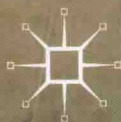


# The History and Practice of Humanitarian Intervention and Aid in Africa



Edited by Bronwen Everill  
and Josiah Kaplan



# The History and Practice of Humanitarian Intervention and Aid in Africa

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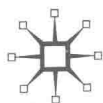
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# Foreword

*Jennifer Welsh*

It is a great pleasure to provide an introduction to this interdisciplinary work. I am, indeed, very admiring of the interdisciplinary attempt. Several years ago, in collaboration with an international lawyer and a philosopher, I decided to create the Oxford Institute for Ethics, Law and Armed Conflict, where we live interdisciplinarity every day. And while it is fantastic to get the momentum to have discussions like this, it does require time and a willingness to listen to how different things are conceived.

My comments come with the health warning that I am a political scientist, so I come at the issue of humanitarian intervention from that perspective. In my own work, however, I have always been very interested in the historical roots of current norms – and in some cases, law – and also the intersection with law. In my own work on classical thinkers and intervention, my colleagues and I have considered Mill, Kant, Mazzini, Burke, Grotius, and a number of other thinkers who have grappled with ideas of intervention from a moral, political and legal perspective. It is thus interesting that while the phrase ‘humanitarian intervention’ may not appear in their works, and while we all need to be aware of the Skinner edict to not read back meaning, Vitoria nonetheless discusses ‘rescue of innocents’, or in Grotius’ case, actions to protect persecuted populations.

In the discipline of international relations, the period of the nineteenth century is interesting from two perspectives. First, this was the era in which a very particular practice of saving foreign nationals arose, and which took on the narrow legal term ‘humanitarian intervention’ for much of the late nineteenth century and early twentieth century. By the same token, however, this same era saw the practice developing of what we might today recognize as a more twenty-first century conceptualization of humanitarian intervention – as actions to protect persecuted minorities, predominantly, but not exclusively, Christian. Several texts from political science explore this point, including, somewhat controversially, Gary Bass’s *Freedom’s Battle*, in which the author attempts to develop an argument in favour of humanitarian intervention, and Martha Finnamore’s work, which explores the rise of humanitarian ideas and rationale.

In my own work, particularly in the introduction to my edited book on humanitarian intervention and IR, I have grappled with a particular definition of humanitarian intervention which has arisen in law and practice during the post-1945 period. On the one hand, international lawyers have attempted to narrow this phenomenon to something very, very specific: namely, action *without* the consent of the host state, firstly, of a military nature, secondly, unilateral. By unilateral, I mean that it necessarily has to be only one state engaging in it, but *not* authorized by the UN Security Council. This rationale for unilateralism is, in turn, rooted in the fact that actions which are authorized by the UN Security Council under Chapter 7 are considered by lawyers to be acts of collective security. They may have a rationale that humanitarian crises or threats to civilians constitute a threat to international peace and security, but they are conceived by international lawyers as acts of collective security. In my view, this conceptualization, while very helpful from a legal standpoint, is of limited utility in providing us, as analysts, in understanding a far broader category of activity. I therefore diverge from that definition in a couple of ways.

One, I recognize that the non-consent of the host state is something very tricky to demand. In certain cases, consent will exist, but it will be coerced in some significant ways. Or missions may evolve from peacekeeping missions which originally possessed consent for the original placing of forces – as in Bosnia – but which have lost that consent at a later stage. I suggest that, while playing around with the notion of whether there is consent or not is incredibly important analytically, if we want to examine a body of cases, we may want to recognize that strict requirement of no host-nation consent is actually quite a difficult precondition to demand.

At the time of this writing, the debate surrounding humanitarian intervention in Libya's ongoing civil war represents a very interesting footnote, because in my reading this is actually the very first time the Security Council has authorized the use of force for humanitarian purposes without the consent of the host state. This development differs from previous issues of consent surrounding military intervention in Somalia, East Timor and Rwanda in a number of ways. In the first case in Somalia, there is a very good argument to be made that there was not actually a coherent agent that that could give consent. And in the latter two cases, consent was *technically* achieved, but under implicit coercion. In the case of East Timor, the Indonesian government did consent to Australian-led action in 1999, although I would argue that it was heavily coerced by the threat of reneging on IMF loans. And in the

case of Operation Turquoise, a UN peacekeeping operation was already operating on the ground. With this context in mind, Libya is actually quite significant because it is arguably the first time the council's actions might be conceived as nothing other than explicitly coercive.

