrowly defined concept is a sharper analytical tool with which to dissect a complex topic such as humanitarian intervention.

Strategy is important because it allows decision makers to view the big picture and focus on how to achieve specific objectives at the same time. Despite its importance, strategy is the poor stepchild of the humanitarian intervention literature. Some writers, particularly those with a military background, do not believe that humanitarian intervention requires specialized thinking or training.⁹⁵ Those who recognize the unique aspects of the practice rarely consider the full range of strategic options. This is true for people who plan operations,⁹⁶ people who engage in them,⁹⁷ and people who later analyse them.⁹⁸ Analysts tend to focus on one aspect of response, such as the use of air power, safe areas or direct military involvement in the administration of aid.⁹⁹ These analyses are useful but are limited by their lack of comparison between alternative objectives and the potential for achieving them.

A few exceptions provide comparative strategic analysis. Barry Posen offers five 'military remedies' for the flows of refugees.¹⁰⁰ Daniel Byman and the present author offer six strategies for military involvement in violent communal

⁹⁵ Dworkin, J., 'What's so special about humanitarian operations?', *Comparative Strategy*, vol. 13, no. 3 (July/Sep. 1994), pp. 391–99.

⁹⁶ The US military's doctrine for peace operations does not display much understanding of alternative approaches to diverse problems on the ground. The British and Canadian military doctrines are somewhat better. The UN does not have a coherent doctrine for peace operations, although the Department of Peacekeeping Operations is exploring doctrinal questions. US Army, *Stability Operations and Support Operations*, Field Manual 3-07 (Department of the Army: Washington, DC, Feb. 2003); US Army, *Peace Operations*, Field Manual 100-23 (Department of the Army: Washington, DC, Dec. 1994); British Ministry of Defence, *British Army Field Manual: Wider Peacekeeping* (Ministry of Defence: London, 1995); British Ministry of Defence, *The Military Contribution to Peace Support Operations*, Joint Warfare Publication 3-50, rev. edn (Ministry of Defence: London, June 2004); Canadian Defence Department, *Peace Support Operations*, Joint Doctrine Manual, B-GJ-005-307/FP-030 (Chief of Defence Staff: Canada, Nov. 2002); and United Nations, Department of Peacekeeping Operations, Best Practices Unit, *Handbook on United Nations Multidimensional Peacekeeping Operations* (United Nations: New York, Dec. 2003).

⁹⁷ It is revealing that Oxfam (UK), one of the best humanitarian organizations in terms of reflective analysis, called for conflict impact assessments of relief work only in 1997. Cairns, E., *A Safer Future: Reducing the Costs of War* (Oxfam Publications: Oxford, 1997).

⁹⁸ Clarke and Herbst (note 57); and Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience*, 4 studies and synthesis report (Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda: [Copenhagen], 1996).

⁹⁹ Byman, D. and Waxman, M., 'Kosovo and the great airpower debate', *International Security*, vol. 24, no. 4 (spring 2000), pp. 5–38.

¹⁰⁰ Posen (note 93), pp. 334–73.

conflicts.¹⁰¹ Those studies provide guidance for the present work, which follows their example of identifying the type of problem each strategy can address, the logic of each strategy, the requirements to successfully pursue the strategy, and the strategy's advantages and drawbacks.

Summary

The preceding discussion has identified a number of factors that shape thinking about and the implementation of humanitarian military intervention. These factors will be revisited throughout the book and it is worth reviewing how they relate to each other in the chapters that follow.

Part of the appeal of the just war principles is their requirement for contextual analysis that recognizes the need to make choices that are far from optimal. It is rarely possible to adhere to all six just war principles. Nor is it desirable in many cases. Recognizing this, many commentators have privileged some of the principles over others—most often right authority, just cause and right intention.

The present author's position is that *right authority* is important as a way to control for illegitimate use of humanitarian rhetoric to cover an intervention that does not serve humanitarian ends. The UN Security Council is best positioned to play this role, although regional multilateral organizations, such as the African Union, can also act as authorizing bodies. It must be kept in mind, however, that authorization through these bodies should not be a strict standard. The Security Council and similar organs are composed of member states, each with their own political and economic interests. A member state can choose for self-interested reasons to block authorization of a legitimate intervention, as Russia did with regard to Kosovo in 1999.

