Aidan Hehir

HUMANITARIAN INTERVENTION

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Abbreviations

AMIS	African Union Mission in Darfur
AU	African Union
CCPDC	Carnegie Commission on Preventing Deadly Conflict
CDR	Coalition pour la Defense de la Republique
DIIA	Danish Institute of International Affairs
DPKO	UN Department of Peacekeeping Operations
ECOMOG	Economic Community of West African States Monitoring Group
FRY	Federal Republic of Yugoslavia
HRW	Human Rights Watch
ICC	International Criminal Court
ICED	International Commission of Enquiry on Darfur
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IICK	Independent International Commission on Kosovo
IMF	International Monetary Fund
IPA	International Peace Academy
IR	International Relations
JEM	Justice and Equality Movement
KLA	Kosovo Liberation Army
MNRD	Mouvement Revolutionnaire National pour le Developpement
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non governmental organization
NSS	National Security Strategy of the United States
OIC	Organisation for Islamic Conference
PNAC	Project for a New American Century
R2P	Responsibility to Protect
RPF	Rwandan Patriotic Front
SFRY	Socialist Federal Republic of Yugoslavia
SLA	Sudanese Liberation Army
UK	United Kingdom
UN	United Nations
UNAMIR	UN Assistance Mission for Rwanda
UNHCR	UN High Commissioner for Refuges
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
US	United States of America
WMD	Weapon of mass destruction

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Introduction

Humanitarian Intervention in Contemporary International Relations

Humanitarian intervention generates intensely divisive debate within academia, between policy makers and amongst the general public. Humanitarian intervention is relevant to academics and students studying international relations (IR), philosophy, political theory, security studies, international law and peace studies. It is an issue that directly impacts on the agenda of states, non-governmental organizations (NGOs) and international organizations from NATO to the United Nations, and the African Union to the Arab League. It also, most importantly, affects ordinary people; those suffering ethnic cleansing, civil war and genocide, and those moved by these scenes of human anguish who cry out for something to be done.

In the post-Cold War era, debates about humanitarian intervention have become more frequent, more heated and more public, and the issue has moved to the very centre of the international political agenda. This book provides a comprehensive overview of the key concepts central to this debate, an analysis of the major sources of controversy, and an exploration of key case studies which highlight the practical manifestation of these issues. It is designed to act as a key source and guide for students, practitioners and the general reader.

The first section in this introduction comprises an examination of the evolution and nature of the contemporary debate, highlighting the key events and themes that have propelled humanitarian intervention to the forefront of IR. The second section provides an overview of the structure of this book and a guide on how to use its information to undertake further research in this area.

The contemporary debate

The contemporary controversy surrounding humanitarian intervention is not a uniquely modern phenomenon; humanitarian intervention has long been a divisive issue. While the terms of the debate may have altered, the actors may

have changed and the international context may be radically different, the question, 'Should external actors intervene on behalf of suffering people, and if so, how?' has been posed, in some form, for centuries if not millennia.

Accepting this, however, the issue did become more focused and problematic as international society organized itself into a community of sovereign states in the 17th century (see Chapter 3). The very idea of sovereignty implies inviolability, and the primacy of the principle of non-intervention in international relations. As international law increased both its scope and remit from the 19th century on, with sovereignty at its core, the status of humanitarian intervention became more ambiguous and contentious (see Chapter 5). Humanitarian intervention necessarily challenges the statist bias in IR and international law, and as states have assumed more formal legal powers and entitlements, the tension between the rights of states and the rights of the individuals within them has increased.

This tension has become especially keen in the post-Cold War era. With the implosion of the Soviet Union and the new primacy of the liberal democratic state, three themes emerged which impacted on and enlivened the issue of humanitarian intervention. They are discussed in the following sections.

The end of history

The end of the Cold War was famously heralded by Francis Fukuyama as 'the end of history'. Fukuyama was of course not suggesting that nothing of note would ever happen again; rather he argued that the collapse of communism signalled 'the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government' (1992, p.3). The issues of concern for future generations would centre on improving the functioning of liberal democracy, and crucially for the humanitarian intervention debate, spreading this model across the globe.

During the 1990s the eastward expansion of the European Union and NATO, the sharp turn towards capitalism in China and the increased willingness of the developing world and Russia to implement structural adjustment programmes at the behest of the World Bank and International Monetary Fund (IMF) were all cited as evidence of a universal appetite for the proliferation of liberal democracy and a general acceptance of the primacy of the liberal state model. The events of 11 September 2001 demonstrated, however, that there were some who rejected these changes during the 1990s, although these predominantly non-state actors were largely confined to the shadowy periphery at the time.

