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‘Atrocity Suppression’: An Alternative to ‘Humanitarian Intervention’

Thesis presented by

Timothy Mawe

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Department of Philosophy

Head of School/Department: Professor Don Ross

Supervisor: Dr. Vittorio Bufacchi

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This is to certify that the work I am submitting is my own and has not been submitted for another degree, either at University College Cork or elsewhere. All external references and sources are clearly acknowledged and identified within the contents. I have read and understood the regulations of University College Cork concerning plagiarism."

Signed: Timothy Mawe

Date: 8 January 2021

Abstract

The concept of humanitarian intervention has been around for centuries but came to particular prominence in the mid-1990s on foot of Genocides in Rwanda and at Srebrenica, Bosnia. The shocking brutality and scale of these events and the steadfast failure of the international community to defend the victims propelled the issue of humanitarian intervention to the centre of international relations discourse and fostered a growing conviction that atrocities ought to 'never again' be allowed to proceed unhindered. Enhanced support for humanitarian intervention was reflected in the short-term in the form of interventions in Kosovo, East Timor, and Sierra Leone and in the articulation of the Responsibility to Protect doctrine.

The dawn of the twenty-first century, thus, promised to herald a new era in which humanitarian intervention would be undertaken in a more consistent and principled manner than ever before. Such lofty expectations have quickly receded, however, and when it has come to confronting large-scale crises and taking effective remedial action – in Democratic Republic of Congo, Darfur, Syria, Yemen, and Myanmar – the option of putting force to work in defence of afflicted populations has, as before, been eschewed.

Whereas the prospect of intervention has continued to be stymied by the age-old impediment of apathy, engagement has also been considerably constrained by a newfound antipathy towards the idea of armed rescue itself. If previously, forcible intercession had been considered a laudable notion constrained by inertia, self-interest, and concerns about legality, in the twenty-first century it has increasingly come to be seen as flawed in its own right. Such has been the disillusionment with the concept that it has scarcely been mooted as a possible solution to recent crises in Yemen and Myanmar.In this thesis, I argue that the terminology of 'humanitarian intervention' has played a key role in the erosion of support for armed rescue. I contend that the singular terminology of 'humanitarian intervention' has come to be used to denote several different models of action and that these models have become confused by virtue of semantic association. I argue, in particular, that the 'classical' model of humanitarian intervention, concerned with interceding in major atrocities, has come to be conflated

with various ‘contemporary’ models of humanitarian intervention. In this way, classical humanitarian intervention has come to be tarnished by the failings and divisiveness of interventions in Afghanistan, Iraq, and Libya.

Considering the need to differentiate classical humanitarian intervention as a unique concept, and responding, moreover, to the opposition of the humanitarian sector to the association of the word ‘humanitarian’ with military endeavour, I propose that a new name be coined to delineate the classical idea. I, thus, introduce ‘atrocity suppression’ and articulate the key benefits that will accrue from its adoption.

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Introduction

It is difficult, today, to give humanitarian intervention much consideration without arriving at the conclusion that it is a concept in a state of disarray. Far from standing as an altruistic panacea for egregious and otherwise insatiable atrocity crimes, humanitarian intervention has become a magnet for criticism and contempt. The charge-sheet is extensive and varied. At the top is the contention that humanitarian intervention is a destructive endeavour which persistently produces futile results. Not only are humanitarian outcomes rarely achieved but recent experience lends itself to the viewpoint that intervention actually serves to make matters worse for the societies it is directed to help. The propensity to fail is attributed variously to the unresolvable complexity of the scenarios encountered, to the unsuitability of military action for humanitarian tasks, and to the perception that such interventions are humanitarian in name only and are really intended to further the interests of the intervener. Humanitarian intervention has also been criticised on the basis that it undermines the good name, safety, and utility of the NGO humanitarian sector. Then there is the contention that humanitarian intervention only papers over the cracks – that if the first-world really cared about addressing atrocity crimes it would stop arming abusive regimes and would tackle deep rooted causes of conflict such as inequality in the global system. Supplementing all of these criticisms is the disillusioned perspective of those electorates most regularly called upon to foot the bills: that humanitarian intervention is an unaffordable indulgence which stretches the limits of the fiduciary responsibility owed by states to their citizens.

Given the extent of dissatisfaction with humanitarian intervention, the question that arises is what ought to be done when atrocity crimes are being committed and no measures short of military action stand a chance of protecting populations at risk. Recent practice in respect to Darfur, Syria, Myanmar, and Yemen suggests that the appropriate course of action is to condemn those who commit the atrocities, lament the fate of the victims, and ultimately do nothing. Such is the depth of negative feeling in respect to humanitarian intervention that the commitment in the wake of genocides in Rwanda and Srebrenica to never again stand idly-by has been deemed temporally relative and a policy of assiduous by-standing has come to be regarded as morally preferable to engagement. Even if the price to be paid for such a stance is that some

preventable atrocities will be permitted to run their macabre course unhindered, a growing consensus is built on the calculation that the downside of tolerating barbarity in particular scenarios is outweighed by the upside of a general policy of avoiding the harms of humanitarian intervention.

In this thesis, I argue that the prevailing defeatism is misplaced. I contend that there is a better alternative to empty rhetoric and inaction and that this alternative emanates from the philosophical practice of conceptual clarification.

In essence, my analysis is that criticism and rejection of humanitarian intervention is founded upon terminological inaccuracy and conceptual confusion. I argue that the term 'humanitarian intervention' was once attached to a focused and bare-bones 'classical' concept which was simply defined as an instrument intended to alleviate and curtail severe and large-scale atrocities. Rather than continuing to differentiate the classical idea from other forms of military engagements, the terminology of 'humanitarian intervention' began in the 1990s to be used in a loose fashion to promote and justify different variations of interference. In this way, the terminology of 'humanitarian intervention' came to be associated with much more divisive military endeavours. The original, 'classical' concept has accordingly suffered by virtue of semantic association from the unfavourable reaction towards a range of invasions and interferences now termed as 'humanitarian intervention.'

My argument thus runs that the classical idea now needs a name of its own which sets it apart and invites independent appraisal. In this way, it will be revealed that many of the ills which have become synonymous with 'humanitarian intervention' and which caution against saving strangers with force are in fact of little relevance to the classical concept. Not only will classical intervention be regarded in an entirely new light but a space will be restored in which it will be sensible to at once advocate for atrocity relief and at the same time reject interference and aggression.

Chapter Outlines

Such is the confusion and contention enveloping humanitarian intervention that it has become customary for studies of the topic to begin with a series of clarifications as to the author's understanding of the concept. In most respects, this exercise is a matter of detailing the bounds of the author's scope of interest rather than a determination of

a singularly correct or true definition. When the ground has been cleared and the likelihood of confusion largely mitigated, definitional complexities can be parked and attention can move to the substance of the study. On a pragmatic level, this traditional approach is useful and understandable. Yet, by treating conceptual confusion as an obstacle to be surmounted there has been a failure to recognise that this confusion is worthy of analysis in its own right. What has been widely missed is that the lack of consensus as to the meaning of humanitarian intervention is not so much an inconsequential product of academic hair-splitting but is rather a phenomenon with far reaching and practical implications.

In Chapter 1 of this thesis, I therefore stray from the traditional pathway which has been well-worn before me. Instead of outlining and justifying a selective conception of humanitarian intervention, I begin to engage with the complexity for which the instrument is renowned. I present a novel analysis which argues that humanitarian intervention is better thought of not as a homogenous concept but as a singular terminology with multiple independent meanings. I argue that whereas the term 'humanitarian intervention' was once used in a 'classical' sense to differentiate a limited idea with a negative focus on putting a stop to conscience-shocking barbarity, the usage of the term has, since the 1990s, expanded haphazardly to cover what I identify as 'contemporary' variations. The label of 'humanitarian intervention' has, I outline, come to be invoked in reference to liberal regime-change interventions, military-humanitarian operations, token airstrikes, and even retrospective humanitarian intervention. I conclude Chapter 1 with the observation that 'humanitarian intervention' has ceased to disambiguate any single coherent model of action and is now prone to inciting misunderstanding. I, thus, put forward as an initial justification for the rendering of 'humanitarian intervention' as obsolete the requirement for greater clarity and the necessity of having a form of words which can differentiate between the disparate formulations of action which have in recent decades come to be encapsulated under the single umbrella of 'humanitarian intervention.'

In Chapter 2, I examine the impact that the accommodation of divergent ideas under the ambit of 'humanitarian intervention' has had on public perceptions of these concepts and of the humanitarian intervention field as a whole. My analysis finds that

the semantic association of unlike ideas under the banner of 'humanitarian intervention' has obscured their unique merits and flaws and in this way served to distort public opinion. In particular, I argue that in the absence of a singular terminology of its own, public opinion betrays little cognisance of the individuality of the classical idea and unduly links the failings of the broader contemporary humanitarian intervention agenda to the classical cause.

In Chapter 3, I highlight how opposition to the proposal for atrocity-relief intervention in Syria in 2013 emanated not from any defect or forgoing failure of classical humanitarian intervention but from the difficulty of discerning the classical character of the would-be intervention and the impossibility of disaggregating the classical proposal in Syria from the widely maligned regime-change interventions in Afghanistan, Iraq, and Libya. The influence of conceptual confusion on public aversion to engagement in Syria is, I maintain, emblematic of a wider phenomenon. I, therefore, argue that in order to reclaim classical humanitarian intervention from obscurity and to allow for isolated and accurate assessment in the court of public opinion, it is clear that an original and unique term is required to make obvious the distinctiveness of the idea. My analysis is that such an innovation will likely change perspectives as to the viability of deploying force to put a stop to atrocities. Whereas the entire spectrum of humanitarian intervention has been widely and deeply discredited by the experiences of Afghanistan, Iraq, and Libya – 'humanitarian intervention' is now widely regarded as ineffective, excessively costly, necessarily selective, and at best partially altruistic – the recovery of the classical model as a stand-alone concept can help to reshape common perceptions. Being freed from the contemporary context, it will be revealed that engagements of a classical character are in fact: rarely undertaken, most often avoided, unlikely to fail, and not always prohibitively costly or risky. By virtue of this process of disentanglement and re-evaluation, it can be expected that proposals to tackle atrocity-crimes with force will not again be opposed and eschewed on account of the lessons of Afghanistan, Iraq, and Libya. It may be that in its own right and in a given context, a military response will still elicit opposition. It may even be that apathy or realist considerations deflate enthusiasm for action. But at the very least, the possibility of removing the barrier of terminological and conceptual confusion as an impediment to public support and

timely intervention provides ample motivation to jettison 'humanitarian intervention' in favour of a new and more precise title.

In Chapter 4, I examine a further argument supporting the retirement of 'humanitarian intervention.' This argument has been put forward by non-governmental organisations and relates to the need to avoid conflating the pacifist and neutral work of the humanitarian sector with the violence and belligerence of military intervention. There has been increasing concern in recent decades among humanitarian relief agencies at what they perceive to be the militarisation of the word 'humanitarian.' Considering the very close correlation that exists between the word 'humanitarian' and the work that they carry out, many agents in the humanitarian space have advocated for the decommissioning of 'humanitarian' as a qualification of military endeavour so as to preserve the good name of humanitarianism and forestall any reputational contamination that would likely arise through association with the military.

As a final argument to support my proposal to retire and replace 'humanitarian intervention,' I contend, in Chapter 5, that the altruistic connotations of '*humanitarian* intervention' unhelpfully establish the absence of self-interest as a definitional and moral test of the concept and practice of armed rescue. While engaging with the work of James Pattison and others to reconcile the terminology of 'humanitarian intervention' with the reality of self-interested intentions, I conclude that the widespread perception that 'humanitarian intervention' is a matter of spin rather than substance is eroding popular support. Accordingly, I suggest that there is an urgent necessity to abandon the morally loaded semantics of 'humanitarian intervention' in favour of a more neutral expression.

In Chapter 6, I turn to the task of coining a new terminology to recapture and re-distinguish the concept of classical humanitarian intervention. I begin by considering the argument that a fresh and viable alternative terminology – Responsibility to Protect (RtoP) – is already available and in use. I find that RtoP is not a suitable replacement for 'humanitarian intervention' and contend, furthermore, that the RtoP framework would, in fact, benefit from the innovation of a distinctive new term to demarcate the resort to forceful intervention. I, therefore, proceed to introduce 'atrocity suppression' as a novel and original name to differentiate the

classical model of humanitarian intervention. By turning to 'atrocity suppression' I foresee five benefits. First, classical humanitarian intervention is re-established as a unique and difficult-to-confuse concept. Second, by virtue of its clarity and specificity, 'atrocity suppression' reconstitutes classical humanitarian intervention not as a vague and malleable commitment but rather as a defined, off-the-shelf solution to be assessed and, when permissible, consistently applied. Third, the concept of rescuing civilians from atrocity is clearly distinguished from all other conceptions of intervening on humanitarian grounds and thereby disentangled from the controversies and failings with which it has been unduly tarnished by virtue of semantic association. In this way, proposals for engagement on protective grounds will demand to be adjudicated on their own merits. Fourth, the strict and obvious limitations of ambition dictated by 'atrocity suppression' will likely appeal to electorates in the states capable of intervening and to the civilian populations in need of assistance. The restricted scope of objectives may also help to assuage divisions on the U.N. Security Council and facilitate more principled decision-making. Fifth, 'atrocity suppression' moves us away from the moralistic language of 'humanitarian intervention' and avoids setting altruism as a defining test.

In Chapter 7, I recognise that although 'atrocity suppression' can help to replace confusion with clarity and can help to distinguish armed rescue as a unique concept worthy of bespoke appraisal, such terminological innovation does not guarantee that forceful intercession will be permissible in all cases of atrocity-crime crises. Whereas evidence of atrocities will always present a just cause and represent *pro tanto* grounds for military engagement, the legitimate resort to atrocity suppression will be predicated on adherence to the further strictures right authority and four precautionary principles: right intention, reasonable prospects of success, proportionality, last resort, and right authority. History teaches that it is neither inconceivable nor entirely unlikely that proposals for atrocity suppression will struggle to satisfy all necessary criteria – the conditions of reasonable prospects and right authority can be particularly difficult to fulfil. Considering the inevitability of facing future crises without the option of atrocity suppression, I argue that even where military force cannot be effectively or legitimately employed, third-parties must still do what they can to alleviate atrocities. The choice should never be between undertaking military intervention and doing nothing. I further argue that irrespective

of what can and cannot be done in a positive sense to help, third-parties must always respect negative duties not to perpetrate, contribute to, or exacerbate violence against civilians.

Chapter 1: Humanitarian Intervention

Introduction

The term ‘humanitarian intervention’ is used in a precise sense to denote the resort to armed force in defence of populations afflicted by atrocities. At the same time, ‘humanitarian intervention’ is also employed as a versatile label for a wide and diverse range of military engagements which correspond to the very general notion of using force overseas in the name of humanitarian values.

The principal aim of this chapter is to clearly differentiate between the former, ‘classical’ model of humanitarian intervention and the variety of models which are comprised by the latter, ‘contemporary’ interpretation.

The extent of deviation between different actions labelled in the common terminology of ‘humanitarian intervention’ often goes unrecognised and unremarked and thereby gives rise to a false sense of cohesion and continuity across unlike ideas. The distinctive traits and merits of each unique idea of humanitarian intervention, and variations thereof, are disguised by the absence of distinctive terminology. The failure of demarcation has had a distorting effect on public perceptions of humanitarian intervention and has undermined support for all formulations of using force on humanitarian grounds. Thus, a supplementary objective of this chapter is to make the case for new and precise terms to better capture the particular content of different models of action and allow for informed public engagement and consideration.

The chapter is divided into four sections. Section 1 introduces the concept of intervention. Section 2 offers an overview of classical humanitarian intervention. Section 3 subsequently examines alternative contemporary incarnations of humanitarian intervention. Finally, Section 4 acts as a prelude to a more detailed study in later chapters of the repercussions arising from the failure to adopt unique and precise labels in place of the ambiguous terminology of humanitarian intervention.

1. Intervention

Intervention is characterised by the failure of external agents to respect the political independence and/or territorial integrity of a political community (typically a state). Over-stepping the boundaries of what the French term *le domain réservé*, intervention

entails the deliberate exertion of foreign control over the domestic affairs of a political community. Intervention can take a variety of forms but, to allow for focused engagement, the present discussion is limited to the field of military intervention.

Although the role of intervening agent is most often played by a state or by a coalition of states, it is widely recognised that interventions have been, or could potentially be, undertaken by entities other than states. These entities include multi-national defence alliances (NATO), regional associations of states (European Union, African Union), sub-state actors with military capabilities, and private military companies. In contrast, then, to Norman Geras (2011, 99), whose understanding of intervention is restricted to military action by one state on the territory of another, it is common for definitions of humanitarian intervention to recognise a variety of potential interveners. Aidan Hehir (2010, 20), for example, defines humanitarian intervention as 'military action taken by a state, group of states or non-State actor, in the territory of another state…' John Lango (2001, 174) is similarly conscious to leave room for manoeuvre, articulating that '[t]he term "intervention" means intervention inside the territory of a state by an agent (or agents) from outside that territory.'

The predilection of interventions to occur on the territory of a state is reflected in the definitions of both Hehir and Lango. Simon Caney (2005, 228) suggests, however, that it is plausible that '[t]he entity in which intervention is taking place … need not be a state.' Caney is sympathetic to Hedley Bull's (qtd. in Caney 2005, 228) interpretation of intervention as occurring in 'the sphere of jurisdiction of a sovereign state, or more broadly of an independent political community.' The latter clause extends the scope of intervention to include actions 'which it is natural to describe as interventions' but in which a state is absent (as in Somalia in the early 1990s). It also permits the inclusion of actions undertaken in the territory of institutions – such as the European Union – which could plausibly be subjected to intervention but which resist classification as a state.

Two other formulations mirror Caney's reticence to restrict the definition of intervention to instances occurring within the parameters of a state. The first is from Daniele Archibugi (2004, 3) who writes of intervention being carried out by foreign institutions 'in an area.' Apart from the requirement that intervention be perpetrated by foreigners – and thereby involve the crossing of some border – Archibugi's

definition is otherwise unconcerned with the character of the host area. A similar indifference is achieved by Mason and Wheeler (1996, 94-95) who conceive of intervention occurring when 'one or more states (or perhaps an international body) intervene with military force … in a territory that is beyond their jurisdiction…' Unlike Caney's formulation, the ideas of intervening 'in an area' or in a territory beyond one's own jurisdiction resist the assumption that intervention will take place within the boundaries of a single state or political community and acknowledges the possibility of intervention occurring in an area that transcends political frontiers.

In moving across borders, humanitarian intervention, in all of its guises, is widely believed to defy the wishes of the government of the host state.[1] In Jeff McMahan's (2010, 44) view, '[i]t is a conceptual condition of humanitarian intervention that it does not occur at the request or with the consent of the government. The use of force within another state with the consent of the government counts as assistance rather than intervention.' Thomas Weiss (2012, 22) concurs with McMahan, arguing that '[a]ctions do not amount to intervention if they are based on a genuine request from, or have the unqualified consent of, a target state.'

James Pattison (2010) agrees that humanitarian intervention is necessarily undertaken in the absence of consent but suggests that it need not contravene the wishes of the government of the host state. Taking into account scenarios in which a host government is absent or in which its position to confer or withhold consent on behalf of the people is in question, Pattison (2010, 26) maintains that '[w]hat is important is that the action is against *someone's* wishes, such as those of militias, warlords, or criminal gangs, and in particular those who are responsible for the humanitarian crisis. This is the case even if it is not necessarily contrary to the wishes of the government of the target state.'

The absence of consent – either from the host government or from other key stakeholders – helps to distinguish humanitarian intervention from peacekeeping. In contrast to the non-consensual nature of humanitarian intervention, peacekeeping

[1] See Geldenhuys (1998, 9), Parekh (1997, 53), Hehir (2010, 18), Pease and Forsythe (1993, 290), ICISS (2001, 8).

missions have been traditionally deployed on foot of a peace agreement and at the request of those party to the agreement.[2]

2. Classical Humanitarian Intervention

Humanitarian intervention is frequently defined as an emergency response to humanitarian crises which emerge when the violence and coercive powers of armed forces are directed against civilian populations. Ambivalent towards the persistent and suffocating, but generally non-lethal, repression and injustice that plague many corners of the globe, this 'classical' interpretation of humanitarian intervention is operational for only those especially grave and urgent cases, which, on account of their scale, brutality, and hellish consequences, are said to 'shock the conscience of mankind' (Oppenheim 1955, 312). These are the Holocausts, the Cambodias, the Rwandas, the scenarios in which humanity's inhumanity is unleashed and vulnerable human beings are visited by atrocity.

In the earliest antecedents of the tradition, classical humanitarian intervention was devised as a reaction to crises arising from the abuse of state power. Historian David Trim (2011, 30) writes that '[s]ixteenth- and seventeenth-century commentators and statesmen directly engaged with, and suggested a solution to, this problem of how the 'commonwealth of Christendom' (in early modern terms) or the international community (in modern terms) ought to respond to excessively tyrannical and abusive misgovernment.' Several centuries later, the visitation of violence on civilian populations by ruling elites remains a pressing concern and humanitarian intervention is still commonly understood as a response to tyrannical excesses. Jack Donnelly (1984, 313), for example, defines humanitarian intervention as a reaction against 'flagrant violations of the basic human rights of foreign nations *by their government'* [italics added]. Robert Fine (2007, 79) contends that humanitarian intervention 'raises searching questions about whether and how individuals can be safeguarded against the murderous actions *of their own governments*' [italics added]. These understandings are reflective of the contemporary practice of humanitarian intervention: three of the

[2] Andrew Cottey (2008) looks in greater detail at the relationship between peacekeeping and humanitarian intervention. He argues that the lines of demarcation between classical humanitarian intervention and traditional peacekeeping have been breaking down since 9/11 and that the UN has been 'moving towards a new model that bridges the gap between traditional peacekeeping and the more forceful Western-led humanitarian interventions of the 1990s' (Cottey 2008, 438).

paradigm examples of humanitarian intervention in the twentieth century – India's successful military campaign to end atrocities in East Pakistan in 1971, Vietnam's forcible curtailment of the Cambodian Genocide in 1978/79, and Tanzania's intervention in Idi Amin's Genocide in Uganda in 1979 – relate to efforts to rescue endangered populations from abuses perpetrated by their own rulers.

Whilst it is clear that the commitment of atrocities by a government against its own people continues to represent an all too frequent call to arms, humanitarian intervention, in its classical guise, also responds to a variety of situations in which the source of atrocity is not attributable, or at least not solely attributable, to governmental forces.

In fact, in many instances in recent decades, the architects of catastrophe have been powerful Armed Non-State Actors (ANSAs). In the Rwandan Genocide of 1994, for example, the *Interahamwe* and *Impuzamugabi* militias stepped into the political vacuum left by the stalled peace process to play a leading role in the incitement of violence and the massacre of Tutsis and moderate Hutus. In Sierra Leone, a major source of the horrors was similarly non-statist in character. Charles Taylor's Revolutionary United Front indulged in what Andrew Feinstein (2012, XIX) describes as 'an orgy of bewildering cruelty' as they wrestled over the course of eleven years for control of the country and its rich diamond reserves. The rebels' invasion of the capital, Freetown, in January 1999 – 'Operation No Living Thing' – resulted in the murder of six thousand civilians and the maiming of tens of thousands of others. Moreover, in the Bosnian War (1992-'95), the break-away *Republika Srpska* was responsible for the massacre, ethnic cleansing, torture, and detention of thousands of Bosniaks.[3] The massacre at Srebrenica – in which some 8,000 Bosniak men and boys were murdered – is frequently cited as an exemplar of humanity's failure to protect innocent persons from evil. In these scenarios, civilian populations are threatened not by excessively oppressive government but by the absence of a government with the capacity to maintain peace and to preserve a monopoly on the use of force. In some cases – as in Somalia in the early 1990s – government is entirely absent and militias rule in the place of state security and administration. Highlighting the severity of the

[3] I note here that the Army of the Republic of Bosnia and Herzegovina was also implicated in atrocities against Bosnian Serbs.

threat to civilians posed by the break-down of government, Matthew White (2011, 6) is led by his research into humanity's 100 deadliest atrocities to posit the finding that 'chaos is deadlier than tyranny.'

Humanitarian intervention may also be invoked in response to internal armed conflicts – civil wars and wars of secession – in which civilians, due to their proximity to the fighting, are suffering unintended collateral deaths and non-fatal casualties, displacement, and/or famine. An unfortunate development in the past century has been the increasing vulnerability of civilians to the destructive effects of conflict. The International Commission on Intervention and State Sovereignty (2001, 13) recognised that 'the proportion of civilians killed in [armed conflicts] increased from about one in ten at the start of the 20th century to around nine in ten by its close.' The increasing risk of civilian deaths is largely due to the fact that conflicts are no longer fought in open areas away from urban settlements. They are now fought in the streets of, and in the airspace above, densely populated cities and towns. Moreover, the weaponry at the disposal of modern armies and militias is much more devastating than that employed by their predecessors 100 years ago. The increase in firepower has not necessarily been matched by an improvement in precision (or at least not in a consistent commitment to precision). Thus, civilians are now more likely to be killed, and to be killed in greater numbers, than before.

In sum, then, the use of classical humanitarian intervention is considered in those circumstances in which a civilian population is being ravaged by the targeted violence and coercion of armed forces or by the collateral effects of conflict.

2.1 Helping Strangers

Regarding the beneficiaries of humanitarian intervention, it is generally agreed that only actions orientated to the assistance of foreigners ought to be designated as humanitarian. Simon Caney (2005, 230) claims that 'interventions designed to protect one's own nationals residing in a foreign political regime are not included as humanitarian interventions.' Jack Donnelly (1984, 312) supports Caney's judgement, writing that 'humanitarian intervention, in the strict sense, must be distinguished from

rescue missions on behalf of one's own nationals threatened or held captive in a foreign country.' This stance is widely supported.[4]

A very rare exception to the orthodox view espoused by Caney and Donnelly is Richard Baxter's (1973, 53) definition of humanitarian intervention which is centred on the 'protection from death or grave injury of nationals of the acting state.' Although sharing some of the characteristics of humanitarian intervention, the rescue of one's own citizens overseas is more widely and more appropriately categorised as self-defence.

There are instances in which an intervening actor moves to assist citizens *and* strangers and these actions can qualify as humanitarian intervention provided the efforts made on behalf of non-citizens are significant and not tokenistic. What are ruled out specifically are instances in which the intervener prioritises the rescue of its own nationals. Hence, the effort by French, Belgian, and Italian soldiers to evacuate their expatriates from Rwanda in the midst of Genocide – a three day operation during which 4,000 foreigners were evacuated and about 20,000 Rwandans killed[5] – cannot be classified as humanitarian. It is not just that the European intervention is better categorised as self-defence for the purposes of assessing the legality of the action with respect to the appropriate body of law. It is also a matter of distinguishing conceptually the European intervention – based on special ties of nationality – from humanitarian interventions which are characterised by a general interest in the welfare of human beings. Whereas a core element of humanitarian endeavour is the willingness to act on behalf of persons whose only claim to the help of the intervener is on the basis of their humanity alone, the intervention in Rwanda obviously demonstrated no concern for the well-being of humans just as such. It was driven by concern for a special class of person, those holding passports of European states. Interventions of this sort have no claim to the title humanitarian intervention.

2.2 Variations of Classical Humanitarian Intervention

The humanitarian credentials of interventions in the classical mould rest on a commitment to protecting endangered civilians from grave harm. Significantly, however, the idea of protection is open to a variety of interpretations. It is plausible,

[4] See Trim and Simms 2011, 1; Holzgrefe 2003, 18; Hehir 2010, 20; Himes 1994, 84.
[5] See Power 2005, 353

for instance, to think of protection in terms of shielding civilians from attack and not engaging with other armed forces except in defence of non-combatants. Alternatively, protection can be construed in a much more belligerent manner whereby the objective is to fight and eradicate the forces responsible for causing crises in the first place. Moreover, borrowing from both the non-confrontational notion of shielding and the belligerence of combating enemies, protection has also been understood in terms of promoting peace and security.

Considering the vagaries in how the mandate of protection is conceived, one must also appreciate that the strategies employed by interventionist forces vary considerably. Strategies can range from the establishment of safe havens by ground forces to the high-altitude bombing pioneered in Kosovo and celebrated by President Clinton for the low risk incurred by interveners.

Taking account of disparities in ambition and strategy, it is unwise to treat the classical model as a unitary whole. An endorsement of humanitarian intervention based on the perception of its involving the shielding of civilians through the establishment and protection of safe havens and no-fly zones (eg Iraq 1991) should not be read as support for a humanitarian intervention characterised by the dropping of massive pay-loads from high altitude. It seems reasonable and perhaps likely that one could advocate for a particular style of humanitarian intervention while simultaneously opposing other forms of action encompassed in the classical humanitarian intervention tradition. In April 2018, for instance, a survey of British voters demonstrated great disparities in support for different approaches to intervention in Syria. Weighing up the merits of intervention in the wake of an alleged chemical weapons attack by Syrian government forces in the town of Douma, 60% of respondents were willing to support the imposition of a no-fly-zone. In contrast, just 22% of those surveyed were in favour of sending British troops to Syria to protect civilians.[6]

Thomas Weiss (2012) has provided a useful conceptual framework to make sense of the diversity of ambition and strategy with which the humanitarian mandate

[6] Simon Caney (2005, 231) accentuates this point, positing that 'a sound appreciation of the case for and against intervention should note the many forms that intervention can take … some objections to intervention may have force against some types of interventionary behaviour but not others.' *YouGov* conducted the survey for *The Times* on 10-11 April 2018.

is interpreted in the classical tradition. His analysis proposes that the overarching notion of classical humanitarian intervention be dissecting into three more nuanced strands: Coercive Protection, Peace Enforcement, and War Fighting.

Coercive protection 'requires the interposition of forces between potential attackers (armies, militias, and gangs) and civilians' (Weiss 2012, 11). Rather than directly engaging other military forces, interveners attempt to shelter civilians from attack by forming and protecting safe havens, maintaining humanitarian corridors, implementing no-fly zones, and disarming belligerents. Intervening forces act so as to remove civilians from the line of fire and to prevent direct attacks on them by belligerent parties. More than that, the outsiders do not become embroiled in the domestic struggle waging in the state. Their mandate is negative in nature – to protect the civilian population from undue harm – and not positive in the sense of resolving the complex macro problems facing the host state.

Peace-enforcement has a more ambitious mandate than coercive protection, combining the defence of civilians with measures orientated towards the suppression of hostilities and the re-emergence of peace. Peace-enforcement tactics include the disarmament of belligerents and the demobilisation of their soldiers, the formation and training of new armed forces and security services, mediation in peace talks, and the supervision of elections. Weiss also suggests that peace enforcement may involve the use of force to quash outbreaks of fighting and to compel parties to the negotiating table. Here Weiss cites the role of NATO air strikes against Serbian forces in the signing of the Dayton Accords.

This would appear to be the model of intervention which Bhiku Parekh (1997, 55) has in mind when he endorses intervention as a measure to 'subdue the warring parties, to put an end to anarchy, and to help create conditions conducive to the emergence of an acceptable structure of civil authority.' As envisaged by Parekh, the mission is 'solely to introduce a measure of peace and civility and to help the people of the country concerned to decide their political destiny themselves.'

In addition to coercive protection and peace enforcement, classical humanitarian intervention can also take the form of war fighting. Following a more

confrontational and ambitious path to the resolution of crises, war fighting is designed to attack and defeat the purveyor of atrocity.

War fighting is best suited to what Michael Walzer (1995, 56) terms 'standard' cases of humanitarian intervention, scenarios in which 'the source of the inhumanity is conceived as somehow external and singular in character: a tyrant, a conqueror or usurper, or an alien power set over a mass of victims.' Given an obvious and singular root of barbarity, intervention 'has an aim that is simple as well as negative: remove the tyrant …, set the people free …, and then get out.' A war fighting strategy is less suited to more complex crises in which the causes of humanitarian catastrophe are attributable to more than one source and there is no singular set of 'bad guys' to fight and eradicate. In these circumstances, measures in the coercive protection and peace enforcement mould are likely to offer a greater prospect of success.

3. New Horizons

The types of situations – the humanitarian catastrophes – to which classical humanitarian interventions respond are distinguished, amongst other things, by their scale, their brutality, and the drama, intensity, and terror of epic human tragedy. Whereas these tragic and all too frequent events most often motivate onlookers to consider intervention on humanitarian grounds, they do not represent the only contexts in which military force has been employed under the guise of humanitarian intervention.

In the 1990s the international community faced crises of increasing complexity and frequency. At the same time, the term 'humanitarian intervention' came into popular circulation as never before and began to be affixed not only to classical undertakings but also to actions which corresponded to the general notion of acting in the name of humanitarian values but departed markedly from the classical model of the previous century.

3.1 Humanitarian Intervention as Liberation

In a world committed to honouring the 'equal and inalienable rights of all members of the human family' (Universal Declaration of Human Rights 1948), there has been a view that the idea of using force to rescue strangers in distress cannot be limited to just extraordinary emergency crises reaching 'genocidal proportions' (Tesón 2005*a*,

24). Rather, as human rights sensibility took off as never before in the 1990s, the international community began to extend the remit of humanitarian intervention to encompass efforts to free populations from the everyday oppression that passes for government in many quarters of the globe. Whereas the idea of humanitarian intervention historically extended only to the mitigation of large-scale atrocities and remained aloof from the long-standing liberal intervention agenda, the NATO led 'humanitarian intervention' in Kosovo was undertaken and justified on the grounds of 'liberating the majority population of Kosovo from a long period of oppression under Serbian rule' (Independent International Commission on Kosovo 2000, 4). Similarly, the (contentious) depiction of the War in Iraq as humanitarian intervention purported to reflect the invading coalition's intention to lift the sustained repression of Saddam's noxious regime. And in Libya in 2011, humanitarian intervention was once again orientated towards the liberation of an oppressed people when the prescribed aim of protecting Libyan civilians in imminent danger was controversially extended beyond the remit provided by the UN Security Council to incorporate the overthrow of dictator Muammar Gadaffi.

The prospect of employing military force on humanitarian grounds was thus extended to situations in which residents of a country, or a minority grouping thereof, are subjected to the ongoing and systematic denial of human rights by entities claiming to act as the government of the people. These are cases wherein the apparatus of government is employed not in the advancement of the interests of citizens but in such measures as the repression of political dissent and contestation, the enforcement of a theocratic and cultural uniformity contrary to the diversity of the populace, and the consolidation of power in the hands of an elite group without regard to the wishes of the population at large.

Although despotic behaviour can escalate to the level of genocide and crimes against humanity – Saddam Hussein's long-term oppression in Iraq was pock-marked by exceptional outbursts of barbarity in the purging of Kurds in the Anfal Genocide and the massacre of Shias in the wake of the first Gulf War – the question of reverting to humanitarian intervention as liberation arises when a regime is not currently engaged in behaviour of that intensity or when such behaviour can be stymied without resort to regime change. Unlike classical humanitarian intervention, the liberation

model is responsive to ongoing and systematic oppression rather than outbursts of atrocity. The objective is framed not in terms of rescuing populations from imminent catastrophe but rather in terms of lifting the shackles of oppression.

In some instances, the need to consider the use of force as a tool of liberation is motivated by the instigation of an insurrection on the part of domestic opponents of the ruling regime. Whereas all too often tyrannies are tolerated by external observers given their seemingly irrefutable strangle-hold on power or even supported as being uniquely capable of maintaining stability and down-facing supposed terrorists, the initiation of hostilities by rebels can induce onlookers to consider intervening. The instigation of civil war obliterates any suggestion of satisfaction with the status quo and testifies to the desire of a repressed people to absolve itself of tyrannical rule. The existence of a revolutionary movement capable of challenging for power also incites optimism with respect to the possibility of defeating a regime long thought insurmountable whilst also instilling confidence in the prospects of the country being stabilised and rebuilt in the aftermath of a successful overthrow of the regime. And, of course, the drama of conflict and upheaval helps to pique the interest of foreign publics and to at least raise the possibility of intervening to help to liberate a people maligned by those who claim to rule in their name.

The absence of revolution should not be read as an indication that a people is content with its present rulers. Such is the power that can be accumulated by virulent regimes and so great is their ruthlessness in nullifying threats to their pre-eminence, that it is often impossible for opposition groups to take shape and develop a support base capable of sustaining a challenge for power. Thus, the absence of a viable opposition is not necessarily indicative of a lack of desire for change but may rather be a symptom of the insurmountable ascendancy of the ruling class. In Tesón's (1997, 5) appraisal, humanitarian intervention is operable where populations would be 'rationally willing to revolt against their oppressive government.' Tesón thereby recognises that consideration of humanitarian intervention may have to follow not from the example of domestic revolutionaries but from a hypothetical appraisal of a population's willingness to revolt if they possessed the wherewithal to do so.

3.2 Military humanitarianism

The word ‘humanitarian’ is very closely aligned with the activity and ideals of relief and development organisations – such as the Red Cross and Red Crescent Movement, Médecins Sans Frontières, and Oxfam – which together constitute the humanitarian sector. Accordingly, when a military engagement is presented as ‘humanitarian intervention’, there can be an impression that the action is in some way related to the work and principles of humanitarianism.

For the most part, it is wrong to draw any sort of connection between the tradition of humanitarianism and military engagements reputed to be undertaken in the name of humanitarian values. Far from being disposed towards the use of force in the name of humanity, modern humanitarianism was founded in response to the brutality of conflict.[7] At least up until the 1990’s the humanitarian sector firmly opposed the use of force, Craig Calhoun (2008, 93) noting that ‘through most of the twentieth century, military action had been the problem humanitarians confronted.’

In the early 1990s, however, the long association of the humanitarian sector with the peace movement became strained as relief operations came under attack in the field. In the midst of a turbulent period for humanitarian organisations in which the complexity of humanitarian emergencies pushed them to compromise on core principles, a third model of humanitarian intervention – what I shall term ‘military humanitarianism’ – was devised whereby military force was deployed in support of humanitarian relief operations.

The first exposition of the new ‘military wing’ of humanitarianism was the U.S.-led Unified Task Force (UNITAF) mission to Somalia in 1992/1993. Up until that point, it had been assumed that, given their neutral status, humanitarian organisations and personnel would not be targeted by belligerent parties and could therefore go about treating casualties and the needy without fear of attack. That assumption was shattered in Somalia as rival militias relentlessly attacked humanitarian organisations to extort food and supplies. When the UNOSOM peacekeeping force failed to provide for the effective distribution of humanitarian supplies, the United Nations Security Council endorsed a proposal by the U.S. –

[7] The intellectual foundations for emergency humanitarianism were laid out in Henri Dunant’s memoir of the 1859 Battle of Solferino. Dunant was appalled by the suffering endured by the casualties on all sides of the battle.

Operation Restore Hope – to use military force to stabilise Somalia and create conditions conducive to the work of humanitarian organisations. The UN Security Council resolution (UNSCR 794) authorised the 'use of all necessary means to establish a secure environment for humanitarian relief operations in Somalia.' In effect, whereas humanitarian organisations had always relied upon their neutral status to secure freedom to access and assist populations in need, the amphibious arrival of UNITAF on the beaches of Mogadishu on 9 December 1992 signalled a new chapter in the history of humanitarianism: the use of military force to facilitate the work of humanitarian organisations.

