

2006

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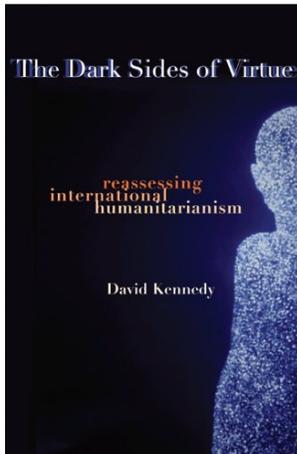
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Recommended Citation

Pham, J. Peter (2006) "The Limits of Intervention—Humanitarian or Otherwise," *Human Rights & Human Welfare*: Vol. 6 : Iss. 1 , Article 14.

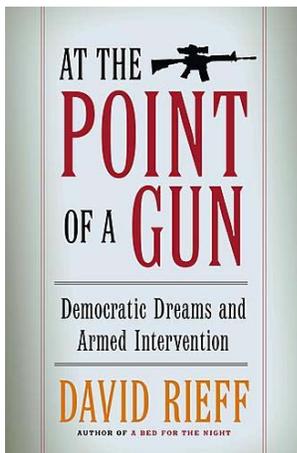
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The Limits of Intervention— Humanitarian or Otherwise

By J. Peter Pham



The Dark Sides of Virtue: Reassessing International Humanitarianism by David Kennedy. Princeton: Princeton University Press, 2004. 400 pp.

At the Point of a Gun: Democratic Dreams and Armed Intervention by David Rieff. New York: Simon & Schuster, 2005. 288 pp.

The Rise of Interventionism

The decade and a half since the end of the Cold War has witnessed the rise, albeit at first ever so tentatively, of the idea of the “humanitarian intervention,” followed by an extensive and rather sophisticated debate concerning its legality and ethics, which has sometimes been carried out on the pages of this journal.¹ Both developments would have been unthinkable just a few years earlier under the classic Westphalian framework of international relations based on state sovereignty, canonized in the Charter and other founding documents of the United Nations, in which the autonomy in its domestic sphere of each independent state was well-nigh absolute—a modern version of the late medieval maxim of *rex imperator in regno suo* (“each king is an emperor in his own kingdom,” *viz.* he recognized no superior authority). However, a “perfect storm” developed with the encounter of the contemporary period’s global, real-time media-driven, heightened sensitivity to often sensationalistic reports of catastrophic human suffering and gross violations of fundamental

¹ See, *inter alia*, Heinz (2003) and Pahuja (2005).

political and other rights—what has been dubbed the “CNN effect” (Livingston 1997)—with the more somber *realpolitik* considerations of the dangers posed by transnational terrorist organizations finding sanctuary in failed or failing states.² The result was an otherwise unlikely confluence of forces—which, in the United States, generally spans across the political spectrum from the human rights left through the nationalist center to the neoconservative right (Lieven 2004)—which rallied around the notion that external parties had a right to intervene (usually, but not exclusively, militarily) in the name of some interest or another that was qualified as “humanitarian.” In its report to the United Nations, the International Commission on Intervention and State Sovereignty (ICISS), sponsored by the Canadian government, asserted that:

[I]ntervention for human protection purposes, including military intervention in extreme cases, is supportable when major harm to civilians is occurring or imminently apprehended, and the state in question is unable or unwilling to end the harm, or is itself the perpetrator (ICISS 2001: 16).

The principle articulated by the panel of elder statesmen is that, where possible—and, at least in the view of a considerable segment of international relations scholars and practitioners, this means in almost every circumstance—humanitarian and human rights crises are the concern not just of the state affected, but also of the broader international community, which has not only the “‘responsibility to react,’ but the ‘responsibility to prevent’ and the ‘responsibility to rebuild’ as well” (ICISS 2001: 17). In a remarkably short time, this theoretical consensus has gained widespread support: in the American foreign policy circles, for example, when one discounts the far fringes of the Noam Chomskys and Patrick Buchanans, about the only people left questioning this contemporary “received wisdom” are the increasingly beleaguered handful of realists who still respond to that label.³