Consent is only one piece of the definition of humanitarian intervention which, I suggest, we may wish to relax. The second is that we may not want to only consider humanitarian intervention in terms of those that do not have Security Council authorization, or the authorization of a regional body that then gets Security Council authorization. This is because, again, I believe this encourages the risk of overlooking cases where humanitarian justifications, or humanitarian motives, were the *primary* justification of the mission. Such operations are different than, for instance, an intervention for the purposes of eliminating threats to peace and security which are related to civil war, or even arguably the possession of weapons of mass destruction.

This point brings up the thorny issue of motives. Can we only call humanitarian interventions those which have a pure humanitarian motive? Two points here are worth raising. One is that there will be many cases where more than one motive may be at work. And of course, that is a reality in politics. Cases exist – I would argue Australia's impetus in East Timor is a good example – where a mix of humanitarian rationales and particular reputational and economic interests drive international involvement. Somalia, I would argue, is conversely one of the hardest cases to say there were strong competing *national* interests – here, I think humanitarian motives, whether or not they were realistic or carried out appropriately, were nonetheless primary. Another case where humanitarian motives are very dominant is the intervention at the end of the first Gulf War in 1991, to protect Kurds in Northern Iraq. Here, a series of considerations about the end of that conflict clearly drove the US calculus. But there was also good evidence to suggest that the first Bush administration was highly influenced by humanitarian concerns. These were partly reputational, tied to the fact that the US had just gone to war to remove a regime, and now faced massive humanitarian suffering which compelled responsible action. But these motives are very difficult to disentangle.

I find it interesting that when political scientists speak to philosophers about this phenomenon of mixed motives, they are often very puzzled as to why we tie ourselves in knots about this question. Philosophers often say to me, 'well, in moral philosophy, we accept the phenomenon of mixed motives, that individuals act for a variety of reasons. So why are you so worried about having only one motive?' I think it is an

interesting point, albeit one that still leaves remaining questions about motives, the difference between motive and intent, and the importance of making sure that the intention is a humanitarian outcome, regardless what the variety of motives might be. The fact that an *a priori* intention to bring about a positive humanitarian outcome should dominate the way in which you conduct the operation is important, and I believe we should be very worried if the intent is perhaps not that. Others may contend that this is a false distinction, but I feel it can be drawn out further.

Lastly, I would like to consider this issue of selectivity and consistency. In discussions of humanitarian intervention, one often finds, among those who are opposed to enshrining this notion as a legitimate practice, three kinds of argument. The first two, I think, are very powerful. The last one, regarding consistency, is one I wish to challenge.

The first argument is that we should be very wary about extending the number of legitimate exceptions to the ban on legitimate force that exists in the UN charter. That there is a very strong prudential argument in favour of saying that the use of force should be illegal, as one's starting position, and that one only moves away from this, if one is not a pacifist, in conditions of self-defence and collective security. According to this argument, the suggestion that a third category of humanitarian action exists is, in a way, opening the gate to numerous wars for ignoble purposes. I have a lot of sympathy for that argument. I would simply say, however, that actually what we have seen in practice is not rampant interventionism: there has actually been very little, comparatively, humanitarian intervention, considering the number of cases of mass atrocities against populations.

The second reason that is often given for why we should be cautious about whether humanitarian outcomes actually result, is the negative long-term consequences of intervention, and the enduring fact that war and the use of force is extremely unpredictable. There are, indeed, authors who would argue, quite compellingly – Robert Jackson is an example of this – that the greatest threats to human life and human rights have occurred in the context of armed conflicts and their aftermaths, something taken up in several chapters of this book. So be careful what you unleash. And I do think that that is a very powerful argument.