As envisaged at inception, military humanitarianism differed markedly in ambition from classical humanitarian intervention. Whereas the classical model was designed to protect vulnerable populations from ongoing or imminent atrocity, military humanitarianism sought to employ military force to defend humanitarian agencies from attack and allow for the effective provision of emergency aid.

As explored in greater detail in Chapter 4, the collaboration between humanitarian agencies and military forces was deeply controversial within the humanitarian sector. The alignment with armed forces was widely regarded as being inconsistent with the pacifism, neutrality, impartiality, and independence of the humanitarian agenda. So although military protection could provide short-term gains – the UNITAF mission did enjoy initial success – the humanitarian sector was liable to suffer in the long-term from an erosion of long-standing principles. By the late 1990s, the humanitarian sector was keen to distance itself from all military activities and thereby advocated for the discontinuation of the use of the term 'humanitarian intervention' to describe military actions lest there be any insinuation of a continued association between the humanitarian sector and the military.

3.3 Tokenistic Humanitarian Intervention

In April 2018 the British Government introduced a novel interpretation of humanitarian intervention in its official legal defence of airstrikes in Syria. The airstrikes, undertaken jointly with the U.S. and France, took place on the morning of 14 April and targeted Syrian Government military facilities implicated in a chemical weapons attack on civilians in Duoma on 7 April. As outlined in the UK government legal position published by the Prime Minister's Office, the strikes, explicitly framed

as humanitarian intervention, were designed to 'alleviate humanitarian distress by degrading the Syrian regime's chemical weapons capability and deterring further chemical weapons attacks.'[8]

The commitment of the western allies to a genuine humanitarian agenda was blatantly unconvincing. If nothing else, the timing of the airstrikes did not tally with a consistent humanitarian resolve. British Prime Minister, Theresa May, was keen to highlight the principled stance of her government and the dedication of the UK to the rule of law. 'The lesson of history,' she ventured, 'is that when the global rules and standards that keep us safe come under threat, we must take a stand and defend them. That is what our country has always done. And that is what we will continue to do.'[9] Yet, one was left to wonder why such unequivocal commitment to global rules and standards and to humanitarian solidarity was not invoked previously in Syria. After all, the U.S. Ambassador to the U.N., Nikki Haley, claimed that prior to April 2018, the Assad regime had resorted to the use of chemical weapons on 50 separate occasions since the beginning of hostilities in 2011.[10]

The depiction of the airstrikes as humanitarian intervention was, however, remarkable not for the want of authentic humanitarian merit – an all too familiar theme – but for the assimilation of new objectives and strategies under the banner of humanitarian intervention.

It was, after all, unprecedented for a humanitarian intervention to be directed at a particular mode of destruction (ie chemical weapons) within a much broader context of man-made catastrophe. The use of chemical weapons is undoubtedly abhorrent, especially because of its failure to discriminate between civilians and combatants. Nevertheless, at the time of the western airstrikes, chemical weapons bore responsibility for a small fraction of deaths in Syria's bloody civil war. It was estimated that only 1,900 deaths could be attributed to chemical weapons attacks out

[8] Prime Minister's Office. 2018. Syria Action – UK government legal position. Available at https://www.gov.uk/government/publications/syria-action-uk-government-legal-position/syria-action-uk-government-legal-position (Accessed 15 April 2018)
[9] May Theresa. 2018. Prime Minister's Statement on Syria. 14 April. Available at https://www.gov.uk/government/speeches/pms-press-conference-statement-on-syria-14-april-2013 (Accessed 15 April 2018)
[10] Nichols, Michelle. 2018. U.S. Envoy to U.N. says Syria used chemical weapons 50 times. *Reuters.* 13 April. Available at https://www.reuters.com/article/us-mideast-crisis-syria-un-usa/u-s-envoy-to-u-n-says-syria-used-chemical-weapons-50-times-idUSKBN1HK243 (Accessed 16 April 2018)

of a total death toll of approximately 400,000.[11] The reservation of humanitarian concern for a special class of victim in juxtaposition to the neglect of hundreds of thousands of others, and the restriction of ambition to the removal of one particular vehicle of evil, marked a new departure for the idea of humanitarian intervention.

Similarly original was the brevity and minor scale of the mission. Whereas past interventions lasted for several months or even years, the airstrikes in Syria were over within hours. U.S. President Donald Trump took to Twitter to hail the joint airstrikes as 'perfectly executed' and pronounce 'Mission Accomplished.'[12] However, the very limited demonstration of force was obviously insufficient to bring any meaningful humanitarian relief to Syria's long-suffering people. Where previously the label of humanitarian intervention was reserved for large-scale campaigns, the tokenistic and short-lived Syrian expedition amounted, in the words of one war correspondent, to nothing more than a 'multi-million dollar sound and light show.'[13]

It could be argued that the British Government was mistaken – or deliberately misleading – in its choice of humanitarian intervention as a description and defence of the airstrikes. The obvious disparity of purpose compared to historical examples of humanitarian intervention would suggest that the Syrian airstrikes were not so much breaking new ground for humanitarian intervention but actually departing from the concept altogether.

Yet, even if in execution the short-lived campaign has left doubts as to the sincerity of humanitarian motivation, the idea of acting with a limited focus and duration is not obviously at odds with the core foundations of humanitarian intervention. Although clearly a departure from previous understanding and practice, the ambiguity at the heart of the idea of humanitarian intervention is plausibly amenable to the inclusion of short-lived engagements with limited ambitions.

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[11] Cockburn, Patrick. 2018. 'The latest airstrikes in Syria were a cautious gesture of disapproval rather than a dent in Assad's military machine.' *Independent.* 14 April. Available at https://www.independent.co.uk/voices/aistrikes-syria-theresa-may-donald-trump-allies-bashar-alassad-chemical-weapons-a8304631.html (Accessed 16 April 2018)

[12] Trump, Donald. 2018. Available at https://twitter.com/realdonaldtrump/status/985130802668294144?lang=en (Accessed 14 April 2018)

[13] Lamb, Christina. 2018. 'A flash of fear as Assad sets sights on next 'kill box'.' *The Sunday Times.* 15 April. Available at https://www.thetimes.co.uk/article/a-flash-of-fear-as-assad-sets-sights-on-next-kill-box-tsxbgz36x (Accessed 15 April 2018)

3.4 Retrospective Humanitarian Intervention

Notwithstanding other grounds for contention, there is broad agreement that humanitarian intervention is defined, in all of its guises, by the intention to prevent or alleviate human suffering. This general inclination is interpreted in different ways and applied in different contexts but the core notion of extending protection to populations in danger remains central to all manifestations of humanitarian intervention.

Departing from this consensus, however, Fernando Tesón (2005*a*) has proposed that the meaning of humanitarian intervention ought to incorporate action undertaken on a retrospective basis to unseat regimes who bear responsibility for atrocities committed in the past. Rather than focusing solely on imminent or ongoing crises, Tesón posits that humanitarian intervention can take place several years after a crisis has subsided. The opportunity for humanitarian intervention does not elapse in the aftermath of atrocity. Rather, '[i]f a nation does not have the ability or will necessary to intervene during or immediately after a brutal human calamity, but does only years later, while the same murders [sic] continue to imprison their country, then the right of humanitarian intervention continues also' (Tesón 2005*a*, 398).

Accordingly, Tesón argues that the invasion of Iraq by coalition forces in 2003 may be qualified as humanitarian intervention either on the basis of liberating a population from ongoing oppression or on the grounds of overthrowing a regime guilty of historical atrocities. Notwithstanding his conviction that both criteria were satisfied at the time of the invasion, Tesón is convinced that Saddam Hussein's legacy of major atrocities would alone support the classification of Iraq as humanitarian intervention. Referencing the Anfal Genocide of 1988 and purges of Shia opponents and marsh Arabs in the wake of the First Gulf War, Tesón (2005*a*, 396-397) writes that '[d]ictators like Saddam who perpetrate genocide … remain proper targets of intervention … even after they have committed their worst crimes. Those regimes do not have a right to exist and, under the appropriate circumstances (which obtained in Iraq), they can be eliminated, even if their most horrific crimes occurred in the past …'

There is something to be said for the proposition that historical offences on the scale of genocide and crimes against humanity ought to defy any statute of limitations

and that regimes guilty of such offences ought to remain legitimate targets of intervention in perpetuity. The alternative would appear to entail attaching a prize of immunity from intervention to the successful completion of atrocities.

It is quite dubious, however, that interventions undertaken on such a retrospective basis ought to be classified as humanitarian (or justified on humanitarian grounds). It is difficult to see a humanitarian purpose to an action undertaken when the moment of peril has long past. Retrospective action may serve the interests of justice or act as a deterrent to other would-be offenders. Unfortunately, the protection of civilians from imminent threats is not something that can be deferred for a period and achieved retrospectively. Thus, whereas there is some merit in Tesón's conviction that a right of intervention does not dissipate when the killing ceases, it is wrong to paint retrospective action in humanitarian colours. In fact, the extension of humanitarian intervention to incorporate retrospective action may distract from the urgency necessary for successful interventions and give the false impression that humanitarian goals can be achieved beyond the lifetime of a given crisis.

Conclusion

The diversity of activity encompassed under the umbrella of 'humanitarian intervention' and the absence of differentiation in terminology has made it very difficult to build and maintain public support.

With such disparities at play across and within the various models of humanitarian intervention, electorates are never sure what exactly it is that they are being asked to support. Even if majority support could be established for the basic concept of using force overseas in the name of humanitarian values, the pervading uncertainty as to how the general idea will be interpreted in practice cautions against public endorsement of proposed interventions. Few segments of the electorate will want to see their preference for humanitarian intervention of a particular form being construed as support for intervention of an entirely different character. In the absence of distinctive terminology to distinguish one model of humanitarian intervention from another, electorates have been wary of second guessing the designs of politicians and backing ill-defined programmes of humanitarian intervention.

Moreover, the absence of differentiation in terminology has meant that the unpopularity of particular incarnations of the idea of humanitarian intervention and the failure of particular models in practice have tarnished the humanitarian intervention 'brand' as a whole. For example, although criticisms of the liberation model of humanitarian intervention may not be relevant to classical humanitarian intervention, the commonality of language ensures that the perceived short-comings of the liberation model are associated in the public mind with all actions labelled as humanitarian intervention. Thus, some reasonably uncontroversial measures in the classical guise (such as the establishment of safe havens in areas afflicted by Genocide) are associated by affinity of language with much more contentious approaches such as the overthrow of unfavoured regimes. In this way, opposition aroused by the most radical and divisive manifestations of humanitarian intervention has cultivated a general antipathy towards any and all formulations of intervening on humanitarian grounds. Chapters 2 and 3 will consider this problem in greater detail and examine, in particular, the impact that interventions in Afghanistan, Iraq, and Libya have had on public opinion and political decision-making in relation to proposals for classical humanitarian intervention in Syria.

If each model of humanitarian intervention is to be judged in its own light, it is clear that new and precise terms are required to clearly distinguish between these models. When differences in character are reflected in language, there will be a much greater prospect that the particular merits and defects of each model will stand out and inform public perceptions. In Chapter 6, I therefore introduce the terminology of 'Atrocity Suppression' in place of classical humanitarian intervention. I will argue that the adoption of this unique title will help to alter public perceptions about reacting to atrocities and negate the influence of other, unrelated forms of intervention on political decision-making.

Chapter 2: Contemporary Humanitarian Intervention and Public Opinion

Introduction

It is typical for studies of humanitarian intervention to begin by defining the concept of humanitarian intervention. Chapter 1 of this thesis followed in this vein but nevertheless diverged from orthodoxy in two important respects. In the first instance, contrary to custom, the chapter did not seek to delineate a restricted understanding of humanitarian intervention so as to set the scene for succeeding chapters and limit the scope of the study to manageable proportions. Rather, the aim was to lay out competing interpretations of humanitarian intervention and highlight the elusiveness of a single, agreed meaning. Secondly, instead of referring solely to definitions proffered by academics working in the field, the chapter sought to draw upon the lived experience of recent decades and illustrate the variety with which interveners have construed (and, arguably, manipulated) the 'humanitarian intervention' brief.

Chapter 2 marks a further departure from convention. The tendency elsewhere is to proceed from the opening section or chapter with a particular model of humanitarian intervention in mind and leave alternative meanings in the rear-view mirror. With the challenge of defining completed, the discussion can turn to analysing such matters as the appropriate limits of sovereignty and the criteria controlling the resort to force. This chapter goes against the grain in reflecting on the confusion inherent in the concept of humanitarian intervention and positing that the semantic association of unlike ideas has served to obfuscate the parameters of unique models of action and distort public debate. The principal argument of this chapter is that the unique character and merits of the classical model have become largely obscured and its standing tarnished by undue association with regime-change interventions in Afghanistan, Iraq, and Libya.

Section 1 recounts the late twentieth-century drift from classical humanitarian intervention to contemporary humanitarian intervention. Section 2 sets out the weight of influence exerted by recent and prominent interventions on public attitudes towards, and, by extension, political decision-making in respect to, newly emerging calls for action. Section 3 explores the depressing impact on public enthusiasm for humanitarian intervention of regime-change interventions launched since 2001.

Chapter 3 will build on this analysis and argue (a) that a new and unique terminology is required to allow for isolated appraisal of classical humanitarian intervention and (b) that such isolated appraisal will demand and facilitate a revision of opinion in respect to the standing of the classical model.

1. Perspectives on Classical Humanitarian Intervention

At the beginning of Chapter 1, a distinction was drawn between two senses in which the term 'humanitarian intervention' may be understood. For the greatest part of its history, dating back to the coining of the phrase in 1880 by William Edward Hall, references to 'humanitarian intervention' signified a resort to armed force in defence of populations afflicted by atrocities. Hall (1880, 268) conceived of humanitarian intervention as an armed response to '[t]yrannical conduct of a government towards its subjects, massacres and brutality in a civil war, or religious persecution'

In the 1990s, 'humanitarian intervention' took on a more general meaning, the versatility of the label lending itself to a wide and diverse range of military engagements vaguely corresponding to the very general notion of using force overseas in the name of humanitarian values. This was reflected in the expanding scholarly literature on humanitarian intervention. Hehir's (2010, 20) definition of humanitarian intervention, for example, extended to all military actions 'justified, to some extent, by a humanitarian concern for the citizens of the host state.' Orford (2003, 2) was similarly expansive in defining humanitarian intervention as the 'willingness to use force in the name of humanitarian values.'

The flexibility of the term, coupled with the legitimising connotations of the word 'humanitarian,' precipitated ever-increasing use. By the turn of the century, there were few western military deployments which could not be branded as 'humanitarian intervention' – the term now being used inter-changeably with 'military intervention' and 'intervention.'

Thus, where once 'humanitarian intervention' referred to the narrow concept of using force to defend a population from imminent or ongoing atrocity, from the early 1990s onwards this 'classical' interpretation was effectively assimilated in the public eye with a much broader range of ideas incorporated under the 'contemporary' humanitarian intervention banner. The 'humanitarian intervention' label, which had

once been reserved for the classical model alone, was now being used as an umbrella term for classical humanitarian intervention, liberal intervention, military humanitarianism, and other improvised initiatives.

As the meaning of 'humanitarian intervention' drifted from the classical concern with atrocity-prevention to the much more general contemporary agenda, the distinctiveness of the classical conception and the particularity of its merits and defects have become increasingly obscured.[14] In the absence of an exclusive terminology, the individuality of the classical model is difficult to discern.

A fair evaluation of the classical model demands that its exceptional character is appreciated and disaggregated from the wider conglomeration of ideas encapsulated under the contemporary 'humanitarian intervention' brand. Only on this basis can sound judgements be made as to the qualities of the concept in itself and in respect to the virtues of particular proposals for classical intervention. Contrary to this approach, however, this chapter contends that the singularity of the classical model is poorly understood and that independent appraisal of the classical approach is mostly denied. There is little popular cognisance that the meaning of 'humanitarian intervention' has shifted and that there exists a more defined 'classical' idea which ought to be differentiated from the contemporary denotation. Given such a lacuna of understanding, it is impossible for the classical model to be assessed in its own light.

The ramification of this failing is that proposals to intervene in a classical, atrocity-prevention, mode are not recognised and appraised on their own terms. Where once such endeavours were quite clearly demarcated by the term 'humanitarian intervention,' in more recent times such branding conjures up a broader, contemporary understanding and it is in relation to this composite notion of humanitarian intervention that public opinion is formed. As such, in ignorance of the unique character of the classical model, broad brush stroke opinions are assumed to apply universally to all such propositions categorized as 'humanitarian intervention.'

Such a practice is objectionable on the grounds of accuracy. It is also detrimental to the standing of classical humanitarian intervention and to the cause of

[14] Interventions of a classical character may still be proposed and undertaken but such endeavours have ceased to be individuated by an exclusive terminology.

atrocity alleviation. As a contemporary and broad notion, humanitarian intervention is not held in high regard. Because opinion of classical intervention follows from judgements about the general, contemporary model, public opinion has been turning against interventions of a classical hue. The perceived failings of particularly prominent forms and instances of contemporary intervention, and negative judgements about contemporary humanitarian intervention taken as a whole, are unduly extended to the classical framework. Effectively, the appeal of the classical template is being disguised and distorted by virtue of its semantic association with the broader and more objectionable contemporary idea.

Succeeding sections set out the stark discrepancy between, on the one hand, the judgements which have emerged from reflections on contemporary humanitarian intervention and, on the other hand, the lessons which may be derived from an isolated look at the recent practice of interventions fitting the classical mould. Such is the divergence which emerges that it becomes obvious the degree to which the classical agenda is hampered by association with the wider contemporary agenda.

Classical humanitarian intervention is not a perfectly effective instrument and ought not to be held up as an anecdote to all ills. Yet, there is an argument to be made that the absence of a unique terminology to capture its essence and differentiate it from other actions commonly referred to humanitarian intervention has diminished public understanding of the idea and unduly undermined support. This is not a trivial conclusion – the decay in support is, as per the case study of Syria in Chapter 3, stymying action which could save thousands of lives at relatively little cost.

There is therefore reason to determine a unique and precise term to differentiate the classical idea in its own right and allow for engagement on its own terms and judgement in its own light. If we can at least be clear what classical intervention actually involves and aims for then public opinion and political policy-making can follow from a solid footing.

2. Public Opinion and Political Decision-Making

The concept of public opinion plays a central role in the argument presented in this chapter. The basic contention is that public opinion has been turning against classical humanitarian intervention due to its unwarranted association with contemporary

humanitarian intervention and that this decline in public support has been influential in deterring political leaders from backing proposals for interventions of a classical character.

As with 'humanitarian intervention,' the meaning of 'public opinion' has long eluded consensus. As far back as 1909, political scientist Walter J. Shepard (1909, 32) observed that '[t]here are few terms used more frequently or with more assurance than Public Opinion,' but that 'few terms are so incapable of exact definition or, indeed, carry with them so indefinite and misty a significance, even to those who employ it most frequently.' The search for a widely acceptable definition had already by 1924 resulted in the proliferation of such a variety of definitions that a group of social scientists recommended that the expression be avoided altogether (see Childs 1939, 327). In contravention of this advice, 'public opinion' has retained a central place in democratic vocabulary. Nevertheless, its meaning remains inconclusive, Erikson and Tedin (2016, 7) noting that '[p]ublic opinion is notoriously difficult to define. There are scores, if not hundreds, of variations on a definition… No one has yet advanced a definition of public opinion that satisfies a substantial number of students in the field.'

Acknowledging, then, that any proposed definition is liable to fall short of widespread acceptance and that the complexity of the concept warrants further study beyond the scope of the present discussion, for the sake of expediency I will follow Erikson and Tedin's (2016, 8) 'short and simple' definition which distinguishes public opinion as the 'preferences of the adult population on matters of relevance to government.'

Among the many areas attracting academic interest within this field, there has been considerable attention devoted to assessing the weight of influence exerted by public opinion on political decision-making. Robert Shapiro (2011, 983) recalls that the motivation underlying the founding of the journal *Public Opinion Quarterly* in 1937 emanated from the 'assumed importance if not decisive power of public opinion, not only to the United States but *worldwide*.' Putting such a supposition to the test, Shapiro's (2011, 1000) overview of scholarly research in the American context finds variations in the influence wielded by public opinion at different levels of government but concludes that 'a sweeping range of research shows that public opinion matters in policymaking in the United States … the overall evidence – qualifications,

contingencies, and all – provides a sanguine picture of democracy at work.' Shapiro (2011, 1001) does note, however, that 'there have been cases of nonresponsiveness on salient issues' and there are question-marks as to role played by politicians, and particularly presidents, in shaping public opinion in the first place.

In regards to the international realm, Baum and Potter (2008, 54-55) contend that 'public opinion … will nearly always influence foreign policy decision making' and is particularly prominent when foreign policy crises emerge and receive widespread media attention. Propositions to deploy armed forces overseas summon particularly strong public engagement and debate. Public opinion is regularly polled and can be influential in guiding media coverage and, ultimately, political decision-making. Political leaders are generally reluctant to put their names to unpopular decisions and policies and are especially reticent to ignore or defy public opinion in matters of such profile and risk as military intervention. Jon Western, political scientist and former Balkans analyst in the Bureau of Intelligence and Research at the U.S. Department of State, has written extensively on the role played by public sentiment in the deliberations of leaders and politicians in deciding to intervene in, or remain disengaged from, crisis situations. Western's (2015, 166) research leads him to the conclusion that:

> … in almost all societies, decisions for war and peace require some element of public support. For more than two millennia, from the Funeral Oration of Pericles to the Iraq War campaign of President George W. Bush's administration, leaders have understood the significance of public opinion in matters of war and peace. While decisions for war and peace are not made by public referendum, most leaders recognise that asking or compelling citizens to fight, kill, and die on behalf of the state – and to do so effectively – requires mobilization strategies to generate public support.

It is of some concern that on matters of such gravity and delicacy as international crises, executive decisions are so keenly shaped by volatile preferences expressed in the polling of samples of the electorate. Given the extensive and unrivalled information, expertise, and experience upon which governments can draw, it is perhaps unwise that their best judgements may be constrained and even countermanded by public opinion. At the same time, such public engagement may be

interpreted as a symptom of a healthy democracy. It would certainly seem to resonate with V.O. Key, Jr.'s (1961, 7) declaration that 'unless mass views have some place in the shaping of policy, all the talk about democracy is nonsense.' This debate demands further attention but escapes the parameters of the discussion at hand. Whatever the appropriateness of public opinion's influence, it is clear that such opinion does, in fact, play a role in directing political responses to international emergencies and it is this reality which is the focus of the present chapter.

Political leaders are likely to be particularly attentive to the contours of public opinion in cases of humanitarian intervention where an obvious self-interest is lacking and an electorate is being asked to assume significant risks and burdens for little self-regarding material gain. In recent decades, public support in the U.S. and U.K. has oscillated from one situation to the next. In each case, I deduce that public preferences have been informed by three principal elements: the specifics of the proposal at hand; the wider context and domestic concerns; and the lessons of past interventions.

First, reflections on the detail of the proposed action will take into account the gravity and urgency of the crisis under consideration and weigh up the pros and cons of initiating military intervention. The news media plays a vital role in putting a spotlight on emerging crises and providing relevant details and facts. Aidan Hehir (2010, 5), in fact, links the growing interest in humanitarian intervention in the late twentieth-century to 'technological innovation in the communication sector,' enhanced attention to global issues in the context of 24 hour news, and the emergence of live and compelling 'on the spot reporting' from crisis zones. The so-called 'CNN effect' brought far-flung disasters into living rooms across the western world with an unprecedented immediacy and propelled crises like Somalia and Bosnia to the forefront of public debate.

The central role of media reporting in exciting public engagement has afforded reporters and news channels a powerful voice in shaping opinion on the necessity and benefits of intervention. As Hehir (2010, 5) counsels, however, the media have tended to simplify narratives for the sake of audience understanding even at the cost of 'obscur[ing] the true causes of conflict' 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.' Hehir also notes that because 'many conflicts in inaccessible or

unattractive parts of the world [have gone] unreported,' global audiences have been left under-informed and disengaged from many pressing cases worthy of far greater attention.

Secondly, further to considering the specific merits of a proposed military engagement, approval for intervention will also be guided by broader considerations. For example, U.K. Prime Minister, Tony Blair, tied the case for military intervention in Kosovo to a wider theme of international peace and security. Speaking in April 1999 in defence of ongoing NATO airstrikes, Blair sought to deflect scrutiny from the particulars of the Kosovo case in its own right and instead bring into focus the self-regarding interest of the UK and its NATO allies in defending values and maintaining international security. In what would be dubbed the 'Blair Doctrine,' the U.K. Premier advised that '[i]f we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interests too. The spread of values makes us safer.'[15]

In the same way that a wider lens can override or simply counter-balance hostility towards a planned engagement, so too can a broader perspective stoke opposition to an otherwise agreeable proposal. Thus, whereas in isolation intervention may be deemed necessary and feasible, such factors as an economic downturn in the domestic or global economy, ongoing commitments in other theatres of war, concerns about the prospect of causing regional insecurity, and even the unpopularity of a commander-in-chief can colour opinion and may discourage support for intervention.

A third and weighty influence on public opinion is the legacy of past interventions and omissions. Positive perceptions of recent events are likely to foster support for new campaigns whereas negative appraisals serve the opposite end. For example, one of the most pronounced bases for opposition to intervention in the Rwandan Genocide in 1994 stemmed from the aversion to a repeat of Somalia where the deaths of 18 American soldiers in October 1993 in the Battle of Mogadishu had turned opinion decidedly against the campaign. The hangover from Somalia depleted support for action in Rwanda, with 61% of respondents to a CBS News poll opposing

[15] Blair, Tony. 1999. The Blair Doctrine: Speech to the Chicago Economic Club. 22 April. Full-text available at http://www.pbs.org/newshour/bb/international-jan-june99-blair_doctrine4-23/ (accessed 14 June 2004)

the imposition of ground troops 'in order to stop the killing in Rwanda.'[16] Subsequently, the dire ramifications of inaction in Rwanda and at Srebrenica in Bosnia would go on to motivate support for intervention elsewhere. At the outset of NATO airstrikes in Kosovo in March 1999, 64% of respondents to a Gallup poll in the U.S. agreed with the statement that the United States had a 'moral obligation to help keep the peace in Kosovo.'[17]

Davies and Johns (2016, 123) are among those to examine the sources of public attitudes towards humanitarian intervention. They support the view that past episodes are influential in shaping current opinion. They contend that,

> Recent experiences of international conflicts will clearly influence public perceptions about both the morality and the effectiveness of humanitarian interventions. In general the public have little knowledge about international affairs and they rely heavily on elite cues and heuristics based around previous involvements in international affairs.

The propensity to turn to the past for lessons to guide future action has exercised extensive scrutiny among historians. While there is a motivation to draw upon historical parallels to help to make sense of complex and unpredictable situations in the present, the limits of such a methodology must always be borne in mind. In the first instance, notwithstanding some overlap, past experiences may not be entirely relevant or applicable to current affairs and ought not to be taken as providing absolute direction. Historians Furay and Salevouris (2015, 7) observe in the introduction to their practical guide to *The Methods and Skills of History* that '[m]any who believe the proposition that history is relevant to an understanding of the present often go too far in their claims. Northing is easier to abuse than the historical analogy or parallel.'

Furthermore, the identification of an appropriate historical precursor is open to error. Whereas the most recent and most famous antecedents stand out as obvious points of reference and tend to cast the greatest shadow, they may not prove to be the most relevant. In his study of the 'Grave of Analogies: The Use and Abuse of History

[16] Cited in Hirsch (2002, 48)
[17] Gillespie, Mark. 1999. 'Support Grows for Kosovo Mission, But Public Still Divided.' *Gallup.com.* 26 March. Available at https://news.gallup.com/poll/3985/Support-Grows-Kosovo-Mission-Public-Still-Divided.aspx (Accessed 18 September 2019)

for the War in Afghanistan,' Paul D. Miller (2016, 454-455) suggests that '[w]e tend to select analogies based on surface similarity. Once selected, the analogy allows us to believe that we understand a situation better than we actually do.'

There is also reason to be wary about permitting reflections on past episodes to carry greater clout than the standalone merits and defects of a novel proposition. Championing or deriding intervention in accordance with judgements formed in relation to prior engagements risks overlooking the unique circumstances and context-specific strategies and objectives of the intervention at hand.

Underlying the thesis of this chapter is the contention that there is little popular appreciation of the difference between classical humanitarian intervention and contemporary humanitarian intervention. Given the propensity for public opinion to be shaped by past experience, the contention is that the record of unpopular and controversial contemporary interventions is dominating attitudes towards the idea of, and proposals for, classical action. This pattern has been detrimental to the public popularity of, and by extension, political enthusiasm for, classical humanitarian intervention. In this way, the conviction that emerged in the wake of inaction in Rwanda to never again allow an atrocity go unchallenged has been eroded by the association of the classical model with a legacy of objectionable and unsuccessful contemporary interventions.

3. The Ills of Contemporary Humanitarian Intervention

As the bloody twentieth century drew to a close, a clear resolve appeared to be cementing around the necessity to tackle atrocities. Failure to react to genocide in Rwanda and the failure to adequately defend the Bosniak population in Bosnia – most notably at Srebrenica – had generated a new found resolve to 'never again' stand idly by on the margins of barbarity.

In making the case for military intervention in Kosovo, Blair was adamant that atrocity crimes ought not to go unchallenged, vowing that '[w]e cannot let the evil of

ethnic cleansing stand. We must not rest until it is reversed. We have learned twice before in this century that appeasement does not work.'[18]

President Clinton, who had failed to trigger intervention in Rwanda and who had intervened belatedly in Bosnia, had apparently learned the costly lessons of inaction and led the cause of intervention in Kosovo. In an address to the nation on 3 April 1999, Clinton (1999, 495) defended the need for a military response in Kosovo, asserting that, '[o]ur Nation cannot do everything. We can't stop all violence. But there are times when looking away simply is not an option.' Beyond Kosovo, Clinton (1999, 993) envisaged a continued commitment to reacting to major atrocities, telling assembled soldiers in Macedonia in June 1999 that '[i]f somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background or their religion, and it's within our power to stop it, we will stop it.'

Clinton's determination to act was reflective of favourable public opinion on the question of intervention. A Gallup survey of Americans in June 1999 recorded 64% of respondents being very or somewhat confident that the U.S. effort to establish peace in Kosovo would succeed. 66% of those surveyed believed that the U.S. should continue to respond to international human rights atrocities with military force.[19]

Concurrently, moves were afoot at the United Nations to review the U.N. Charter's absolute prohibition of intervention and to examine the case for permitting humanitarian intervention. This would lead to the establishment of the International Commission on Intervention and State Sovereignty and to the formulation of the Responsibility to Protect doctrine which would allow for the use of 'all necessary means' to tackle war crimes, crimes against humanity, genocide, and ethnic cleansing.

The momentum was destined to be short-lived. As millions perished in a brutal civil war in Democratic Republic of Congo and genocide afflicted the Darfur region of Sudan, the international community's resolve was found sorely lacking. As in the failings of the previous century, apathy proved to be a major impediment to the

[18] Blair, Tony. 1999. 'The Blair Doctrine: Speech to the Chicago Economic Club. 22 April. Available at http://www.pbs.org/newshour/bb/international-jan-june99-blair_doctrine4-23/ (accessed 14 June 2004)

[19]Gallup. 1999. 'Kosovo Intervention Hasn't Shaken Americans' Basic World View.' June 24. Available at https://news.gallup.com/poll/3760/kosovo-intervention-hasnt-shaken-americans-basic-world-view.aspx (accessed 18 September 2019)

initiation of effective action by major powers. More than indifference, however, humanitarian intervention over the course of the 2000s came not only to be quietly avoided but more so to be opposed and even derided. This hostility was captured in the comments of Ireland's Minister for Foreign Affairs at the outset of the Syrian Civil War. As evidence mounted in spring 2012 of the Assad regime's atrocity crimes, Eamon Gilmore recognised that '[a]ll right-thinking people will have been outraged by the images of helpless civilian populations [in Syria] being bombarded and massacred by state security forces.' Yet, notwithstanding this outrage, Gilmore not only detected a complete lack of 'appetite anywhere for any form of external intervention' but further recorded his government's antipathy to international engagement. In a statement representative of a broader international renunciation of the responsibility to protect commitment and 'never again' resolution, Gilmore espoused Ireland's forthright opposition to meaningful military action, bluntly advising 'that we do not want to see military intervention in Syria.'[20]

The about-turn in opinion in respect of humanitarian intervention over the first decade of the new millennium could not be attributed to any failing of classical humanitarian intervention. In the period stretching from NATO intervention in Kosovo (1999) and Australia's consensual intervention in East Timor (1999-2000) to the civil war in Syria, no major classical humanitarian intervention had taken place. If anything, the failure to respond to Democratic Republic of Congo and Darfur ought to have strengthened the 'never again' resolve.

Rather, by being bound up with the broad contemporary interpretation of humanitarian intervention, the promise of the classical model was being tarnished by association with the failings of regime-change interventions in Afghanistan, Iraq, and Libya. The distinctiveness of classical humanitarian intervention not being widely understood, the lessons of a decade of contemporary humanitarian intervention would come to cast a long shadow on the classical idea and serve to undermine public support and political willingness to act.

[20] Minihan, Mary. 2012. 'Gilmore opposed to US military action on Syria.' *The Irish Times*. 8 March. Available at http://www.irishtimes.com/newspaper/ireland/2012/0308/1224313004720.html (accessed 15 March 2012)

Pursuant to a decade of controversial, unpopular, and failing interventions, I argue that the whole notion of humanitarian intervention is now tinged with at least four common perceptions which lend themselves to a negative opinion of humanitarian intervention and to opposition when such action is proposed: (1) that humanitarian intervention is ineffective and often makes matters worse; (2) that humanitarian intervention is too costly for intervening states; (3) that humanitarian intervention cannot make a meaningful difference given the prevalence of crises; and (4) that politicians' professions of humanitarian intentions are rarely substantiated in practice.

3.1 Ineffective

In the first instance, humanitarian intervention is liable to be seen as ineffective. Where Blair and Clinton had been confident in the capability of armed engagement to deliver results, the decade following Kosovo cautioned against such optimism.

The war in Afghanistan was designed to topple the Taliban regime and wipe out Al-Qaeda. Within 6 months, both objectives had been largely accomplished. The initial rationale for war was soon superseded, however, by a far-reaching commitment to nation-building. The fight to oust the Taliban and set flight to Bin Laden and Al-Qaeda would prove to have been a much more straightforward assignment than the arduous reconstruction of a broken state. Over the course of two decades, the U.S., U.K., and allies would invest vast sums of money and deploy huge numbers of military personnel[21] yet fail to make any meaningful progress. As of 2020, the Taliban is resurgent, the Afghan economy is in peril, opium production is thriving, corruption is rampant[22], and the Afghan security services are at breaking point. More than 60,000 members of the Afghan security forces have been killed and estimates put the number of Afghan civilians killed in the war at more than 43,000.[23] In December 2019, *The Washington Post* national security correspondent, Craig Whitlock, concluded that '[i]nstead of bringing stability and peace … the United States inadvertently built a

[21] 777,000 U.S. troops deployed in Afghanistan between October 2001 and December 2019
[22] In 2018 Afghanistan was ranked 172 out of 180 countries in Transparency International's Corruption Perceptions Index.
[23] Whitlock, Craig, Julie Vitkovskaya, and Nick Kirkpatrick. 2019. 'The war in Afghanistan: A visual timeline of the 18-year conflict.' 9 December. *The Washington Post.* Available at https://www.washingtonpost.com/graphics/2019/investigations/amp-stories/visual-timeline-of-the-war-in-afghanistan/?tid=top_nav&hpid=hp_hp-top-table-main_stamp-afghantimeline-930pm%3Ahomepage%2Fstory-ans (Accessed 10 December 2019)

corrupt, dysfunctional Afghan government that remains dependent on U.S. military power for its survival. Assuming it does not collapse, U.S. officials have said it will need billions more dollars in aid annually, for decades.'[24]

The invasion of Iraq in March 2003 aimed to disarm Iraq of weapons of mass destruction, remove Saddam Hussein from power, and facilitate the transition to democratic rule. As in Afghanistan, the war in Iraq enjoyed early success. Invading forces met little resistance on their advance to Baghdad, duly arriving in the capital and deposing Saddam on 10 April. On 1 May, President Bush declared an end to 'major combat operations'[25] (the same day that Defense Secretary Donald Rumsfeld announced an end to 'major combat activity' in Afghanistan.)[26] Bush's declaration proved to be premature as the coalition of the willing became embroiled in another costly and drawn-out nation-building exercise featuring sectarian civil war and the emergence of Islamic State. By 10 December 2019, Iraq Body Count had documented 184,603 – 207,430 civilian deaths from violence and an estimated 288,000 deaths when combatant fatalities are included.[27] In the U.K., the Iraq Inquiry[28], chaired by Sir John Chilcot, found that the war in Iraq 'fell far short of strategic success' (p.109). Contrary to the major justification for war, the inquiry concluded that '[n]o evidence had been identified that Iraq possessed weapons of mass destruction, with which it might threaten its neighbours and the international community more widely' (p.110). Not only did the war fail to achieve its stated aims but it may have actually destabilised Iraq and 'undermined regional security' (p.110).

On 17 March 2011, UN Security Council Resolution 1973 authorised UN member states to 'take all necessary measures … to protect civilians and civilian

[24] Whitlock, Craig. 2019. 'Built to Fail: The Afghanistan Papers.' 9 December. *The Washington Post.* Available at https://www.washingtonpost.com/graphics/2019/investigations/afghanistan-papers/afghanistan-war-nation-building/ (Accessed 10 December 2019)

[25] Rhem, Kathleen T. 2003. 'President Bush Proclaims End to Major Combat Ops in Iraq.' *U.S. Department of Defense: American Forces Press Service.* 1 May. Available at https://archive.defense.gov/news/newsarticle.aspx?id=29032 (Accessed 15 December 2019)

[26] Associated Press Archive. 2015. 'Rumsfeld says major combat activity in Afghanistan has ended.' 30 July. Available at https://www.youtube.com/watch?v=KrVV8jLkbuk (Accessed 15 December 2019)

[27] https://www.iraqbodycount.org/ (10 December 2019)

[28] The Iraq Inquiry. 2016. 'The Report of the Iraq Inquiry: Executive Summary.' Available at < https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/535407/The_Report_of_the_Iraq_Inquiry_-_Executive_Summary.pdf> (accessed 15 December 2019)

populated areas' in Libya.[29] The resolution responded to an increasingly violent crackdown by Colonel Gaddafi on a popular uprising threatening the future of his long-standing regime and sought, in particular, to safeguard civilians from an imminent assault on the city of Benghazi. On 19 March 2011, U.S., U.K., and French airforces, with support from other NATO countries and allies, implemented a no-fly zone and started striking regime targets away from population centres.[30] Rather than restricting their efforts to a strict civilian protection mandate, however, the coalition interpreted the 'all necessary means' provision of resolution 1973 as a licence to support rebel groups in their efforts to remove Gaddafi from power and Operation Unified Protector drifted toward a regime-change posture.[31] NATO airpower duly enabled a rebel victory, the last remnants of Gaddafi's regime capitulating in October 2011.[32] Mirroring the experience in Afghanistan and Iraq, immediate success would once again prove illusory as post-Gaddafi Libya descended into chaos. Rather than transitioning to stable democratic rule, Libya soon assumed 'failed state' status with control of its territory divided between dozens of competing tribal and Islamist factions.[33] President Obama would come to regard the failure to rebuild Libya as the worst mistake of his premiership[34] and described Libya in 2016 as a 'mess.'[35] According to Amnesty International's report for 2017/18, 'three rival governments

[29] This was the first time that the Security Council called for a forceful response in the name of the Responsibility to Protect doctrine.