The idea that third-party states have a moral and legal right to intervene to save strangers facing humanitarian emergencies was neither developed in isolation by the high-profile ICISS, nor has it been merely a construct of Western liberalism. In the lead-up to NATO’s intervention in Kosovo in 1999, for example, the Organization of the Islamic Conference expressed its approval of the proposed intervention, noting in a letter to the U.N. Security Council that “decisive international action [was] necessary to prevent humanitarian catastrophe and further violations of human rights.”⁴ The following year, the Constitutive Act of the African Union explicitly acknowledged “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.”⁵ In 2001, U.N. Secretary-General Kofi Annan used his Nobel Prize acceptance speech to affirm that, “The

² The *National Security Strategy of the United States of America* (September 17, 2002), for example, recognized that “weak states... can pose as great a danger to our national interest as strong states” since their weakness renders them “vulnerable to terrorist networks and drug cartels within their borders.”

³ One of the stalwart apologists for this tradition who, arguing that realism has been mischaracterized by critics, has articulated an ethical approach to it is Nikolas K. Gvosdev, editor of *The National Interest*. See, *inter alia*, Gvosdev (2005).

⁴ U.N. Doc. S/1999/363 (March 31, 1999), annex. A draft resolution offered by the Russian Federation condemning the intervention was rejected twelve to three on March 26, with several Islamic states, including Malaysia, coming out in favor with the NATO action.

⁵ See *Constitutive Act of the African Union* (July 11, 2000), art. 4 (h).

sovereignty of states must no longer be used as a shield for gross violations of human rights” (Annan 2001).

If there is an emerging international consensus for such an ambitious goal, how does one explain the ongoing crisis in Darfur? Since 2003, the government of Sudan and the Janjaweed irregulars armed and supported by it, have, in response to an insurgency in the Darfur region by the Sudanese Liberation Army (SLA) and the Justice and Equality Movement (JEM), carried out a brutal campaign. They have done this irrespective of whether it rises to the level of “genocide,” as charged by the U.S. government and some international non-governmental organizations (NGOs) or not. What is clear, however, is that their actions have certainly included numerous acts of mass killings and ethnic cleansing as documented by the International Commission of Inquiry headed by Italian jurist Antonio Cassese.⁶ So, if the emerging global consensus is that future human-caused humanitarian crises will be stopped by outside intervention, why has the international response to the situation in Darfur been limited to little more than a referral to the International Criminal Court and the deployment of the miniscule African Union Mission in Sudan (AMIS) force (at the time of this writing, that force to consist of no more than 3,300 lightly armed peacekeepers, of whom barely 1,500 have actually been sent)? How does one explain the gap between the international community’s moral ambitions and mundane realities?

Is it for want of will? Or is it because, as some have suggested, the idea of humanitarian intervention is really just a “Trojan horse used by the powerful to legitimize their interference in the affairs of the weak” (Bellamy 2005: 32)—in short, a twenty-first century recapitulation of nineteenth century colonialism’s *mission civilisatrice*? Certainly the specter of the latter casts a shadow over the small, but not insignificant, crop of literature that, inspired by the problem of failed states, has sprung up in recent years to revisit the question of international trusteeship. British scholar Peter Lyon, for example, has asserted that “[a]fter a long and complex life and seemingly swift and decisive death, there are now signs that the principle of trusteeship is to be exhumed and given a Lazarus-like rebirth” (Lyon 1993: 96). Although he adopts a more sober tone than his countryman, Richard Caplan nonetheless argues that “the international administration of war-torn territories may be costly and imperfect, but less interventionist measures, in some cases, are worse alternatives” (Caplan 2002: 84). Other scholars, like Robert Jackson, are more hesitant, noting that “imperial government is no longer responsible” (Jackson 2000: 311). Jackson’s student, William Bain, while recognizing the humanitarian “obligations of power” that propel the discussion, cautions that “trusteeship answers the call of humanity by treating states, and the peoples residing within them, as if they have no will of their own; for it denies the personality that makes a sovereign state what it is: free, equal to all others of its kind, and entitled to strive for the good life that is distinctly its own” (Bain 2003: 172).