The last argument, about consistency and selectivity, is that we should not condone this practice, because we will not be able to do it everywhere. It will be practiced selectively. It is this argument which I wish to challenge a little bit. I should start by saying that selectivity is extremely damaging to legitimacy. If one wishes to make the case that



in exceptional circumstances force, including imminent threat or the commission of mass atrocity crimes (beyond human rights violations on a more localized or lower level), should be condoned as a last resort in those cases, one confronts a very powerful norm in the form of territorial integrity and self-determination. Intervention, simply put, is always disruptive of some very powerful norms, which in my view rest on some very powerful normative foundations. I find that the proponents of humanitarian intervention tend to tar the opponents with a brush that says 'all you're concerned about is your own regime security. You don't want this norm because you're afraid of what's going to happen to you'. I actually think, however, that some deeper arguments about self-determination, territorial integrity, and notions of sovereign equality exist which need to be taken seriously. In this context, the selective practice of humanitarian interventions will make those arguments stronger, and will harm the legitimacy of the principle.

That being said, I do have some sympathy with Tony Blair's retort that just because you cannot intervene everywhere does not mean you should not intervene where you can. On the whole I am supportive of that statement, but I think we need to add a caveat to it: namely, the justifications for why you cannot intervene must be very good reasons. Beyond this, I would classify such reasoning into two categories. The weaker arguments, in my view, are ones about capability. If you take humanitarian intervention seriously, or if you take the notion that there exists a responsibility to act in these instances, than in my view you need to take responsibility seriously. In such very extreme instances, you must develop the capability to act. And there are many states and actors in international society today who are not doing that. Kok-Chor Tan makes the very interesting argument that we currently have an 'imperfect' responsibility to protect, one which is not allocated to any agent in particular, and which depends on many agents who do not have the capability to act on this responsibility. To this end, I want to make the provocative argument that if we are *not* going to develop the capability, then we should not call it a responsibility – one which is discretionary, and a right.

The argument I find more persuasive is one drawn from just war theorizing: that the existence of these massive violations of human rights, or their imminent commission, only provides a right cause to act, rather than dictates one *should* act. There are a number of other considerations that need to come into play before such a decision is made: about proportionality – whether you can act in a way that is proportionate; about reasonable prospects of success – what kind of damage



you will do in the course of intervening; and about proper authority – is this something that is being done by one state without the sanction of important regional neighbours or the international community? Those considerations are paramount. In considering these questions, some of the cases where we have seen selectivity (i.e. non-intervention) have been less compelling. In Chechnya for instance, decision-makers faced the very difficult calculation which weighed placing a very high value on the lives of Chechen civilians against the prudence-inducing prospect of escalating a conflict with a very powerful state, that is, Russia. Some might say, ‘ah, that’s a political scientist speaking, someone who is thinking about power’. To which I plead absolutely guilty. But I raise Chechnya only as an example: my point is to suggest that we should very meticulously interrogate the reasons for selectivity, and to cast doubt on any blanket endorsement which claims ‘you can act somewhere, but not other places’ is appropriate.

My final point is, of course, that all of these preceding points conceive of humanitarian intervention as the use of military force. I do share with legal scholars the belief that actions of another kind, such as those that involve interference and humanitarian aid and humanitarian assistance, should be called ‘humanitarian action’ rather than humanitarian intervention. I do, however, acknowledge that there is certainly a school of thought which says we should conceive of this more broadly, which I acknowledge has validity.

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# Introduction: Enduring Humanitarianisms in Africa

*Bronwen Everill and Josiah Kaplan*

From the colonial era to the present, European and American relationships with Africa have been reified in terms of 'humanitarianism'. This edited volume critically examines such relationships, questioning their underlying structures both in the nineteenth century and today. We adopt a unified concept of humanitarianism which sees humanitarian military interventions as part of a series of related activities – or 'interventions' – in African societies, which includes not only military action, but also economic aid, political support and state-building and assistance. In doing so, the text contributes to a growing interdisciplinary literature that takes a critical look at the West's humanitarian and security relationship with Africa.

Our unique perspective, focusing on the contemporary continuities with nineteenth-century imperial engagements with the continent, moves this literature beyond its predominate engagement with later grounding in European humanitarian movements such as the Red Cross, towards earlier historical roots in the anti-slavery movement and Britain's anti-slavery naval patrols off the West Coast of Africa. The case studies reveal how concepts of humanitarianism uniquely grounded in Western colonial history have shaped today's aid industry, state-building and governance initiatives and military interventions in Africa.