[30] A no-fly zone was initially proposed by the U.K. and France. The Obama administration concluded that civilians in Libya faced a negligible threat from the air and therefore extended the ambitions of UNSC Res. 1973.

[31] Russia and China abstained on UNSC Resolution 1973. They viewed NATO's regime-change posture as a betrayal of the civilian-protection mandate provided for by Resolution 1973. They were therefore much more reluctant to acquiesce to future civilian-protection resolutions. (See Power 2019, 378).

[32] Michael Doyle (2015, 134): 'the tactical use of NATO airpower to support the rebel offensive against Tripoli, the bombing of Libyan TV, and the attempted assassination by drone of Qaddafi himself arguably strained against the protecting logic of RtoP.'

[33] Further to the detrimental consequences of NATO intervention for Libya, Alan J. Kuperman (2013, 133) argues that the intervention also served to undermine regional security: 'NATO intervention destabilized the previously peaceful and democratic Mali – giving rise to civil war, a coup, secession, massive human displacement, a humanitarian emergency, the strengthening of radical Islamists, and "Mali's worst human rights situation in 50 years". Violence and Islamic radicalism have also spread to Niger and Burkina Faso… Syria's peaceful protestors were encouraged to militarize, in hopes of attracting similar intervention, and that militant transformation has dramatically escalated Syria's death toll.'

[34] Tierney, Dominic. 2016. 'The Legacy of Obama's 'Worst Mistake': There's a problem with the American way of war.' *The Atlantic.* 15 April. Available at https://www.theatlantic.com/international/archive/2016/04/obamas-worst-mistake-libya/478461/ (Accessed 11 December 2019)

[35] Goldberg, Jeffrey. 2016. 'The Obama Doctrine.' *The Atlantic.* April Issue. Available at https://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/#8 (Accessed 11 December 2019)

and hundreds of militas and armed groups continued to compete for power and control over territory.' The report found evidence of indiscriminate attacks in heavily populated areas, mass abductions, the indefinite detention of thousands of people, and widespread torture.[36]

A YouGov poll of U.K. voters in August 2014 asked respondents to think about the long-term impact of western interventions in the Middle East in the preceding years. In each case, the survey found that respondents considered intervention to have made things worse. Asked if they thought that the invasion of Iraq had made things better or worse, 50% responded that the action had probably made things worse in the long term. Just 19% thought that it had probably made things better. In respect to Afghanistan and the overthrow of the Taliban, 38% reckoned that this engagement had made things worse in the long-term compared to 23% who held a favourable opinion. And in regard to the more recent NATO airstrikes in Libya which helped to depose Colonel Gaddafi, 32% considered the intervention to have made things worse in the long-term with 23% holding the opposite view.[37]

Scepticism about the effectiveness of previous humanitarian interventions is likely to have a significant deflationary effect on support for future assignments. In their research, Davies and Johns (2016, 128-129) identify effectiveness as a significant factor in shaping opinion and find that 'if the British public is resistant to a policy of humanitarian intervention, the qualms are more likely to be about whether the policy will work than about whether it is ethically sound.' Davies and Johns suggest that the alleviation of public pessimism about the efficacy of intervention is a difficult challenge. They (2016, 124) note that 'if the likeliest route to demonstrating effectiveness is through a successful intervention, and support from a reluctant public

[36] Amnesty International. 2018. *Amnesty International Report 2017/18: The State of the World's Human Rights.* London: Amnesty International Ltd. Available at https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF (accessed 12 December 2019)

[37] YouGov Survey Results. Available at <http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/2a3r3j0yj4/InternalResults_140811_Iraq_aid_and_air_strikes_W.pdf> (accessed 24 June 2016); Dahlgreen, Will. 2014. 'Public approval of U.S. air strikes in Iraq, division over British involvement. 12 August. *YouGov.* Available at https://yougov.co.uk/topics/politics/articles-reports/2014/08/12/british-public-approve-american-air-strikes-iraq (Accessed 24 June 2016)

is a precondition for such intervention, the British government may face a Catch 22 situation for some time to come.'

3.2 Too Costly

A second lesson derived from early twenty-first-century interventions is that interventions have a nasty habit of lasting much longer and costing a lot more than originally anticipated.

The 'Costs of War' Project at Brown University's Watson Institute estimates that between 2001 and 2019, interventions in Afghanistan/Pakistan, Iraq, and Syria[38] have cost the U.S. taxpayer $5.9 trillion[39] and resulted in the deaths of 7,014 U.S. soldiers and almost 8,000 subcontractors.[40] An analysis for the Center for Strategic and Budgetary Assessments found that the cost per service member deployed to Afghanistan in 2014 would be $2.1 million.[41]

By December 2014, the wars in Iraq and Afghanistan had cost the U.K. Treasury almost £30 billion.[42] The UK recorded 456 deaths in Afghanistan (September 2001 – February 2019) and 178 fatalities in Iraq (January 2003 – May 2011).[43]

Apprehension about cost and longevity are significant suppressors of public support for new interventions. In September 2013 a New York Times/CBS poll found that 66% of respondents were 'very' concerned that any U.S. military action in Syria would be 'a long and costly involvement.'[44] A further 21% described themselves as 'somewhat' concerned. An accompanying article in the *New York Times* interpreted

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[38] Action undertaken in 2014 in Syria against Islamic State
[39] Crawford 2018, 1.
[40] Crawford and Lutz 2019, 1.
[41] Harrison, Todd. 2013. 'Chaos and Uncertainty: The FY2014 Defense Budget and Beyond.' Centre for Strategic and Budgetary Assessments (CSBA) P.11. Available at https://csbaonline.org/research/publications/chaos-and-uncertainty-the-fy-14-defense-budget-and-beyond/publication/1 (Accessed 14 December 2019)
[42] U.K. Ministry of Defence. 2015. 'Response to Freedom of Information Request relating to the Cost to the UK of the Wars in Iraq and Afghanistan.' Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/494526/FOI2015-08279-Cost_of_the_wars_in_Iraq_and_Afghanistan.pdf (Accessed 10 December 2019)
[43] U.K. Ministry of Defence. 2019. 'UK Armed Forces Deaths: Operational deaths post World War II (3 September 1945 to 28 February 2019).' Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789825/20190328_UK_Armed_Forces_Operational_deaths_post_World_War_II-O.pdf (accessed 10 December 2019)
[44] The New York Times. 2013. 'American Views on Intervention in Syria: The New York Times/CBS News Poll.' Available at <https://archive.nytimes.com/www.nytimes.com/interactive/2013/09/10/world/middleeast/american-views-on-intervention-in-syria.html> (accessed 20 October 2019)

these findings as being representative of 'a steady shift in public opinion about the proper American role in the world, as fatigue from the wars in Iraq and Afghanistan has made people less open to intervening in the world's trouble spots and more preoccupied with economic travails at home.'[45]

When inefficacy is married with the risk of bog-down and ongoing financial drain, intervention is scarcely an attractive proposition. Few voters welcome the prospect of new 'forever wars.' Rather than investing further billions to address the problems of strangers in faraway places, the preference in many western societies in recent years has been for domestic economic and social problems to be prioritised ahead of humanitarian projects overseas. Most notably, Donald Trump's 'America First' message in the 2016 U.S. Presidential election resonated strongly with a swathe of voters. Trump astutely gauged the national mood and campaigned for greater priority to be afforded to the domestic agenda. Adopting the credo 'Make America Great Again', Trump argued during the Republican primary campaign that '[w]e have to straighten out our own house. We cannot go around to every country that we're not exactly happy with and say we're going to recreate [them].'[46]

Where political leaders are convinced of the need to respond to humanitarian crises with military force, they must contend with the heightened aversion of their electorate to the dangers of becoming bogged-down in another quagmire. It has been typical for interventions to be 'marketed' on the basis that they will only involve short-term commitment, will avoid putting boots on the ground, and will involve 'surgical' strikes. Such assurances often ring hollow, however, given the propensity for previous short-term intercessions to develop into much longer commitments and for promises to be broken. Voters will be mindful that in the lead up to the invasion of Iraq, U.S. Defense Secretary Donald Rumsfeld reassured the American people that the war would take '[f]ive days or five weeks or five months, but it certainly isn't going to last

[45] Lander, Mark and Megan Thee-Brenan. 2013. 'Survey Reveals Scant Backing for Syria Strike.' *The New York Times.* 9 September. Available at <https://www.nytimes.com/2013/09/10/world/middleeast/poll-majority-of-americans-oppose-military-strike.html> (accessed 20 October 2019)

[46] Jacobs, Ben. 2015. 'The Donald Trump doctrine: "Assad is bad" but US must stop "nation-building". *The Guardian.* 13 October. Available at <https://www.theguardian.com/us-news/2015/oct/13/donald-trump-foreign-policy-doctrine-nation-building> (accessed 19 December 2019)

any longer than that.'[47] In the words of Philip Larkin's (1964, 25) poem MCMXIV, 'never such innocence again.'

3.3 Futility

A third source of disillusionment with humanitarian intervention emanates from the assessment that there is a surplus of demand on the fiscal and human resources and altruistic reserves of traditional interveners. The perception is that no amount of sacrifice and commitment can keep pace with the seeming ubiquity of humanitarian crises around the globe. The apparent inability to achieve meaningful progress and create a safer world feeds into the psychological disposition known as 'pseudoinefficacy' which hampers enthusiasm for new deployments

Pseudoinefficacy arises when the motivation of a person or group is diminished by the realisation that their action will help only a small percentage of people in need. Scott and Paul Slovic found that,

> people might be inclined to send money to an individual person in need, but that if they heard that a second person also required aid but could not be helped, they were less inclined to donate to the first person. Meeting the need no longer felt as satisfying. Similarly, when the need for assistance was described as part of a large-scale relief effort, potential donors would experience a demotivating sense of inefficacy arising from the thought that the help they could provide was but a "drop in the bucket".[48]

Pseudoinefficacy differs from inefficacy in the sense that it is not in fact the case that there is an inability to help. The donor can help the people she intends to help and should not be deterred from helping those because there are others out of reach. In 1999, Clinton (1999, 487) had recognised that intervention would not be possible in every scenario but nevertheless insisted that 'just because we can't do everything for everyone doesn't mean that for the sake of consistency we should do nothing for no

[47] Esterbrook, John. 2002. 'Rumsfeld: It Would Be A Short War.' *CBS News.* 15 November. Available at https://www.cbsnews.com/news/rumsfeld-it-would-be-a-short-war/ (Accessed 19 December 2019)
[48] Slovic, Scott and Paul Slovic. 2015. 'The Arithmetic of Compassion.' *New York Times.* 4 December. https://www.nytimes.com/2015/12/06/opinion/the-arithmetic-of-compassion.html (accessed 10 December 2019)

one.'[49] A decade later, however, the selectivity necessitated by the pervasiveness of crises across the globe would serve to demoralise and demotivate traditional interventionist countries. The sense that even great efforts and sacrifice would amount to little progress and be unlikely to consign barbarity and repression to history has stymied enthusiasm for action even where it could in itself be effective.

The disparity between the limited reach and high cost of military intervention has also led to doubts that humanitarian intervention is the best way of expending finite resources and has motivated support for more efficient alternatives. Benjamin Valentino (2011), for instance, suggests that the financial capital committed to humanitarian interventions could save many more lives if invested in more cost-effective measures like international public health initiatives, the provision of relief aid to the victims of natural disasters, and the extension of assistance to refugees fleeing violent conflict.

To illustrate his point, Valentino (2011, 67) approximates that each life saved during the military intervention in Somalia cost the U.S. exchequer between $280,000 and $700,000. Valentino (68-69) accepts that this cost 'may seem low in absolute terms' but argues that 'in comparison to the other ways the United States' scarce resources might have been spent to save lives abroad, humanitarian intervention begins to look extravagant.' For example, in respect to international public health programmes, Valentino (69) contends that 'on a per-life [saved] basis, measles vaccination would be 3,000 times as cost-effective as the military intervention in Somalia' and further claims that the distribution of antimalarial bed nets may be even more efficient. Disaster-relief efforts are not, in Valentino's (69-70) view, as cost-effective as public health initiatives but they do 'avoid many of the moral and political costs of military intervention' and evoke unparalleled appreciation from beneficiaries. Refugee assistance and protection are said to 'have probably saved more lives from conflict than any other form of international intervention' (70).

Of course, comparisons of efficiency only matter if it is essential to choose between alternative courses of action. As Valentino acknowledges, it is not strictly necessary to make a choice between embarking on humanitarian intervention or

[49] 'Remarks to the Military Community at Norfolk Naval Station' 1 April 1999. Public Papers of the Presidents of the United States: William J. Clinton. Book 1. Wahsington: United States Government Printing Office. p.487

rolling out public health schemes. There is enough wealth in the world to do both and more. Yet, given the artificial limitations restricting the availability of resources to address humanitarian issues, any investment in humanitarian intervention is liable to meet with the charge that the resources employed could be used to much greater effect on other projects and that for each life saved the opportunity cost may be many multiples of lives lost.

3.4 Broken Trust

Fourth, interventions in Afghanistan, Iraq, and Libya have also served to undermine public trust in the honesty and moral integrity of government institutions in respect to the resort to humanitarian intervention.

The falsehoods at the heart of the case for invading Iraq have attracted especially strong criticism and embedded new levels of scepticism as to the truthfulness and good intentions of western governments. The establishment of a just cause for war is a matter of grave importance. That the categoric and detailed claims as to Saddam's possession of weapons of mass destruction proved to be absolutely misplaced raises doubts about the trustworthiness of western leaders and western intelligence agencies. If the U.S. and U.K. governments were willing to fabricate evidence to justify war in 2003, then there can be little assurance that future evidence can be taken at face value or, indeed, that leaders can be taken at their word. Writing in *The Guardian* on the occasion of the publication of the Chilcot Report in 2016, columnist Jonathan Freedland (2016) assessed that 'the experience of listening to [Tony] Blair insist that the intelligence proved "beyond doubt" that Iraq had weapons of mass destruction – only for the US and British invaders to find none – has left many unable to believe a single word any politician says about anything.'

To a certain degree, the erosion of faith in the accuracy of intelligence relayed by governments and the arousal of circumspection as to the motives behind proposals for intervention are positive developments. It is healthy that enhanced public scepticism and scrutiny ensures that congressional/parliamentary debate and media coverage put the factual basis for overseas engagements to the test. The augmented vigilance of electorates also demands greater reverence from leaders for the authority of their national legislatures and for the strictures of international law.

Nevertheless, the inculcation of deep distrust has made it more difficult to garner support in cases of genuine humanitarian necessity. After the scarring experience of Iraq, there is now almost the presumption that the official justification for any proposed military action ought not to be taken at face value. 'Political commentators, and the general public,' Helen Frowe (2014, 95) notes, 'frequently express scepticism concerning the explanations given by states for engaging in "humanitarian interventions," often attributing to the interveners rather more self-interested reasons for action than those offered by the interveners themselves.' In the British context, Gribble et al. (2014, 13) find that 'cynicism regarding the motives in Iraq' still resonates and induces distrust of 'government sources in relation to the purposes of military action.' Their analysis advises that lingering cynicism 'may have potential implications for the viability of UK involvement in future missions' (Gribble et al. 2014, 14).

In an overall sense, the entanglement of the classical notion of humanitarian intervention with the regime change interventions in Afghanistan, Iraq, and Libya has damaged its popular reputation as a force for good and aggravated suspicion that humanitarian pretexts are exploited by western powers to justify and amass support for aggressive, strategic interventions. Libya initially appeared to present an opportunity for a new beginning under the Responsibility to Protect framework. Yet, far from rehabilitating the image of intervention and revitalising trust in the good intentions of western governments, the Libyan episode served to compound misgivings and damage the cause of RtoP on its first outing.[50] Where an unambiguously humanitarian mission may have renewed public confidence in the moral underpinnings of the cause of humanitarian intervention and precipitated enhanced international cooperation on crises into the future, Bachman (2015, 65) perceives that '[t]he NATO-led intervention was based on a distorted narrative, which was relied upon throughout the duration of Libya's civil war in order to justify NATO's continued involvement, and NATO's continued involvement was needed to

[50] Russia and China did not cast a veto to impede the passage of Resolution 1973 authorising military action in Libya in accordance with Responsibility to Protect. Their acquiescence was secured on the basis of NATO action being restricted to the task of civilian protection. When NATO's engagement extended beyond the remit of protecting and outside of the parameters of Res 1973, Russia and China 'felt that they had been hoodwinked and sold a protection intervention that turned into a regime change intervention' (Doyle 2011, 140). The prospects of Russia and China abstaining in future were thereby severely dented.

ensure that its self-interested objective [of regime-change] was achieved.' The missed opportunity to forge a new path in Libya for humanitarian intervention would go on to be a significant factor in the reticence of electorates in the U.S., U.K., and Europe to support atrocity-relief measures in the Syrian Civil War in August 2013.

Conclusion

The expanding scope of 'humanitarian intervention' in recent decades has not served the cause of classical humanitarian intervention well. Where once there existed a strong nexus between the terminology of 'humanitarian intervention' and the contours of the classical model, today 'humanitarian intervention' represents a broad field of action vaguely orientated toward humanitarian ends. A language no longer exists to demarcate the characteristics and merits of classical intervention. As a consequence, the concept of classical humanitarian intervention has been largely lost as a unique and potentially valuable instrument of international relations.

In Chapter 3, I make the case for the adoption of a new and distinctive name for classical humanitarian intervention. This would allow for a clear appreciation of the concept's nuanced character and disassociate it from the broader field of contemporary humanitarian intervention. It would also precipitate a significantly revised public outlook in respect to the virtues of responding to atrocity crimes with armed force and could even lead to an enhanced political willingness to take effective action to save populations at risk.

Chapter 3: Classical Humanitarian Intervention

Introduction

Chapter 2 highlighted how the original, 'classical' concept of humanitarian intervention has been subsumed into the much more general 'contemporary' construct which has emerged and evolved since the early 1990s. In this process of absorption, the individual character and merits of the classical model have become obscured and the instrument's standing has become tainted and derided by virtue of its association with the perceived failings of the contemporary agenda.

This chapter proposes that classical humanitarian intervention ought to be reclaimed as an independent idea and evaluated on its own terms. Such simple steps would profoundly alter public perception in relation to the historical record and future potential of forceful atrocity-crime cessation.

Section 1 argues that classical humanitarian intervention ought not to be equated to regime-change intervention and ought not therefore be linked with the short-comings of Afghanistan, Iraq, and Libya. I speculate that a much more positive view of the classical model would emerge if it were appraised on its own terms. Section 2 illustrates the practical repercussions of failing to differentiate the classical model with reference to the overriding and constraining influence cast by the legacies of Afghanistan, Iraq, and Libya on the U.S./U.K. proposal for classical intervention in Syria in 2013. Section 3 recalls the prescience of Ken Roth's warning in 2004 that the conceptual drift of humanitarian intervention would lead the classical conception into association with controversial and unpopular ideas and ultimately undermine the standing of the classical cause and deflate enthusiasm for action when most required. In Section 4, I consider the force of a counter-argument to my thesis. In conclusion, I propose that a new and unique terminology be adopted so as to clearly differentiate the particularities of the classical model and allow for independent appraisal.

1. Individual Merits of Classical Humanitarian Intervention

The lessons of Afghanistan, Iraq, and Libya have discredited the notion of humanitarian intervention. Whereas at the turn of the twenty-first-century there was optimism that the international community would never again stand by on the margins of atrocity, the experience of Afghanistan, Iraq, and Libya spelled out the limits and dangers of treating fire with fire. Where public support had been buoyant and political

will resolute during and after the intervention in Kosovo in 1999, within fifteen years such conviction in the merits of humanitarian intervention had thoroughly dissipated.

Yet, notwithstanding the failings and flaws of the wars in Afghanistan, Iraq, and Libya, it is doubtful that the legacy of these actions ought to colour opinion on all formulations of humanitarian intervention. More specifically, given that the invasions of Afghanistan and Iraq and the bombing of Libya were regime-change interventions it is unclear that their short-comings are entirely relevant to the atrocity-prevention instrument of classical humanitarian intervention.

Classical humanitarian intervention is designed to respond to the occurrence or threat of mass atrocity crimes and aims to rescue and/or protect civilian populations from grave danger. Neither the war in Afghanistan nor the subsequent war in Iraq qualify as classical humanitarian interventions as neither action responded to the occurrence or threat of mass atrocities. Libya presents a stronger case for categorisation as classical humanitarian intervention due to the imminent threat to the population of Benghazi posed by Colonel Gaddafi's forces. Yet, the NATO-led airstrikes clearly diverged from the mandate of civilian protection to pursue the tangential ambition of toppling Gaddafi.

The drawing of lessons from Afghanistan, Iraq, and Libya to guide opinion and decision-making for classical humanitarian intervention derives more, then, from the use of the title 'humanitarian intervention' in all cases than from any affinity of character or purpose. In essence, the cause of classical humanitarian intervention has been greatly damaged by its assimilation in the melting pot of contemporary humanitarian intervention.

If classical humanitarian intervention were to be segregated semantically from regime-change and other forms of intervention and thereby viewed on its own terms, a very different track record would emerge and lend itself to a much more favourable evaluation in the court of public opinion. In what follows, I will argue that an isolated analysis of the classical model reveals four crucial and mostly overlooked characteristics of classical humanitarian intervention: (1) that it is rarely undertaken; (2) that it is most often avoided when called for; (3) that it is not regularly liable to fail; and (4) that it is not always prohibitively risky.

1.1 Rarely Undertaken

The prevailing narrative is that humanitarian intervention is happening too often and placing too great a burden on the resources and altruistic reserves of prominent members of the international community. When new crises emerge it is difficult, irrespective of the gravity of the circumstances confronted, to galvanise support among war-weary societies for new humanitarian military ventures.

The widespread perception of humanitarian intervention occurring too frequently at too great a cost and the consequent rise in disaffection with the whole idea are linked to the growing breadth with which humanitarian intervention is understood. When humanitarian intervention is assumed to include everything from classical humanitarian intervention and liberal intervention to military humanitarianism, peacekeeping, and wars on terror, the scale of commitments in recent decades is significant and the proliferation of fatigue is easily explained.

Yet, if classical humanitarian intervention were to be judged ins own right and differentiated from liberal intervention, military humanitarianism, peacekeeping, and wars on terror, the infrequency of engagements becomes immediately apparent. Since 1990, it is possible to identify just one clear-cut scenario in which U.S. intervention could be deemed to have responded to atrocities and been orientated predominantly to the task of protecting civilians from harm. This intervention occurred in 1990 in northern Iraq where Operation Provide Comfort defended displaced and endangered Kurds and facilitated their return home.

Many of the more celebrated and widely-known humanitarian interventions could at best be described as borderline cases of classical humanitarian intervention. Intervention in Somalia in 1992-1993 principally focused on protecting NGO workers and supplies and on facilitating the distribution of relief aid. In Bosnia-Herzegovina, international actors largely refrained from interceding to alleviate widespread war crimes and ethnic cleansing. The UN established a peacekeeping force which was mandated to assist in the transport and security of aid but was not tasked with civilian protection. Michael Barnett (2011, 176) recalls that although ‘the Bosnian leaders explicitly preferred military assistance to humanitarian assistance, arguing that they needed a fighting chance to stay alive, the UN Security Council and Western states “decided for them that they should be fed and not armed”.’ The NATO intervention in Kosovo is frequently cited as a paradigm and successful case of humanitarian

intervention yet, as recounted in Chapter 1, the NATO campaign was undertaken not with a view to atrocity-relief but on the grounds of 'liberating the majority population of Kosovo from a long period of oppression under Serbian rule' (Independent International Commission on Kosovo 2000, 4). The more recent NATO intervention in Libya followed on foot of a UN Security Council resolution to save the civilian population of Benghazi but deviated to assisting in the overthrow of the Gaddafi regime. The U.S. intervention in 2014 in defence of the Yazidi population of northern Iraq comes closest to the ideal of classical humanitarian intervention but even that campaign, initially constituted as a rescue mission, morphed into an all-out war against Islamic State.

The idea, then, that the international community has over-exerted itself in the cause of atrocity-cessation scarcely stands up the scrutiny. If classical humanitarian intervention could be disentangled from the clutches of contemporary humanitarian intervention, it would be apparent that weariness is attributable to a greater degree to non-classical interventions and ought not impact on the willingness or enthusiasm of the U.S. and other potential interveners to embark on emergency atrocity-cessation campaigns when required.

1.2 Most Often Avoided

The rarity with which classical interventions have occurred cannot be attributed to a lack of crises demanding attention. On the contrary, since the end of the Cold War, there has been a proliferation of humanitarian catastrophes providing ample opportunities for classical intervention. The disparity between the abundance of man-made disasters and the scarcity of classical humanitarian responses demonstrates that the propensity has been to eschew rather than undertake intervention where it has been most required. In many of the major instances of atrocity since 1990 (ethnic conflict in Burundi 1993; Genocide in Rwanda 1994; ethnic cleansing in Bosnia and Herzegovina 1992-1995; war crimes in Democratic Republic of Congo 1998-2008; Genocide in Darfur 2003-present; war crimes and crimes against humanity in Syrian Civil War 2011-present; war crimes in Yemen 2014-present; ethnic cleansing in Myanmar 2017-present)[51], the international community has failed to act, has acted

[51] This list is non-exhaustive. An obvious omission is North Korea's concentration camp programme. This is omitted on the basis that intervention is liable to be unjustifiable because any such action would result in devastating retaliatory strikes on urban centres in South Korea.

with insufficient ambition and resolve, or has acted too late. Contrary to the widespread perception that western countries are intervening too often and that western societies are fatigued from arduous and recurring commitments, the international community stands indicted on multiple counts of inaction in the face of atrocity. [52] If anything, energy has been expended and exhausted in such theatres as Afghanistan, Iraq, and Libya, and the cause of classical humanitarian intervention has been an opportunity cost of such misguided endeavours.

1.3 Not Liable to Fail

Classical humanitarian intervention can often be deemed to be successful. Responding to the onset or perpetuation of mass atrocities, the ambition of the classical model is singular and negative in character: put an end to the killing and violence. In Seybolt's (2008, 276) words, '[i]t is necessary to be ruthlessly modest about what humanitarian intervention can do. It can, under the right circumstances, 'stop the dying' in the short term and it can protect some fundamental human rights.' Evaluated against the metric of saving endangered populations rather than against grand notions of nation-building and democratisation, the imposition of military force can be an effective tool. For example, the U.S. response in 2014 to the Islamic State group's attacks on the Yazidi population in Iraq undoubtedly saved thousands of lives. The initial focus of NATO action in Libya – the defence of the civilian population in Benghazi – was similarly successful as was the British intercession in Sierra Leone in 1999. NATO's defence of Iraqi Kurds in the early 1990s is also widely regarded as a success.[53]

In many of the most egregious cases of inaction, doubts surrounding intervention's effectiveness hardly cautioned against action. Whereas Afghanistan, Iraq, and Libya provide cautionary tales as to the suitability of military intervention as a means to nation-building, democratisation, and liberalisation, the prospect of

[52] In her history of America's responses to Genocide in the twentieth century, Samantha Power (2003, 504) found that American culpability in atrocity crimes stretching from the Armenian to Rwanda and Bosnia extended not only to the failure to aid but to 'directly or indirectly aid[ing] those committing genocide.' Noam Chomsky (2012) has also highlighted the need to examine NATO countries roles in perpetrating and facilitating atrocities rather than reserving criticism for failures of omission.

[53] More quantitative analysis of the impact of classical humanitarian intervention is required. As Gromes and Dembinski (2019, 1044) note, '[m]any untested assumptions plague the scholarly literature on humanitarian military interventions.' Their new dataset – the Peace Research Institute Frankfurt Dataset on Humanitarian Military Interventions since 1945 – 'allows many of these assumptions to be tested' and refutes claims that intervention is likely to produce more failures than successes (Gromes and Dembinski 2019, 1044-1045). The dataset is available at https://humanitarian-military-interventions.com

military force helping to save lives in Burundi, Rwanda, Democratic Republic of Congo, Darfur, and elsewhere was scarcely in doubt. In *A Problem from Hell*, Samantha Power (2005) surveys the U.S. failure to respond to genocide in the twentieth century. From her review of case studies ranging from Armenia, the Holocaust, and Cambodia to Bosnia, Rwanda, and Srebrenica, Power deduces that U.S. inaction stemmed not from a lack of capability but from an absence of will. In a damning conclusion, Power (2005, 508) surmises that '[t]he real reason the United States did not do what it could and should have done to stop genocide was not a lack of knowledge or influence but a lack of will. Simply put, American leaders did not act because they did not want to.'

It must also be stated that past failure is not an absolute guide to the outcome of future undertakings. In many cases failure will not have been inevitable and will have followed from errors on the part of interveners rather than from the impossibility of success. Seybolt (2008, 45), for instance, cautions that interventions 'depend for their success on policymakers correctly diagnosing the causes of death and the most effective way to address them.' Failure in the past may implore us to learn and do better next time rather than abandoning the whole idea altogether.

1.4 Not Prohibitively Risky

Finally, the burdens of intervening on a classical basis are not necessarily prohibitive. In many of the cases where the international community has failed to act, the means at the disposal of the evil-doers were modest and the challenge of defeating the perpetrators was surmountable. In Rwanda, for example, hundreds of thousands of Tutsis were murdered by youthful members of machete-wielding militias. A minor commitment from the world's leading military powers could have quickly overpowered and overawed these groups. Lieutenant General Romeo Dallaire, Force Commander of the UN mission to Rwanda, wrote in his memoir, *Shake Hands with the Devil*, that the 1994 Genocide could have been averted at a modest cost. In his first-hand account, Dallaire (2004, 514) adjudged that his forces could have saved hundreds of thousands of lives with just 'a few more well-trained and properly equipped battalions on the ground,' and a 'budget increase of only about US$100 million.'

A complete analysis of the costs of intervention ought also to take account of the benefits which may accrue to the intervener. For instance, where the ethical and legal shortcomings of regime-change interventions besmirched the reputation of the U.S., U.K., and their allies, the sacrifice and global solidarity encapsulated in an enactment of classical humanitarian intervention can enhance credibility and authority on matters of human rights, global justice, and humanitarian affairs. The successful resolution of a humanitarian crisis can also serve the national interest of the intervening parties in averting refugee flows, reducing the risk of regional destabilisation, and acting as a deterrent to other would-be offenders. As Blair had pointed out in 1999, '[w]e are all internationalists now, whether we like it or not. We cannot turn our backs on conflicts and the violation of human rights within other countries if we want still to be secure.'[54]

2. Syria: The Legacy of Contemporary Humanitarian Intervention and a Proposal for Classical Humanitarian Intervention

The distortion of opinion in respect to classical humanitarian intervention by virtue of its semantic association with controversial episodes of contemporary action has had practical and restricting consequences. Where once the slogan of 'never again' was invoked as a rallying cry to prevent recurrences of atrocity, now the call is to avoid any repeat of Afghanistan, Iraq, or Libya. The vigilant commitment to learn from the mistakes of the past is commendable in its own right but the learnings have not been compartmentalised and have led to an undue aversion to the undertaking of classical humanitarian intervention. This reticence was manifested in the appeasement of chemical weapons use in Syria in 2013.

2.1 The Arab Spring

The origins of the Syrian Civil War lie in a little-known town in northern Tunisia called Sidi Bouzid. It was here on Friday 17 December 2010 that a young street trader made a dramatic stand against government corruption and set off a wave of protest and revolution across north Africa and the Middle East, the so-called Arab Spring.

[54] Blair,Tony. 1999. 'The Blair Doctrine: Speech to the Chicago Economic Club. 22 April. Full Text Available at https://www.globalpolicy.org/component/content/article/154/26026.html (accessed 14 June 2014)

In the absence of meaningful career prospects, twenty-six year old Muhammad Boazizi had spent his adult life selling fruit and vegetables from an unlicensed cart in his hometown. Boazizi could not afford to pay bribes to government officials to attain a license so when inspectors came to check for permits, he and his fellow traders would quickly gather their things and flee the scene.

On the morning of 17 December 2010, however, Bouazizi was not inclined to run. The inspectors came and confiscated his scales and some merchandise. Bouazizi made his way to the local municipal office to protest and recoup his scales. When his entreaties were rebuffed, an exasperated and humiliated Bouazizi took drastic action, dousing himself in gasoline and setting himself on fire.

By the time Bouazizi died in hospital on 4 January 2011, his plight had inspired a wave of protest across Tunisia demanding an end to corruption, political repression, economic hardship, and high employment. Protesters adopted the slogan '*Ash-shab yurid isqat an-misam'* (The people want the fall of the regime). On 14 January, their wish was granted as President Ben Ali fled to Saudi Arabia, bringing an end to his twenty-five-year reign.

From Sidi Bouzid and Tunisia, revolution spread across North Africa and the Middle East as emboldened protesters sought liberation from long-standing tyranny and economic stagnation. After thirty years in office, Hosni Mubarak was forced to resign as President of Egypt on 11 February 2011 following mass protests and the intervention of the army. By August 2011, Muammar Gaddafi too was gone; his four-decade dictatorship in Libya finally curtailed when armed rebels overran Tripoli.

2.2 Arab Spring reaches Syria

For many Syrians following developments in Tunisia and Egypt in early 2011 on satellite television station, *Al Jazeera,* and via social media, the grievances of protesters were all too familiar. The succession of Bashar al-Assad to the presidency in 2000 following the death of his father, Hafez, had failed to deliver political reform or economic prosperity. The one-party system and political repression persisted. Outside of urban elites with ties to the regime, most Syrians contended with rising living costs, high unemployment, and pervasive corruption. Moreover, rapid population growth, inward migration from Iraq, and a severe drought in the period 2006-2009 served to exacerbate food insecurity and job scarcity.

If dissatisfaction with the regime was rife, initial opposition rallies in early 2011 were nevertheless sporadic and small, the contagion of the Arab Spring struggling to take hold. It was only when police and military units opened fire on demonstrations in March that much greater numbers of protesters came out onto the streets. Assad was clearly mindful of the fate which had already befallen the regimes in Tunisia and Egypt and was determined to hold onto power by whatever means necessary. Yet, the plan to crush the seeds of rebellion by force was sorely misjudged. The shooting, detention, and torture of demonstrators only served to inspire ever larger rallies and deepening hostility. Within months, Syria was sliding towards civil war.

2.3 Chemical Weapons Attack

As conflict took hold in earnest in 2012, both Government and rebel groups were implicated in breaches of international humanitarian law. An investigation by the United Nation's Office for the High Commissioner for Human Rights (OHCHR) found that, by September 2012, Government forces and Government backed militia known as *Shabbiha* had committed crimes against humanity, war crimes, and gross human rights violations including 'murder, summary execution, torture, arbitrary arrest and detention, sexual violence, violations of children's rights, pillaging, and destruction of civilian objects – including hospitals and schools.' The same investigation implicated opposition groups in the murder, extrajudicial execution, and torture of Government soldiers, informers, and alleged members of *Shabbiha,* but concluded that 'the crimes and abuses committed by anti-Government armed groups, though serious, did not reach the gravity, frequency and scale of those committed by the Government forces and *Shabbiha.*'[55]

With both sides in receipt of support from international backers and with extremist groups challenging both regime and opposition forces, the ferocity of the fighting was unrelenting. Assad's willingness to drop barrel and cluster bombs on densely populated urban centres in an effort to reverse rebel gains put civilians particularly at risk. By July 2013, UN Secretary-General, Ban Ki-moon, confirmed

[55] United Nations Office of the High Commissioner for Human Rights. 2012. 'Commission of Inquiry on Syria: civilians bearing the brunt of the "unrelenting spiral of violence".' 18 September. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/CIonSyriaciviliansunrelentingspiralofviolence.aspx> (accessed 10 October 2019)

that the death toll from the conflict had already surpassed the 100,000 mark.[56] Upwards of two million Syrians had been forced to seek refuge in neighbouring countries while a further four million were classified as internally displaced.

Notwithstanding the dire humanitarian impact of the conflict and evidence of war crimes and crimes against humanity, the international community was disinclined to consider recourse to humanitarian intervention. Extensive and prominent media coverage provoked criticism of Assad in western capitals but generated little enthusiasm for any form of military engagement.

The question of intervention could not, however, be avoided in August 2013 in the wake of a government chemical weapons attack on the outskirts of Damascus. U.S. President Barack Obama had been clear in August 2012 that the use of chemical weapons represented a 'red line' issue and would 'change [his] calculus' in respect of U.S. involvement.[57] The contravention of this red line in the sarin attack a year later and widespread revulsion at the appalling suffering captured in mobile phone footage demanded a re-evaluation of western non-intervention.

2.4 Public Debate

President Obama and Prime Minister Cameron were immediately intent on military action. In a post-Iraq era of growing anti-interventionist sentiment, both leaders were mindful, however, of the need to build a broad domestic consensus behind intervention. In search of a mandate for action, Cameron would recall parliament from its summer recess to debate a motion to back a military response in Syria. President Obama similarly set about securing Congressional support for U.S. involvement.

On both sides of the Atlantic, the administrations were keen to disassociate the Syrian case from Iraq. Speaking in the debate in the House of Commons, Cameron was at pains to articulate the distinctive character of the proposal at hand. Describing himself as being 'deeply mindful of the lessons of previous conflicts and, in particular, of the deep concerns in the country that were caused by what went wrong with the Iraq conflict in 2003,' Cameron referred to Syria as being 'fundamentally different' and

[56] Radio Free Europe/Radio Liberty. 2013. 'UN says Syria death toll above 100,000.' 25 July. Available at https://www.refworld.org/docid/520894bab.html (Accessed 5 December 2019)
[57] Rhodes, Ben. 2018. 'Inside the White House During the Syrian 'Red Line' Crisis. *The Atlantic.* 3 June. Available at https://www.theatlantic.com/international/archive/2018/06/inside-the-white-house-during-the-syrian-red-line-crisis/561887/ (Accessed 4 December 2019)

'not like Iraq.' In his speech commending his motion to the House, Cameron argued that:

> The question before the House today is how to respond to one of the most abhorrent use of chemical weapons in a century, which has slaughtered innocent men, women and children in Syria. It is not about taking sides in the Syrian conflict, it is not about invading, it is not about regime change, and it is not even about working more closely with the opposition; it is about the large-scale use of chemical weapons and our response to a war crime – nothing else.[58]

Obama was similarly mindful of the growing aversion to new deployments overseas and sought to assuage concern about the extent of U.S. ambitions and commitments. In a statement on 31 August 2013, the President acknowledged the weariness of the country with war and thereby set out the limits of action in Syria. 'This would not be an open-ended intervention,' Obama assured. 'We would not put boots on the ground. Instead, our action would be designed to be limited in duration and scope.'[59]

The particularity of the scenario encountered in Syria, and the specific merits of the limited intervention proposed in response, ought to have been given due appraisal in their own right. Yet, the shadow of Iraq was impossible to escape. The whole concept of using force in defiance of atrocities overseas had become indistinguishable from the broader interventionist agenda and indelibly linked to the deeply unpopular interventions of the War on Terror.