As capitalism spread, so too did democracy, as the core group of democratic states, loosely termed 'the West', increasingly tied financial aid and political support to democratic reform. Liberal democracies espoused a commitment to the centrality of human rights in their foreign policy, and

therefore the internal character of states became an international issue (Chandler, 2002, pp.1–20). Acceptance into the democratic club was conditional on adherence to notions of individual inviolability and basic standards of human welfare. Those states that refused to reform their domestic system in line with the liberal ideal were increasingly portrayed as 'failed' or 'rogue' states and cast as international pariahs. Therefore, in contrast to the Cold War where the defining aspect of a state's relationship with the West was its disposition towards the Soviet Union, in the post-Cold War era this changed and the domestic dynamics within a state became, at least rhetorically, the seminal factor in determining its relationship with the West.

Antonio Cassese notes that human rights are 'subversive' and 'destined to foster tension and conflict among States' (2005, p.375). The increased focus on human rights certainly heightened international tension in the post-Cold War era; sovereignty became an increasingly contested concept as states subjected to criticism for their record on human rights sought to reject what they described as 'interference' and even 'neo-colonialism'. The West increasingly began to argue that a state's legal entitlements should reflect its adherence to human rights norms – the idea of 'conditional sovereignty' – and this generated a divisive international debate (see Chapter 6). The logical consequences of the march of liberalism were increased tensions between ostensibly liberal and illiberal states, and occasionally, the determination that particular instances of human rights violations had to be stopped by external military action or 'humanitarian intervention'.

The rise of the 'international community'

A second catalyst for the rise in the contemporary relevance of humanitarian intervention was the structural changes caused by the end of the Cold War. During the Cold War the world was divided between the East and the West, with the Soviet Union and the United States leading their respective spheres of influence. This was commonly referred to as a bipolar world order. When communism collapsed the United States stood as the sole remaining superpower, and we entered the so-called unipolar era.

While this fundamental structural change was considered by some observers to be both temporary and inherently dangerous (Layne, 1993; Mearsheimer, 1990), others considered that the new structure would have positive consequences for international justice and facilitate the promotion of human rights (Shaw, 1994, p.155). The rationale behind this perspective was that the new international order would be less polarized, and hence cooperation between states against rogue human rights violators would be more feasible than during the era of great-power competition. This cooperation would, it was argued, enable the United Nations (UN) to

finally fulfil its mandate and take a more proactive role in international relations. The UN-sanctioned action against Iraq in 1991 seemed to confirm these hopes.

Throughout the 1990s people looked to the 'international community' more and more to solve the pressing issues of the day, and the United Nations in particular was called upon to extend its influence. This led to a dramatic increase in the number of UN-mandated peacekeeping operations, and interventions sanctioned by the Security Council under Chapter VII of the UN Charter (see Chapter 5). Additionally the internationalization of previously domestic issues led to significant developments in international law. The International Criminal Tribunal for the former Yugoslavia (ICTY) was established in 1993, and similar tribunals were later established in Rwanda, Sierra Leone, Cambodia and East Timor. The most notable consequence of this process occurred in 1998 when the General Assembly voted to establish the International Criminal Court, with unprecedented powers to prosecute individuals for genocide, war crimes, crimes against humanity and crimes of aggression.

The internationalization of human rights had two major effects. First, it ensured that the domestic human rights record of states became a legitimate issue for discussion at the international level. Previously, during the Cold War, adherence to human rights was essentially deemed a domestic concern, and strange as it may now seem, the dominant perspective within the discipline of IR was that human rights was not an appropriate issue for research (Lu, 2006, pp.5–6). Second, it raised expectations about the capacity of the 'international community' to solve intra-state humanitarian crises both within the West and indeed amongst those suffering at the hands of repressive governments (Kuperman, 2003). Since 1945 extensive human rights legislation had been codified in international law, although the suffocating effects of the Cold War negated the enforcement of these laws. With international cooperation now more feasible, the world was said to be entering an era of enforcement (Robertson, 2002).

Yet while human rights became a central issue in IR and expectations were raised about the capacity of the international community, and especially the United Nations, to enforce these rights, a number of situations demonstrated that the new international order was neither able nor indeed willing to act whenever egregious human rights violations occurred. The violence in the Balkans in the early 1990s, and most influentially the genocide in Rwanda in 1994, graphically illustrated the ongoing limitations in human rights enforcement. The international mood had changed, however, and whereas during the Cold War inaction in the face of human rights abuses was often lamented as a tragic but unalterable reality, in the 1990s tolerance for such reasoning declined. The rise of liberalism, as discussed in the preceding section, coupled with the heightened awareness of humanitarian crises caused by the internationalization of human rights and the

communication revolution (see the following section), raised expectations, and the demand for action led to the emergence of a conviction that unilateral humanitarian intervention could be legitimate. Many argued that progressive liberal states should not desist from intervening to protect people from their own governments simply because one of the permanent five (P5) members of the Security Council vetoed such action. NATO's intervention in Kosovo in 1999 (see Chapter 11) was indicative of this perspective, and propelled the issue of unilateral humanitarian intervention to the top of the international agenda; the invasion of Iraq in 2003 ensured that it stayed there (see Chapter 12).