Just cause is an essential principle. Without a humanitarian cause for the use of force, military intervention cannot be considered humanitarian. It is difficult to determine in a particular instance what constitutes a just cause. The starting position is that humanitarian action is, at a minimum, intended to save lives; but how many people must be endangered before intervention is justifiable? Michael Walzer's formulation, cited earlier, is a good one despite its subjectiveness: there is just cause for intervention in cases that 'shock the moral conscience of mankind'.¹⁰²

Right intention is important, but is overrated. Many commentators focus on the intervener's motives and if they see political interests being served by the intervention they dismiss the action as illegitimate from a humanitarian point of view. In some cases this is justified, as it was when the Bush Administration claimed humanitarian motives in Iraq. In other cases, however, political interests can be compatible with humanitarian interests and objectives. India's inter-

¹⁰¹ Byman, D. and Seybolt, T., 'Humanitarian intervention and communal civil war: problems and alternative approaches', *Security Studies*, vol. 13, no. 1 (autumn 2003), pp. 33–78.

¹⁰² Walzer (note 40), p. 107.

vention in East Pakistan in 1971 was politically motivated and had significant humanitarian benefits. In fact, as already indicated and reiterated below, an intervention is more likely to be a humanitarian success—that is, to save lives—when the intervener’s motives are both humanitarian and political, rather than just humanitarian.

Many observers have recognized the problematic nature of the principle of *last resort*. The seriousness of military action and the terrible violence it can bring mean that intervention should be undertaken only when all less drastic actions have failed. Yet taking the time to try all other options first means that people will suffer and die while governments run through a checklist. As *The Responsibility to Protect* proposes, it is not necessary to try all other means of ending the suffering, but they must be carefully considered and judged inadequate before military intervention is attempted. This process can be quite rapid in many cases.

Proportional means is another important constraint on the use of force. Military rules of engagement must reflect the fact that intervention in complex emergencies is not the same as all-out war. The use of force should be as limited as possible and must be designed to avoid civilian casualties. At the same time, an intervening force must have adequate size, training and equipment to dominate any local force that might challenge it. An intervention force that is not clearly stronger than the local forces is more likely to be challenged. If the intervener is challenged and cannot quickly win the fight, a long drawn-out period of violence can ensue, with serious humanitarian consequences, as happened in Bosnia and Herzegovina and Somalia. In the Kurdish region of northern Iraq in 1991 and in East Timor in 1999, foreign troops used minimal force but clearly dominated their local opponents, nicely demonstrating the balance between proportional means and dominant capability.

A *reasonable prospect of success* is as critical to legitimate humanitarian intervention as just cause. If an intervention is not likely to do more good than harm from a humanitarian point of view, it cannot be justified in humanitarian terms. This is true even if the other criteria of right authority, right intention, last resort and proportional means are met. Despite its essential character, the prospect of success is undervalued and has been the subject of too little study. This lack of attention may help to explain why so many humanitarian interventions have gone awry.

The question of how to achieve a reasonable prospect of success requires a move from the realm of ethical reasoning into the realm of practice. In most cases, civilian needs in times of crisis are best met by humanitarian organizations, not military ones. There are times, however, when civilian humanitarian response is not enough. At those times, the practice of humanitarian military intervention reveals why, if a reasonable prospect of success is desired, the principles of right authority, right intention, last resort and proportional means ought to be interpreted in the somewhat compromised manner articulated above.

Humanitarian intervention is highly political. Complex emergencies are wars by another name. While war can be driven by a multitude of factors, such as religious belief, economic incentives and social dislocation, it is an inherently political activity because the winners gain power at the expense of the losers. Outsiders who become involved in complex emergencies affect the calculations and actions of the local actors; they have a political impact and are therefore political actors, whether they intend to be or not.

The political nature of humanitarian intervention has two important implications. First, aid agencies and military forces that do not recognize their political role are likely to unintentionally exacerbate the conflict. Although it is far more common for humanitarian organizations to be politically blind, military organizations have been known to make the same mistake, as when US forces in Somalia insisted that they were just there to help feed people. Second, and by extension, governments that commit troops to help civilians should have political as well as humanitarian interests at stake (as long as the political interests do not overwhelm the humanitarian ones). The reason for this is that the local belligerents have their most cherished political interests on the line and often will fight to protect them. An intervener motivated solely by humanitarian interests will be likely to withdraw if the level of violence rises and its soldiers are killed. It is better not to intervene at all than to get involved and pull out when involvement leads to trouble. An intervener with both political and humanitarian interests, by comparison, is more likely to accept some losses and persist in helping to feed and protect people. In short, in a political environment, an intervener is well advised to have some degree of political motivation if it wishes to do more good than harm.