Davies and Johns (2016, 133) conclude that 'experiences with both Iraq and Afghanistan have contaminated public perceptions of both the ethics and effectiveness of humanitarian intervention' and that unfavourable public attitudes derived from recent experience are undermining political willingness to take action where necessary. 'The impact,' Davies and Johns observe, 'was clearly reflected in opinion

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[58] Cameron, David. 2013. 'Syria and the Use of Chemical Weapons.' *Hansard: House of Commons Debates*. 29 August, c.1426. Available at https://publications.parliament.uk/pa/cm201314/cmhansrd/cm130829/debtext/130829-0001.htm (Accessed 1 December 2019)

[59] Obama, Barack. 2013. 'Statement on US intervention in Syria: Full text of remarks delivered in the White House Rose Garden.' 31 August. Available at https://www.theguardian.com/world/2013/aug/31/barack-obama-statement-us-intervention-syria (Accessed 2 December 2019)

polls showing widespread public hostility to intervention in Syria at the time, in August 2013, when the UK Parliament was recalled to vote on possible military action.' A *YouGov* poll published on 25 August showed that just 9% of those polled favoured sending British troops to fight in Syria with 74% opposed.[60] A new *YouGov* poll featuring on the front page of *The Times* on 29 August reported just 22% support for missile strikes and placed opposition to such strikes at 51%.[61]

Strong public opposition to engagement was reflected in the Commons debate where the lessons of Iraq were invoked in favour of arguments to forego intervention. Former Foreign Secretary, Jack Straw, was among those to take note of the legacy of Iraq on public opinion, reflecting that 'Iraq has made the public much more questioning and more worried about whether we should put troops in harm's way, especially when intelligence is involved.'[62] Meanwhile, Labour MP John McDonnell intervened on the Prime Minister to explain his opposition to intervention in Syria. Again, recent experience seemed to override the specifics at hand: 'If we have learned anything from Iraq and Afghanistan it is this: military intervention does not just cost lives; it undermines the credibility of the international institutions that we look to secure peace in the world and, in the long run, it undermines peace settlements across the globe… That is why I will not support any motion that, in principle, supports military intervention in Syria, which can only do more harm than good.'[63]

Cameron's motion was defeated by 285 votes to 272. In defeat, Cameron lamented the inescapable shadow of wars gone by, opining that 'the well of public opinion was well and truly poisoned by the Iraq episode.'[64]

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[60] Jordan, William. 2013. 'Public Opinion Drove Syria Debate.' *Yougov.co.uk.* Available at https://yougov.co.uk/topics/politics/articles-reports/2013/08/30/public-opinion-syria-policy (Accessed 14 June 2016)

[61] YouGov. 2013. 'Survey Results: Public Attitudes towards Military Action in Sryia.' Available at http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/jeg8gvexyy/YG-Archive-Times-results-280813-Syria.pdf (Accessed

[62] Straw, Jack. 2013. 'Syria and the Use of Chemical Weapons.' *Hansard: House of Commons Debates*. 29 August, c.1436. Available at https://publications.parliament.uk/pa/cm201314/cmhansrd/cm130829/debtext/130829-0001.htm (Accessed 1 December 2019)

[63] McDonnell, John. 2013. 'Syria and the Use of Chemical Weapons.' *Hansard: House of Commons Debates*. 29 August, c.1461. Available at https://publications.parliament.uk/pa/cm201314/cmhansrd/cm130829/debtext/130829-0001.htm (Accessed 1 December 2019)

[64] Cameron, David. 2013. 'Syria and the Use of Chemical Weapons.' *Hansard: House of Commons Debates*. 29 August, c.1428. Available at

Cameron's struggle to build support for intervention in the UK was replicated in Obama's travails in Washington. In a September *Gallup* poll, Americans' support for military action to deplete Assad's chemical weapons capability stood at a measly 36% in comparison to 51% opposed. The finding was described by *Gallup* as being 'among the lowest for any intervention Gallup has asked about in the last 20 years.'[65] The *New York Times* reported that 6 in 10 Americans were opposed to intervention in Syria 'with similar majorities saying they fear military action could enmesh the United States in another long engagement in the Middle East and would increase the terrorist threat to Americans.'[66] The opposition to intervention reflected a wider weariness with military intervention with 62% of respondents to the *New York Times*/*CBS* poll agreeing with the view that 'the United States should not take a leading role in trying to solve foreign conflicts' and 72% responding negatively to the statement that the 'United States should intervene to turn dictatorships into democracies.'[67] [68]

The depth of opposition could be attributed less to the intricacies of the Syrian crisis and more to the hangover of preceding wars. In his book, *The Arab Uprisings*, the BBC's Middle East Editor, Jeremy Bowen, contends that the regime-change interventions had dented Americans' confidence in military ventures in the Middle East. In 2003, the American people, Bowen (2012, 310) writes, 'believed then that an invasion was possible, and that it would be an easy victory and not a catastrophic mistake. Eight years later, with different faces at the top, they were more cautious, and more realistic. The searing experience of Iraq, and their commitments in Afghanistan,

https://publications.parliament.uk/pa/cm201314/cmhansrd/cm130829/debtext/130829-0001.htm (Accessed 1 December 2019)

[65] Dugan, Andrew. 2013. 'U.S. Support for Action in Syria is Low vs Past Conflicts.' *Gallup.* 6 September. Available at https://news.gallup.com/poll/164282/support-syria-action-lower-past-conflicts.aspx (Accessed 20 October 2019)

[66] Landler, Mark, and Megan Thee-Brenan. 2013. 'Survey Reveals Scant Backing for Syria Strike.' *New York Times.* 9 September. Available at https://www.nytimes.com/2013/09/10/world/middleeast/poll-majority-of-americans-oppose-military-strike.html (accessed 20 October 2019)

[67] Ibid. ; Poll Findings: New York Times. 2013. 'American Views on Intervention in Syria: The New York Times/CBS News Poll.' Available at <https://archive.nytimes.com/www.nytimes.com/interactive/2013/09/10/world/middleeast/american-views-on-intervention-in-syria.html> (accessed 20 October 2019)

[68] The trends recorded in the U.S. and U.K. were reflected across the west. A Transatlantic Trends Survey (2013, 31) found an average approval rating of just 22% amongst Europeans for intervention by their respective governments. In Syria's neighbour Turkey, 72% of respondents to the Survey wanted their country to stay out of Syria.

taught the Americans and the British some hard lessons… The American people were fed up with wars seemingly without end.'

The pervading public disapproval weighed heavily on lawmakers on Capitol Hill. A *Washington Post* exclusive on 5 September claimed that any motion for military action would be heavily defeated (see Power 2019, 382). Having advocated for a military response, President Obama did not even put forward his motion for a vote.

3. Distorted Perception of Classical Humanitarian Intervention

The prospect of classical humanitarian intervention suffering by association with contemporary intervention was identified by the Director of *Human Rights Watch*, Ken Roth, in 2004.[69] In a prophetic contribution, Roth expressed concern at the depiction of the invasion of Iraq as a humanitarian exercise and enunciated the probability that the eminence of Iraq would shape perceptions about the nature of humanitarian intervention. In Roth's (2004) view,

> [t]he sheer size of the invasion of Iraq, the central involvement of the world's superpower, and the enormous controversy surrounding the war meant that the Iraqi conflict overshadowed the other military actions [concurrent interventions by France in Democratic Republic of Congo, by a West African coalition in Liberia, and by France in Cote d'Ivoire.] For better or for worse, that prominence gave it greater power to shape public perceptions of armed interventions said by their proponents to be justified on humanitarian grounds.

In Roth's considered judgement, the invasion of Iraq could not rightly be qualified as humanitarian intervention (in what I would term in the classical sense) for five reasons: (a) the crisis in Iraq in the lead up to intervention was not of 'the exceptional nature' that would merit a 'humanitarian' response; (b) the intervention did not conform to the principle of last resort; (c) the action was 'not motivated primarily by humanitarian concerns'; (d) the coalition failed to maximise compliance with international humanitarian law; and (e) Security Council approval was lacking.

[69] Roth, Ken. 2004. "War in Iraq: Not a Humanitarian Intervention", *Human Rights Watch World Report.* Available at < http://www.hrw.org/legacy/wr2k4/3.htm> (accessed 21 February 2013)

Roth's worry was that the good name of humanitarian intervention and the misappropriation of the arguments justifying such action for a controversial and ultimately unpopular action of such prominence risked tainting the standing of the classical conception. Such a development would be likely to undermine support for genuine cases of humanitarian intervention when needed in future. Roth (2004) argued that, 'the extraordinarily high profile of the Iraq war gives it far more potential to affect the public view of future interventions. If its defenders continue to try to justify it as humanitarian when it was not, they risk undermining an institution that, despite all odds, has managed to maintain its viability in this new century as a tool for rescuing people from slaughter.' He therefore called on international organisations, and on the UN in particular, to establish conditions to clearly differentiate the classical concept of humanitarian intervention. In Roth's view, '[s]ome consensus on these conditions, in addition to promoting appropriate use of humanitarian intervention, would help deter abuse of the concept and thus assist in preserving a tool that some of the world's most vulnerable victims need.'

One of those to challenge Roth's analysis was philosopher and legal scholar Fernando Tesón. Tesón (2005*a*, 395-398) argued that Roth was wrong to dismiss the humanitarian credentials of the invasion of Iraq and took issue in particular with Roth's conclusion that 'the scope of the Iraqi government's killing … was not of the exceptional and dire magnitude that would justify humanitarian intervention.' In Tesón's view, ongoing mass killing is not a prerequisite for humanitarian intervention and Roth was therefore misguided in interpreting humanitarian intervention in such restricted terms.

Beyond atrocity-crime events, Tesón (2005*a*, 6) proposes that humanitarian intervention may be invoked to help 'individuals in another state who are victims of severe tyranny (denial of human rights by their own government) or anarchy (denial of human rights by collapse of the social order.' In contrast to Roth's high threshold of 'ongoing or imminent genocide, or comparable mass slaughter or loss of life,' Tesón's argues that humanitarian intervention can respond to denials of human rights falling short of 'genocidal proportions.' Endorsing, in effect, the incorporation of liberal intervention under the humanitarian intervention umbrella, Tesón (2005*a*, 398) qualifies Iraq as humanitarian intervention on the basis that 'the intervention had the effect of liberating the majority of the population from a long period of oppression

under Saddam's rule.' Even in the absence of ongoing atrocity-crimes, Tesón (2005*a*, 398) suggests that '[t]he kind of pervasive, violent, cruel, and continuous oppression exemplified by Saddam is an idea candidate for humanitarian intervention.'

Further extending the bounds of humanitarian intervention, Tesón also contends that historical atrocity-crimes may form the basis on which humanitarian intervention may be undertaken. Whereas Roth, in keeping with convention, conceives of humanitarian intervention as responding to imminent or ongoing events, Tesón posits that previous atrocities ought to be taken into account. In his assessment, Saddam's culpability for a range of past atrocities made him a legitimate target for humanitarian intervention.[70] This analysis probably overstretches the bounds of humanitarian intervention's elasticity. Responsibility for past atrocities may perhaps leave indicted leaders and governments liable to intervention but it is difficult to discern a humanitarian basis for retrospective regime-change. Humanitarian action is widely considered to represent a concern for the 'protection,' 'rescue,' or 'defence' of populations at risk and does not extend to acts of retributive justice.

Even if Tesón is correct in asserting the humanitarian credentials of the invasion of Iraq, the grounds for this claim – tyrannical oppression and/or historical atrocities – clearly depart from the classical interpretation advocated by Roth which is founded on the existence of ongoing atrocities. Responses to atrocity-crimes, tyrannical oppression, and historical atrocities may all logically qualify as 'humanitarian intervention' but that does not make them substantively the same. Notwithstanding the force of Tesón's argument to broaden the reach of 'humanitarian intervention,' it will still be necessary to have distinctive language to discriminate between a situation like Iraq and the kinds of classical interventions which Roth had in mind. Thus, Roth's underlying argument retains force in a modified form. Roth wants to ensure that the practice of responding to atrocity crimes stands out on its own terms and is not sullied by association with other forms of intervention. If 'humanitarian intervention' has become stretched to the extent that it no longer specifies a classical approach, then the desire to distinguish classical humanitarian intervention is best served not by trying to turn back the tide and reclaim the title of

[70] In Tesón's (2005*a*, 395-396) words, 'Saddam Hussein murdered about 100,000 Kurds in 1988, killed about 300,000 Shia after the 1991 war, burying about 30,000 in a single mass grave, murdered around 40,000 marsh Arabs, caused millions of people to flee their ancestral homes, and tortured hundreds of thousands, perhaps millions, of others between 1968 and 2003.'

'humanitarian intervention' but rather by seeking new and more obviously distinctive and unique terminology. Roth may be wrong to restrict 'humanitarian intervention' to classical engagements alone but his call for distinguishing terminology retains currency.

4. War Weariness and Humanitarian Intervention

In the confusing blur of twenty-first-century intervention, and in the newfound generality of the terminology of humanitarian intervention, I argue that the unique character of what I term classical humanitarian intervention has become largely obscured. In the absence of semantic demarcation, classical humanitarian intervention does not stand out in its own light and is not, therefore, judged on its own terms. Proposals for intervention matching a classical character tend to be appraised not on their own merits but rather as a successor to the regime-change interventions in Afghanistan, Iraq, and Libya. In this way, public opinion and, by extension, political decision-making can be distorted by the lessons of contemporary humanitarian intervention and otherwise worthy and necessary proposals for atrocity-relief measures may be eschewed. This tendency is illustrated by the repudiation of intervention by the U.S. and U.K. in September 2013 despite evidence of chemical weapons attacks by President Assad of Syria. The collapse in support for atrocity-alleviation measures has been in further evidence in the response to the ethnic cleansing of the Rohingya population in Myanmar since 2017. Where Assad's offences at least motivated debate in western capitals as to the necessity of intervention, the prospect of protecting the Rohingya people with force has never been given serious consideration. Writing in *The Guardian* in January 2018, Simon Tisdall lamented the apathetic response to the Rohingya's plight: 'A stark warning from the UN in mid-December that genocide may be taking place in Myanmar has been met by an awkward silence around the world, indicating a limited appetite for forceful humanitarian intervention, even in the most extreme cases.'[71]

In this context, and with the aim of at least ensuring that the unique strengths and flaws of classical humanitarian intervention are given due recognition, I have argued that a new and unique terminology is required to make obvious the

[71] Simon Tisdall. 2018. 'World's awkward silence over Rohingya genocide warnings.' *The Guardian.* 3 January. Available at https://www.theguardian.com/world/2018/jan/03/worlds-awkward-silence-over-rohingya-genocide-warnings (accessed 17 December 2019)

distinctiveness of the classical idea. Classical humanitarian intervention is not going to be the panacea to all of the conscience-shocking episodes which blight humanity with all too frequent regularity. Nor will electorates and their public representatives be universally convinced of its merits. However, if classical humanitarian intervention can be clearly demarcated as a concept in its own right, there is at least the prospect that its strengths and flaws will be duly recognised and the option of its invocation granted nuanced appraisal.

In response to the foregoing analysis, it may be countered that I have failed to consider an alternative narrative which better explains the demise of classical humanitarian intervention. Rather than classical humanitarian intervention suffering by association with contemporary iterations of humanitarian intervention, a counter-vailing assessment may be that rising public antipathy towards classical humanitarian intervention has been a by-product of general war fatigue. Rather than classical humanitarian intervention being tarnished by dissatisfaction particular to the notion of 'humanitarian intervention,' a better diagnosis may be that western publics have become ever more weary of, and ever more opposed to, military endeavours of all descriptions and this aversion to all-things-war has inevitably encompassed classical humanitarian intervention.

The implication of this counter-argument is that the differentiation of classical humanitarian intervention from other iterations of humanitarian intervention is going to result in very little impact. Even if a level of separation can be achieved in relation to other models of humanitarian intervention, the classical concept cannot avoid being classed as a military action and cannot therefore escape the reaches of public opprobrium towards war as such. By virtue, then, of my initial mis-diagnosis of the demise of classical humanitarian intervention, it would follow that my prognosis for future recovery offers little prospect of bearing fruit.

Were this alternative perspective to be considered a more plausible assessment of the decline in support of humanitarian intervention, it should be possible to identify a fall in support for military action of all hues. General war-fatigue should affect all forms of forceful action and to a reasonably consistent degree. One would, therefore, expect to see the decline in support for humanitarian intervention across the twenty-first century reflected in a similar drop in support for other military endeavours. It is,

however, difficult to discern such a general pattern. Instead of a consistent deterioration in support for different categories of military action, it is clear that the reduction in support for humanitarian intervention has been much more pronounced than any such decline experienced in relation to other categories of armed engagement. Whereas public opinion has turned decidedly against the invocation of humanitarian intervention, proposals for self-defence and collective-defence can still command public backing.

It is noteworthy, in this regard, that just a year after unfavourable public sentiment stymied President Obama and Prime Minister Cameron from launching a humanitarian intervention in Syria, strong support emerged for a war of self-defence against the Islamic State group in Iraq and Syria. Whereas in August 2013, just 22% of British voters supported missile strikes in Syria to neuter Assad's chemical weapons capability, in September 2014, 52% of the British electorate approved of 'the RAF taking part in air strike operations against Islamic State.'[72] And, whereas in 2013 parliament vetoed action against Assad, in September 2014 MP's voted by an overwhelming majority to back an air campaign against Islamic State in Iraq.[73] Subsequently, in the aftermath of Islamic State's terrorist attacks in Paris in 2015, Westminster voted to allow air strikes against Islamic State in Syria.[74]

In the U.S., a similar about-turn in public opinion was observable. Whereas a majority of voters had opposed intervention on humanitarian grounds in 2013, a survey by *Pew Research* in September 2014 recorded 53% approval for President Obama's plans for a military campaign against Islamic State in Iraq and Syria.[75] On the eve of the thirteenth anniversary of 9/11, President Obama duly announced the initiation of air strikes against Islamic State. By July 2015, public support for the ongoing offensive against Islamic State had risen to 63% approval 'despite persistent doubts about how well the U.S. military effort [was] going.'[76] Americans' tolerance for self-defensive actions would be in evidence again in 2017 when a *Gallup* poll

[72] https://yougov.co.uk/topics/politics/articles-reports/2014/09/08/majority-now-support-raf-air-strikes-iraq-and-syri
[73] https://www.theguardian.com/world/2014/sep/26/isis-iraq-uk-air-strikes-commons-vote-david-cameron
[74] https://www.bbc.com/news/uk-politics-34989302
[75] https://www.pewresearch.org/politics/2014/09/15/bipartisan-support-for-obamas-military-campaign-against-isis/
[76] https://www.pewresearch.org/politics/2015/07/22/a-year-later-u-s-campaign-against-isis-garners-support-raises-concerns/

found majority support for pre-emptive self-defence action against North Korea should diplomatic efforts fail to curb the countries' nuclear weapons programme.[77]

Just as support for military action on self-defence grounds contradicts the suggestion of general war fatigue, ongoing support for collective-defence further counters this line of reasoning. In 2014, a *YouGov* poll asked U.K. voters if the U.K. should maintain its commitment to come to the defence of any NATO member that has come under attack. 57% of respondents agreed with the statement that 'Britain should maintain its commitment to defend NATO allies.' Just 18% of respondents concurred with the view that 'the commitment is no longer necessary.'[78] *YouGov's* ongoing tracker of 'support for British defence of NATO countries' consistently demonstrates majority support for the collective defence of NATO allies.[79] In the U.S., support for NATO remains strong and was scarcely affected by President Trump's repeated criticism of the alliance. A Gallup poll in 2019 found that 77% of Americans were in favour of maintaining the NATO alliance. This figure was 'little changed from the 80% who said the same the last time Gallup asked the question, in 2017, when Trump began to question its relevance.'[80]

In consideration of unwavering tolerance for wars of self-defence and collective-defence, it is difficult to substantiate the thesis that declining public support for humanitarian intervention is linked to a wider antipathy towards war. Instead, it is apparent that opposition to humanitarian intervention has followed from grievances particular to this idea in its own right. As such, the demise in public support for classical humanitarian intervention can be linked to the legacies of contemporary humanitarian intervention campaigns. It follows, then, that far from being a futile move, the delinking of classical humanitarian intervention from other models of military intervention can be a vital step in facilitating informed and nuanced public appraisal.

Conclusion: Need for Distinctive Terminology

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[77] https://www.reuters.com/article/us-northkorea-missiles-usa-poll/u-s-majority-backs-military-action-vs-north-korea-gallup-poll-idUSKCN1BQ1LP

[78] http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/1hdxa38zho/InternalResults_140801_NATO_W.pdf

[79] https://yougov.co.uk/topics/politics/trackers/support-for-british-defence-of-other-nato-countries

[80] https://news.gallup.com/poll/247190/majorities-americans-need-nato.aspx

In Chapter 2, I found that support for classical humanitarian intervention has declined on foot of the failings of contemporary humanitarian interventions. Public wariness of classical intervention has followed from the perception that humanitarian interventions: (1) are ineffective and often makes matters worse; (2) are excessively costly for intervening states; (3) cannot make a meaningful difference given the prevalence of crises; and (4) rarely reflect the stated ambitions of the interveners' leaders.

In this most recent chapter, I have argued that classical humanitarian intervention ought to be re-differentiated and reclaimed as a unique idea. In so doing, it will become apparent that the perceived failings of contemporary humanitarian intervention do not extend to the classical concept. Rather, it may be seen that classical humanitarian intervention: (1) is rarely undertaken; (2) is most often avoided when called for; (3) is not regularly liable to fail; and (4) is not always prohibitively risky.

Chapter 4: Humanitarianism and Humanitarian Intervention

Introduction

Chapter 1 contended that the use of term 'humanitarian intervention' to represent a range of diverse ideas has led to confusion and distrust. The chapter concluded with a call for novel and precise terms to adequately reflect the nuances of meaning overlooked by the catch-all label of 'humanitarian intervention' and to allow for informed public appraisal of proposed military engagements.

A supplementary argument in favour of decommissioning 'humanitarian intervention' is presented forthwith and emanates from the opposition of some humanitarian relief agencies to the use of the adjective 'humanitarian' as a qualification of military endeavour. These agencies do not want to see the pacifist and neutral humanitarian work that they do conflated, by virtue of semantic association, with the violence and belligerence of military interventionism. As this chapter demonstrates, the desire for differentiation has become particularly pronounced in the wake of increased military involvement in the humanitarian sphere – what I provisionally term military humanitarianism – and growing confusion about the relationship between armed intervention and humanitarianism.

Sections 1 and 2 introduce the idea and principles of humanitarianism. Section 3 highlights the distinctive lineages of classical humanitarian intervention and humanitarianism. Section 4 then reflects on three different ways in which military forces have become engaged in the humanitarian sphere since 1990. The ramifications of this development are explored in Section 5 before Section 6 reflects on calls to retire the term 'humanitarian intervention.'

1. Humanitarianism

Humanitarianism is a long-standing movement encompassing two strands of activity: emergency humanitarianism and developmental humanitarianism.

Emergency humanitarianism reacts to conflicts and disasters and pursues the ambition of saving lives and alleviating suffering in the immediate term. The intellectual foundations for emergency humanitarianism were laid out in Henri Dunant's memoir of the 1859 Battle of Solferino. Reflecting on his experience of the

brutality of the fighting and the suffering of the wounded, Dunant (1863, 115) proposed that, in time of peace and quiet, relief societies would be formed 'for the purpose of having care given to the wounded in wartime by zealous, devoted and thoroughly qualified volunteers.' Inactive in peacetime, the societies would provide neutral and impartial assistance in time of war, bringing aid and relief onto the battlefield and providing medical care in military hospitals.

In 1863, the year after *A Memory of Solferino* was published, Dunant's proposal became reality when representatives from 16 countries attended a conference in Geneva and recommended that national relief societies be established. On 22 August 1864, twelve states signed the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Together with the resolutions of the conference, the Convention laid the basis for the formation of the International Committee of the Red Cross (ICRC) and for the development of emergency humanitarianism.

Today, emergency humanitarianism is closely associated with the actions and principles of the International Red Cross Movement and Medecins Sans Frontieres (MSF). Enumerating the limits on the aspirations of emergency humanitarianism, Cornelio Sommaruga, ex-President of the ICRC, determined that:

> The International Committee of the Red Cross has always maintained that … humanitarian action deals only with the symptoms of a crisis, not the crisis itself or its causes; it seeks only to relieve the victim's suffering, not to punish their tormentors; it is essentially an act of charity, which is not necessarily a guarantee of justice (cited in Davies 2012, 11).

In contrast to the 'bare bones' (Barnett 2011, 37) approach of emergency humanitarianism, developmental humanitarianism is 'linked to broader notions of human progress' (Calhoun 2008, 74) and is centred on efforts to address long-term, systematic problems like poverty, inequality, and deficits in infrastructure and education. Developmental humanitarianism is also involved in post-conflict/post-disaster reconstruction. Whereas emergency humanitarianism is resigned to the inevitability of recurring need, the logic of development is that the needy can be supported to a point where they can fend for themselves.

The developmental approach predates emergency humanitarianism and can be traced back to the late eighteenth century. Thomas Haskell (1985, 339) writes that 'an unprecedented wave of humanitarian reform sentiment swept through the societies of Western Europe, England, and North America in the hundred years following 1750.' Humanitarian organisations reformed prisons, poor relief, hospitals, schools, and sanitation. Although humanitarian endeavours were chiefly orientated towards the domestic sphere where reform societies attempted to tackle the adverse effects of industrialisation, unemployment, and urbanisation, there was also an international – or perhaps cosmopolitan – dimension to the reformist zeal. Haskell (1985, 339), for example, claims that 'among the movements spawned by this new sensibility, the most spectacular was that to abolish slavery.'

In its modern form developmental humanitarianism is almost entirely focused on overseas and global development. It has become increasingly popular since the 1960s and many agencies have adjusted their mandates from emergency relief to development. For example, Oxfam was founded in the emergency tradition but is today a leading exponent of development issues.

2. The Principles of Humanitarianism

The humanitarian sector is comprised of a disparate collection of agencies and organisations with varying missions and mandates. Although it can, thus, be lacking in cohesion and unity of purpose – leading Eleanor Davey (2012, 3) to conclude that '[t]here is no homogeneous or "pure" and legitimate conception of humanitarian action' – there is nevertheless a general consensus that humanitarian work revolves around four core principles: humanity, impartiality, neutrality, and independence.

Humanity – respect for the human being and the dedication to protect life and health – lies at the very heart of humanitarian action. Responding to the most dire of situations, and acting as auxiliaries to the public authorities, humanitarian agents provide life-saving and life-enhancing services to persons in distress.

The principle of humanity is thereby distinct from justice. Humanitarian activity is motivated simply by the existence of suffering. An overview of 'The Fundamental Principles of the Red Cross and Red Crescent' prepared by the International Committee of the Red Cross (1996, 2) notes that 'the cries of distress heard throughout the modern world cannot – and must not – be met with indifference;

they must instead foster activity. To hear one's fellow man, to recognise his suffering, is to feel the call to service. Therein lies the Movement's sense of purpose.' In contrast, Tom Campbell (2007, 65) notes that '[j]ustice looks at the matter through a more complex prism, that always at least raises the question of whether the suffering in question is merited or deserved in some way and who if anyone may be responsible for its occurrence.'

Humanitarian action is also guided by the principle of impartiality. Aid is extended solely on the basis of need without reference to the nationality, race, religious beliefs, class, or political opinions or affiliations of potential beneficiaries. Persons are treated because they are suffering and in need of assistance. Article 6 of the original Geneva Convention (1864) determined that '[w]ounded or sick combatants, to whatever nation they may belong, shall be collected and cared for.' Even in the midst of brutal battles, the fallen from all sides, notwithstanding their enemy-status and perceived wrong-doings, pass from being soldiers to being humans, from being privates and sergeants to being sons and husbands. Military insignia and ethnic characteristics mean nothing in the context of humanitarian relief.

The only legitimate (or, rather, humanitarian) lines for discrimination is on the basis of need. The 'Fundamental Principles' (1996, 6) publication states that '[n]on-discrimination means that all those in need shall be helped, yet to treat everyone in the same way without taking into account how much they are suffering, or how urgent their needs are, would not be equitable.' Whereas assistance ought not to be rationed with regard to nationality, religion, race etc., it may be necessary to structure the help offered in such a way as to prioritise those with the most immediate and severe needs.

Impartiality is a demanding feature of humanitarian action and can be the grounds for controversy. For example, following the genocide carried out by Hutus in Rwanda against their Tutsi neighbours, many of the *genocidaires* fled to refugee camps in neighbouring countries. The aid agencies running these camps were soon presented with a very troubling dilemma. On the one hand, their mandate was to provide assistance to human beings in need. On the other hand, treating everybody on the basis of need meant that *genocidaires* could expect to enjoy the assistance and protection of humanitarian agencies even though their victims had enjoyed no such

beneficence. The strains of the dilemma led MSF-France to close their mission in the region.

In addition to the principles of humanity and impartiality, the principle of neutrality demands that humanitarian agencies not take sides in conflict and/or crisis situations. More than anything, the value of neutrality lies in its instrumental role in facilitating the conduct of humanitarian work. In clearly and consistently refusing to take sides, humanitarian organisations attempt to demonstrate that belligerents have nothing to fear by the presence of humanitarian organisations and noting to gain by interfering with them. It is thereby hoped that belligerent parties will have no interest in impeding humanitarian agencies and their workers and will therefore allow humanitarian work to proceed without hindrance. Adherence to the principle of neutrality is generally then a matter of practical, as opposed to ideological, significance.

Finally, humanitarian action is to be guided by the principle of independence and thus carried out without bowing to interference of a political nature. Political institutions must not be allowed to dictate where, when, how, and with whom humanitarian agencies work.

The complexities faced by humanitarian personnel in the midst of conflict and natural disasters mean that the principles cannot always be adhered to perfectly. Rather, the principles operate as a red line which should be followed as closely as possible. Digressions are inevitable; the challenge is to resist moving too far from the red line.

3. Humanitarianism and Humanitarian Intervention

The word ‘humanitarian’ is very closely aligned with the activity and ideals of relief and development organisations which together constitute the humanitarian sector. Accordingly, when a military engagement is presented as ‘humanitarian intervention’, there can be an impression that the action is in some way related to the practices and principles of humanitarianism.

For the most part, however, it is wrong to draw any connection between the tradition of humanitarianism and military engagements reputed to be undertaken in the name of humanitarian values.

In contrast to the historical lineage of humanitarianism recounted above, the roots of classical humanitarian intervention originate in sixteenth and seventeenth century commentaries on just war theory and the law of nations. These influential works – among them the *Vindicaie contra tyrannos* and Grotius's *De jure belli ac pacis* – enumerated the bounds of legitimate government and the justifications for the use of force. In their ruminations on the right and responsibility of princes to forcibly defend the subjects of other princes from excessively tyrannical and oppressive governance, these treatises laid the foundations for the concept known today as humanitarian intervention. Over the course of subsequent centuries, classical humanitarian intervention developed in theory and praxis without reference to the emerging tradition of humanitarianism. The coining of the term 'humanitarian intervention' in 1880 emanated from similar terms such as 'intervention on the ground of humanity' (see Chesterman 2002, 24) rather than from any resemblance to, or affiliation with, Dunant's nascent emergency humanitarianism.

With regards to character, there is little overlap to be discerned between classical humanitarian intervention and humanitarianism. Committed in the first instance to the Hippocratic principle of first doing no harm, humanitarianism is a peaceful, neutral, and impartial endeavour orientated to the alleviation of suffering where it occurs. In contrast, whereas humanitarian agencies work in a principled fashion to mitigate the worst effects of man-made (and natural) crises, classical humanitarian intervention seeks to treat the source of disaster by putting force to work in defence of populations afflicted by atrocity.

Even though, from a historical and definitional point of view, it is apparent that humanitarianism and classical humanitarian intervention are entirely distinct, two developments in the 1990s have led to confusion. In the first instance, the word 'humanitarian' came into widespread use and was increasingly employed in reference to actions of a military nature. Secondly, across successive theatres, beginning with Northern Iraq in 1991, the work of armed forces and humanitarian agencies became intermingled in a variety of ways. The emergence and consequences of this latter phenomenon – what I term military humanitarianism – are examined in Sections 4 and 5 before Section 6 reflects on efforts by humanitarian actors to liberate the terminology and work of humanitarianism from military entanglement.

4. Toward Military Humanitarianism

Considering the diverse heritage of military intervention and humanitarianism, it was a novelty when armed forces became engaged in humanitarian work in the 1990s. This new approach differed both from classical humanitarian intervention and from humanitarianism and took on a variety of guises.

4.1 Humanitarian Armies

An initial manifestation of the military humanitarian synthesis was stimulated by the humanitarian sector's inability to cope with the logistical demands of responding to complex and remote emergencies. When NGOs struggled to reach stricken populations, armed forces stepped in in a surrogate capacity to distribute emergency aid.

Following the successful liberation of Kuwait from Iraqi occupation in February 1991, U.S. President George Bush (1991, 198) encouraged the people of Iraq to topple the dictatorship of Saddam Hussein and 'facilitate the acceptance of Iraq back into the family of peace-loving nations.' Bush's prompting helped to incite a Shia uprising in southern Iraq and a Kurdish insurrection in the north. In both instances, initial success was quickly reversed as forces loyal to Saddam regrouped and rolled back the rebels' gains.

Fearing reprisals from Saddam's advancing forces, the Kurdish population in the north took flight. When Turkey closed its border with Iraq, hundreds of thousands of displaced Kurds were left trapped without food, water, or shelter in the inhospitable Zagros Mountains.

Initial relief efforts by the Turkish Red Crescent Society were augmented by a wider humanitarian effort but as Rudd (2004, 225) recounts, '[i]t soon became apparent that few [NGOs] could sustain themselves under the austere conditions. The NGOs lacked not only dedicated aircraft for supply and transportation but also a civilian umbrella organisation to manage their activities.' As the humanitarian effort floundered, casualties mounted. Early estimates suggested that up to 400 people were dying each day. Some media reports placed the daily mortality rate closer to 1,000 (see Seybolt 2008, 48).

In this context, it was a military coalition led by the United States which assumed responsibility for the provision of emergency aid. Responding to UN Security Council Resolution 688 which called upon member states to come to the aid of Kurds and other refugees in northern Iraq, on 6 April 1991 President Bush launched Operation Provide Comfort. Operating out of Incirlik Air Based in Turkey, the multinational coalition pursued two objectives: the delivery of relief to the displaced Kurdish population and the restoration of security to allow for the return of refugees to their villages.

Engaging the logistical resources and manpower of the military in the provision of emergency relief, the coalition force operated to good effect as a surrogate for the humanitarian sector. Over a three-and-a-half month period, over 15,000 tonnes of food, blankets, and medicines were transported to the mountains and distributed by military personnel. Special forces on the ground helped to organise the displaced population in organised camps and worked to improve sanitation and access to clean water. The impact was immediate and lasting. Seybolt (2008, 109) notes that '[t]hree weeks after Operation Provide Comfort began, the crude mortality rate had dropped from over 5.7 deaths per 10,000 people per day to 2.2 deaths per 10,000 per day. Military relief efforts continued to reduce the mortality rate as NGOs worked to get their operations up and running.'

In Northern Iraq, the logistical resources of the military filled a void. Rudd (2004, 224) recalls that 'alternatives other than a military option for dealing with a crisis of this scale would have been slow and tedious,' and that '[a] multidimensional military operation with speed, force, and cohesion was the only solution.' Later in the decade, however, the direct provision of humanitarian assistance was adopted by militaries as an instrumentally valuable strategy. Lishcer (2007, 102-103) finds that '[a]mong its practitioners, military involvement in aid provision, sometimes known as "hearts and minds" operations, is thought to increase stability, win local allies, and bolster international legitimacy.' In Lischer's (2007, 100-101) view, military involvement with relief activity has evolved to the point where '[m]ilitary planners no longer view humanitarian aid as a separate activity occurring after the conflict, but as essential to the success of the military intervention.'

In March 1999, NATO initiated a large-scale air campaign to put an end to the repressive activities of Serb forces in Kosovo and to allow for the safe return of refugees and displaced persons. Whereas the aerial bombardment of key military, economic, and infrastructural targets in Serbia was designed to force Milosevic to withdraw from Kosovo and sign up to the terms of the Rambouillet Accords, NATO also engaged in tasks normally conducted by humanitarian agencies. 'NATO,' Michael Barnett (2011, 188) recalls, 'became a "full-service" relief agency, helping to build camps, distribute relief, ensure security, coordinate the actions of relief agencies – and set the agenda.'

The provision of shelter and assistance to large refugee populations in Albania and FYR Macedonia was not so much a matter of altruistic endeavour but rather a necessary strategy to avoid refugee flows to western Europe. EU states had recently accepted refugees from the Bosnian War and were disinclined to take in more. The construction of refugee camps in Albania and FYR Macedonia was therefore seen as a means of containing refugees in the region and avoiding an exodus into western Europe.

Moreover, the involvement of NATO in ostensibly humanitarian activities was obviously intended to foster support for the military campaign and counter-balance criticisms that the air campaign had precipitating increased violence and displacement. In Barnett's (2011, 188) view, NATO's humanitarian campaign 'had relatively little to do with the need of refugees and everything to do with NATO's need to maintain support for the air campaign. By continuing to play a coordinating role, NATO was able to cast its actions as humanitarian and thus continue to legitimate the war.'

4.2 Defending Humanitarianism

A second incarnation of military humanitarianism developed in response to the growing threat faced by humanitarian agencies in the field and saw military force employed in defence of emergency relief missions taking place in volatile environments.

Following the overthrow of Siad Barre's government in January 1991, a power vacuum emerged and Somalia, ravaged by years of civil war, was left without any central administration. At least 7 major factions fought throughout the country, with fierce fighting erupting in the capital Mogadishu from 17 November 1991.

The effects of the fighting and lawlessness were devastating. A report conducted in March 1992 jointly by Human Rights Watch's subordinate Africa Watch and Physicians for Human Rights, entitled "Somalia: No Mercy in Mogadishu", estimated that 14,000 people were killed and 27,000 wounded between 17 November 1991 and 29 February 1992 in the fighting around Mogadishu alone.

The destruction of the fighting and the fear it spread provoked massive displacement. Somewhere in the region of 2 million to 2.5 million Somalis – between a third and a half of the population – were displaced from their land and forced to seek refuge in neighbouring countries or join make-shift camps in Somalia for the internally displaced. In rural areas, crops, seeds, and farming equipment were stolen. In 1991, farmers planted smaller areas than they had previously and harvested pre-maturely. The situation deteriorated further in 1992 when seeds and equipment were lacking and the yield of crops fell in comparison to the previous year.

In a cruel twist of fate, the fighting and the break-down of law and order coincided with a drought in north-eastern Africa. In her article in the *New York Times* on 19 July, 1992, Jane Perlez noted how '[t]raditionally, Somalis could cope with either drought, which came in cycles, or war, which was also common but involved pockets of rural clans fighting with spears, not assault rifles and artillery. But this crisis forces the Somalis to deal with both drought and war together, as well as with the modern-day equipment of war.'