The post-9/11, U.S.-led invasions of Afghanistan and Iraq and President George W. Bush’s championing of a “generational challenge” to promote democratization in the Greater Middle East and elsewhere, have transformed what had been a somewhat rarified academic discourse to the level

⁶ See the *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General Pursuant to Security Council Resolution 1564 of 18 September 2004* (January 25, 2005). The Commission concluded that while “in some instances individuals, including government officials, may have committed acts with genocidal intent,” genocide itself has not occurred; see *ibid.*, 3-4.

of a political debate of the first order. In this discussion, while there have been some fascinating memoirs and even some useful “how to” manuals based on more than a decade’s worth of collective experience in post-conflict reconstruction, there has been very little reflection, systematic or otherwise, on the ethical aspects of international intervention. Fortunately, two recent books, both using first-person narrative, have begun the process of bridging the gap by providing very different, but complementary, approaches to the ethical challenges posed by the issue.

From the Front Line and Back Again

Veteran journalist David Rieff’s *At the Point of a Gun: Democratic Dreams and Armed Intervention* is a natural starting point for this inquiry. A frequent contributor to the *New York Times Magazine*, the *New Republic*, and a host of other American and Western European publications of record, Rieff witnessed first hand almost all of the armed interventions that were carried out in the name of human rights or democratization in the post-Cold War period, including the Balkans, Africa, the Middle East, and, most recently, Afghanistan and Iraq. Especially in the 1990s, Rieff’s dispatches from the front lines of conflict, frequently featured by the weekly magazine of the *Times* as its cover story, often led the charge in favor of the use of military power to right humanitarian or human rights wrongs. In the new volume, Rieff collects some of his most significant articles from the period, adding an occasional preface or postscript in which he retrospectively reexamines his own impassioned judgments of the moment, retracting some of the hastier calls. The result is not only a revisiting of one man’s decade-long trek from one humanitarian emergency to another. As the author himself asserts in the introduction, it is “an argument against [my] previous conviction that humanitarian military intervention, whether to alleviate massive suffering or rectify grave human rights violations, should be a norm that a Tony Blair or, indeed, a Kofi Annan seems to believe it either has already or should become in international relations” (Rieff: 7).

As he candidly admits, this was not always Rieff’s perspective. Included in the collection is an essay, “A New Age of Liberal Imperialism?,” originally published in the Summer 1999 issue of *World Policy Journal*, which its author judges to have made “the interventionist case better than I did anywhere else” (Rieff: 6) by giving “the most sanguine account of U.S. power I ever allowed myself to entertain” (Rieff: 33). Like many other observers at the time, in the aftermath of Kosovo and with humanitarian catastrophe looming around the globe (Sudan and Sierra Leone figured prominently as hot spots at the time), Rieff concluded that only the West—above all, the United States—had both the power and, however intermittently, the ability to act. Hence he unabashedly called for a reconsideration of the post-Versailles system of mandates, albeit updated to take into account developments in human rights and with differentiated responsibilities shared by small, medium, and great powers:

Is this proposal tantamount to calling for a recolonization of part of the world? Would such a system make the United States even more powerful than it is already? Clearly it is, and clearly it would. But what are the alternatives? ... [H]owever controversial it may be to say this, our choice at the end of the millennium seems to boil down to imperialism and barbarism. Half-measures of the type we have seen in various humanitarian interventions and in Kosovo represent the worst of both worlds. Better to grasp the nettle and accept that liberal imperialism may be the best we are going to do in these callous and sentimental times (Rieff: 56-57).

This worldview informs the other interventionist piece included in the present collection. Originally a May 1999 cover story in the *New Republic*, “Lost Kosovo” assessed the lessons of the conflict and made the case for a more expansive use of military force, including the deployment of ground troops:

The real question is whether the refugee emergency is going to be permanent—the millennium’s answer to the UN Relief and Works Agency camps in the Middle East of the late 1940s—or whether NATO actually intends to fight a war that will allow the refugees to return home to Kosovo (Rieff: 130).