This book brings together an interdisciplinary range of experts in African affairs, highlighting regional case studies across sub-Saharan Africa, as well as more thematic issues, such as the evolving definitions of 'humanitarian' interventionism. These authors explore each case study in both historical and contemporary perspective, drawing on common themes and paradigm shifts in discourse, theory and practice surrounding humanitarianism and humanitarian interventions. All



engage with the core question of what constitutes a 'humanitarian' intervention over time in a particular region.

History, policy, theory and practice are all part of the bigger picture of humanitarian assistance and intervention and are necessary for understanding not only the driving forces behind Western interventions in Africa premised upon humanitarian grounds, but also how the people, states and humanitarian, political, and military organizations involved in such endeavours see their role. In exploring this theme, we hope to illuminate both our present understanding of contemporary humanitarian intervention practice in Africa and our understanding of its historical origins.

## Definitions

The terms 'humanitarianism' and 'humanitarian intervention' both require a brief introduction. 'Humanitarianism' arose as a concept in the enlightenment and subsequent evangelical revivals of the late eighteenth and early nineteenth century.<sup>1</sup> Based on 'an image or an idea of human nature that made humanitarian feelings insistently "natural"', humanitarianism arose out of an earlier project that attempted to define what was human.<sup>2</sup> As Karen Halttunen writes, 'in the context of the bourgeois "civilizing process", compassion and a reluctance to inflict pain became identified as distinctively civilized emotions, while cruelty was labelled as savage or barbarous'.<sup>3</sup> Although military interventions had been taking place between European states for centuries before, often on the grounds of misgovernment, 'tyranny' or religious sympathy, a more widespread, popular humanitarianism emerged with Europe's contact with new worlds in the expansion – and contraction – of empires.<sup>4</sup> This was an important aspect for the development of the universalism of humanitarianism, as, combined with a missionary revivalism, 'sympathy' was now crucial to the self-definition of European empires as they came into contact with 'barbarous others'.

Read in the loosest way, 'humanitarianism' might be seen as a philosophical stance which can inform one set of actors' relationship to and interactions with another set of actors based on 'sympathy' or 'irresistible compassion' in light of what is perceived to be 'obvious suffering'.<sup>5</sup> As the universalism of humanitarian sympathy expanded and critiques were levelled against those who seemed to be merely participating in 'spectatorial sympathy', increasing calls to actually intervene on behalf of those suffering coincided with the evangelical revivals and imperial crises of the late eighteenth century to produce an

interventionist movement for the abolition of the slave trade and slavery in Africa and the New World.<sup>6</sup> These interventions were frequently military – as with the Anti-Slavery Naval Squadrons off the West African coast – and relied on both the universalization of Western sympathies and a recasting of the sovereignty of non-Western actors. Interventions necessarily challenge sovereignty because they are attempting to impose a vision of universal humanity on another group without their consent.<sup>7</sup>

Humanitarian intervention, while driven by the motives of sympathy and universalism, is not the only form of humanitarianism to arise out of the late eighteenth century, however. Humanitarian action in the nineteenth and twentieth centuries also included a variety of governance, economic, trade, medical, and social interventions by a variety of actors focused on ‘development’ and the civilizing mission. Typically, these were connected projects, as military intervention led to the provision of missionary or NGO aid and ultimately to state-building and ‘development’. These actions were not only linked by a process, but also by their shared role in inserting outside actors between the state and the individual, a theme that the interdisciplinary contributions in this volume allow to come through. This volume will deal with the unified concept of humanitarianism which sees humanitarian military interventions as part of a series of related activities – or ‘interventions’ – in African societies, which includes military action, economic aid, political support and state-building and assistance.

In the contemporary discourse of International Relations (IR) and its related disciplines (such as international security and international legal studies), the term ‘humanitarian intervention’ itself remains vigorously contested.<sup>8</sup> Generally speaking, ‘humanitarian intervention’ within this literature is used most commonly to refer to military actions undertaken by states or coalitions of states, which rely on the threat or direct use of coercive force to achieve humanitarian goals. Thus Adam Roberts defines ‘humanitarian intervention’ as

coercive action by one or more states, involving the use of armed force in another state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants.<sup>9</sup>

In practice, much debate over the last 20 years of scholarship and practice has been dedicated to defining where past interventions have fallen within the terminological ‘grey area’ of military actions stretching from