The multi-faceted disaster led inevitably to famine. In March 1992, the ICRC (qtd in Africa Watch / Physicians for Human Rights 1992) found 'horrifying levels of 90% moderate and severe malnutrition' in one region of the country. Children and displaced persons were particularly at risk. In July 1992, Perlez reported a stark scene from the town of Baidoa in which men, women and children, their 'rib cages protruding, their eyes listless,' waited to be fed at outdoor kitchens. The weakest, 'too feeble to eat, died while they waited.' Red Cross officials told Perlez that up to one-third of the population of Somalia was in danger of starvation by the end of the year.

With regard to the humanitarian response, Michael Barnett (2011, 172) describes Somalia as a 'situation unlike anything previously encountered' by NGOs. Somalia was unprecedented not so much in terms of the suffering facing the population – famine occurred just a few years previously in Ethiopia – but rather due to the

complexities facing humanitarian organisations seeking to provide aid. Barnett (2011, 172-173) continues,

> There was no central government, not even in name only. There were dozens of militias, each answering only to themselves … they seemed to be motivated by a strange mixture of longstanding grudges, new power plays for political power, turf protection, and revenge. Aid organisations confronted a bewildering maze of violence and politics as they attempted to negotiate access to the hundreds of thousands of Somalis who were on the verge of starvation.

Whereas humanitarian organisations expected to be allowed to bring assistance without hindrance, in Somalia militias threatened aid workers and extorted food and medicines from the aid agencies' warehouses and trucks. Supply ships bound for the port at Mogadishu were fired upon and were unable to dock. For the first time ever, aid agencies were forced to pay local warlords to protect food supplies and staff. Even then, great quantities of aid were siphoned off to feed the militias. Barnett (2011, 173) estimates that over the course of the relief effort militias confiscated anywhere between 20 and 80 per cent of food intended for starving communities. Tragically, the much needed food and aid that arrived in the country was not finding its way to those who so desperately needed it. Moreover, the militias were happy to prolong the famine in order to keep aid agencies in the country and to thereby sustain the supply of food aid. Thus, not only was the international aid effort failing to get supplies to the afflicted Somali population, but it was arguably contributing to the perpetuation of famine and civil war.

At the beginning of 1992, the United Nations was involved in seeking a political solution in Somalia. In January, Under-Secretary-General for Political Affairs, James O.C. Jonah, visited Mogadishu with a delegation of UN officials for preliminary talks with faction leaders. The talks proved to be progressive. With the exception of Mohammed Farah Aideed, all of the leaders expressed support for a ceasefire.

UN Secretary-General Boutros Boutros-Ghali, who took office in January, subsequently invited Aideed and interim President Ali Mahdi for talks in New York in February. After establishing grounds for continued negotiation on the cessation of hostilities, a ceasefire was agreed in March following further negotiations in

Mogadishu. As part of the ceasefire agreement, the UN established a peacekeeping force, UNOSOM, to monitor the ceasefire and to oversee the arrival and distribution of humanitarian aid in Somalia. In reality, the ceasefire never took hold and cargos of humanitarian aid continued to be attacked and looted. In August 1992, US President George Bush announced Operation Provide Relief which aimed to supplement UNOSOM's efforts and airlift supplies into Somalia from neighbouring Kenya.

The situation remained intractable throughout the autumn and it became abundantly clear that UNOSOM and Operation Provide Relief had succeeded neither in ending the crisis nor in providing for the effective distribution of humanitarian supplies. On 3 December 1992, the United Nations Security Council endorsed a proposal by the US – Operation Restore Hope – to use military force to stabilise Somalia and create conditions conducive to the work of humanitarian organisations. The UN Security Council resolution (UNSCR 794) authorised the 'use of all necessary means to establish a secure environment for humanitarian relief operations in Somalia.' In effect, whereas humanitarian organisations had always relied upon their neutral status to secure freedom to access and assist populations in need, the amphibious arrival of the US-led Unified Task Force (UNITAF) on the beaches of Mogadishu on 9 December 1992 signalled a new chapter in the history of humanitarianism: the use of military force to facilitate the work of humanitarian organisations.

Although the military intervention in Somalia would later be overshadowed by the failings of the UNOSOM II force that followed, the UNITAF mission proved to be successful. In his report to the Security Council on 26 January 1993, Boutros-Ghali 'congratulated UNITAF for rapidly and successfully securing major population centres and ensuring that humanitarian assistance was delivered and distributed without impediment.' [81]

4.3 NGOs as Force Multipliers

The trend towards increased military involvement in the humanitarian sphere would continue and accelerate in the nascent years of the so-called War on Terror.

[81] United Nations. 2015. 'Somalia – UNOSOM 1: Background.' Available at https://peacekeeping.un.org/mission/past/unosom1backgr2.html (Accessed 12 September 2014)

In the early phases of the wars, the involvement of coalition forces in delivering aid played a key role in relaying a positive image in the media and bolstering public support back home. In Afghanistan, U.S. planes dropped bombs on Taliban targets and food packets for civilians. The airdrops were, Mills (2005, 166) notes, 'touted by the U.S. government and the media, even though they had a negligible impact on the people in Afghanistan and were done in a way that violated all sorts of humanitarian principles.' In Iraq, the treatment of civilians by military medical teams received widespread publicity.

In the wake of initial military victory, humanitarian activity was further enlisted in the service of counter-insurgency strategies. By providing emergency and developmental assistance and making a material difference to the lives of ordinary people, 'hearts and minds' operations would seek to garner support among local populations for the broader military and political agenda and, at least in places, obviate the need for military solutions.

In Afghanistan, the military took a hands-on role in relief assistance through Provincial Reconstruction Teams (PRTs). Established in 2003 as part of the U.S. coalition's counter-insurgency strategy, PRTs were made up of soldiers and civilian officials and were tasked with security, reconstruction, and humanitarian tasks in a bid to extend the authority and legitimacy of the central government. Erasing the dichotomy between military and humanitarian agendas, and co-opting assistance to further strategic goals, soldiers were put to work constructing schools and digging wells in a bid to win the trust and loyalty of communities.

For Iraq, rather than directly engaging military personnel in assistance projects, the U.S. and its partners sought to commandeer NGOs in the service of the counter-insurgency plan. Notwithstanding the importance of neutrality, impartiality, and independence for the humanitarian tradition, Secretary of Defense, Colin Powell (2001), had previously recognised the scope for NGOs to support a war effort, referring in 2001 to the NGO sector as a 'force multiplier' for the military and as 'an important part of our combat team.'

Thus, in Iraq, the humanitarian sector was enlisted to play a central role in the assistance programme planned by the invading coalition in the wake of military victory over Saddam. The military would seek to control and direct the activities of

NGOs and UN agencies in furtherance of strategic ends. NGOs were required to register with the Humanitarian Operations Center established by the U.S. Government in Kuwait. U.S. government Disaster Assistance Response Teams were established to work in conjunction with the military to distribute grants to NGOs to carry out work of benefit to the coalition's counter-insurgency agenda. In the words of MSF-USA's Executive Director, Nicolas de Torrenté (2004), 'the message was clear: the U.S. government and NGOs share the same values and should combine their efforts.'

5. A Contentious Relationship

The humanitarian sector and the military became entangled in different ways over the course of complex crises beginning in Northern Iraq in 1991. At times, militaries have played a useful role in the provision of humanitarian assistance. In Northern Iraq, the resources at the disposal of the military were usefully employed to quickly supply aid to isolated regions which NGOs would have taken much longer to reach. In Somalia and Bosnia, military support averted attacks on relief agencies and allowed for the effective distribution of much needed aid. For many in the humanitarian sector, however, the increasing militarisation of relief work was a cause for major concern.

From an ideological point of view, the use of military force in support of humanitarian operations was difficult to reconcile with the core values of humanitarian activism. Since Dunant (and Florence Nightingale in Crimea), humanitarians had attempted to humanise war, offer solace to fallen combatants and endangered civilians, and bear witness to the destruction of conflict. Humanitarianism has always been opposed to unnecessary conflict and violence. In his account of the Battle of Solferino, Dunant was at pains to convey the awful scenes, noises, and smells of war. With so many humanitarians bearing witness to the horrors of violence and war in the years since, so much of it as futile as it has been bloody, it is of no surprise that the humanitarian sector has aligned itself with the peace movement and advocated for peace not war.

The idea of deploying troops and employing force in the name of humanitarianism – "shoot to feed" – would come to be seen in many quarters as a distortion of the humanitarian ethos of peaceful activism. Craig Calhoun (2008, 93), in his excellent history of humanitarianism, observes that 'earlier powers – not least, imperial powers – had used humanitarian benefits as justifications for military

interventions. But through most of the twentieth century, military action had been the problem humanitarians confronted. It was a remarkable turnabout when the long association of humanitarian movement was challenged in the 1990s.'

There was also a fear that the association of humanitarianism with armies would undermine the neutral image of humanitarian work. The safety of humanitarian personnel and the freedom of organisations to operate and reach people in need had depended historically on the principle of neutrality.

Responding to conflicts and disasters, humanitarian organisations typically operate in very dangerous and volatile areas. The freedom of organisations to operate without hindrance and the safety of humanitarian personnel have always depended upon the recognition by belligerent parties of the neutrality of humanitarian work and of the corresponding immunity of humanitarian institutions and workers from attack. The original Geneva Convention of 1864 – the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field – determined that, '[a]mbulances and military hospitals shall be recognised as neutral, and as such, protected and respected by the belligerents as long as they accommodate wounded and sick.' In order to ensure that humanitarian institutions and personnel would be easily identified, and to thereby guarantee that their immunity from attack would be respected, the Convention also stipulated that '[a] distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuation parties … an armlet may also be worn by personnel enjoying neutrality… Both flag and armlet shall bear a red cross on a white ground.'

The idea of neutrality entailed a quid pro quo agreement. Belligerents were expected to respect the neutrality of humanitarian institutions and personnel. Humanitarian convoys, supplies, distribution centres, and hospitals were to be thereby secured against attack, destruction, and hindrance. For their part, humanitarian organisations were to remain practically and ideologically neutral. The 1864 Geneva Convention recognised the need for humanitarian organisations to hold up their end of the bargain: 'Neutrality shall end if the said ambulances or hospitals should be held by a military force.' The importance of neutrality to the viability of humanitarian activity has been reaffirmed in the principles of the modern Red Cross and Red Crescent Movement (1996, 9): 'In order to continue to enjoy the confidence of all, the

Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.'

As humanitarianism became entangled with military operations, the neutrality of humanitarian organisations was undermined. This has jeopardised access for NGOs to vulnerable populations. Oxfam (2012, 3) has noted that '[h]umanitarian agencies provide assistance wherever there is need. To do so, they require unimpeded access to areas controlled by states or insurgents alike. To get that, they must be, and seen to be impartial, not associated with any military or political force.' Beyond hampering the ability of NGOs to fulfil their missions and bring relief to afflicted populations, the association of humanitarian projects with military agendas has also placed those in need at greater risk of being directly targeted with violence. For example, Serb forces viewed refugee camps in Albania and FYR Macedonia as legitimate military targets due to NATO's presence in the camps. Similarly, PRTs in Afghanistan brought a security risk to the villages in which they operated. One Afghan official told Oxfam (2012, 3), 'we are poor and need development. But wherever international forces go, the Taliban follow them.'

Moreover, the erosion of NGO's neutral image puts relief workers in harm's way. 'In Iraq and Afghanistan,' Lischer (2007, 111) notes, 'NGOs are perceived as supporting the United States and its allies, regardless of their intentions. Even the most scrupulously independent aid organizations cannot avoid being characterized as accomplices of the US-led occupation effort.' Accordingly, belligerents came to see NGOs as "fair game" and humanitarian personnel and institutions became increasingly vulnerable to attack. On 27 October 2003, the ICRC headquarters in Baghdad was bombed. The following summer, five MSF workers in northern Afghanistan were murdered. MSF subsequently closed its Afghan mission and 'blamed the U.S. government for politicising aid and thus making aid workers part of the U.S. coalition' (Barnett 2011, 193).

There was also some concern that the objectives of ostensibly humanitarian military missions could drift from the original mandate. The danger was that actions initiated to support humanitarian endeavours could use the humanitarian pretext to expand military operations in other directions. One only needed to look at Somalia to understand the risk of "mission creep." After a successful deployment in which some

stability was established and humanitarian relief distributed, UNITAF was succeeded by UNOSOM II. When a contingent of Pakistani peacekeepers was attacked by Aideed's militia on 5 June 1993, killing 24 and wounding 57, the UN Security Council passed a resolution authorising the arrest and prosecution of those responsible. The UN mission soon drifted from protecting aid convoys to a bloody war with Mohammed Farah Aideed. On 12 July 1993, a US led operation attacked a house in Mogadishu in the belief that Aided was hiding at that address. The coalition forces killed 60 Somalis and failed to capture Aideed. In perhaps the most iconic episode of the period, carnage again ensued in Mogadishu on October 3 and 4. The shooting down of two America Blackhawk helicopters over the city by forces loyal to Aideed triggered a US rescue operation which met with resistance, sparking the two day Battle of Mogadishu. In addition to combatant casualties, it is believed that somewhere in the region of 1,000 Somali civilians were killed or injured in the battle.

Conor Foley (2008, 66-67) thus concludes that '[p]erhaps the main lesson of Somalia is that humanitarians should have argued more forcibly against the militarisation of the mission ... The huge US-led force deployed in Somalia was intended to overawe the militias, but it ended up taking over the logic of the whole mission.' Somalia was seen as a microcosm of a broader trend in which humanitarian goals were relentlessly invoked as a justification for increasingly unpalatable conflicts. The dramatic and detrimental effect that this trend had on the image of humanitarianism was captured by Chandler at the turn of the century (2001, 698): 'Over the last decade, the universal humanist core of humanitarian action has been undermined and humanitarianism has become an ambiguous concept capable of justifying the most barbaric of military actions.'

6. Unhelpful Terminology

In response to the militarisation of, and pursuant damage to, the humanitarian space, there has been a conscious effort by humanitarian organisations – particularly in the emergency tradition – to disentangle the good name of humanitarianism from military activity. For instance, on the occasion of receiving the Nobel Peace Prize in 1999 on behalf of MSF, the organisation's president Dr James Orbinski (1999) took the opportunity to clarify the limits of humanitarian action:

> Humanitarian action exists only to preserve life, not to eliminate it. The humanitarian is not the military, and the military is not the humanitarian. We are not the same, we cannot be seen to be the same, and we cannot be made to be the same.

The demand for differentiation takes two forms. At one level, there is a cognisance that humanitarian values and practices are incompatible with those of the military and that the integrity and feasibility of humanitarian work is mostly undermined by the involvement of militaries. From this viewpoint, the vitality of a principled and effective humanitarian sector is predicated upon the clear demarcation of humanitarian and military activities. Oxfam (2012, 1), for example, takes the view that aid agencies and military forces should 'maintain a clear separation between their roles' and thus recommends that 'humanitarian agencies should not participate in military-led teams; accept funding from forces or defence departments; or accept money from any fund dedicated to military objectives.'

In tandem with the wish for substantive differentiation, there is also recognition in Orbinski's speech that the humanitarian sphere must also *be seen* to be different. Much of the reputational damage will endure so long as there is a perception of coalescence with the military. As such, there has been strong opposition to the use of the word 'humanitarian' in reference to military engagements lest it unduly insinuate a relationship between humanitarianism and the use of armed force.

President of the International Committee of the Red Cross (ICRC), Jakob Kellenberger (qtd in Roberts 2000), took up this theme in an address in May 2000:

> My point is not to criticise military intervention, which can, under extreme circumstances, become the only possibility to prevent a humanitarian situation from worsening or to create the conditions for humanitarian organisations to do their work. But we should be careful with words. Whereas an intervention can well be motivated by humanitarian reasons, 'humanitarian intervention' is a problematic expression.

The humanitarian sector's appeal was supported by then Secretary-General of the United Nations, Kofi Annan, who attested to the need to distance the word 'humanitarian' from military contexts:

> [We must] get right away from using the term 'humanitarian' to describe military operations … military intervention should not … in my view, be confused with humanitarian action. Otherwise, we will find ourselves using phrases like 'humanitarian bombing' and people will soon get very cynical about the whole idea' (qtd. in Hehir 2013, 17).

Consequently, in their influential report on the Responsibility to Protect, the International Commission on Intervention and State Sovereignty (2001, 9) noted 'the very strong opposition expressed by humanitarian agencies, humanitarian organisations and humanitarian workers towards any militarisation of the word "humanitarian",' and made a 'deliberate decision' not to adopt the terminology of 'humanitarian intervention' or 'military humanitarianism.'

Conclusion

Since its inception in 1880, 'humanitarian intervention' has not generally been intended to infer any overlap between military led missions and the humanitarian work of emergency relief agencies. Rather than emanating from any connection to the tradition of humanitarianism, the qualification of an intervention as being humanitarian in nature typically derives from the purported commitment of an intervener to the forcible protection or rescue of a population at risk. Nevertheless, there is obvious room for confusion when a word so closely associated with the NGO sector is employed with regularity in reference to military engagements.

Accordingly, the humanitarian sector – keen to distance its pacifist, neutral, and principled image from the violence, belligerence, and politics of classical humanitarian intervention and military humanitarianism – has called for the adjective 'humanitarian' to be avoided in military contexts. This stance lends weight to the proposition put forward in Chapter 1 to adopt new and alternative terminologies.

Chapter 5: Altruism, Self-Interest, and Humanitarian Intervention

Introduction

In this chapter, I take a closer look at the relationship between humanitarian intervention and self-interest. In particular, I revisit two questions which have come in for academic treatment in recent years. The first question inquires if an intervention ought to be altruistic in order to qualify definitionally as humanitarian intervention. The second question queries if it is necessary for an intervention to be altruistic in order to satisfy the *jus ad bellum* criterion of right intention and if, therefore, self-interest is compatible or incompatible with the demands of legitimacy. For the most part, I engage with James Pattison's (2010) analysis of these questions and recount the arguments posited by Pattison which attempt to reconcile self-interest with both the definition and legitimacy of humanitarian intervention.

Reflecting on the suppositions posited by Pattison (a) that it is coherent for humanitarian intervention to be at once humanitarian and legitimate and yet be underwritten by self-interested motives and (b) that it is sensible for humanitarian intervention to pursue both beneficent and self-interest objectives and yet be classed as humanitarian and legitimate so long as the other-regarding ambitions are predominant, I contend that a terminological problem remains outstanding. The problem which persists is that the word 'humanitarian' is widely interpreted as qualifying an action as altruistic. For a popular audience, the framing of armed rescue in the terminology of 'humanitarian intervention' establishes the absence of self-interest as a definitional and moral test of the action. Whereas Pattison and others contend that self-interest is compatible with the definition and permissibility of humanitarian intervention, the expectation of altruism set by the terminology of 'humanitarian intervention' has resulted in the advancement of self-regarding objectives being regarded as a corruption of the concept and as a deviation from legitimacy. In this way, trust in the word of world leaders and in the integrity of the concept has been severely eroded by the perception that the promise of 'humanitarian' endeavour is more a matter of spin than substance. I, thus, present, as a final argument in favour of replacing the terminology of 'humanitarian intervention, the necessity to

abandon semantics which insinuate altruism as a defining and normative test of atrocity relief engagements.

1. Altruism and Humanitarianism

Where assistance is tendered to others it is not necessarily the case that the assistance is volunteered selflessly. In some instances, assistance is offered because it is the actor's job. Firemen, paramedics, and policemen help endangered persons because (or least partially because) it is their job to do so. On other occasions, aid is proffered because it is in the interests of the agent providing the assistance. It may be that the agent acts in the hope of attaining some benefit. A candidate for election to the local council might see it as advantageous to his image, and to his chances of electoral success, if he is photographed helping out in a soup kitchen for the homeless. Alternatively, the agent may be motivated to help others in order to avoid being admonished or censured. Failure to assist a drowning child will foreseeably lead to criticism, particularly if it is adjudged that the agent could have affected a rescue. Moreover, the law demands that we assist others in certain circumstances. Motorists involved in an accident, for example, are required by law – at least in certain jurisdictions – to remain at the scene and aid injured parties.

In contrast to extending assistance because it is your job, or because some benefit will be derived or censure avoided by the provision of support, humanitarian action is widely believed to be distinguished by the quality of altruism whereby the effort to benefit others entails either no gain, or an actual net cost, for the benefactor.

The centrality of altruism to humanitarian action can be illustrated by reflecting on the story of the Good Samaritan. As recounted by Jesus to a lawyer:

> A certain man went down from Jerusalem to Jericho, and fell among thieves, which stripped him of his raiment, and wounded him, and departed, leaving him half dead. And by chance there came down a certain priest that way: and when he saw him, he passed by on the other side. And likewise a Levite, when he was at the place, came and looked on hum, and passed by on the other side. But a certain Samaritan, as he journeyed, came where he was: and when he saw him, he had compassion on him, [a]nd went to him, and bound up his wounds, pouring in oil and wine, and set him on his own beast, and brought him to an inn, and took care of him. And on the morrow when he departed, he

> took out two pence, and gave them to the host, and said unto him, Take care of him: and whatsoever thou spendest more, when I come again, I will repay thee.[82]

If the actions of the Good Samaritan are consistent with humanity, then this is due not just to his efforts to rescue and nurse the man who fell among thieves but also due to the selflessness of his undertaking. The Samaritan helps the victim just because he came upon him and empathised with his suffering. As the story is told, the assistance offered by the Samaritan is motivated by his compassion for the suffering of a fellow human being and his desire to restore the victim's health and dignity. If it were to transpire that the Samaritan's efforts were merely a means to some end – the expectation of being rewarded by the man who fell among thieves – then it would not just be that we would judge the Samaritan less favourably than before but, taking the demands of altruism into account, we would also be inclined to reconsider the attribution of the label humanitarian to his actions. If we were to conclude our deliberations by accepting that the Samaritan's actions were indeed humanitarian then we would in effect by accepting a much thinner conception of the word humanitarian than is often assumed.

Accordingly, a major objection to the use of the word 'humanitarian' in the context of military intervention is not necessarily that agents do not intend to do some good but rather that any relief for endangered populations is brought about in an effort to affect some benefit for the intervener. This observation is used to explain why intervention has been undertaken in countries where interveners have had something at stake themselves and not in countries where potential interveners have not had anything to gain. The selectivity of interventions points to the fact that where the desire to help others is as a means to an end rather than an end in itself, it will be only undertaken where it is in the intervener's interest to do so.

A 'genuine,' 'pure,' or 'real' humanitarian intervention will be one in which the intervener acts just-because people are suffering from avoidable and unnecessary harm. This understanding is very much in touch with the foundations of the tradition of humanitarian intervention. In the late nineteenth century, around the time that

[82] I was struck by the relevance of the parable of the Good Samaritan to the current discussion after reading Jeremy Waldron, 'Who is My Neighbour: Humanity and Proximity.' The wording of the parable is reproduced from Waldron (2003, 333-334)

William Edward Hall (1880) coined the term 'humanitarian intervention,' the use of force to help endangered populations overseas was often referred to as intervention 'on behalf of humanity.' In acting on behalf of humanity, the agent is not acting with its own interests in mind.

Bhiku Parekh (1997, 54) sums up the perspective of those who demand more purity of motive from humanitarian intervention. He writes that to be considered to be humanitarian, an intervention

> should be wholly or primarily guided by the sentiment of humanity, compassion or fellow-feeling, and in that sense disinterested. If a state sought to relieve suffering in another country with a view to establishing a government of its choice, or to acquiring control over its natural resources, its action would be motivated by selfish, not humanitarian, considerations.

Yet, departing from the altruistic underpinnings of humanity, common usage and scholarly definitions of humanitarian intervention tend to allow for self-interested ambition on the part of the intervener. For example, the Indian intervention in East Pakistan on behalf of the Bengali population in 1971 – although not justified on humanitarian grounds at the time – is now widely acclaimed as a paradigm example of humanitarian intervention despite it being clear that the action was undertaken not only in defence of the Bengali population but also with several self-interested goals in mind. In the words of Gary Bass (2012, 334),

> Indian officials were sincere in their outrage at the slaughter of the Bengalis, but also keenly aware of the strategic opportunity handed to them. The Indian government wanted to hurt Pakistan, to resist China, to heighten its dominance over South Asia, to shore up its border states from Naxalite revolutionary violence, to avert communal tension between Hindus and Muslims, and, above all, to shuck off the crushing permanent burden of ten million refugees.

The predominant view is that, in order to reflect the actual practice of so-called humanitarian interventions, it is necessary to dilute the demands of altruism. Although widely endorsed, this approach is surely open to question. Not only does the inclusion of self-interest stray from the conceptual foundations of the term but it also tends to

exasperate ordinary people and incite scepticism about the humanitarian credentials of humanitarian intervention.

James Pattison looks in detail at the challenge posed by the opposing pulls of the intimation of altruism in the language of 'humanitarian intervention' and the inevitable presence of self-interest in real-life practice. In succeeding sections, I engage with Pattison's efforts to reconcile 'humanitarian intervention' and self-interest.

2. Intentions and Outcomes

The dominant view is that an intervener must act with a humanitarian intention in order for an intervention to qualify as humanitarian intervention. It is assumed that a necessary condition of humanitarian intervention is the intention / aim / purpose of the intervening agent to prevent or to stop a large-scale humanitarian crisis.[83] Pattison (2010, 27) writes that 'it is widely held that humanitarian intervention must have a humanitarian intention. That is to say, to be "humanitarian", an intervention must have the predominant purpose of preventing, reducing, or halting actual or impending loss of life and human suffering.' Trim and Simms (2011) also adopt the language of intentions; Danielle Archibugi (2004) and Jennifer Welsh (2004) refer to the intervener's humanitarian 'purpose'; Simon Caney (2005) and John Lango (2001) emphasise the significance of humanitarian 'aims'.

In setting down humanitarian intentions as a necessary condition of humanitarian intervention, the humanitarian credentials of an intervention that does not have a humanitarian intention are dismissed even if the intervention happens to bring about a humanitarian outcome. Although any humanitarian success is welcome, the lack of humanitarian intent is deemed to negate the humanitarian credentials of the intervention.

Intentions matter because they seem to capture something of the essence – the humanitarian spirit – of a genuine humanitarian intervention. If we were to define humanitarian intervention on the basis of outcomes and without reference to intentions, we would be committed to endorsing the humanitarian credentials of those

[83] Unless otherwise stated, intention, aim, and purpose will be assumed to be synonymous hereafter, referring to the consequences that an agent wishes to bring about as the result of his/her actions.

who happen, completely by chance, to bring about a humanitarian outcome. At the same time, our approach would dismiss the humanitarian credentials of those who genuinely attempt to bring about a humanitarian solution but whom, through little or no fault of their own, fail to do so. By way of illustration, imagine two scenarios:

> *Accident*
>
> An intervener acts in a foreign state with the intention of removing the ruling regime and replacing it with a regime which will be less hostile to, and more open to trade with, the intervener. An unintended side-effect of the intervention is that a minority group which was repressed and persecuted by the previous regime now enjoys greater civil and political liberties under the new system.
>
> *Failed Attempt*
>
> An intervener intends to relieve the suffering of an endangered civilian population. The intervener undertakes actions appropriate to the achievement of this goal and makes some initial headway in this regard. However, deep-rooted ethnic hatred and the weakness/absence of domestic security forces militate against a lasting peace settlement. Despite the intervener's best efforts, conflict persists and the civilian population remains vulnerable to massacres.

The outcomes-orientated approach would be committed to labelling *Accident* as humanitarian and *Failed Attempt* as non-humanitarian. Even if *Failed Attempt* ought not to be characterised as humanitarian intervention for want of humanitarian outcomes, it is inappropriate to view *Accident* as more humanitarian than *Failed Attempt*. Dismissing the definitional importance of the intervener's intentions leaves out too much of the story.

If it is accepted that intentions are a necessary condition of humanitarian intervention, then the question is whether or not it is also necessary for an intervention to actually realise the humanitarian goals. That is, can humanitarian intent alone fully capture the humanity of humanitarian intervention – as in *Failed Attempt* – or does the definition of humanitarian intervention also demand the realisation of the humanitarian goals?

One of the problems with insisting on the inclusion of humanitarian outcomes in the definition of humanitarian intervention is that the consequences of humanitarian intervention only become apparent in the aftermath of the action. Fernando Tesón (2005*b*, 8) thus argues that if we were to include humanitarian outcomes in the definition of humanitarian intervention 'actions could not be judged when they are contemplated, since we would have to wait for all the consequences of the action to unfold.' If we are looking back on an intervention then it may seem appropriate to take the consequences of intervention into account when assessing its claim to the title of humanitarian intervention. Yet, what is really sought after is a definition of humanitarian intervention which is workable before, during, and after the fact. Where outcomes are included as a defining feature, it will not be possible to challenge or verify the humanitarian credentials of an intervener prior to, or during, an intervention.

Rather than taking outcomes as a necessary condition of humanitarian intervention, it makes sense to allow for the possibility that an intervention can be both humanitarian and unsuccessful. Whereas a murder is not murder unless the act has resulted in a person's death, and a robbery is not a robbery unless some goods have been stolen, in contrast, it is not incoherent for humanitarian intervention to be humanitarian even in the absence of humanitarian outcomes.

The preceding analysis points in the direction of endorsing *Failed Attempt* as an example of humanitarian intervention. I will refer to the view that humanitarian intent is sufficient to ground the humanitarian claims of an intervention as the 'intentions-only' approach.

In terms of clarifying the meaning of intention, I will suggest that intentions encapsulate both the desire of the agent to bring about humanitarian consequences and the fact that humanitarian consequences are foreseen. This observation means that interventions with humanitarian intentions can be distinguished from interventions which foresee but do not desire humanitarian outcomes. Conceiving of intent as entailing both desire and foresight, Pattison (2010, 154-155) thus contends that 'a war that lacks a humanitarian purpose, but which has expected humanitarian side effects, would not be considered to have a humanitarian intention.' This understanding of intentions contrasts with the analysis that all foreseen consequences are essentially intended. For example, Walter Cook (1917) argues that if you can envisage the

possibility that your actions will result in a particular outcome this counts as an intention regardless of whether or not you acted so as to bring about this outcome. Even if the outcome was not desired, we can say that the outcome did not count against your doing of the act and that the outcome was therefore intended.

In this instance, I will follow Pattison's analysis and suggest that foreseen but undesired outcomes are not to be understood as intended. Humanitarian intentions are present when an agent both foresees the occurrence of humanitarian consequences and acts with the purpose, aim, desire of bringing them about. In other cases, an agent foresees the occurrence of humanitarian consequences as the result of actions undertaken by the agent but the agent does not act with the purpose, aim, or desire of bringing them about. In the latter case, the humanitarian consequences are side-effects or epiphenomena. These consequences are foreseen but not intended. Pattison argues that foreseen outcomes alone (ie foreseen but unintended outcomes) are insufficient to justify the humanitarian credentials of an intervention.

Moreover, we can conclude that humanitarian consequences cannot be at once intended and unforeseen. That is, we cannot say that an intervener has a humanitarian intention if it desires to produce humanitarian consequences but has no realistic chance of bringing about such ends. To hold an intention, it must be the case that the agent believes that his/her actions will produce a specific outcome and that the agent also wishes to bring this outcome about. Understanding that a humanitarian intention entails both the desire and the foresight that intervention will result in a positive humanitarian outcome, it is reasonable to define humanitarian intervention on the basis of humanitarian intentions. That is, even if – as in *Accident* – the humanitarian outcomes do not come to fruition, an intervention undertaken with a humanitarian intention ought to be regarded as a humanitarian intervention.

3. Intentions and Motives

The recognition of a humanitarian intention does not imply that the intervener acts out of an underlying concern for, sympathy with, or impulse to rescue, a civilian population in peril. Rather, it may be that the intended humanitarian consequence is pursued as a means to an end.

James Pattison accentuates this point by distinguishing between intentions and motives. He notes that it is possible for an intervener to act with a humanitarian intention without having a humanitarian motive. He writes that possessing a humanitarian intention 'means that the intervener has *the purpose of preventing, reducing, or halting the humanitarian crisis.* Such an intervener acts with the aim of bringing about humanitarian consequences. The *underlying reason* for the intervener's having this humanitarian intention, however, does not also have to be humanitarian' (Pattison 2010, 154). Pattison provides a hypothetical example to clarify his point. He writes that South Africa might intervene in Mozambique with the intention of stopping a humanitarian crisis, but its motive – its underlying reason for doing so – would be to reduce the number of refugees moving from Mozambique to South Africa.

The motive is essentially an ulterior intention and ought to be distinguished from immediate intentions. An immediate intention is the consequence that the agent wishes to bring about as the result of its actions. An ulterior intention (or motive) is a further consequence that an agent wishes to bring about as a result of the consequence of its actions. Cook (1917, 660) writes that '[n]early all consequences which are intended and desired by the one whose act produces them are not desired for their own sake. The actor has in view some farther, more remote consequence or consequences which he is seeking to bring to pass by means of these less remote, more immediate consequences.' Cook continues: '[t]he desire and intention to bring about this ulterior consequence which is the end, rather than merely a means to an end, seem to be what is meant in many cases by motive.' Thus, in the case of the South African intervention in Mozambique, the immediate intention of the South African actions – the consequence that South Africa seeks to bring about – is to stop the humanitarian crisis in Mozambique. The ulterior intention (or motive) – the end that South Africa is pursuing by means of stopping the humanitarian crisis – is to stem the flow of refugees into its country. What is crucial to note is that the achievement of the ulterior intention is dependent upon successfully realising the immediate intention. Thus, it is envisaged that the flow of refugees will cease only if peace and security can be established and the would-be refugees are willing to remain in their own state. Failure to realise the immediate goal will result in the failure of the ulterior goal.

When it comes to judging the humanitarian credentials of the intervener, Pattison argues that we ought to look at the immediate intentions of the intervener and not at the ulterior intentions. Provided that the intervention aims to relieve the humanitarian crisis in question, we should not concern ourselves from a definitional and moral point of view about the 'real' ends of the intervener.

Consistent with Pattison's analysis, Terry Nardin considers the contention that India's intervention in East Pakistan in 1971 was not humanitarian because underlying India's efforts to end the crisis in East Pakistan was the motive to prevent refugees from entering India and to weaken Pakistan by creating Bangladesh. He concludes that the existence of a self-interested ulterior agenda 'is no reason why an intervention that is aimed at ending violence and is conducted in such a way as to realise this intention cannot be called "humanitarian" … A humanitarian act is defined by its intention, not by its motive' (Nardin 2006, 11).

The argument in favour of prioritising intentions over motives rests on four prongs. Firstly, even if we can be reasonably (if not exactly) certain of the intentions of an intervener, it is difficult if not impossible to determine the motives underlying the performance of an intervention. Pattison (2010, 157) points out that:

> There are serious difficulties in ascertaining an intervener's motives … Even if we overlook the banal point that we can never know what someone else is thinking, attempting to discover a ruler's motives for intervening is decidedly tricky. For instance, did Bill Clinton want to intervene in Kosovo because he really cared about saving the lives of the Kosovan Albanians? Or was he more concerned with reducing the domestic political heat after the Monica Lewinsky affair? It is difficult to know and, as a result, making the definition of an intervention hang on such matters is problematic.

Including motives within the definition of humanitarian intervention would leave the definition almost impossible to apply in practice. It is therefore argued that motives must be excluded from any workable definition of humanitarian intervention.

Secondly, contrary to much of the political rhetoric that surrounds interventions, interveners are unlikely to act with humanitarian consequences as an

end. Even where some humanitarian (immediate) intention is present, this is unlikely to correspond to a humanitarian motive. It will just about always be the case that the humanitarian goal is either a means to some other end or that the humanitarian objective does not provide the sole reason for acting. Wil D. Verwey (1992, 119), for example, notes that

> … historical analysis of alleged humanitarian interventions reveals that probably there has been not one genuine example of humanitarian intervention in history; genuine in the sense that the basic condition of "relative disinterest" on the side of the intervenor was fulfilled, that humanitarian considerations clearly provided the only major objectives and that no overriding or equally important political or economic considerations were involved.

Michael Walzer (1992, 101-102) concludes that,

> clear examples of what is called "humanitarian intervention" are very rare. Indeed, I have not found any, but only mixed cases where the humanitarian motive is one among several. States don't send their soldiers into other states, it seems, only in order to save lives. The lives of foreigners don't weigh that heavily in the scales of domestic decision-making.

Insisting that only interventions solely directed towards humanitarian ends ought to be distinguished as humanitarian will lead one to conclude that there has never been a humanitarian intervention (and that there most probably never will be). The motives/ intentions distinction helps to secure humanitarian intervention against concerns that interventions are never humanitarian because they are never purely orientated to achieve a humanitarian outcome. The distinction allows us to accept that interveners will always have some self-interested motive, and at the same time conclude the there are many instances of humanitarian intervention.[84]

Thirdly, it can be argued that the existence of underlying humanitarian motives is not relevant to the definition of humanitarian intervention. Fernando Tesón argues that motives play an important role in appraising the character of the intervener – we

[84] Mason and Wheeler (1996, 95) note in this vein that '[a] definition which required that humanitarian intervention be motivated solely by humanitarian motives would run the risk of being irrelevant to the understanding of actual events.'

may think less of an intervener that acts out of self-interest rather than benevolence. Yet, it is intentions, and not motives, that are relevant to defining the action. Tesón (2005*a*, 5) clarifies the roles of intentions and motives in the following scenario:

> I recued the person in danger, I intended to do it, so mine was an act of rescue. But suppose I did it because I wanted to appear as a hero in the local newspaper. I had an ulterior motive. This motive is *not* part of the class of actions called "acts of rescue"; only the intention is. It makes sense for you to say that my act of rescue was good (it saved a life), but that I am not a particularly admirable person, since my motive was self-interested, not altruistic. A lasting contribution of [John Stuart] Mill to the theory of action was to show that intention is more important than motive in evaluating action (as opposed to evaluating persons).

Accordingly, the argument runs that an intervention is no more or no less humanitarian on the basis that that intervener has, or does not have, a humanitarian motive.

A fourth and final point in favour of putting intentions to the fore is that the existence of a self-interested ulterior goal will mean that the intervention is more likely to be effective in bringing about the desired relief for the endangered population. Because the achievement of the ulterior self-interested goal hinges upon the successful realisation of the immediate humanitarian aim, we can deduce that interveners will be as committed to the humanitarian mandate as they would be to a solely self-interested goal. We can also reasonably conclude that such interveners will be more determined than interveners with solely humanitarian ends. Moreover, interveners with self-interested motives will expect to enjoy greater backing from their own public if the national interest is at stake and rewards can be foreseen. The intervention will thereby be more resilient to set-backs and more likely to achieve its humanitarian goals and bring relief to desperate peoples. It could then be argued that such an intervention is more humanitarian than a purely altruistic campaign. If we are to appraise humanitarian credentials on the basis of the commitment of the intervener to the achievement of humanitarian aims – a not unreasonable supposition – then we must conclude that interventions with humanitarian intentions and self-interested motives ought to regarded as humanitarian interventions.

The suggestion, then, is that interventions can be appropriately described as humanitarian when the intervening party intends to bring about a humanitarian outcome. The attribution of the humanitarian distinction is no way undermined if it turns out that the pursuit of the humanitarian outcome is (only) instrumental to the achievement of self-interested aims.

4. Multiple Intentions

Above, the emphasis on intentions over motives allows the humanitarian adjective to be attached to the actions of interveners which aim to resolve humanitarian crises but which are motivated by the expectation of the intervener accruing benefits on the back of a successful humanitarian outcome. So, for example, South Africa attempted to resolve the crisis in Mozambique but only did so in the hope of thereby relieving the refugee flow into South Africa.