Even as he penned these hawkish sentiments, Rieff’s reporting also brought him face-to-face with evidence that his faith in the ability of outside intervention to deliver solutions to pressing humanitarian problems rested on rather weak foundations. Rieff gave one example of the “barbarism” he referred to in the previously-mentioned *World Policy Journal* piece in another article—in this case during the winter of 1998-1999—provocatively entitled, “In Defense of Afro-Pessimism,” also originally published in the same periodical. The latter essay began with the assertion that the continent was “the one part of the world for which the future was likely to be far worse than the past” (Rieff: 95). Citing the stagnating or declining trends in indicators ranging from educational enrollments and life expectancy to agricultural production and real incomes, Rieff excoriated “Afro-optimists” for their “boosterism,” noting that “it is one thing to insist that we ignore Africa at our moral and their physical peril, and quite another to claim that things have taken such a radical turn for the better there” (Rieff: 108). While acknowledging the many explanations advanced for why things went so wrong in the two generations since most African states achieved independence—including the despoliations of the colonial era, the artificiality of Africa’s borders, and the corrupt personalized state built by the Mobutus, Nkrumahs, and others—Rieff reserves his scorn for the Western donors who have foisted one experiment after another on the continent:

What is clear is that all the work of the development experts who have crisscrossed the continent over the past three decades and all the initiatives—from donor governments, from the United Nations, from various foundations and think tanks—that have been put forward in their wake have not produced a model capable of lifting the majority of Africans out of the terrible poverty in which they find themselves (Rieff: 99-100).⁷

Although he asserts that he did not “need” the second Gulf War to change his perspective, the more than six months that he spent in postwar Iraq on assignment for the *New York Times Magazine* were clearly central to Rieff’s reassessment of his prior enthusiasm for intervention: the entire second half of *At the Point of a Gun* is dedicated to the situation after the overthrow of Saddam Hussein’s regime. Rieff came to the conclusion that the logic of the argument for interventionism on human rights and humanitarian grounds that justified (or would have justified) action in Bosnia, Rwanda, and Kosovo is, in fact, an argument for de-facto recolonization of large swathes of the globe. If such is the case, Rieff concedes that neoconservatives in the Bush administration may have a logical point: Why not Iraq? He takes to task those human rights activists who originally opposed

⁷ It has been argued previously in this journal that a large part of the problem is that the model—be it political, economic, or social—must be appropriate to Africa rather than an imported imposition. See Pham (2005a).

the intervention in Iraq for being inconsistent with their own position throughout the 1990s, which he characterizes as holding that “human rights is the moral warrant and American power the guarantor of human rights throughout the world” (Rieff: 165). Among this group, Samantha Power’s Pulitzer Prize-winning book *“A Problem from Hell”: America and the Age of Genocide*, which Rieff calls (after Noam Chomsky) “a breviary for this new military humanism,” is singled out for particular criticism (Rieff: 163).⁸ As if to confirm his skepticism, he notes that many of those who opposed the use of the U.S. armed forces to overthrow Saddam Hussein in early 2003 then turned around and spent most of 2004 calling for what would have amounted to an invasion of Sudan—which would, logistically speaking, have to be led by the same American military—to stop the humanitarian crisis in Darfur. In Rieff’s mind, the dilemma that humanitarian interventionists face is a stark one, and he minces no words:

At times, human rights activists behave as if one can have Nuremberg-style justice without a Nuremberg-style military occupation of the countries where the war criminals live.... These human rights regimes will be imposed by force of arms or they will not be imposed at all, and it is disingenuous of a human rights movement that, wittingly or unwittingly over the course of the 1990s, set the moral table for the new imperial mood in America, to suddenly recoil from the Bush administration’s Captain Reynault-style because, shock, horror, they’re unilateralist, Bible-thumping, gun-loving, anti-civil liberties reactionaries. Who is kidding whom? The logic of human rights activism, from Rwanda to the Balkans, and from East Timor to Burma, has been interventionist to the core.... Indeed, for activists to now, after a decade of calling for the U.S. to unleash its power, lament the demise of multilateralism and regimes of international law is grotesque and unseemly. What did the Human Rights Watch officials and Soros Foundation officials and the rest think that they were doing? How could Human Rights Watch call for Saddam Hussein to be brought to justice (and what did it imagine the mechanism for this would be, moral suasion?) and now oppose the war in Iraq in a credible manner (Rieff: 167-168)?