It is now widely recognized that humanitarian military intervention is difficult, yet policymakers continue to send small, poorly equipped and poorly trained military forces into dangerous places and constrain them with mandates that further restrict their ability to act. The underfunded and undermanned African Union Mission in Sudan (AMIS), sent to monitor a non-existent ceasefire in Darfur (but not to protect people), is a clear example. It bears repeating, therefore, that one of the critical ingredients for successful humanitarian intervention is a strong, well-trained military force with a mandate to address the needs on the ground. The troops must be constrained, of course, by rules of engagement that reflect the humanitarian purpose of the intervention—that is, rules that emphasize the minimal use of force. They must also have the capacity, through specially trained civil affairs officers, to interact cooperatively with humanitarian aid personnel.

The difficulty of humanitarian intervention also puts a premium on rapid response. Humanitarian organizations know that, if they can set up their operations quickly, they will have a better chance of helping people. The same is true for military forces. In situations dire enough to warrant intervention, civilians die quickly from deprivation or violence or both. The longer the delay, the more people will die. (That is not to say that rapid intervention will necessarily

lead to success, or that early intervention will help to resolve the underlying political conflict.)

Strategy is the concept that pulls these other factors together. Without a coherent strategy, humanitarian intervention is likely to fail. ‘Strategy is the essential ingredient for making war either politically effective or morally tenable. It is the link between military means and political [or humanitarian] ends, the scheme for how to make one produce the other. . . . Without strategy, power is a loose cannon and war is mindless.’¹⁰³

II. The structure of this book

The remainder of this book consists of seven chapters that address two questions. Were past humanitarian interventions effective? Why were they successful or unsuccessful?

Chapter 2 defines lives saved as a measure of short-term success. It then develops a methodology for quantifying the number of people whose lives were saved. It concludes with a presentation of an explanatory model of success and failure, based on a two-by-two matrix, with political and humanitarian dimensions, to identify four types of humanitarian intervention—assisting aid delivery, protecting aid operations, saving the victims of violence and defeating the perpetrators of violence. Each type of intervention implies the need for a specific set of military strategies, drawn from a full menu of avoidance, deterrence, defence, ‘compellence’ and offence.

Chapter 3 addresses whether past humanitarian interventions were effective at saving lives. It surveys the evidence from 17 military operations in six countries or territories—northern Iraq, Bosnia and Herzegovina, Somalia, Rwanda, Kosovo and East Timor—from 1991 to 1999.¹⁰⁴ These were the defining cases in the decade following the cold war, when the contemporary practice of humanitarian military intervention came into being. There were two or more distinct military operations in every country examined, with considerable variation in their effectiveness.

With this background in mind, chapters 4–7 address the question of why some interventions were successful and others were not. Each chapter presents one type of humanitarian intervention in depth by discussing the logic of the strategy and the conditions necessary for it to work. It then compares the idealized strategy to its implementation in the 1990s and in the process explains why

¹⁰³ Betts (note 94), p. 5.

¹⁰⁴ The 17 are: Operation Provide Comfort and the UN Guard Contingent in Iraq; the first UN Operation in Somalia (UNOSOM I), Operation Provide Relief, Operation Restore Hope (the Unified Task Force, UNITAF) and UNOSOM II in Somalia; UNPROFOR and Operation Deliberate Force in Bosnia and Herzegovina; the UN Assistance Mission for Rwanda (UNAMIR), the Rwandan Patriotic Army, Operation Turquoise and Operation Support Hope in Rwanda; Operation Allied Force and the Kosovo Force (KFOR) in Kosovo; Operation Allied Harbor in Albania and Operation Joint Guardian in the Former Yugoslav Republic of Macedonia (FYROM) (both associated with the Kosovo intervention); and the International Force for East Timor (INTERFET).

some interventions were more successful than others. Each chapter ends with a discussion of the advantages and disadvantages of the strategy.

The concluding chapter summarizes the findings and discusses implications for policymakers who wish to determine whether there is a reasonable chance of successful humanitarian intervention when opportunities arise in the future. The book ends by noting the potential utility of humanitarian intervention but also its limitations.

The aim of this book is to explore the well-covered subject of humanitarian intervention by looking at the neglected question of how policymakers can estimate and work towards a reasonable prospect of success. It starts from the premise that there will be opportunities to 'rescue' people in the future, some of which will provide legitimate grounds for military intervention. This book does not pretend to provide definitive answers to when and how to intervene. Its purpose is to advance the analysis of humanitarian military intervention by clearly identifying specific options and their limits.