In outlining the arguments for and against the inclusion of motives as a necessary condition of humanitarian intervention, it was assumed that the immediate intention to bring about humanitarian consequences was the sole immediate intention. The issue at stake was whether this immediate intention was sufficient to ground the humanity of the intervention on its own or whether we ought to take the ulterior intention (motive) into account as well.

Now, even if it is conceded that humanitarian (immediate) intentions rather than the ulterior intentions are relevant to the definition of an intervention as humanitarian, it will not necessarily be the case that every intervention with a humanitarian intention ought to be endorsed as humanitarian. This is due to the fact that it will not always be the case that the intervener acts with a humanitarian intention only (as was assumed above).

I am referring here to situations in which the intervening agent acts with multiple immediate intentions – some humanitarian, some non-humanitarian – and does not require a positive humanitarian outcome in order to realise its self-interested objectives.

Take then, as an example, a case – call it *Protection and Procurement* – where a civilian population in a resource-rich state is being attacked by its own government.

A neighbouring state intervenes. It successfully moves to protect the civilian population from the government forces. It also seeks to take control of areas rich in mineral deposits.

In this case, we can say that the intervener has two immediate intentions: one, to save the endangered population from the government's brutality; two, to take advantage of the upheaval in order to take control of valuable mineral deposits. The motive/intention dichotomy does not apply here. It does not make sense to understand the appropriation of resources as an ulterior intention to the rescue of the civilians; nor does it make sense to view the rescue as ulterior to the appropriation of resources. Moreover, it seems difficult to determine whether the neighbouring state was motivated to intervene in order to appropriate the resources (with the rescue of the civilian population as a convenient smokescreen/justification) or in order to perform the rescue (with the resource bundle as a bonus/reward).

One of the factors in favour of describing actions like those of South Africa in Mozambique (humanitarian immediate intention, self-interested ulterior intention) as humanitarian is that South Africa must bring about the humanitarian consequences in order to bring the ulterior motive (stemming the refugee flow) to fruition. We can therefore be certain that the intervening party will be extremely committed to bringing about a humanitarian outcome and that the intervention ought therefore to be admitted to the category of actions known as humanitarian intervention.

In *Protection and Procurement*, the intervener's own objectives do not require the satisfaction of humanitarian objectives. We cannot assume, then, that the intervener will dedicate itself to the rescue of the civilian population. The temptation may be to divert more and more energies to the self-interested goals and to gradually reshape the tactics and structure of the intervention with these goals in mind.

Pattison (2010, 27) argues that an intervention will only be humanitarian when its humanitarian intention is 'predominant.' He posits that 'the main objective of an intervener must be to tackle an ongoing humanitarian crisis in the target state.' Lango (2001, 174) writes, in a similar vein, that intervention is called humanitarian when 'it is not (primarily) self-interested but instead has as its (primary) goal saving the lives

of innocent human beings.' Clearly, some degree of self-interest is deemed to be acceptably humanitarian.

The willingness to allow for partially self-interested interventions to be called humanitarian intervention responds once again to the actual practice of intervention and to the fact that seemingly no agents act for humanitarian purposes alone. Yet, in diluting the concept of humanitarian intervention to reflect the practice of states, there is surely a danger that the essence of the concept is being lost and that non-humanitarian actions are being mistakenly included within the rubric of humanitarian intervention. Endorsing an elastic conception of humanitarian intervention allows for the term to be attached to actions that are not undertaken for the sake of endangered populations alone, and to actions that would not, in all likelihood, be undertaken were it not for some significant degree of self-interest.

Furthermore, it will be very difficult to ascertain whether the humanitarian intention or the intention to appropriate resources is predominant. Our ability to decipher the genuine (as opposed to professed) intentions of world leaders is limited enough. Correctly adjudicating the relative weight of each of a world leader's intentions is surely beyond our best efforts. We will therefore be incapable of distinguishing humanitarian interventions from non-humanitarian interventions and world leaders will be able to pass their non-humanitarian actions off as humanitarian.

Beyond specific reservations about the applicability and repercussions of Pattison's arguments, there is a broader concern with the general aim of accommodating non-humanitarian intentions within the framework of humanitarian intervention. The concern emanates from the observation that irrespective of technical distinctions that can be drawn in academic discourse to reconcile the altruism of 'humanitarian' action with the reality of self-interested practice, the wider public are unlikely to engage with nuances of language. Thus, regardless of the merits of Pattison's analysis, the fact remains that the depiction of obviously self-interested actions in the terminology of 'humanitarian intervention' engenders considerable disapproval of, and suspicion regarding, the instrument and those who undertake it. Far from being seen as a well-meaning act of rescue, the prevalence of self-interest within so-called humanitarian interventions has resulted in the concept now being conceived of as a Trojan horse for strategic or even neo-imperial interests.

Conclusion

It is unhelpful that the word humanitarian is widely regarded as being antithetical to self-interest and the terminology of humanitarian intervention therefore unhelpfully sets a definitional and normative test of altruism for interventions. Because interventions are very unlikely to be free from self-interest, electorates have come to regard the practice of so-called humanitarian intervention as being corruptions of the true idea and as being in violation of the jus ad bellum criterion of right intention. It is unhelpful, and unnecessary, for altruism to be set as a bar to be reached. But the terminology is leading people to believe that it ought to be and therefore there is widespread criticism of intervention and cynicism regarding the motivations of interveners.

Chapter 6: 'Atrocity Suppression'

Introduction

In this chapter, I introduce 'Atrocity Suppression' as a new terminology to replace 'humanitarian intervention' and to re-differentiate the classical model of engagement. I begin by briefly recalling the rationale for a new term. In Section 1, I recount the late twentieth-century optimism of then UN Secretary-General Kofi Annan that a new era of principled intervention would emerge with the dawning of the new millennium. In Section 2 I detail the demise of this vision, enunciate the detrimental role played by the indeterminacy of 'humanitarian intervention,' and reaffirm the need to coin a new term to distinguish classical humanitarian intervention. Thereafter, in Section 3, I consider the possibility that an alternative term already exists in the form of 'Responsibility to Protect' (RtoP). I conclude that RtoP does not offer a satisfactory replacement for 'humanitarian intervention' and that RtoP would itself benefit from the innovation of a fresh term.

In Section 4, I propose that classical humanitarian intervention be re-constituted in the form of 'atrocity suppression.' I argue that this formulation succinctly and straightforwardly differentiates the classical model as a simple and unique idea with precise triggers for action and defined objectives. I turn, then, in Section 5 to elaborate five benefits which will accrue from the adoption of 'atrocity suppression' in lieu of 'humanitarian intervention.' I conclude by pointing out that although 'atrocity suppression' represents an important innovation it is not presented as a silver bullet. It can motivate better understanding and engender a more sympathetic public perspective as to the merits of engagement but cannot, alone, guarantee enhanced intervention into the future. Other key challenges – apathy, just war criteria, difficulty of success – will always remain to be surmounted.

1. Humanitarian Intervention au fin de siècle

In his annual report to the General Assembly of the United Nations in September 1999, Secretary-General Kofi Annan struck a cautiously optimistic tone. Leaving behind a 'century of unparalleled suffering and violence,' Annan welcomed a 'new commitment to intervention in the face of extreme suffering.' Whilst recognising 'limitations and imperfections,' Annan deemed the 'developing norm in favour of

intervention to protect civilians from wholesale slaughter' to be 'a hopeful sign at the end of the twentieth century.'[85]

A hopeful sign though it may have been, Annan's welcome for an invigorated commitment to humanitarian intervention also testified in a pessimistic sense to the seemingly inexorable threat of atrocity. A century earlier, there had been optimism, Jonathan Glover (1999, 6) recalls, 'coming from the Enlightenment, that the spread of a humane and scientific outlook would lead to the fading away, not only of war, but also of other forms of cruelty and barbarism.' Annan's hopes were not so lofty. Atrocities would inevitably recur. The encouraging prospect on the eve of a new millennium was that a cohesive international community acting through the United Nations would be ready and willing to step up and step in where necessary to curb the worst excesses of inhumanity.

Against the backdrop of what had gone before, Annan's positive outlook appeared to represent wishful thinking rather than educated forecasting. Throughout the twentieth-century the major international powers and (since 1945) the United Nations had consistently and manifestly failed to intercede in even the most egregious and intense episodes of intra-state violence. The failure of humanity in Rwanda, although extraordinary in its own right, was merely emblematic of a long-standing and ingrained reluctance to rescue strangers from atrocity.

Yet, Annan's confidence owed little to historical precedent and emanated instead from the green shoots of change. His speech embraced a '*new* commitment' and an '*emerging* norm' [italics added] which he perceived to be emerging in the late 1990s. The twenty-first century bore some promise not because twentieth-century practice would continue but because lessons had been learned and the future would be different.

In this regard, Annan's analysis appeared well-founded. In the first instance, a coincidence of circumstances and developments had brought the idea of humanitarian intervention to the centre of public attention and political debate. Perhaps of foremost influence was the ideological void in the nascent post-Cold War era which allowed for

[85] Annan, Kofi. 1999. 'Secretary-General Presents his Annual Report to General Assembly. 20 September 1999. Available at https://www.un.org/press/en/1999/19990920.sgsm7136.html (accessed 12 February 2019)

the emergence of humanitarianism and human rights as central foreign policy concerns. In tandem with this development, public interest in faraway crises was stimulated by unprecedented media coverage. Moreover, to a great extent, the motivation of increased awareness and interest was animated and sustained by the pervasiveness of intra-state violence throughout the 1990s. Beginning in northern Iraq in 1990, large-scale crises erupted successively in Burundi, Somalia, Rwanda, the Balkans, the Democratic Republic of Congo, Sierra Leone, Kosovo, and East Timor. The concurrence of an ideological vacuum, increased media exposure, and the ubiquity and ferocity of atrocities ensured that, at the very least, the issue of humanitarian intervention had become impossible to ignore.

Second, there was a sense that lessons were finally being learned in the wake of highly-publicised and widely-criticised inaction in Rwanda and Srebrenica. The sheer scale of the death and destruction which occurred without check in Rwanda was shocking. The diligence with which the international community had evaded responsibility and ignored repeated opportunities to make a difference were shaming. The passiveness of the blue helmets at Srebrenica was dumbfounding. That such horrors could be allowed to go unimpeded could be read as confirmation of the indelible indifference of first-world citizens to the fate of strangers. In his memoir, Lt Gen Romeo Dallaire (2004, xvii), Force Commander of the UNAMIR peacekeeping force in Rwanda, would recall that '[i]n just one hundred days over 800,000 innocent Rwandan men, women and children were brutally murdered while the developed world, impassive and apparently unperturbed, sat back and watched the unfolding apocalypse or simply changed channels.' Yet, rather than engendering a fatalistic outlook, the shameful legacy of 'standing idly by' was motivating a determination to finally honour the Holocaust-inspired maxim 'Never Again.'

Third, Annan's projection of increased interventionism in succeeding decades was greatly underpinned by the example set by NATO intervention in Kosovo. It should first be acknowledged that the intervention had been controversial on several counts. Most notoriously, the action had proceeded in the absence of UN Security Council approval and its legality was accordingly dubious and contested. There was also a significant question-mark surrounding the just cause for intervention. Critics of the action contended that the situation on the ground had not escalated in scale to a point that could justify external interference. Some retrospective analyses would even

suggest that the NATO intrusion was actually the catalyst for much more intensive and widespread ethnic cleansing.[86] The adoption of a risk-averse and cost-effective strategy of high-altitude airstrikes was also criticised because these benefits to the intervening coalition came at the cost of enhanced risk to civilians on the ground. Moreover, willingness to engage in Kosovo contrasted sharply with the apathetic response to crises elsewhere leading to accusations of selectivity. In a contribution to an Independent International Commission on Kosovo seminar in August 2000, Nelson Mandela would lament the geographical limits of humanitarian sensibility, observing that the people of 'Africa and Asia must … envy the readiness and willingness on the part of the international community to intervene and commit resources to the reconstruction of Kosovar society' (The Kosovo Report 2000, 16).

Notwithstanding such a backdrop of controversy, Kosovo did offer grounds for optimism. In a most obvious sense, the occurrence of intervention in Kosovo – irrespective of its merits and flaws – demonstrated a willingness on the part of the global superpower and its allies to act on humanitarian grounds. Whereas such states and the international community more broadly had been found so wanting in Rwanda and Bosnia – and throughout much of the twentieth-century – the response to Kosovo hinted at lessons finally being learned and humanity being prioritised. Further encouragement emanated from the framing of Kosovo not as a once-off atonement for foregoing failings but as a prelude to future policy. President Clinton, who shared as great a share of culpability for inaction in Rwanda as anybody, saw in Kosovo the blueprint for continued intolerance of tyranny and the genesis of hope in a new era. At the cessation of airstrikes, Clinton (2000, 915) told the American people that,

> We have sent a message of determination and hope to all the world. Think of all the millions of innocent people who died in this bloody century because democracies reacted too late to evil and aggression. Because of our resolve, the 20th century is ending not with helpless indignation but with a hopeful affirmation of human dignity and human rights for the 21st century.

[86] Noam Chomsky (2012, 36) notes that, contrary to the conventional narrative, '[i]n Kosovo, the threat of bombing did not arrive "too late to prevent the widespread atrocities," but preceded them, as did the bombing itself if official documents are to be believed.' Chomsky (32) regards as 'unquestioned' the fact that 'the NATO bombing was followed by a rapid escalation of atrocities and ethnic cleansing.'

In addition to attesting to the new-found willingness and determination of western countries to react to humanitarian crises, the Kosovo episode also bore promise in another significant respect. The performance of intervention in Kosovo articulated an irreverence towards the supposed sanctity of state sovereignty and represented an explicit declaration that the defence of threatened populations ought to, and would, take precedence over states' claims to political independence and territorial integrity. Although this was divisive in its own right – countries of the global south were concerned at any diminution of their sovereignty in light of their experience of colonialism – it brought the conundrum of reconciling sovereignty and humanitarian intervention to the forefront of political and public debate. The Independent International Commission on Kosovo (2000, 185) noted that the need to re-evaluate the inviolability of sovereignty 'had already been clearly articulated before the Kosovo challenge, but it was accentuated by the NATO response.' The pendulum had swung from wondering if humanitarian intervention could be undertaken in light of international law's foundation in immutable sovereignty to considering how sovereignty could be reconceived to make sense of an emerging right of humanitarian intervention.

In sum, then, Annan's measured optimism was grounded both in hope and in the potential of emerging trends. Challenges remained to be surmounted but there was reason to believe in a brighter future.

2. Optimism Fades, Humanitarian Intervention Derided

If the new millennium was to herald a new dawn, hope and expectation were soon proven misguided and both quickly receded. Initial theoretical progress was recorded in the form of the Responsibility to Protect framework and the re-conception of sovereignty as a responsibility rather than as an unconditional privilege (see below). Yet, when it has come to confronting large-scale crises and taking effective remedial action – in Democratic Republic of Congo, Darfur, Syria, Yemen, and Myanmar – the option of putting force to work in defence of afflicted populations has, as before, been eschewed.

The stalling of late 1990s momentum, the resurgent reluctance to intervene on humanitarian grounds, and the dispelling of Annan's expectations all speak, in simple terms, to the lingering and apparently inescapable indifference of onlooking peoples

and their governments to the fate of foreigners in peril. Just as in previous decades, bystanders with the means to make a difference have once again been founding wanting. Whereas evidence of the suffering of victims has become ever more accessible and immediate with the growth of social media, citizens and politicians have found ways to compartmentalise the horrors on their screens and have rarely been exercised to help.

Whereas the prospect of intervention has continued to be stymied by the age-old impediment of apathy, engagement has also been considerably constrained by a newfound antipathy towards the idea of armed rescue itself. Not only has there been an absence of humanitarian resolve to do the right thing but there has been growing doubt that military action is in fact a just or desirable response. As outlined in Chapter 2, the failure of the U.S. and U.K. to intervene in Syria in 2013 is best explained not by the quiet absence of motivation to take the best or most humane course of action but by widespread and explicit public opposition to proposals for intervention. If previously, forcible intercession had been considered a laudable notion constrained by inertia, self-interest, and concerns about legality, in the twenty-first century it has increasingly come to be seen as flawed in its own right. Such has been the disillusionment with the concept that it has scarcely been mooted as a possible solution to recent crises in Yemen and Myanmar.

It is something of an oddity that the idea of saving strangers with force has been increasingly discredited in a period in which it has been so rarely practiced. The prevailing perception of intervention being ineffective, excessively burdensome, inefficient, and self-serving jars with analysis of both recent and historical performance. On closer inspection, conceptual analysis reveals that the reputation of what I have termed classical humanitarian intervention has in fact been badly discoloured by virtue of semantic association with contemporary incarnations of humanitarian intervention. Rather than being appraised in its own light as a stand-alone concept with its own merits and flaws, the classical model has been severely tainted by the short-comings of unlike models of action which have come to share the title of ‘humanitarian intervention.’

In its own right, classical humanitarian intervention remains as relevant as ever and continues to be worthy of genuine consideration on each occasion the world is

confronted with barbarity. The lessons of inaction in Rwanda and Bosnia cannot be deemed temporally relative: they indefinitely implore pro-activity. As Annan advised in 1999, 'armed intervention must always remain the option of last resort, but in the face of mass murder, it is an option that cannot be relinquished.' Yet, it is clear that this concept does not have a future unless a new and unique terminology is adopted to clearly communicate what it entails and to obviously distinguish it from all other forms of military initiative. Such revitalisation cannot guarantee greater responsiveness in future but it can at least reframe the classical model as a unique solution with a track-record of its own and serve to rejuvenate an instrument which retains the potential to avert catastrophic inhumanity.

3. Responsibility to Protect

It could be argued at this point that there already exists a relatively new terminology to differentiate classical humanitarian intervention. This alternative has been around since 2001 and takes the form of 'Responsibility to Protect' or 'RtoP.' With such a replacement for 'humanitarian intervention' already devised and in circulation, the contention may be that the need for a new term has already been satisfied and that the search for a further coinage must be regarded as superfluous and as being liable to sow further confusion. It could, further, be argued that the introduction of 'RtoP' has not resulted in improved public understanding or support, has (as per previous Section above) actually coincided with greater confusion and inaction, and has, thus, disproved my thesis that terminological innovation can reinvigorate a derided and decaying concept.

Contrary to such arguments, my view is that a careful analysis of the RtoP doctrine and its shortcomings over its first two decades in existence actually reinforces and accentuates the need for the institution of a new terminology to replace 'humanitarian intervention.'

The RtoP framework comes in for greater attention in Chapter 7 but for present purposes a brief introduction will be of use. RtoP first emerged in 2001 as the outcome of deliberations by the International Commission on Intervention and State Sovereignty. The Commission had been founded and sponsored by the Canadian

government to reassess the intervention-sovereignty dilemma and 'to foster a global political consensus on how to move forward.'[87]

In addressing the particular conundrum of reconciling sovereignty and humanitarian intervention, the Commission's proposals were principally defined by two innovations: (1) the reconceptualization of state sovereignty as a conditional privilege which would yield to intervention in such circumstances as a government failed to protect its population from suffering serious harm pursuant to internal war, insurgency, repression, or state failure; and (2) the articulation of 'precautionary' and 'operational' principles to constrain the resort to and conduct of military intervention. In the Commission's analysis, humanitarian intervention ought to qualify in extraordinary circumstances as a limited exception to the otherwise sacrosanct inviolability of state sovereignty but ought also to be subject to defined tests of permissibility.

Beyond reconciling sovereignty and humanitarian intervention, the Commission sought to place humanitarian intervention within a broader framework of international engagement with, and responsiveness to, intra-state violence. In contradistinction to the narrowness of the problem that it was originally tasked with resolving, the Commission elaborated a comprehensive framework which incorporated prevention, reaction, and rebuilding and set forth the responsibilities owed by governments to their populations, the responsibilities of governments to assist other governments to fulfil their domestic responsibilities, and the responsibilities of governments to take direct action where their counterparts were manifestly unable or unwilling to protect their populations from grave harm.

Foundational to the work of the Commission was a recognition of the necessity for semantic innovation. A foremost consideration in this regard was the 'shifting [of] the terms of the debate' from the 'right to intervene' to 'the responsibility to protect' so as to inculcate 'a change in perspective, reversing the perceptions inherent in the traditional language, and adding some additional ones' (ICISS 2001, 17). Building on

[87] Lloyd Axworthy (Foreign Affairs Minister of Canada) speech to United Nations General Assembly Fifty-fifth session, 14 September 2000.
http://www.un.org/ga/search/view_doc.asp?symbol=A/55/PV.15 (accessed 29 June 2017)

this foundation, the Commission elaborated a new lexicon to define future debate, analysis, and practice.

In the new schema, the Commission foresaw no role for the old terminology of 'humanitarian intervention' and posited three reasons for its retirement. Firstly, the Commission (2001, 8) was sympathetic to the 'opposition expressed by humanitarian agencies, humanitarian organisations and humanitarian workers towards any militarisation of the word "humanitarian".' Second, the Commission was 'responsive to the suggestion in some quarters that use in this context of an inherently approving word like "humanitarian" tends to prejudge the very question in issue – that is, whether the intervention is in fact defensible.' And thirdly, the Commission saw value in the benefits of novelty which, it was hoped, 'may encourage people to look again, with fresh eye, at the real issues involved in the sovereignty-intervention debate.'

The Commission clearly pre-empted my call for the decommissioning of 'humanitarian intervention.' The obvious implication is that my analysis must be regarded as tardy, unoriginal, and, by extension, of little value. Yet, further investigation of the Commission's work points to a deviation of analysis and attests to the ongoing relevance of my work. In the Commission's reasoning, the deficiencies of 'humanitarian intervention' were solely attributed to the word 'humanitarian.' The Commission's recommendations were not so much to abandon the terminology of 'humanitarian intervention' altogether but, rather, to steer clear of the adjective 'humanitarian.' In lieu of 'humanitarian intervention,' the Commission's (2001, 9) preference was to simply retain 'intervention' or to adopt the lengthy formulation of 'military intervention for human protection purposes.'

In restricting the scope of their attention to the short-comings of 'humanitarian,' and in persevering with 'intervention,' the Commission overlooked the growing difficulty of demarcating classical humanitarian intervention from alternative models of humanitarian intervention and from interventions more generally. In fact, the Commission (2001, 9) explicitly recognised 'the long history and continuing wide and popular usage of the phrase "humanitarian intervention," and also its descriptive usefulness in clearly focusing attention on one particular category of interventions – namely, those undertaken for the stated purpose of protecting or assisting people at risk.' The Commission's preference to persevere with

'intervention' would lead to continuing ambiguities and confusion. The suggested avoidance of 'humanitarian' would in fact leave 'intervention' as an even less distinctive moniker, bringing classical action into confusion with not only so-called 'humanitarian interventions' but also with interventions with no claim to humanitarian status. Moreover, the opportunity was lost to introduce in tandem with RtoP a new and precise term to re-distinguish and reboot classical humanitarian intervention.

In September 2005, a revised iteration of the RtoP framework was adopted by Heads of State and Government at the U.N. World Summit. In paragraphs 138 and 139 of the World Summit Outcome Document, world leaders endorsed the three pillars of RtoP: the responsibility of governments to protect their populations, the responsibility to assist fellow States in meeting their obligations, and the responsibility to react to situations in which a State is unable or unwilling to adequately protect their population. Notwithstanding the significance of the declaration, a notable omission, once more, was the absence of a simple, succinct terminology to replace 'humanitarian intervention' and to capture in straightforward style the idea of resorting to force on protective grounds. Instead, paragraph 139 recorded the preparedness of the international community of states,

> to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII and in cooperation with relevant regional organisations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.[88]

While such legal jargon would be sensible to a certain cohort of experts, academics, and politicians, it is far less accessible and meaningful for a wider audience. Again, an opportunity passed unseized to articulate a distinctive new public-facing term to guide popular discussion.

Having advocated for the retirement of 'humanitarian intervention,' the RtoP project has neglected to introduce a suitable alternative. As a result, political debate, academic research, and public discussion have continued to refer to 'humanitarian

[88] UN General Assembly. 2005. 'Resolution 60/1: 2005 World Summit Outcome.' 24 October 2005. Available at http://www.undocs.org/A/RES/60/1 (Accessed 13 October 2015) p.30

intervention' and to 'intervention.'[89] This has led to the perpetuation of the problems which I have analysed in the first half of my thesis and which have served to blunt confidence in, and support for, emergency rescue operations. As such, the need for a novel terminology remains outstanding and has, if anything, become even more pronounced than it was in 2001.

In concluding this section, I put forth two final observations. The first is that a new terminology would in fact be of help to RtoP itself. In the absence of a terminology to designate the resort to armed rescue, the RtoP agenda has struggled to take hold in the popular imagination and has failed to drive meaningful change in the behaviour of states toward populations at risk.[90] In a recent contribution marking the fifteenth anniversary of the adoption of RtoP at the World Summit in 2005, Alex Bellamy (2020) has lamented the failings of the new doctrine. Referring to RtoP as a 'promise unfulfilled,' Bellamy notes that the international community has 'failed at the most basic task – the protection of populations from atrocity crimes.' To demonstrate why RtoP has failed as of yet to fulfil its promise, Bellamy identifies five contributing factors. Among such factors, Bellamy assesses that RtoP has not delivered 'because we have not mobilised global activism.' 'Governments,' Bellamy points out, 'do the right thing when their populations demand it of them. We have not demanded enough and we have not advocated effectively enough.' If the tide is to be turned, Bellamy argues that '[w]e need to do a much better job of holding governments and organisations to account and demanding that they fulfil their solemn promises.'

Bellamy is right in identifying the lack of public engagement but perhaps not inquisitive enough as to the roots of the disconnect or as to the mechanisms by which change may be catalysed. It cannot be a matter of simply 'redoubl[ing] our efforts' but must be about creating the linguistic bridges that will replace apathy with engagement,

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[89] In the Commons Debate of 29 August 2013 (discussed in Chapter 3) which rejected Prime Minister Cameron's motion to support military action in response to the use of chemical weapons in Syria, Cameron framed his proposal as 'humanitarian intervention.' In introducing his motion, Cameron noted 'that the use of chemical weapons is a war crime under customary law and a crime against humanity, and that the principle of humanitarian intervention provides a sound basis for taking action.' (See https://publications.parliament.uk/pa/cm201314/cmhansrd/cm130829/debtext/130829-0001.htm). Similarly, and as referenced in Chapter 1, Cameron's successor, Theresa May, defended airstrikes on Syrian government targets in 2018 as 'humanitarian intervention.' In both instances, the reliance on 'humanitarian intervention' rather than 'responsibility to protect' as a defence of military engagement was probably motivated by the difficulty in achieving United Nations Security Council authorisation for action – a requirement of the RtoP.

[90] Aidan Hehir (2018*a*, 177), who has been a long-standing skeptic with regard to the impact of RtoP, argues that RtoP stands now as 'a largely ineffective rhetorical device.'

confusion with clarity, and ultimately, observation with action. Far from obviating the need for a new terminology for classical humanitarian intervention, it turns out that the future success of RtoP actually depends on the development of such a term.

The second observation is that although any replacement for 'humanitarian intervention' ought to be compatible with RtoP, it would be helpful if the new coinage were not exclusively wedded to the RtoP framework. This would allow for engagement to be considered without reference to RtoP. This is an important consideration for several reasons. One such reason is that some states are likely to want to avoid painting their actions in the language of RtoP lest it (a) confer on them unwanted responsibilities such as the long-term responsibility to rebuild a society post-bellum or (b) imply acceptance of a duty to react to all crises reaching RtoP gravity.[91] Even if it may be that it we would like states to embrace such responsibilities, it would be better that such duties do not become impediments to any action being taken at all. Another reason why a new term ought to be applicable outside of RtoP is that there are some actions which will resemble classical humanitarian intervention but which will by definition lie beyond the ambit of RtoP. These are cases in which intervention proceeds without the blessing of the United Nations Security Council and does not therefore conform to the RtoP framework. And finally, it may be that in some instances or in certain jurisdictions, popular support will flow more readily from alternative grounds to RtoP. Rather than endorsing the entirety of RtoP, motivation may be derived from the obligations of the Genocide Convention, the sanctity of human rights, or from a compelling precedent. Whereas RtoP offers the most elaborate schema to guide international responses to man-made crises, it must be remembered that it is far from universally embraced and a space may need to be retained for intervention on alternative grounds in future.

4. Toward 'Atrocity Suppression'

The inception of 'atrocity suppression' represents an exercise in rebranding. The aim is to give a new and distinctive name to the long-standing classical interpretation of humanitarian intervention so as to re-distinguish it as a concept in its own right and to

[91] See, for example, the U.K.'s definition of airstrikes on Syrian regime targets in 2018 as 'humanitarian intervention.' The U.K. government published a legal defence of the action which studiously avoided making reference to RtoP. Available at https://www.gov.uk/government/publications/syria-action-uk-government-legal-position/syria-action-uk-government-legal-position

liberate it from the confused and confusing conglomeration of ideas and practices that the terminology of 'humanitarian intervention' has come to represent. In this way, the classical model may be revitalised as a stand-alone concept and as a viable option of last resort in response to situations which are said to 'shock the conscience of mankind.'

If the hope and expectation is that the classical model of intervention regains its appeal as its unique character re-emerges, it is important to point out that the reconstruction of the classical idea has been guided not by the whims of public sentiment but rather by fidelity to the original concept. The aim is not to redesign and rename classical humanitarian intervention according to current public preferences but to faithfully re-differentiate the classical concept and allow, thereby, for public re-appraisal. Whereas my belief is that the simplicity and nature of the classical model will indeed chime with the present public mood, it is likely that public sentiment will alter over time. The current antipathy towards more invasive programmes of regime change interventions may recede or anti-interventionist feeling may become more absolutist in nature. To rehabilitate classical humanitarian intervention in the image of the attitudes that prevail today so as to best harness public support would represent a very short-term and scarcely worthwhile endeavour.

In pursuit of the end to which it is tasked, the institution of 'atrocity suppression' succeeds in some basic technical aspects. Firstly, 'atrocity suppression' is consistent with other significant and popular terminologies in international affairs (such as peacekeeping, self-defence, and collective defence) in being succinct and memorable. Second, and again in keeping with the lexicon of international affairs, 'atrocity suppression' combines already widely used and easily understood words to convey its meaning in a literal fashion. Third, it is easy to pronounce and easily translatable. And fourth, it offers what Raphael Lemkin once sought in his coining of Genocide: 'a colour of freshness and novelty' (Power 2003, 42).

Notwithstanding such benefits listed above, it must be acknowledged that many other formulations could tick many, if not all, of these same boxes. That 'atrocity suppression' succeeds on such fronts must therefore be regarded as confirmation of its adequacy as a new label for classical action rather than evidence of unrivalled suitability. The unique value of 'atrocity suppression' is to be found instead in the

terminology's precise and straightforward representation of the essence of classical humanitarian intervention. For the first time, the classical concept is captured as a defined instrument with (a) distinctive triggers for engagement and (b) specific and limited objectives.

4.1 Origins and uses of 'Atrocity'

The word 'atrocity' is derived from the Latin stem, 'atrox', meaning fierce or cruel. It is believed to originate in Roman military law where, David Scheffer (2006, 238) notes, it was used to designate 'illegal acts performed pursuant to military orders, acts that today might also prove illegal unless shielded by a modern application of the defense of superior orders".' It is a word that has long being used to refer to especially appalling acts and schemes of one-sided violence against civilians but, in contradiction to its origins, it is not today defined as a crime in the architecture of modern international law.

At one point it did appear likely that atrocities would be codified in international criminal law. In the immediate aftermath of World War II, representatives of the U.S., U.K., U.S.S.R, and France met in London to delineate the crimes with which Nazi war criminals would be charged and tried at Nuremburg. In several drafts of what would become the London Charter, it was proposed that, in addition to other offences, the Nazi leaders would be charged with 'atrocities against civilians.' This crime was defined in a late Soviet draft as 'including murder and ill-treatment of civilians, the deportation of civilians to slave labour and other violations of the laws and customs of warfare.'[92]

Justice Robert Jackson, the Chief Prosecutor with the U.S. delegation, was unsatisfied with the terminology of 'atrocities against civilians' and was anxious, more generally, that the proposed text be rendered more accessible and more meaningful for a wide audience. To this end, he consulted with eminent legal academic Hersch Lauterpacht who suggested new titles for the Nazi crimes. Lauterpacht recommended that 'Aggression' replace 'The Crime of War,' that 'violations of the laws of warfare' be substituted by 'War Crimes,' and, that 'atrocities against civilians' give way to

[92] Redraft of Definition of "Crimes", submitted by Soviet Delegation, 23 July, 1945. International Conference on Military Trials: London 1945. Available at https://avalon.law.yale.edu/imt/jack43.asp (Accessed 2 September 2020)

'crimes against humanity.'[93] It was crimes against humanity which would make the final text with references to 'German atrocities' and 'atrocities' featuring without definition in the preamble to the Charter.[94] Crimes against humanity thus came to occupy a central place in international criminal law. In 1998, the founding statute of the International Criminal Court, the Rome Statute, would mirror the London Charter in making reference to 'unimaginable atrocities' in the preamble but establishing jurisdiction over crimes against humanity, genocide, and war crimes.[95]

In the absence of a concrete legal definition, the meaning of 'atrocity has been open to deviations in interpretation and use. A particularly broad conception of 'atrocity' is invoked by philosopher Claudia Card in her book The Atrocity Paradigm: A Theory of Evil. Card employs atrocities as a paradigm to ground her development of a secular theory of evil. Card (2002, 9) chooses atrocities for her purposes '(1) because they are uncontroversially evil, (2) because they deserve priority of attention, and (3) because the core features of evil tend to be writ large in the case of atrocities, making them easier to identify and appreciate.' In defining the scope of her analysis, Card begins with some infamous conventional examples of atrocities which she credits with motivating her interest in evil. These include 'the Holocaust; the bombings of Hiroshima, Nagasaki, Tokyo, Hamburg, and Dresden; … [and] genocides in Rwanda, Burundi, and East Timor…' (Card 2002, 8). Whereas such extreme and large-scale catastrophes stimulated her initial interest in evil, Card develops a much wider conception of what atrocities can entail. In the first instance, Card rejects any threshold

[93] Philippe Sands (2016) has written a fascinating book tracing the lives of Hersch Lauterpacht and Raphael Lemkin. Both men grew up in Lviv, Ukraine, and studied at the faculty of law at the University of Lviv. Despite being unacquainted and going on to emigrate to the U.K. and to the U.S. respectively, Lauterpacht and Lemkin would both make vital contributions to the architecture of international criminal law. Lauterpacht would introduce the concept of 'crimes against humanity' while Lemkin would formulate the crime of 'genocide.' The visit of Justice Jackson to Lauterpacht appears at pp. 110-111

[94] Crimes against humanity were defined as 'namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.' See Agreement and Charter, 8 August 1945. International Conference on Military Trials: London 1945. Available at https://avalon.law.yale.edu/imt/jack60.asp (Accessed 2 September 2020).

[95] The preamble to the Rome Statute records the mindfulness of the state parties to the statute 'that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of mankind.' A helpful introduction to the origins and development of crimes against humanity can be found in Norman Geras's *Crimes Against Humanity: Birth of a Concept* (2012). My review of this work (Mawe 2014) recounts Geras's proposal to replace the current content of crimes against humanity with a 'pure' concept of crimes against humanity which would remove the threshold of scale.

of scale in the delineation of atrocities. In her analysis, 'well-known kinds of atrocities' include not only large-scale actions like genocide and the saturation bombing of cities but also incorporate 'the domestic terrorism of prolonged battery, stalking, and child abuse.' Second, Card does not identify human beings as the only possible victims of atrocities but instead includes as atrocities 'evils done to animals who are raised on factory farms and butchered in mass-production slaughterhouses.' Thirdly, Card does not restrict her understanding of atrocities solely to those wrongdoings which intend and cause immediate harms to others. Instead, atrocities could take the form of 'the threat to life on our planet posed by environmental poisoning, global warming, and the destruction of rain forests and other natural habitats' (Card 2002, 8-9).

In contrast to Card's broad use of 'atrocity,' sociologist Michael Humphrey (2002) articulates a more specific understanding. In Humphrey's (2002, vii) conception, atrocities are acts of physical, face-to-face violence – torture, rape, massacre, mutilation – that, as part of a political strategy, are designed to 'terrorise both potential victims and those who become its spectators.' Atrocities are carried out against innocents in public places and are deliberately excessive in their cruelty so as to impart the greatest impact. 'The victims,' Humphrey assesses, 'are produced as spectacles of horror, pain and suffering to amplify the threat of violence and death.'

Further to Card and Humphrey, a third interpretation of 'atrocity' is employed by 'atrocitologist' Matthew White. White, who hosts the 'Historical Atlas of the Twentieth Century' website and who styles himself as an unrivalled lover of statistics, is the author of *Atrocitology: Humanity's 100 Deadliest Achievements*. In detailing mankind's worst excesses, White equates 'atrocity' with 'mass killing' and 'multicide.' His macabre list is a count-down of the largest man-made death tolls (running to a cumulative total of 455 million deaths) and does not take into account non-fatal casualties. In tallying and ranking atrocities, White (2011, 555) counts 'all of the deaths of living, breathing individuals that result from a specific outbreak of coordinated human violence and coercion, both directly (war, murder, execution) and indirectly (aggravated disease, avoidable famine), as long as they are the obvious resulted of the event.' White includes (2011, 555) within the scope of atrocity for

calculation all connected deaths 'whether military or civilian, malicious or accidental, negligent or authorised.'[96]

4.2 'Atrocity-crimes'

Considering the differences with which it is put to use by Card, Humphrey, and White, the nomenclature of 'atrocity' would seem to be of little use in the pursuit of a precise and easy-to-understand new title for classical humanitarian intervention. Yet, in the particular context relevant to classical intervention, the terminology of 'atrocity' has come, in pursuance to the work of David Scheffer, to be used in a consistent manner and with a precision of meaning.

In 2006, Scheffer, American lawyer and one-time U.S. Ambassador at Large for War Crimes Issues, published a paper, 'Genocide and Atrocity Crimes,' which advocated for two terminological innovations. The first proposal emanated from a concern that the 'genocide factor' was paralysing responsiveness to emerging crises. The core problem was that genocide had come to be cast as the exclusive trigger for intervention and was setting a very high and inherently technical threshold for engagement. Consequently, acute crises falling short of genocide could not motivate intervention and even in such crises qualifying as genocide it was taking too long for the patterns of genocide to be diagnosed. Scheffer (2006, 230) observed that in the early years of the Clinton administration, 'officials seemed incapable of definitive action unless and until genocide was determined to have occurred, and even then action was problematic because either too much time had elapsed, and the killing had subsided, or the larger responsibility any timely and effective response might trigger was too much to shoulder politically.' To mitigate the delaying effect of determining 'genocide,' Scheffer (2006, 232) proposed that governments should be 'liberated' to speak of 'precursors of genocide.' This new term could be used in order to refer 'to those events occurring immediately and prior to and during possible genocide that can point to an ultimate legal judgement of genocide but which should be recognised and used in a timely manner to galvanise international action to intervention' (Scheffer 2006, 248).