Globalization and the communication revolution

The process of globalization did not begin only when the Cold War ended, but the spread of capitalism which followed the collapse of communism certainly facilitated its acceleration. Open borders, free trade and competition are central to capitalism, and as these principles spread around the world they had significant implications for global communication.

First, increased competition led to an acceleration in technological innovation in the communication sector, leading to advances in satellite communication, the rapid growth of the internet and a greater ability to broadcast live from around the world. Increased global trade means that events in one part of the world have implications for businesses thousands of miles away. Hence, interest in global events increased due to accelerated economic interdependence. Additionally the 1990s saw a great increase in sources of information, as new radio and television channels emerged in competition with state-owned media. As the audiences for media sources grew, so did the need to broadcast 24 hours a day to appeal to global audiences in different time zones. With a greater number of channels broadcasting for a longer amount of time, the need for news stories grew, and reporters were sent across the globe to feed this growing appetite.

Human suffering, macabre as it may seem, generates keen public interest, and thus news reports from crisis areas are a virtual guarantee of high audience ratings. Live 'on the spot' reporting has the benefit of immediacy, but arguably at the expense of context and background; faced with scenes of carnage and death, reporters parachuted into trouble spots were accused of focusing on the emotive tales of suffering and making ill-founded determinations that X was an aggressor and Y a victim so as to enable audiences to engage quickly with what was happening (Kuperman, 2003). These simple narratives were certainly comprehensible to foreign audiences but often obscured the true causes of conflict. Thus the term 'the CNN effect' was coined to describe the new influence of the media on public opinion; presented with an obvious 'bad guy' and a 'helpless victim', people saw these crises as resolvable if an external force intervened to stop the aggressor

from attacking the victim (Hammond, 2002, p.176). The growth of advocacy journalism in the 1990s witnessed the explicit commitment amongst certain journalists to take sides and proffer policy proposals. Thus the superficial presentation of the dynamics of a conflict, and the explicit support afforded to one party to a conflict, shaped public opinion, and led audiences to conclude that the solution was humanitarian intervention.

An additional problematic feature of the rise in influence of the media was that, as the International Commission on Intervention and State Sovereignty (ICISS) cautioned, many conflicts in inaccessible or unattractive parts of the world went unreported, and thus the media reportage often 'skew[ed] the response of the international community in an inconsistent and undisciplined manner' (2001, pp.5–6).

In tandem with the communication revolution, the number of NGOs increased exponentially during the 1990s, particularly in the first half of the decade (Anheier, Glasius and Kaldor, 2001). A great number of these NGOs were committed to highlighting human rights abuses and raising public awareness so that this would generate domestic pressure for action within Western states. The rapid proliferation of humanitarian NGOs and the increased capacity of the global media had reciprocal benefits: the NGOs exploited the new media, especially the internet, to disseminate their work, while the media used the reports of these NGOs as a source of information and news, thereby spreading the findings of these NGOs.

The result, therefore, was that in the post-Cold War era 'public opinion is better informed (the CNN effect) about geographically remote conflicts, and less tolerant therefore of inactivity on the part of their own governments' (Moxon-Browne, 1998, p.192). Situations in 'unimportant' parts of the world, such as those in Kosovo and Somalia, which became matters for domestic debate within Western states in the 1990s, in contrast to the Cold War era, therefore owed much to the communication revolution and the proselytizing of NGOs.

In summary then, we can see that the coincidence of three dynamics – one ideological, one structural and one technological – unique to the post-Cold War era contrived to propel humanitarian intervention to the top of the international political agenda. While there is much evidence to support this view, it is of course not universally accepted. Certain observers argue that the increased focus on human rights and appetite for intervention had a more nefarious genesis, namely the attempt to further empower Western states by legitimizing intervention through the invention of a new foreign policy rationale which legitimized the armaments industry in the absence of communism and created a conceptual distinction between the civilized core and the barbarous hinterland (Chandler, 2000a; Chomsky, 1999, Orford, 2003). The contested nature of arguably every aspect of humanitarian intervention is, however, one of the reasons that this is such a fascinating subject.