[96] The lack of differentiation between military deaths and civilian deaths and between intentional and unintended deaths differs from Benjamin Valentino's (2004, 10) definition of 'mass killing' as 'the intentional killing of a massive number of noncombatants.'

Scheffer's second new term – and the one of most pertinence to the current discussion – was partially motivated in response to the drawbacks of genocide. Whereas 'precursors of genocide' would open an avenue for intervention where early hallmarks of possible genocides could be identified, it did not take account of crises – emerging or developed – not of a genocidal character. A new term would be required to capture these critical, but non-genocidal catastrophes. Such a quest would coincide with a related necessity – the requirement for a 'basket-term' to make sense for a general audience of the crimes falling under the jurisdiction of international criminal tribunals and of the recently constituted International Criminal Court (ICC). The solution, for both the former and latter purposes, was, Scheffer proposed, the term 'atrocity-crimes.'

At the time of Scheffer's publication, the ICC enjoyed jurisdiction over three categories of crimes: the crime of genocide, crimes against humanity (including ethnic cleansing), and war crimes.[97] These were the same crimes that paragraph 139 of the World Summit outcome document had referenced as being of concern to the international RtoP. Scheffer's fear was that the intricate technicalities of the crimes and the difficulty in deciphering between them could alienate popular understanding and interest. He reckoned that '[i]f public support for international prosecution and military response to atrocity crimes is lost because what is described appears threatening of incompressible to the average person, then the entire venture will be undermined' (Scheffer 2006, 244-245).

Scheffer thus proposed that 'atrocity-crimes' be introduced as more straightforward umbrella term to refer to the general basket of genocide, crimes against humanity, and war crimes. This new term would be a convenient short-hand to mitigate the need to repetitively list each crime. It would also point to an unofficial compound concept combining the basic elements of the constituent crimes. Without needing to grasp all of the finer nuances of genocide, crimes against humanity, and war crimes, interested lay people could fathom the basic contours of atrocity crimes. As contrived by Scheffer (2006, 239), atrocity crimes could be defined in non-legal terms as:

[97] Since 2018, the ICC also holds jurisdiction over the crime of aggression. It is unclear if Scheffer intended for atrocity-crimes to incorporate the crime of aggression but it is unlikely. Atrocity-crimes are widely interpreted as including only genocide, crimes against humanity, and war crimes.

> High-impact crimes of severe gravity that are of an orchestrated character, that shock the conscience of humankind, that result in a significant number of victims, and that one would expect the international media and international community to focus on as meriting an international response holding the lead perpetrators accountable before a competent court of law.

While this new term and hybrid concept would allow for greater understanding of the workings and relevance of international criminal tribunals, Scheffer also specifically foresaw benefits in the context of humanitarian intervention and RtoP. Recognising that the success of humanitarian intervention relies on 'the building of popular support, as well as international support,' Scheffer (2006, 247) estimated that

> The public might better appreciate the need for military response if the term "atrocity crimes" was used in association with responses to clearly horrific and unacceptable assaults on civilian populations, rather than legal terminology (particularly "crimes against humanity," "ethnic cleansing," "war crimes," and even "genocide") that can be understood by lawyers as extremely meaningful (and horrific) but to the public remains foggy at best.

4.3 Atrocity Prevention and Response

Rather than taking hold in respect to military intervention, Scheffer's 'atrocity crimes' would attract much greater attention from, and lend a title to, the related and growing field of 'atrocity prevention.'

In much the same way as the crises of the 1990s had motivated awareness of and debate about humanitarian intervention, so too had such episodes stimulated interest in the idea of preventing crises from taking root in the first place. An early and influential contribution in this area was the report of the Carnegie Commission on Preventing Deadly Conflict. Published in 1998, the report was back-boned by '[t]hree inescapable observations': that deadly violence is 'not inevitable'; that the development of a prevention apparatus is 'increasingly urgent'; and that prevention is 'possible.' Conceiving, then, of the challenge as being immediately pressing yet surmountable, the Carnegie Commission defined three aims of preventive action: tackling the emergence of violent conflict; curtailing the spread of ongoing conflict; and preventing the re-emergence of violence.

The importance of prevention would feature as a major area of concern for the International Commission on Intervention and State Sovereignty and would form a key tenet of the RtoP. In fact, the report of the ICISS (2001, xi) identified prevention as 'the single most important dimension of the responsibility to protect.' In the Commission's (2001, 26) analysis, 'the tangible commitment to prevention remain[ed] weak' and the resources devoted to prevention continued to be 'dwarfed' by the investment committed to military interventions. In placing prevention at the centre of RtoP, the Commission (2001, 26) recommended that 'more resources, more energy, more competence and more commitment be put into prevention.' To secure such increased commitment, the Commission (2001, 27) urged a shift in the 'mindset' of the international community 'from a "culture of reaction" to … a "culture of prevention".' Such a shift would deliver from both an altruistic and self-interested perspective. By refocusing attention and resources not only better outcomes be achieved for vulnerable societies but the higher costs of reactive intervention would also be avoided.

As increasing attention turned to prevention, Scheffer's 'atrocity crimes' filled a linguistic void provided a focus for preventative engagement. The Carnegie Commission had focused on an inter-changing lexicon of 'deadly conflict,' 'violence,' and … while the ICISS had been concerned with averting and alleviating serious harm arising from internal war, insurgency, repression, or state failure. The focus of RtoP, as articulated the World Summit Outcome document, would extend to genocide, crimes against humanity, war crimes, and ethnic cleansing. The absence of a fixed and succinct terminology would be resolved with the help of Scheffer's innovation in the form of 'atrocity prevention.'

The terminology received strong endorsement in the form of President Obama's 'Presidential Study Directive on Mass Atrocities' which established the Atrocities Prevention Board (APB). Following on from the The Report of the Genocide Taskforce (2008), Presidential Study Directive 10 identified the prevention of 'mass atrocities and genocide [as] a core national security interest and a core moral responsibility of the United States.' The new interagency APB was tasked reviewing and improving 'governmental organisation' in respect to the prevention of 'mass atrocities and genocide.' 'Atrocity crimes,' 'mass atrocities,' and 'atrocities' have also come in for increasing use at the U.N. In 2014, the U.N. published a 'Framework of

Analysis for the Prevention of Atrocity Crimes' which defined atrocity crimes as 'refer[ring] to three legally defined international crimes: genocide, crimes against humanity, and war crimes.'

4.4 From MARO to Atrocity Suppression

In 2007, Sarah Sewall founded the Mass Atrocity Response Operation (MARO) Project at the Carr Center for Human Rights at the Harvard Kennedy School. The objective of the project was to examine the unique military challenges presented by mass atrocity events and to develop 'tailored concepts and planning tools' to guide training and future responses (Sewall et al. 2010, 8). In collaboration with the U.S. Army Peacekeeping and Stability Operations Institute, the MARO project published, in 2010, 'MARO: A Military Planning Handbook' which set out a 'common military approach' to addressing the challenges of mass atrocities (Sewall et al. 2010, 9).

As defined in the handbook, a MARO 'describes a contingency operation to halt the widespread and systematic use of violence by state or non-state armed groups against non-combatants' (Sewall 2010, 23). A MARO could involve elements common to other military concepts which helped to explain the preceding failure to treat mass atrocities as a unique operational challenge. Yet, in consideration of the particular character and dynamics of the violence encountered, and in light of the unique 'objective of stopping the killing of civilians,' Sewall et al. (2010, 25) concluded that the MARO concept merited individuated 'planning tools and the supporting doctrine, training, leadership, and materiel support.'

In introducing the terminology of MARO, Sewall et al. intended not to devise a popular substitute for 'humanitarian intervention' but sought, instead, to articulate for a military audience a clear title to designate a newly specified operational concept. Accordingly, I have found that 'MARO' indicates how to improve on 'humanitarian intervention' but is not in itself adoptable as a public-facing terminology. On the positive side, 'MARO' achieves greater clarity than 'humanitarian intervention' by neglecting to focus on the action of violating borders with vaguely benevolent intentions and instead centring attention on the problem to be resolved. This serves to immediately bring definition to the concept at hand and differentiate it from the myriad of actions with which it could be confused within the elastic reaches of 'humanitarian intervention.' In devising 'atrocity suppression,' I have sought to build on this

approach while at the same time addressing two shortcomings of MARO: the unsuitability of an acronym for public use and understanding, and the indeterminacy of the word 'response.'

While MARO is designed for use in a military context in which acronyms are ubiquitous, such abbreviations are not readily transferrable to general discourse. At the same time, the full title of 'Mass Atrocity Response Operation' is unlikely to catch on as a popular term of reference. The terms that political leaders and media outlets employ to communicate complex concepts to mass audiences tend to be short and crafted in simple terms. In the context of international relations, the terms that are used are 'terrorism,' 'sovereignty,' 'peacekeeping,' 'self-defence,' and so forth. The need to convey detail is balanced against the need for intelligibility. It is line with this thinking that 'atrocity suppression' emerges as an abbreviated iteration of MARO.

Further to pruning MARO at the edges, I have elected to replace 'response' with 'suppression.' The word 'response' is closely associated with RtoP and, in particular, with the responsibility of the international community to respond effectively to put a stop to atrocity crimes when domestic governments fail to discharge their responsibilities in this respect. There is something to be said for retaining 'response' to signal coherence with RtoP. Yet, in the search for a new term for classical humanitarian intervention, the label of 'atrocity response' is a poor fit. As employed in the context of RtoP, 'response' encompasses a wide variety of measures such as political and economic sanctions which deviate from the direct and military nature of classical action. Moreover, for a general audience mostly unfamiliar with the RtoP vocabulary, 'response' is even less precise and offers no clear sense of the goal of engagement. 'Atrocity response' would thereby fail to relieve a critical problem associated with the language of 'humanitarian intervention': public disillusionment with proposals for actions with no metric of success and no definitive end point.

4.5 Atrocity Suppression

The word 'suppression' can be defined as the forcible curtailing or ending of an activity or event. It is sometimes used in reference to objectionable behaviour such as the crushing of a rebellion, the subduing of dissent, or the attempt to manipulate the outcome of a vote by reducing participation by segments of the electorate. Yet, it has also been used with more favourable connotations to refer to the restraint and/or

cessation of international crimes. Article 1 of the United Nations Charter (1945), for instance, determines that member states are committed to 'the suppression of acts of aggression or other breaches of the peace…' Meanwhile, Article 8 of the Genocide Convention (1948) advises that '[a]ny contracting party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide…' It is in keeping with such latter use that suppression is adopted presently.

'Suppression' is not intended to be synonymous with 'cessation' or 'termination.' This would capture classical humanitarian intervention as an attempt to put an end to atrocities only. Instead, 'suppression' attests to any effort to significantly constrain an activity or event and thereby incorporates those scenarios in which the ambition may be necessarily or artificially limited to the restraining of atrocities in a particular area or to a certain extent. The curbing of atrocities where full termination is impossible or unlikely stands as a sensible and worthy variant of classical humanitarian intervention and it is therefore preferable to refer to 'atrocity suppression' rather than 'atrocity termination' or 'atrocity cessation.

The innovation of 'atrocity suppression' rehabilitates classical humanitarian intervention as a simple concept with a limited but very significant ambition: the forcible curtailing and/or termination of atrocities. The precision of 'suppression' makes obvious that the aim is, as Michael Walzer (1995, 55) observed of classical humanitarian intervention, not to achieve 'democracy or free enterprise or economic justice or voluntary association or any other of the social practices and arrangements that we might hope for or even call for in other people's countries.' Rather, the 'aim is profoundly negative in character: to put a stop to actions that, to use an old-fashioned but accurate phrase, "shock the conscience" of humankind.'

In accentuating limited parameters of ambition, 'atrocity suppression' reclaims the rescue of strangers as a concept in its own right. Whereas the tendency has been to expand the boundaries of 'humanitarian intervention' and to blur the lines between civilian protection and wider, typically longer-term, agendas, 'atrocity suppression' reframes the defence of imperilled civilians as a distinctive idea. In so doing, 'atrocity suppression' not only fatefully recaptures the essence of classical humanitarian intervention as defined by Walzer above and elsewhere by Holzgrefe, McMahan,

Seybolt, and Wheeler,[98] but also promises to reshape how the challenge of tackling atrocities is appraised. In this latter respect, the option of bare bones atrocity relief can introduce nuance to judgements of permissibility. The stopping of atrocities may, for example, be accepted as a just cause for intervention whereas a broader agenda incorporating objectives like regime-change and democratisation would not be. Or, similarly, atrocity alleviation may be deemed to satisfy the requirement of reasonable prospects of success whereas more complicated, longer-term schemes would be deemed likely to fail. Further to the contemplation of legitimacy, the option of atrocity suppression as a stand-alone instrument will also likely influence public support for engagement. It may, for instance, be that there will be a willingness to support focused, short-term rescue but not to embrace proposals for broader, longer-term missions. Moreover, the population of a host state may welcome assistance in reversing atrocity activities but prefer thereafter to reshape and rebuild their state free from lingering external interference.

All of this is not to say that atrocity-suppression should never be succeeded by longer-term stabilisation, peacekeeping, or rebuilding. The point, rather, is that atrocity suppression neither incorporates such mandates nor morphs into such guises. Rather, these types of missions must be regarded as unique operations which follow from unique mandates and respond to unique challenges. Critically, the permissibility, viability, and popularity of such agendas should not influence judgements in relation to atrocity suppression. Atrocity suppression may be justified, supported, and carried out even where more elaborate, far-reaching, and paternalistic forms of action prove unviable.

5. Benefits of 'Atrocity Suppression'

[98] Holzgrefe, McMahan, Seybolt, and Wheeler all emphasise in their definitions of humanitarian intervention the negative and limited focus of engagement. Holzgrefe (2003, 18) defines humanitarian intervention as '[t]he threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens…' McMahan (2010, 44) delineates humanitarian intervention as 'military intervention in another state that is intended to stop one group within that state from brutally persecuting or violating the human rights of members of another group.' Meanwhile, Seybolt (2008, 5-6) defines humanitarian intervention as 'the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens.' Seybolt (2008, 6) clarifies that humanitarian intervention 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.' Finally, Wheeler (2000, 2) introduces humanitarian intervention as the use of 'force to end appalling abuses of human rights.'

The institution of ‘atrocity suppression’ is especially helpful in at least five practical ways.

First, and most briefly, ‘atrocity suppression’ succeeds in re-establishing armed rescue as a unique, specific, and widely understood concept. Having been lost in recent years in the haze of ‘humanitarian intervention,’ the idea of using force on protective grounds is re-differentiated from all other forms of intervention and military endeavour and put back on the international agenda as a distinct option of last resort in scenarios of man-made catastrophe. It may not always offer a feasible and legitimate solution for every crisis but it will at least stand once again as a defined and independent proposition for consideration.

Second, the clarity and simplicity with which ‘atrocity suppression’ reconstitutes classical humanitarian intervention develops the idea from vague commitment to pre-packaged, off-the-shelf instrument. In the past, even where ‘humanitarian intervention’ has been employed with the classical concept in mind, there has always been a certain vagueness as to what exactly is to be addressed and precisely what goals are to be pursued. In this sense, intervening governments have always enjoyed lee-way in moulding the general mandate to save strangers into particular objectives and strategies. Critics point out that in this process, political leaders have often failed to delineate focused and achievable objectives and have even tended to exploit the opportunity to intervene presented by a humanitarian crisis to pursue their own strategic and economic interests.

What the terminology of ‘atrocity suppression’ achieves is to rehabilitate classical humanitarian intervention as a pre-ordained template with specific triggers for action and a particular objective. This concrete formulation forms the basis for a contract between intervening governments and their electorates. When ‘atrocity suppression’ is proposed, citizens have a clear understanding of the problem to be addressed and the solution to be pursued. Popular support for engagement is based on governments implementing a fixed solution and governments are bound in their behaviour by their publics’ very clear expectations. In this way, the gap between concept and practice is closed greatly and classical humanitarian intervention evolves from philosophical thought-experiment to defined practice.

Third, by replacing obscurity and confusion with obvious distinction, 'atrocity suppression' disentangles the classical interpretation of humanitarian intervention from the widespread disillusionment with humanitarian intervention in its contemporary guise. In the past two decades, the 'humanitarian intervention' brand has been discredited by the experiences of liberal regime-change interference in Afghanistan, Iraq, and Libya. Public debate has become heavily tinged with fatalism and cynicism, with intervention being perceived to be: mostly ineffective, excessively burdensome on interveners, arbitrarily selective, and at best partially altruistic. I have argued in Chapters 2 and 3 that the failings of Afghanistan, Iraq, and Libya ought to be of little relevance to any evaluation of the fundamentally different enterprise of using military force to tackle atrocities. Yet, in the absence of a distinguishing terminology, there has been little cognisance of the individuality of classical humanitarian intervention and, accordingly, the failings of the broader contemporary humanitarian intervention agenda have been unduly linked to the classical cause. As highlighted in Chapter 3, opposition to the proposal for intervention in Syria in 2013 emanated not from any defect or forgoing failure of classical humanitarian intervention but from the difficulty of discerning the classical character of the would-be intervention and the impossibility of disaggregating the proposal in Syria from the legacy of Afghanistan, Iraq, and Libya. The deep hostility to intervention among Americans and Britons proved pivotal in dissuading President Obama and Prime Minister Cameron from fulfilling their previously stated intention to intervene.

The introduction of 'atrocity suppression' recovers the classical model as a stand-alone concept deserving and demanding of unique evaluation. Freed from the contagion of the failings and unpopularity of unlike manifestations of military intervention, the idea of using force to tackle atrocities may once again be appraised on its own merits. On the basis of such nuanced assessment, 'atrocity suppression' can escape the negativity that has come to envelope military intervention and break free of the pavlovian criticisms which the terminology of 'humanitarian intervention' has come to evoke. Judged on its own terms, it will be apparent that 'atrocity suppression' engagements are, in fact: rarely undertaken, most often avoided, unlikely to fail, and not always prohibitively costly or risky. This very different analysis is likely to profoundly alter public attitudes towards acting with force to rescue strangers from barbarity. It may be that it its own right and in a given context, a military response will

still elicit opposition. It may even be that apathy or realist considerations continue to deflate enthusiasm for action. But at the very least, the toxic legacies of Afghanistan, Iraq, and Libya may be removed as an impediment to public support and proposals for 'atrocity suppression' may be afforded appropriately nuanced and open-minded appraisal.

A fourth positive effect of reconstituting classical humanitarian intervention in the terminology of 'atrocity suppression' is that the simplicity and strict limitations of the instrument's ambitions are much more readily apparent. Reframed in this way, proposals for engagement stand a much greater chance: of amassing popular support in states capable of intervening, of securing consensus at the UN Security Council, and of being welcomed by citizens of host states. For electorates in America, Britain, and the West more generally, deep scars have been left by Afghanistan, Iraq and even Somalia and Libya. An ingrained antipathy to intervention is difficult to surmount. A whole terminology has evolved as a by-product of failures. Citizenries are weary of 'forever wars,' they are fearful of 'mission creep' and 'bog-down,' and dubious about the feasibility of elaborate exercises in 'regime change' and 'nation building.' In this context, 'atrocity suppression' stands out as a proposition with a clearly defined, obviously important, and attainable objective with no long-term strings attached. For taxpayers footing the bill, there is understanding as to why they are being asked to assume a supererogatory burden, they can foresee such a burden rendering fruit, and they can anticipate an end point. As such, the prospects of attaining and maintaining widespread support is greatly enhanced.

The accentuation of the classical idea's restricted ambitions will also alleviate some of the division and distrust at the United Nations Security Council. The Security Council is the default 'legitimate authority' which determines the legality of proposals for transboundary engagements. It consists of five permanent members – the United States, the United Kingdom, France, Russia, and China – and also features ten rotating members. It is a body given to division and, with each of the permanent members enjoying the right to veto any decision, it is difficult to reach consensus on contentious issues. Agreement can be particularly elusive on matters of military intervention given ideological divisions – China is a particular champion of the sanctity of state sovereignty – and the propensity of permanent members to prioritise their own strategic geo-political interests ahead of considerations of law and morality. Such

obstacles notwithstanding, inception of the terminology of 'atrocity suppression' can form the basis for greater trust and co-operation. The bare-bones focus on alleviating mass violence is more likely to form the basis for agreement on intervention than more elaborate and more ill-defined proposals which tend to inculcate opposition from China and Russia. 'Atrocity suppression' puts concrete parameters on the limits of military responses and thereby reduces scope for the manipulation and exploitation of UNSC mandates. Through shared understanding and consistent application, there will then emerge the prospect of 'atrocity suppression' achieving multi-polar buy-in and being established as a genuinely international instrument at the disposal of the United Nations.

Fifth, 'atrocity suppression' moves us away from the moralistic language of '*humanitarian* intervention.' This is a significant benefit and stems a key source of disillusionment with the idea of intervening on protective grounds. As examined in Chapter 5, the depiction of armed rescue as 'humanitarian' has led to the setting of altruism as a defining test of 'genuine' humanitarian interventions. The fact that interveners invariably deviate from selfless considerations has resulted in the practice of humanitarian intervention been cast as a corruption of the true idea. Opposition flows from the perception that the benevolent promise of humanitarian intervention is unlikely to be borne out in reality, from the conclusion that support for humanitarian intervention cannot therefore follow directly from a concern for the welfare of strangers, and from the determination not to be misled by the spin of 'humanitarian intervention' into supporting predominantly self-interested interference.

It is, of course, unrealistic to expect, and perhaps even impossible for, interveners to act entirely without reference to their own interests. This is the same for peacekeeping where smaller contributing states are motivated to participate in missions not only by solidarity for others or a sense of moral duty but also by the financial compensation, the training for soldiers, and the prospect of international prestige being accrued from a successful outcome.[99] Yet, because peacekeeping is not represented by a terminology which posits selflessness as a core feature, public focus is centred on the immediate intentions of peacekeeping operations rather than on the

[99] Self-interest has also been at play in the refusal of countries to contribute to missions and in the calculus behind decisions to withdraw from missions (such as in the case of Belgium's withdrawal from the UNAMIR mission to Rwanda following the brutal murder of ten of its force at the outset of the genocide).

underlying motives of participants. Neither the concept of peacekeeping nor specific peacekeeping missions are derided for not being driven solely by a devotion to peace.

The wording of 'atrocity suppression' introduces for classical humanitarian intervention a terminology which mirrors the neutrality of 'peacekeeping.' 'Atrocity suppression' does not allude to the motives underlying action and does not therefore present them as being of importance. The unnecessary and unachievable expectation of altruism is removed from consideration and the defeat of atrocity can be supported, or indeed opposed, without regard to the plurality of motives beneath the surface. The test of right intention will remain to be surmounted but at the level of immediate rather than ulterior intentionality.

In recognising benefits of embracing 'atrocity suppression,' it is important to note that although the new term will provide for more appropriately nuanced appraisal, will alleviate significant barriers to implementation, and will help to pave the way for greater responsiveness to atrocities in future, there is little risk of enthusiasm for engagement of this sort motivating and legitimizing other forms of intervention. Rather than opening the floodgates to more frequent and more intrusive interference, the precision of 'atrocity suppression' actually serves to very clearly differentiate what is legitimate and important to support from what is illegitimate and important to oppose. Whereas indiscriminate language has hitherto offered grey areas in which legitimacy can be blurred and humanitarian sensibilities exploited to induce support, 'atrocity suppression' remedies such indeterminacy and annuls such opportunities. In this way, far from bursting the dams, 'atrocity suppression' in fact serves to strengthen support for state sovereignty by confining support for intervention to the very limited circumstances in which the threat or perpetuation of atrocity crimes allows for third-party engagement. This will be a matter of particular importance from the perspective of the Global South countries who are traditionally wary of embracing humanitarian intervention lest it erode the protections of state sovereignty and facilitate neo-colonial interference in their affairs.

6. From Terminology to Practice

The adoption of 'atrocity suppression' as a novel terminology helps to disambiguate armed rescue as an idea in its own right. Semantic invention can, however, only achieve so much and the future acceptance and credibility of the idea of atrocity

suppression will ultimately flow from the practical implementation of the concept. For atrocity suppression to take root and gain support, it will be crucial that words are matched with deeds and that the practice of atrocity suppression closely resembles, and is seen to closely resemble, what is promised in theory.

Critical to this endeavour is the need for a clear exit strategy. When an atrocity suppression mission has achieved its goal – of alleviating the immediate risk of atrocity-crimes – it is essential that a clear and wholistic withdrawal takes place. When a mission comes to a close, it will be inevitable that some longer-term challenges – such as disarmament, resettlement of Internally Displaced Persons and return of refugees, socio-economic reconstruction, and so on – will remain unresolved and it may even be that the medium- to long- term risk of atrocity-crimes recurring is not fully averted. Nevertheless, for the instrument of atrocity suppression to build and retain a unique identity and in order for atrocity suppression to represent a useful and appealing solution to the worst of evils, it is critical that missions end when the limited goal of atrocity aversion is achieved.

The challenges that remain in the aftermath of an atrocity suppression mission are likely to demand further international assistance. Should a peacekeeping mission not already have been in place prior to the initiation of an atrocity suppression operation, it is likely that a new peacekeeping mission will be required when the atrocity suppression force departs. Whereas the peacekeeping mission will in some ways represent a continuation of international intervention, the handover from an atrocity-suppression force to a peacekeeping mission will serve at least three important ends. First, the changeover from combat forces to the blue helmets will clearly signal the successful completion of the atrocity-suppression action. Second, rather than the atrocity suppression operation taking on longer-term and ever broader objectives in contravention of its conceptual parameters, the peacekeeping mission will arrive with a coherent and distinctive mandate which is better suited to a longer-term deployment. Third, whereas an atrocity-suppression force will have arrived on a belligerent footing, the succeeding peacekeeping mission will work on a neutral basis and be better placed, thereby, to assist in the rebuilding of state and society.

Of course, there is no guarantee that a peacekeeping mission will be authorised by the U.N. Security Council or adequately resourced by member states. Should no

peacekeeping mission be forthcoming, it will still be necessary for an atrocity suppression action to be brought to a clear conclusion and for forces to withdraw. Here, critics might argue that there is risk of leaving prematurely and allowing for the re-occurrence of atrocity-crimes. It may be further argued that it is pointless to intercede in the first place if there is to be no regard paid to matters broader and longer-term than averting atrocities.

Such contentions are not without validity. Yet, it is these criticisms that, in a sense, capture what atrocity-suppression is about. Atrocity-suppression is not and, crucially, cannot be about resolving all ills. The whole point of introducing 'atrocity suppression' and calling for its invocation and implementation is to re-create a very clearly defined instrument which can be put consistently and effectively into practice to tackle the very worst excesses of humankind. Of course, it will be unsatisfactory that an atrocity suppression action will come to an end without tackling so many problems afflicting the state in which it deployed. However, it is important to recognise that there will always be something more to be done, there will always be another risk required, and always a better world to be achieved. The reality is that there are limits to what armed interventionary forces can achieve. This lesson has been learned the hard way in Somalia, in Iraq, in Afghanistan, and yet again in Libya. Whereas the emergency deployment of combat forces may be necessary to tackle atrocity crises, the long-term progression of a state's political, social, and economic structures is rarely achieved through ongoing external military interference.

Conclusion

In this chapter, I have introduced 'atrocity suppression' as a unique, precise, and simple terminology to recapture and re-differentiate the unique, precise, and simple concept hitherto referred to as classical humanitarian intervention. I believe that this terminology can help to reinvigorate western interest in an old but sadly ever-relevant idea and offer a fresh lens through which to comprehend it. This, in turn, may lead to a more nuanced assessment of the merits of putting force to use in defence of civilian populations at risk of grave harm.

Notwithstanding such positives, I conclude by recognising some inherent limits to what this lexical innovation can achieve. In this way, the adoption of 'atrocity

suppression' may be welcomed not so much as the missing piece of the puzzle but as a starting point for better responsiveness.

First, there is no guarantee that it will be permissible to launch atrocity suppression operations every time atrocities are occurring. Whereas by definition atrocity suppression actions will satisfy the *jus ad bellum* criteria of just cause and right intention, it is not a given that atrocity suppression engagements will meet the further conditions of reasonable prospects of success, proportionality, last resort, and legitimate authority. There will continue to be cases when it will be simultaneously intolerable to stand idly by and impermissible to take action.

Second, the new branding of 'atrocity suppression' offers no assurance that peoples and their politicians will always muster the requisite interest and effort to come to the rescue of populations in danger. 'Atrocity suppression' will help to remove some barriers to motivation and action. It will take away some of the reasons to object to intervention and will help to make success seem attainable and worth the effort. Yet, so many other factors which will shape perceptions and dictate motivations will also be at play and will not necessarily support proactive suppression.

And third, the terminology of 'atrocity suppression' does not come with a promise of success. 'Atrocity suppression' gives definition to what a successful outcome will look like. This increases the prospects of success insofar as it helps to focus strategy, mitigate against mission creep, and motivate domestic support. However, the actual achievement of suppression will be contingent upon a wider array of factors which can be difficult to predict, control, and overcome. Moreover, atrocity suppression can never be risk free. It is ever an imperfect instrument which may be supported as a less bad option to inaction rather than a perfect panacea for a crisis.

Chapter 7: Just Cause Vs Precautionary Principles (Mind the Gap!)

Introduction

Contrary to the maxim that all is fair in love and war, it has long been accepted that even in war there are rules to be followed. In keeping with this perspective, the Report of the International Commission on Intervention and State Sovereignty (ICISS) not only identified circumstances under which the general rule of non-intervention would yield to the international Responsibility to Protect (RtoP) – the 'just cause threshold' – but also set down four 'precautionary principles' and the criterion of 'right authority' to guide and restrain the resort to military engagement.

In this chapter, I examine how a gap can emerge between, on one side, the just cause threshold and, on the other side, the precautionary principles and right authority. In these scenarios – wherein the circumstances pertaining within a state reach a level justifying departure from the general prohibition on intervention but a proposed military response fails to satisfy the precautionary principles and/or the hurdle of right authority – the international community is left in the worst of all possible scenarios whereby the consequences of inaction are unconscionable but armed rescue is impermissible. I argue in this chapter that more can be done to reduce the prospect of such divergence occurring. I further argue that the impossibility of ever fully mitigating against the possibility of such a gap demonstrates the limitations of armed rescue – howsoever it may be termed – and highlights the importance of devoting greater attention to alternatives to force.

In Section 1, I outline the ICISS's interpretation of the just cause threshold, the precautionary principles (right intention, reasonable prospects of success, proportionality, last resort), and right authority.[100] In Section 2, I detail how the conditions of reasonable prospects of success and right authority pose particular barriers to the permissibility of intervention. I posit that the definition and narrow

[100] In its construction of a framework to both license and constrain military intervention, the ICISS was undoubtedly indebted to the just war tradition. Yet, it should be noted that the Report of the ICISS makes no reference to 'just war' or to the concepts of *'jus ad bellum'* or *'jus in bello.'* It is also important to point out that the Commission sets forth its own interpretation of what it terms 'precautionary principles' and whereas these principles correspond in name to *jus ad bellum* criteria, in some cases the Commission's interpretation departs from traditional just war uses. To avoid confusion, I will engage solely in this chapter with the interpretation of principles set down by the Commission.

focus introduced by the terminology of 'atrocity suppression' can improve prospects for success. I further argue that ongoing difficulties around right authority can be alleviated through U.N. Security Council reform, the development of alternative sources of authority, and the adoption of 'atrocity suppression' as a conceptual tool. Notwithstanding opportunities for progress, it remains clear that armed engagement cannot be relied upon to always offer a last gasp panacea to the most profound of ills. Contending with this reality, I argue in Section 3 that it will only be on very rare occasions that nothing can be done to help populations at risk and it is, therefore, important that the international community's options are not framed in a dichotomous fashion as a choice between atrocity suppression and total non-engagement. Moreover, I point out that all members of the international community are bound by a negative duty not to arm, train, or in any other manner lend support to forces engaged in the commission of atrocity-crimes.

1. A framework for military intervention

The rejection by the ICISS of an absolute prohibition on intervention and the identification of circumstances under which the general rule of non-intervention would yield to the international Responsibility to Protect (RtoP) – the 'just cause threshold' – were significant steps. However, the aggregate of these progressive moves was limited to settling upon the circumstances which could invite intervention and did not extend to setting down rules for the undertaking of military actions in response to such an invite. Clearly, the existence of circumstances of a scale and severity sufficient to override the general prohibition on intervention could not be presumed to convey legitimacy upon *any* action proposed as a solution. Further detail would be required to constrain the resort to, and guide the performance of, intervention in those circumstances corresponding to the Responsibility to Protect. The Commission therefore proposed four 'precautionary principles' – right intention, reasonable prospects of success, proportionality, and last resort – along with the criterion of right authority to appraise the legitimacy of invoking military solutions to humanitarian problems.

1.1 The Just Cause Threshold

In the first instance, the permissibility of military intervention will always be predicated upon there being a just cause for action. The Commission proposed that the

just causes for military action be extended beyond traditional parameters – self-defence, collective defence, and defence of international security – to include the use of force in response to imminent and ongoing humanitarian catastrophes. More specifically, the Commission (2001, 32) agreed that sovereignty ought to give way in contexts defined by:

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

In the 2005 World Summit Outcome Document, the Commission's analysis was refined and just cause tied to the onset of 'genocide, war crimes, ethnic cleansing and crimes against humanity' (UN 2005 General Assembly, 30).

Further to the satisfaction of the just cause criterion, the Commission proposed that any prospective intervention would also need to meet four 'precautionary criteria' – right intention, last resort, proportional means, and reasonable prospects of success – along with the procedural condition of right authority. The advancement of these criteria was designed to strictly limit the resort to military intervention and to ensure that the justification for intervention extended only to actions committed to, and capable of, protecting vulnerable populations overseas.

1.2 Right Intention

As articulated by the Commission (2001, 35), the criterion of right intention demands that 'the primary purpose of the intervention must be to halt or avert human suffering.' Two points are worth noting in brief.

Firstly, the objective of intervention authorised under the Responsibility to Protect framework would be strictly limited to the task of halting or averting human suffering. More extensive and invasive objectives – overthrowing governments, influencing the outcome of civil wars and wars of secession, and the occupying of territory – were not deemed to represent justifiable objectives under the RtoP and could be countenanced only when necessary to the halting or aversion of atrocities.

Secondly, the requirement that interveners act with the *primary* (as opposed to exclusive) intention of saving lives permitted agents to pursue self-interested ends in the course of intervening. Reflecting the reality that mixed motives represent 'a fact of life' (ICISS 2001, 104), the toleration of some self-interest emanated from a realistic assessment that intervention would rarely, if ever, be permitted if interveners were expected to act purely out of altruism. It also responded to a view that some self-interest may be necessary to galvanise popular support for expensive and risky military engagements. Furthermore, the Commission recognised that interveners may have 'understandable' interests in acting across borders to stem refugee outflows and in disrupting the formation of havens for drug producers and terrorists.

1.3 Last Resort

As a further limit on the recourse to military intervention, the RtoP framework insists that military force must not be employed if other, less risky, means could achieve the same ends. This means that the consideration and adoption of military measures is permitted only after all other non-military measures have been assessed and found to be unviable.

There is no imperative that all alternative non-military options be attempted prior to contemplation of military force. Such an interpretation of last resort could result in a series of futile measures being enacted prior to any deliberation on the use of force. Not only would this serve no beneficial end and delay the initiation of combat missions capable of saving lives, but it may also result in the loss of windows of opportunity for effective military action.

Contrary to the notion that military action must be the last measure to be attempted, the imperative of last resort instead demands that military intervention be the last option to be considered. Military intervention may only be discussed when all alternative measures have been deemed unworkable or found wanting in practice.

1.4 Proportional Means

The RtoP framework proposes that the justification for military intervention extend only to actions of a 'scale, duration and intensity' not exceeding the minimum necessary to achieve the stated aim of protecting populations at risk (ICISS 2001, 37).

The means should be 'commensurate with the ends and in line with the magnitude of the original provocation,' and interference in the host-state's political system must be limited 'to what is strictly necessary to accomplish the purpose of the intervention.' The practical implications of this condition are likely to vary depending on the circumstances being encountered. The minimum force necessary in one scenario may differ significantly from the degree of force required in another. There may also be disagreement as to what constitutes minimum force in like cases due to variations in how the criterion is interpreted in practice. However, as the Commission notes (2001, 37), '[w]hile it may be a matter for argument in each case what are the precise practical implications of these strictures, the principles involved are clear enough.'[101]

1.5 Reasonable Prospects

The condition of reasonable prospects posits that military intervention may only be undertaken when the resort to force stands a reasonable chance of producing a successful outcome. In the context of RtoP, where a successful outcome amounts to the halting or aversion of atrocities, the resort to military action is subject to there being a reasonable prospect of rescuing a population at risk. Military action cannot be permitted if the objective of protection cannot be achieved or if the pursuit of this end is liable to produce worse results than non-intervention.

In some situations, the threshold of reasonable prospects is unlikely to be met by even the best resourced and most sophisticated interventions. For example, the likelihood of a target state responding to intervention in their territory with nuclear strikes against their neighbours will always mitigate against intervention.

In other cases, satisfaction of reasonable prospects will depend upon, and be relative to, the character of the proposed intervention. On these occasions, an intervention's ability to meet the demand of reasonable prospects will depend on the

[101] An ongoing concern is that calculations of proportionality are being distorted by interveners' preference to minimise the risks faced by their soldiers. The desire to protect one's own forces leads to the endorsement of strategies that are designed not to achieve success with the minimum exertion and risk necessary but rather by means least costly to the intervener. Coady (2002, 28) observes that 'the emphasis on interventions that will be cost-free to the interveners in terms of risk to their own forces … has become excessive because it leads to a disproportionate response to the problem.' Coady argues that interveners 'must be prepared to put troops in harm's way' and must rely to a much lesser extent 'on remote forms of air power and technological wizardry that tend to shift the damage on to largely blameless civilian populations.'

willingness of governments to commit to an intervention of a scale, duration, and cost sufficient to realise success. The failure to meet the threshold of reasonable prospects under such conditions will be a matter not of circumstance but of choice.

1.6 Right Authority

Further to the specification of just cause and four precautionary criteria as key determinants of an intervention's legitimacy, the obvious question remains: who gets to decide if these criteria have been met and if intervention should proceed?

The ICISS (2001, 49) was clear that there 'is no better or more appropriate body that the [United Nations] Security Council' to decide on the merits of intervention. It was the Commission's view that

> [i]t is the Security Council which should be making the hard decisions in the hard cases about overriding state sovereignty. And it is the Security Council which should be making the often even harder decisions to mobilise effective resources, including military resources, to rescue populations at risk when there is no serious opposition on sovereignty grounds.

The Commission, accordingly, agreed that Security Council authorisation must be sought in all cases prior to military intervention taking place.

The Commission (2001, 49) was nevertheless critical of the Security Council's 'unrepresentative membership' and 'generally uneven performance' and cited as a particular concern the veto power of the Permanent Five Security Council members. The Commission (2001, 51) deemed it 'unconscionable that one veto can override the rest of humanity on matters of grave humanitarian concern' and problematic 'that needed action will be held hostage to unrelated concerns of one or more of the permanent members.' With little prospect of the veto system being relinquished or reformed, the Commission advocated for the adoption by all veto-wielding countries of a principle of 'constructive abstention' whereby the Permanent Five would refrain, in matters where their vital national interests were not at stake, from using their veto-power to block resolutions in favour of military intervention.

Further to its proposition for reform of the use of vetoes by the Permanent Five, the Commission was unwilling to rule out the possibility that alternative sources of

authority could be sought out when a proposal to intervene is turned down by the Security Council in contradiction of its responsibility to protect.

As one alternative to Security Council approval, the Commission recommended that support be sought from the General Assembly under the 'Uniting for Peace' procedures. Unlike the Security Council, the General Assembly could not direct that action be taken but could vote in favour of resolutions calling for action. In the Commission's (2001, 53) view, such a vote would lend a 'high degree of legitimacy' to any intervention and could also put pressure on the Security Council to follow the example of the General Assembly.

The Commission also explored the possibility of regional organisations authorising action within their own boundaries. Whilst noting the UN Charter's provision that actions by regional organisations be subjected to prior Security Council approval, the Commission, citing the examples of Liberia and Sierra Leone, pointed to the possibility of regional actors seeking retrospective sanction for actions undertaken without prior Security Council approval.

Finally, in regard to the issue raised by the NATO intervention in Kosovo – that of a regional organisation acting outside of its territory and without Security Council approval – the Commission remained uncommitted. On the one hand, the Commission conceded that consensus could not be built around any framework permitting intervention without Security Council or General Assembly approval. And yet, on the other hand, the Commission (2001, 55) expressed scepticism about prohibiting intervention should the Security Council fail to authorise a proposal to respond to a 'conscience-shocking situation crying out for action.'

Ultimately, the Commission's proposals to restrict veto usage and challenge the Security Council's monopoly on right authority failed to meet with the favour of China and Russia who voiced concerns during World Summit negotiations.[102] Accordingly, the World Summit Outcome Document insists that international actions in accordance with the Responsibility to Protect will be undertaken 'through the

[102] Cater and Malone (2016) trace the political evolution of RtoP from initial conception in the ICISS report through to World Summit text

Security Council, in accordance with the Charter … on a case-by-case basis…' (UN General Assembly 2005, 30).

2. Mind the Gap

The Report on the Responsibility to Protect (2001, 75) claims to reflect the 'remarkable, even historic, change' in the world's attitude towards state sovereignty. 'Thanks to this change,' the Report notes, 'no one is prepared to defend the claim that states can do what they wish to their own people, and hide behind the principle of sovereignty in so doing.' As the RtoP framework confirms, the retention of immunity from external interference is conditional upon adherence to some basic minimum standards of decent governance.

At a first glance, the revision of sovereignty as a conditional, rather than absolute, principle of international affairs represents a major step forward in respect of the protection of civilian populations from avoidable humanitarian calamity. Thanks to this development, agents of atrocity can no longer cite sovereignty as a defence against intervention and would-be interveners are denied recourse to a convenient excuse for inaction. There ought, therefore, to be grounds for optimism that victims of atrocity will no longer be abandoned out of deference for state sovereignty.

If such optimism is well-founded, it is also clear that the removal of sovereignty as an absolute barrier to intervention provides no guarantee that intervention will be permissible whenever populations are at risk and the sovereignty of a state is superseded by the Responsibility to Protect. In fact, there are likely to be many instances in which intervention will be prohibited not by the strictures of sovereignty but by the restraining effect of the precautionary principles or the denial of U.N. Security Council consent. Even in cases shocking the conscience of mankind, where populations are on the precipice of disaster, the Responsibility to Protect overrides the sovereignty of the affected state, and military action stands as a last option, there remains the possibility that the undertaking of intervention will not be permissible on account of the dubious intentions, authority, prospects of success, or proportionality of the proposed response.

2.1 The Barrier of Reasonable Prospects

The hurdle of reasonable prospects of success can be particularly difficult to scale. In contrast to the criteria of right intention and proportionality (criteria whose satisfaction will always be within the power of would-be interveners) and in contrast to the criterion of right authority (a matter for UNSC deliberations) the prospect of an intervention being successful may lie beyond the control of potential interveners and the international community at large. Sometimes, atrocity suppression will be unlikely to work regardless of effort and resourcing or will only work at an unacceptably high cost. These are cases entailing the worst of both worlds where the outcomes envisaged in the absence of intervention deem non-intervention unconscionable but the projected consequences of an international rescue effort serve to prohibit intervention.

The factors that can put the success of atrocity suppression beyond the reach of even well planned, well resourced, and well-intentioned interventions, are many and vary from one crisis to another.

An obvious obstacle to the satisfaction of the reasonable prospects criterion is the knowledge that one or more parties in the target state have at their disposal the means either to repel any effort at intervention, frustrate in whole or in part the ambitions of interveners, or otherwise cause great harm – harm greater than would occur in the absence of intervention – should intervention take place and be not to their liking.

The ability to resist and repel any large-scale intervention attempt is possessed only by the leaders/governments of a few highly-militarised states. Provided that they retain the loyalty of the armed forces, the leaders of these states enjoy *de facto* immunity from intervention even if, in a *de jure* sense, their right to be free from intervention is overridden by the international Responsibility to Protect.

Over and above the few capable of repelling intervention altogether, there are many more parties with the wherewithal to undermine the success of interventions. The prospect of an intervention being successful is precarious at the best of times. Stepping into volatile situations characterised by violence, lawlessness, displacement, and economic collapse, interventionary forces face an uphill task not only to protect civilians at risk but to build trust with locals and achieve at least a small measure of peace, stability, and economic and social revival which will allow for the withdrawal

of foreign forces without relapse into calamity. In contrast, whereas the protection of civilians, the fostering of peace, and the regeneration of ruined societies and economies is slow and difficult, not to mention expensive, efforts in such fragile circumstances to stoke distrust, sow division, and undermine peace and security are relatively straightforward. The vulnerability of humanitarian objectives to sabotage, and the difficulty interveners have in combating guerrilla tactics, make it difficult to envisage success wherever there exist groups with the determination, patience, and tactical know-how to stymie the best efforts of foreigners.[103]

The criterion of prospect of success may also prove insurmountable in cases where the target of intervention is capable of raising the costs of intervention to an unacceptable level. For instance, a key factor mitigating against intervention in North Korea is not so much the risk of failure in the sense of not succeeding in liberating the concentration camps and the population at large, but rather the probability of the North Korean regime launching, prior to defeat, a flurry of ballistic missile strikes at densely populated urban centres in South Korea and Japan.[104] The North Korean plan to attain nuclear weapon capability is intended to provide the regime with an even greater deterrent against outside interference.

In addition to the challenges posed by particular agents' ability to resist, frustrate, and amplify the cost of, intervention, success may also be imperilled by a range of other factors.

In the case of the Syrian Civil War, for example, concerns about the prospects of success emanated not from a threat posed by any one party, but rather from the complexity and intransigence of the situation. In contrast to the traditional notion of a civil war as a contest between two reasonably well-defined entities, Syria fractured not in two but in many parts.[105] The nominal narrative of a dichotomous struggle

[103] Even if some short-term success can be envisaged, the medium- to long-term outlook may be less optimistic. Conor Foley (2008, 234) posits that it 'is noticeable how few places where large-scale humanitarian interventions took place in recent years have succeeded in making the transition to stability. Virtually all these countries remain deeply fractured societies with weak national authorities.'
[104] The report of the ICISS (2001, 37) notes that, 'a military action for limited human protection purposes cannot be justified if in the process it triggers a larger conflict.' The report acknowledges that '[i]t will be the case that some human beings simply cannot be rescued except at unacceptable cost – perhaps of a larger regional conflagration, involving major military powers. In such cases, however painful the reality, coercive military action is no longer justified.'
[105] See Phillips 2020

between regime and rebels belied a much more complex story featuring a tri-partite conflict between the regime, a mosaic of moderate rebel entities, and extremist groups. The situation was further complicated, and the ability of belligerents to sustain military exertions augmented, by the extensive involvement of foreign powers on all sides in the provision of arms, training, and intelligence, and in the fighting itself. In such a context, any prospective intervener would face a complicated and arduous challenge to defend civilians from a variety of threats and to win some semblance of peace and security.

It must also be admitted that the prospect of success may be imperilled not so much by the circumstances pertaining within the host state but by deficiencies on the part of the intervener. Even in the context of reasonably straightforward crises where the circumstances confronted present no especially insurmountable impediment to success, many governments are unprepared to commit to the level of financial outlay and political risk necessary to satisfy the criterion of reasonable prospects. Electorates are rarely forgiving of politicians who gamble blood and treasure in defence of strangers and, as a result, political expediency often trumps humanity in the consciousness of those who wield the levers of power. The prospect of success may thereby go unfulfilled on account not of the absolute impossibility of success but due, rather, to the unwillingness of powerful statesmen and their electorates to support interventions of a sufficient cost, risk, and duration.

The Report on the Responsibility to Protect makes it clear that the option of using military force to protect civilians from atrocity cannot be ignored when catastrophe strikes and other more benign strategies to protect have been exhausted to little or no avail or been deemed unworkable. Crucially, however, any notion that military intervention is to be automatically deployed when all else fails is dispelled by the sensible demand that the resort to military force be subject to the fulfilment of the precautionary principles. A major stumbling-block is that, in many cases, a central element of the precautionary principles – reasonable prospect of success – will be impossible to fulfil irrespective of intentions, resources, and strategy. In other words, it turns out that the idea of deploying military force in pursuit of humanitarian ends – the subject of so much debate and controversy – appears to be actually redundant in many of the situations in which it is invoked as a possible solution. The motivation to

'never again' permit our planet to play host to an Armenia, a Cambodia, or a Rwanda – something which is often lacking when push comes to shove anyway – does not make intervention feasible and permissible when it is not.

That being said, it is nevertheless important to recognise that the inability of an intervention of a particular character to measure up to the demands of reasonable prospects in a given situation does not mean that an intervention of a different nature will inevitably fall at the same hurdle. It may be that the objectives set for a proposed intervention are too ambitious, lying beyond the scope of what is achievable.

Rather than abandoning intervention altogether, it may be possible to successfully intervene in pursuit of more limited but nevertheless significant goals. Imagine, for example, that the cessation of an ongoing cycle of atrocities in a country would require an external party to commit to a country-wide intervention designed to impose peace by force. Imagine further that there is only a remote possibility that an intervention of this sort would actually succeed in bringing about an end to atrocities. Even though the intervention so conceived would be impermissible because it falls short of the bar of reasonable prospects, there is nothing to suggest that concerned onlookers are forbidden from contemplating more limited objectives which may prove attainable. Although the most desirable ambition – of bringing about a complete cessation of atrocities – is not achievable, that is not to say that there is nothing that can be done to ameliorate a dire situation. A more limited objective and strategy – say forming and protecting humanitarian safe havens – may satisfy the demand of reasonable prospects and still do a lot of good.[106] The safe havens will not secure an end to atrocities in all areas but they will nevertheless be much more effective than standing idly by.

Accordingly, rather than abandoning all notions of intervention if the success of an initial plan proves dubious or altogether improbable, it is imperative to explore alternative options. It will rarely be the case that the objectives of intervention cannot be readjusted to overcome the barrier of reasonable prospects and still do something effective to save and improve lives.

[106] Taylor Seybolt (2008, 45) highlights the importance of matching strategy to objectives. He argues that 'a political leader will have a greater prospect of success if he or she matches objectives and strategies and then applies the military capabilities and political will required to make the strategies work.'

As argued previously in Chapter 6, the pursuit of more limited objectives makes sense not only in terms of satisfying reasonable prospects criterion but also in terms of garnering public support in the states most likely to be tasked with undertaking intervention. Whereas western electorates have become increasingly opposed to overseas intervention following Afghanistan and Iraq, the proposal of a doctrine of atrocity suppression with a narrower focus on purely life-saving objectives and a less ambitious strategy playbook will be more inclined to offer a genuine prospect of success and more likely to assuage popular worries associated with the risky and ill-defined campaigns of recent times.[107]

2.2 The Barrier of Right Authority and the U.N. Security Council

Further to the conclusion that the last possible solution to the most dire of crises will often not work, there must also be a cognisance that even where the potential exists for intervention to successfully resolve humanitarian emergencies it will not always be the case that such interventions are otherwise permissible.

Clearly, it cannot be taken for granted that a prospective intervener will demonstrate an intention commensurate with humanitarian ends, that the recourse to military force is genuinely a last resort, nor that the planned response to a crisis is proportionate. Moreover, the perception that success is not impossible provides no guarantee that the actual interventions proposed by members of the international community – shaped inevitably by cost sensitivity, an aversion to risk, and domestic political considerations – will be capable of delivering positive outcomes.

Arguably, the most pronounced impediment to the permissibility of intervention in cases where success is theoretically attainable is the criterion of right authority. Although the idea that some higher authority ought to adjudicate on the merits of intervention in particular circumstances is uncontroversial, the nomination of the UN Security Council as the sole body possessing the authority to endorse intervention is deeply contentious.

[107] Clearly, the risk of failure can never be fully annulled and a certain leap of fate will inevitably be required. As John Janzekovic (2006, 131) notes, '[t]here is not, nor will there ever be, an iron clad guarantee that military intervention will be successful either militarily or from a humanitarian perspective. [Yet,] there is also no guarantee that diplomacy, mediation, economic sanctions, threats and pleas by the UN or waving banners and placards in the streets will be successful either. The lack of such guarantees does not mean that diplomacy or mediation should be rejected. Neither should forcible intervention be rejected on these grounds.'

The basic structure of the Security Council, designed post-World War II with international crises in mind, enables the five permanent members – France, the U.K., Russia, China, and the U.S. – to veto any intervention regardless of its merits. Any and all of the P5 are thereby free to frustrate efforts to remedy catastrophe within their own borders, in the sphere of jurisdiction of their allies, or indeed in any other context. Consensus is difficult to build in the council chamber where competing world views clash on matters of sovereignty and charter text and the all-too-prominent self-interest of the P5 rarely aligns with humanitarian aspirations. Christopher Finlay (2007, 576), thus, observes that 'the question of moral authority remains a tortuous one in an era when the UN is hamstrung by its Security Council procedures.'

The unprincipled decision-making of the Security Council over many years was highlighted by then UN High Commissioner for Human Rights, Navi Pillay, in an outgoing address to the council in 2014. Although she did claim to recognise an increased interest in human rights on behalf of the Security Council during her tenure in office, Pillay (2014) was adamant that,

> there has not always been a firm and principled decision by members of this council to put an end to crises. Short-term geo-political considerations and national interest, narrowly defined, have repeatedly taken precedence over intolerable human suffering and grave breaches of and long-term threats to international peace and security. I firmly believe that greater responsiveness by this council would have saved hundreds of thousands of lives.

In effect, then, the requirement of right authority, and the appointment of the UN Security Council as the sole source of such authority, places the fate of otherwise permissible interventions in the hands of a highly-politicised entity with an unimpressive record of acting in the best interests of vulnerable populations. With little prospect of more principled adjudication into the future, two strands of thought – Security Council reform and the elaboration of alternative sources of authority – have attracted attention.

Several different proposals for Security Council reform are reviewed by Lättilä and Ylönen (2019) who themselves put forward an innovative 'Two-layered Regional Model.' This model would abolish the veto power of the Security Council's five

permanent members and open the Security Council to all member states. Members would be divided into regional groups for voting purposes. Voting on proposals relating to intrastate matters such as atrocity suppression would then take place on two levels. In the first instance, member states of the regional group directly concerned by a proposal would take a vote and the proposal must achieve a majority of 60 percent to pass. Lättilä and Ylönen (2019, 176) argue that this stage of the vote 'emphasises regional responsibility and representation … and limits external interventions that do not gain regional consent.' Subsequent to this vote, all other regional groups, each as a single entity, would cast a vote on the same draft proposal and must again gain a 60 percent majority. This latter aspect of the vote provides a safeguard lest the first vote be distorted by intra-regional rivalry. Overall, the proposed model is designed 'to take into account the highly contentious nature of multilateral interventions in the internal affairs of states whilst still enabling them in cases of overwhelming support' (Lättilä and Ylönen 2019, 178).

Lättilä and Ylönen's model holds some promise in theory but, as they themselves acknowledge, the actual achievement of any reform will be difficult. Permanent members are reluctant to cede the power and privileges which they currently hold. There is also disagreement between different groups on the shape of any prospective reform measures. Given that any expansion of the council will require a two-third's majority of U.N. members, the advent of reform appears to be something of a distant hope.[108]

Considering the difficulties associated with Security Council reform, there has been some support for the establishment of alternative sources of authority. Thomas Franck (2006, 153) has argued that regional organisations 'have acquired considerable credibility as 'juries' when it comes to determining whether a situation of *bona fide* extreme necessity has risen in their vicinity that requires an extraordinary recourse to

[108] In the absence of procedural reform, it may still help if a non-aligned UN Intervention Force were established (Coady 2002, Franck 1998). This force would be under the direction of the UN rather than any one member state and would be on permanent stand-by. The independence of this force could mitigate against the scepticism of Security Council members about the true ambitions underlying proposals for intervention brought forward by rival powers. In this way, such a force may help to foster greater trust and consensus among Security Council members in respect to proposals for atrocity suppression. Aidan Hehir (2018*b*) has more recently advocated for the establishment of such a force but has argued that the force be under the direction of a newly created independent judicial force which would 'assuage the concerns in the developing world about the politicization of human rights law' and mitigate against inconsistency in resorting to force.

force.' As such, Franck (2006, 153) contends that when the Security Council fails to authorise protective action and this failing is accorded to the 'arbitrary resistance of one or two permanent members of the Council,' prospective interveners may turn to regional organisations like the African Union, the Economic Community of West African States (ECOWAS), the European Union, or other relevant organisations of states.

In very exceptional cases, there may be a moral basis for unilateral action should all relevant strictures short of right authority be met and the attainment of approval from the Security Council and/or a regional organisation is blocked without good reason. The Independent International Commission on Kosovo (2000, 4) famously concluded that the NATO air campaign in Kosovo was 'illegal because it did not receive prior approval from the United Nations Security Council' but was nevertheless legitimate 'because all diplomatic avenues had been exhausted and because the intervention had the effect of liberating the majority population of Kosovo from a long period of oppression under Serbian rule.' Kofi Annan also hinted at the defensibility of this position when he questioned, albeit hypothetically and retrospectively, if the inertia of the Security Council would have precluded intervention in Rwanda and Srebrenica:

> To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask, not in the context of Kosovo, but in the context of Rwanda, if, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defence of the Tutsi population, should such a collation have stood aside and allowed the horror to unfold.

Whatever the ethics of disregarding the authority of the Security Council, there has, since Iraq, been a reluctance in the U.S., in the U.K., and elsewhere to proceed without the Council's blessing.

2.3 Right Authority and 'Atrocity Suppression'

At the present juncture, it appears that the three options relating to right authority – (1) sticking with the status quo of Security Council paralysis, (2) Security Council reform, and (3) moving to alternative sources of authority – are each encumbered with

significant drawbacks. In this context, the inception of 'atrocity suppression' introduces the basis for a viable alternative. This alternative stems from the definition that 'atrocity suppression' provides in respect to triggers for, and objectives of, engagement and is based on the subsequent possibility for enhanced trust and co-operation between the P5 in mandating and executing armed responses to atrocity crises. The innovation of 'atrocity suppression' can help, in particular, to alleviate the propensity for disagreement and division to emerge and pit the U.S., the U.K., and France against Russia and China.

From a western point of view, Russia and China have come to be increasingly regarded as determined and unprincipled spoilers when it comes to proposals for intervention. From this perspective, the significant weight that Russia and China place on the importance of state sovereignty is regarded less as a legitimate perspective grounded in international law and more as a self-serving ploy to preserve sovereignty as a barrier to interference in their own spheres of influence and to serve their broader geo-political and economic interests. In 2017, for instance, then U.S. Ambassador to the U.N., Nikki Haley (qtd. in Gegout and Suzuki 2020, 381), described Russian and Chinese opposition to sanctions on Bashar Al-Assad as 'outrageous and indefensible.' Haley contended that Russia and China had 'put their friends in the Al-Assad regime ahead of our global security.'

From this perspective, it seems far-fetched to suggest that the introduction of 'atrocity suppression' can in any meaningful way shift the dial and transform Russia and China from veto-wielding spoilers into collaborative and conscientious adjudicators. On closer inspection, however, there are some grounds to suggest that 'atrocity suppression' can instigate a change of approach from Russia and China. Foundational to this alternative viewpoint is the analysis that the source of Russian and Chinese opposition to armed rescue lies less in ideological dogma or insatiable self-interest but more so in grievances at the practice of intervention by the western members of the P5.

Snetkov and Lanteigne (2015) have closely examined the Russian and Chinese positions on humanitarian intervention and the Responsibility to Protect doctrine. In their analysis, Snetkov and Lanteigne find that Russia and China have grown increasingly frustrated at the propensity for their western counter-parts to exploit

limited rescue mandates to pursue regime-change agendas. Snetkov and Lanteigne (2015, 122) observe that '[f]rom the Russian perspective, frictions regarding R2P arise largely as a result of the way it is applied in practice, particularly by the West, rather than from the principle itself.' The Russian viewpoint is that '[e]vents such as Kosovo, Afghanistan, Iraq, Libya, and Syria have … become precedents by which Western powers have "instrumentalized" the principle of humanitarian intervention to further their own agendas internationally' (Snetkov and Lanteigne 2015, 122). This perspective is shared in Beijing where ongoing wariness of western intentions gained even greater traction following the toppling of Libyan dictator, Muammar Gaddafi. Having declined to veto military action in Libya in 2011, China, like Russia, was subsequently 'vexed with what it perceived was the use of [a UNSC civilian-protection mandate] to essentially force regime change in Libya by proxy. There was the impression in Beijing that China had been maneuvered into tacitly supporting Libyan regime change under the guise of halting hostilities' (Snetkov and Lanteigne 2015, 133). When western-backed resolutions were subsequently presented at the UNSC calling for punitive measures against the Assad government in Syria, both Moscow and Beijing foresaw a repeat of Libya and repeatedly vetoed proposals for intervention.

Notwithstanding distrust of western motives and opposition to unilateral action and regime-change agendas, China and Russia are accepting of the general concept of armed rescue. Gegout and Suzuki (2020, 380) explain that the ruling Communist Party in Beijing are particularly keen to play a pro-active rule in global affairs and to be a 'norm maker rather than a norm taker.' Further to its increasingly internationalist economic outlook – represented in the form of the Belt and Road Initiative – Gegout and Suzuki posit that the Chinese regime also envisages taking a more leading role in overseas intervention. Beijing has developed its own interpretation of humanitarian intervention – 'responsible protection.' Inherent in the concept of 'responsible protection' is the recognition that 'certain humanitarian catastrophes could merit military intervention' (Gegout and Suzuki 2020, 387).

Whereas the current propensity for division at the UNSC points to irreconcilable world views and a future of deadlock and division, the preceding analysis suggests that some progress is possible. In this context, I posit that 'atrocity suppression' can offer a stepping stone towards greater co-operation amongst the P5

and a better responsiveness to crises. Crucially, atrocity suppression can offer a defined concept of rescue which obviously excludes regime-change and other pretensions. This focused and unambiguous concept can appeal to all P5 members. Moreover, the clear definition of the concept can potentially curtail western powers from expanding civilian protection mandates beyond agreed parameters and thereby, over time, alleviate Chinese and Russian distrust of western motives.

3. Alternatives to Resorting to Force

Irrespective of how much progress is made in respect to semantic clarification, flexible strategizing, and institutional reform, the fact remains that atrocity suppression will never be a universally applicable instrument. It is, nevertheless, likely that there will always be something that can be done to assuage atrocities and to limit the impact on vulnerable civilian populations. It is critical that atrocity suppression is not framed as an all-or-nothing proposal but, instead, as one option among many. Even when atrocity suppression is unviable as a last resort to avert atrocity in its entirety, other partial, better-than-nothing options are likely to remain. It is important that the international community recognises that doing something is often better than doing nothing.

In her Pulitzer-prize winning history of America's responses to Genocide in the twentieth-century, Samantha Power is critical of the recurring failure of U.S. administrations to challenge the macabre work of genocidaires. Further to the culpability associated with the repeated avoidance of armed intervention, Power (2003, 504) claims that,

> [w]hat is most shocking about America's reaction to Turkey's killing of Armenians, the Holocaust, Pol Pot's reign of terror, Iraq's slaughter of the Kurds, Bosnian Serbs' mass murder of Muslims, and the Hutu elimination of Tutsi is not that the United States refused to deploy U.S. ground forces to combat the atrocities … What is most shocking is that U.S. policymakers did almost nothing to deter the crime.

The future of rescue must then be to develop and refine alternative options to military intervention which can be deployed to positive effect in situations where forceful solutions prove impermissible or unactionable for want of a willing intervener. This is an area of growing academic interest. James Pattison (2018, 2), for instance, argues

that '[i]t is far from obvious… what should be done instead of military intervention … or doing nothing.' Grappling with the 'thorny ethical issues' posed by measures ranging from economic sanctions and diplomacy to criminal prosecutions and arming rebels, Pattison (2018, 227) assesses that 'many of the alternatives, although imperfect, are often likely to be justifiable and … are often likely to be more effective than at first sight.' Considering the legitimacy and efficacy of alternatives to force, Pattison (2018, 228), thus, concludes that '[s]tates and other actors in the international community are morally required to use them.'

It is also clear that major powers must not only do more in a positive sense to respond to atrocities but must also respect their negative, Hippocratic duty to avoid causing or contributing to atrocities.[109] Whereas the risks and costs associated with atrocity suppression can be posited as mitigating the blameworthiness of states that fail to act, there can be no excuse for siding with regimes and Armed Non-State Actors that murder innocent civilians. This is a theme that has been taken up by Noam Chomsky (2012) who argues that whereas the greatest criticism and self-criticism of world powers has focused on failures to tackle abusive regimes, the reality is that failings of omission have been accompanied by crimes of commission. As the international community was rebuking itself in the late 1990s for inaction in Rwanda and Srebrenica and committing to the defence of Kosovars, Chomsky recalls that the U.S. arms sales were fuelling massacres in Turkey, Colombia, and East Timor. Chomsky argues that atrocities in Turkey, Colombia, and East Timor could have been alleviated not by intervention but simply by the withdrawal of arms sales to, and support for, the wrongdoers. 'In East Timor in 1999,' Chomsky (2012, 26) notes, 'the principles and values of the enlightened states dictated the same conclusion as in Turkey and in Colombia, where massacres had reached over one a day: support the killers.'

The connivance of major powers in the execution of atrocity-crimes was not a novel development in the 1990s. Historian Gary Bass details in *The Blood Telegram* how the U.S. supported Genocide in East Pakistan (now Bangladesh) in 1971 with arms sales and diplomatic support for West Pakistan. Despite enjoying significant

[109] The duty of non-maleficence has long been granted priority over duties of beneficence. Bufacchi (2020) recalls that the pre-eminence of non-maleficence originated with Hippocrates, subsequently found favour with Cicero, and has retained currency with Mill, Ross, Hart, and Popper amongst others.

leverage over the West Pakistan government, the Nixon Administrated declined to in any way attempt to dissuade West Pakistan from its genocidal intentions. As West Pakistan forces slaughtered Bengalis, Bass (2014, xiii) notes that

> the United States was allied with the killers. The White House was actively and knowingly supporting a murderous regime at many of the most crucial moments. There was no question about whether the United States should intervene; it was already intervening on behalf of a military dictatorship decimating its own people.

Power (2003, 504) similarly identifies U.S. collusion with genocidaires in other theatres:

> On occasion the United States directly or indirectly aided those committing genocide. It orchestrated the vote in the UN Credentials Committee to favour the Khmer Rouge. It sided with and supplied U.S. agricultural and manufacturing credits to Iraq while Saddam Hussein was attempting to wipe out the country's Kurds. Along with its European allies, it maintained an arms embargo against the Bosnian Muslims even after it was clear that the arms ban prevented the Muslims from defending themselves. It issued its clout on the UN Security Council to mandate the withdrawal of UN peacekeepers from Rwanda and block efforts to redeploy there.

The problem is not confined to history but remains a cause for ongoing concern. It is obviously problematic that the permanent members of the security council – the states tasked with the maintenance of international peace and security – are also the world's leading arms manufacturers and exporters. These countries have demonstrated little restraint or care in the supply of deadly weaponry and have wilfully armed human rights abusing regimes. The U.K. government, for example, has been found to have approved billions of pounds worth of export licences for weapons destined for states classified by its own Foreign & Commonwealth Office as being of major human rights concern.[110] In recent years, the U.K., U.S., and French governments have continued to

[110] Committees on Arms Export Controls – First Report – Scrutiny of Arms Exports and Arms Control. 2014. Available at http://www.publications.parliament.uk/pa/cm201415/cmselect/cmquad/186/186ii02.htm

approve arms sales to Saudi Arabia despite evidence that the arms are being used in attacks on civilians in Yemen and are perpetuating an appalling humanitarian crisis.[111]

Conclusion

The preceding analysis contends with the reality that the resort to atrocity suppression will not always represent a permissible solution to emerging and ongoing atrocities. Sometimes, not only will the circumstances pertaining within a state serve to override the norm of non-intervention but they will also conspire to put the possibility of successful international intercession out of reach. On other occasions, intervention cannot be permitted due to the failure of prospective actors to comply with the prudent demands of the precautionary principles and right authority. I have argued that the narrow focus on atrocity suppression can help to maximise the possibility of satisfying the criterion of reasonable prospects. I have also argued that U.N. Security Council reform is urgently required to provide for more principled authorisation of atrocity suppression actions. In such circumstances as the atrocity suppression cannot satisfy the demands of the precautionary principles and/or right authority, I have demonstrated that the international community retains both a positive duty to do something rather than nothing and a negative duty not to support abusive actors.

More than anything, of course, the conclusion that atrocity suppression will be impermissible in some, or perhaps even most, of the circumstances in which it is considered ought to motivate an ongoing commitment to the prevention of atrocities. Given the risk that the final possible option to resolve crises may be unviable, there is an obvious need to place the greatest emphasis on the importance of devising and implementing effective measures to prevent crises from taking root and to prevent emerging crises from escalating. Just as the legacy of Rwanda underscores the imperative to never again stand idly by on the margins of atrocity, so too does its memory demand that atrocities not be allowed to develop in the first place.

[111] See https://www.hrw.org/news/2020/07/15/uk-greenlighting-arms-sales-saudi-arabia-again-thats-travesty

8. Conclusion

Humanitarian intervention has been invoked for many centuries as a test case with which to examine the boundaries of state sovereignty. From the works of Grotius, Vattel, and Victoria through to present day research, studies of humanitarian intervention have focused not so much on the actual concept of humanitarian intervention itself but on the merits of inviolable state sovereignty.

When humanitarian intervention came to the fore as a topic of pressing interest in the 1990s in the aftermath of Genocides in Rwanda and Bosnia, political debate and academic research was dominated by the obstacle to intervention posed by Westphalian sovereignty. In announcing the establishment of the International Commission on Intervention and State Sovereignty, Canadian Foreign Minister Lloyd Axworthy (2000, 4) described the stand-off between intervention and state sovereignty as 'the most challenging international dilemma of the twenty-first century.'

Whereas Rwanda and Srebrenica did indeed highlight a discrepancy in international law, the irony was that the strictures of the law had played very little role in the failure to act in defiance of Genocide.

A key failing, after all, related not to the forgoing of intervention during the Genocide in Rwanda but to the inadequate resourcing of the UNAMIR peacekeeping mission which had been established to prevent breaches of the peace in the first place. Benjamin Valentino (2011, 68) has observed that the problem in Rwanda (and in Srebrenica and Darfur) 'was not that no one was sent to prevent the violence; it was that forces that were deployed were not given the resources or the mandates to stop the violence breaking out around them. In some cases, they could not even protect themselves.' Accordingly, even if the international community could be exonerated for failing to implement a humanitarian intervention given the strictures of the law, it would be disingenuous to overlook the culpability of the United Nations and its members with respect to the lack of support for the UNAMIR mission.

Moreover, with regard to the decision not to launch a humanitarian intervention when the Genocide was in full swing, the law could only excuse inaction if it had been the decisive factor in the decision to forgo intervention. This was evidently not the case. The law could not have restrained concerned third-parties from

intervening because there were no such parties to restrain. Instead, non-intervention is more accurately attributable to what UNAMIR Force Commander, Romeo Dallaire (2004, 6), saw as the 'fundamental indifference of the world community to the plight of seven to eight black Africans in a tiny country that had no strategic or resource value to any world power.'

It is also worth noting that the absence of a sound legal basis for humanitarian intervention would not have precluded onlookers from justifying intervention as a remedy to counteract a threat to international peace and security. The dynamics of the calamity engulfing Rwanda – including refugee flows into Tanzania, Uganda, and Zambia, and the prospect of ethnic tensions spilling over into neighbouring countries, particularly Burundi – presented a clear threat to the stability of the Great Lakes region and could have provided a legitimate basis for Chapter VII action. Indeed, the UN Security Council would authorise a belated intervention led by France – Operation Turquoise – in June 1994 on this basis.

The observation that the legal prohibitions on military intervention were not decisive in the failure of the international community to do anything effective to save innocent Rwandan lives matters not only for the sake of historical accuracy. Rather, the important lesson that was largely missed amidst calls for revisions to the law to allow for humanitarian intervention is that the repeal of the absolute ban on military intervention would do little to ensure that the international community would act decisively in future. If legal constraints did not play a decisive role in shaping the response to Rwanda, then it must be that other more significant factors were at play and that these would retain their influence even if the law were revised.

In effect, the concentration of political debate and academic examination on the text of the U.N. Charter distracted attention from the idea of humanitarian intervention itself. Far too little debate was centred on the future shape of humanitarian intervention and far too little scrutiny was trained on the true reasons underlying forgoing failures to react to atrocity-crimes.

As such, whereas the Responsibility to Protect doctrine emerged from the debate around sovereignty and intervention and offered a surprisingly acceptable formulation to resolve the impasse, the surmounting of the barrier of sovereignty has been of negligible material impact. In many ways, RtoP has simply served to expose

other more pertinent and more engrained obstacles to engagement. Moreover, the failure to develop a clear concept of humanitarian intervention has proven costly as the once coherent classical conception of humanitarian intervention has come to be confused with a much broader category of military action.

8.1 Progressing the Debate

In my research, I have sought not to revisit the debate around sovereignty. I take it that there is a consensus that the privilege of sovereignty is forfeited in cases of genocide, crimes against humanity, war crimes, and ethnic cleansing. To progress from this position, I have sought to examine current obstacles to humanitarian intervention and to explore how these might be resolved.

I have found that humanitarian intervention has arrived at a point where the post-Rwanda impetus to proactively intercede in emerging cases of atrocity has all but evaporated. More than being eroded by time and fading memory, Rwanda's legacy has been countered and superseded by lessons drawn from Afghanistan, Iraq, and Libya: that humanitarian intervention is ineffective, excessively costly, necessarily selective, and at best partially altruistic. The proposal for intervention in Syria in 2013 in response to Assad's use of chemical weapons was received not just with an apathetic shrug of the shoulders but with pronounced public and political opposition in both the U.S. and U.K. In the recent cases of Myanmar and Yemen, the possibility of intervening on humanitarian grounds has barely even been mooted let alone proposed or debated.

Notwithstanding its current standing, I have argued in this thesis that there is a future for humanitarian intervention. This future, however, is predicated upon the retirement of the terminology of 'humanitarian intervention' and the adoption of 'atrocity suppression' in its stead.

By embracing 'atrocity suppression,' the bare-bones classical model of humanitarian intervention can be resuscitated as a unique instrument with its own triggers for action and its own specific objectives. Whereas the language of 'humanitarian intervention' has disguised deeply important differences between different forms of intervention, 'atrocity suppression' helps to accentuate the parameters of the classical idea. In so doing, 'atrocity suppression' can stimulate a

new perspective on the recent record, and future viability, of saving strangers with force.

From this new viewpoint, it will be much more obvious that atrocity suppression measures ought not to be associated with the failings of other forms of military intervention. Whereas in recent years, any and all proposals for military intervention have been assessed through the prism of the negative legacies of Afghanistan, Iraq, and Libya, the adoption of new terminology will serve to distinguish 'atrocity suppression' as a proposition quite unrelated in character to the interventions embarked on in the aforementioned cases. As a re-differentiated concept, 'atrocity suppression' may, then, in future be appraised without regard to lessons drawn from unlike interventions and may, instead, by judged in its right and on its own merits.

The liberation of 'atrocity suppression' from the long shadows cast by Afghanistan, Iraq, and Libya is not a matter of ignoring the past entirely. Rather, in addition to disconnecting 'atrocity suppression' from certain past interventions, the new term can also serve to highlight past instances where military force has played a decisive role in the protection of at-risk civilian populations. Although it is difficult to identify ideal examples of atrocity suppression, some past interventions have exhibited elements of atrocity suppression and can provide inspiration and lessons for future practice.

Operation Provide Comfort, the NATO mission to protect endangered Kurds in northern Iraq, in 1991, stands out as an example where the rapid and focused deployment of military assets rescued a civilian population from atrocity-crimes. Initially constituted as a support mission to assist in the supply of relief aid to the displaced Kurdish population in the mountains along the Iraq-Turkey border (see Chapter 4), Operation Provide Comfort evolved to include the establishment of safe havens, the imposition of a no-fly zone, and, ultimately, the return of displaced civilians to their homes. Upon the successful completion of its mandate in July 1991, Combined Task Force Provide Comfort personnel withdrew from Iraq. Operation Provide Comfort II was established thereafter as a more limited force mandated to guard against future attacks from Baghdad.

Since 1991, other missions have combined aspects of atrocity suppression with other objectives. Of these missions, the U.S. intervention in 2014 in defence of the Yazidi population of northern Iraq comes closest to the ideal of atrocity suppression. In this instance, President Obama responded with haste to the killing and displacement of members of the Yazidi minority by Islamic State. Combining humanitarian airdrops with airstrikes on Islamic State targets and advances by Kurdish ground forces, tens of thousands of civilians were protected from the genocidal intentions of Islamic State. In isolation, the intercession represents a paradigm case of atrocity suppression. However, in the broader context of the Iraq War and the pursuant expansion of the mission to an all-out war against Islamic State, the rescue of the Yazidis is perhaps best categorised as a partial example of atrocity suppression.

Rather than fixating on the failures of intervention, it is possible to revisit recent history and see where and why armed force can work. Just as history demonstrates where military action can go wrong, it certainly does not teach that armed force, properly applied, cannot avert atrocities.

8.2 The Fall of Kabul

The need to embrace the terminology of 'atrocity suppression' has been emphasised again in the wake of the chaotic withdrawal of foreign troops from Afghanistan in August 2021. The disastrous conclusion to twenty years of foreign occupation has motivated intense debate about the future designs of western foreign policy and rekindled opprobrium towards military intervention. Yet, beyond reflex recriminations and immediate despair, it is important that the correct lessons are drawn from Afghanistan and from the wars of the twenty-first century more generally.

The over-arching lesson should not be that humanitarian intervention must be confined to the dustbin of history. Rather, what is needed is much better differentiation between classical humanitarian intervention and other forms of military intervention. The problems that classical humanitarian intervention was originally conceived to resolve have not disappeared. As much as the west may wish to retreat from the problems of the world, the reality is that there will still be a need for humanitarian intervention (properly defined) into the future. The failures in Afghanistan and Iraq have been failures of ill-defined and badly-executed missions

which combined elements of self-defence, nation-building, and humanitarian endeavour. Classical humanitarian intervention should not be tarnished by the failings of these missions.

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