Whatever others may choose, Rieff has decided that he has changed his mind “in the sense that I did not imagine Bosnia, or, had it happened, Rwanda, would become a template for the messianic dream of remaking the world in either the image of American democracy or of the legal utopias of international human rights law” (Rieff: 171). To be sure, despite the messes he has reported in the wake of military actions Operation “Iraqi Freedom” as he followed the Coalition troops into Baghdad, Rieff has not become a complete pacifist prepared to consistently oppose humanitarian interventions. He remains convinced that Bosnia was a just cause and still regrets that the United States or one or more of the European countries did not intervene in Rwanda. However, experience

⁸ In a widely-discussed essay earlier this year, Conor Gearty, a professor of human rights law at the London School of Economics, made a similar point, contending that “a well-meaning coterie of liberal intellectuals and human rights lawyers,” whom he dubbed “Rumsfeldians,” unwittingly handed U.S. Secretary of Defense Donald Rumsfeld “the intellectual tools with which to justify his government’s expansionism” by laying the groundwork for the argument that the attack on Iraq was justified by “the need properly to enforce international human rights law against a tyrant who was engaged in the destruction of the human rights of his own people on a large and bloody scale” (Gearty 2005: 51). Gearty singled out Michael Ignatieff, until recently the Carr Professor of the Practice of Human Rights at Harvard University’s John F Kennedy School of Government, for criticism in this regard. (Thanks to my colleague Dr. Ari Kohen for bringing this article to my attention.)

has chastened him and today he reserves military intervention for only the most extreme cases:

I believe we should lean away from war, lean as far as possible without actually falling over into pacifism. Of course there are just wars: the category was hardly retired with the victory of the Allies in World War II. But I would insist that there are not many just wars, and that the endless wars of altruism posited by so many human rights activists (no matter what euphemisms like “peacekeeping,” “humanitarian intervention,” “upholding international law,” or the like they may care to use) or the endless wars of liberation (as they see it) proposed by American neoconservatives—Iraq was supposed to be only the first such step—can only lead to disaster (Rieff: 8).

Shadows Cast on Candles Lit

If Rieff’s encounters with the more recent awkward—if not disastrous—attempts to harness together the goals of humanitarianism to the tools of power has led him to retreat from his prior convinced interventionism, David Kennedy’s experience of the same dilemma has led the Harvard law professor to engage the tensions. The initial premise of Kennedy’s book, The Dark Sides of Virtue: Reassessing International Humanitarianism is that in the contemporary world, the humanitarian ethos informing both the Western legal and political tradition and the broad United Nations system has been so successful that humanitarians, their denials notwithstanding, are less likely to be “speaking truth to power” than providing the terms in which global power is exercised. Thus to be responsible partners in global governance, he argues, humanitarians must confront the difficulties that their activism inevitably brings and acknowledge the damage they sometimes do, coming to terms with the fact that, “for all our good intentions and careful attention to costs and benefits, dark sides, blind spots, biases all will remain with us” (Kennedy: xix). From this starting point Kennedy shifts his attention to several humanitarian endeavors, including the international human rights movement, recent attempts to humanize the impact of globalization, and the modern effort to restrain warfare.

A former legal advisor to the United Nations High Commissioner for Refugees and other international governmental and non-governmental humanitarian agencies, Kennedy himself is a card-carrying member of the global fraternity of human rights advocates and practitioners. So he hastens to preface his considerations with the assertion that “there is no question that the international human rights movement has done great deal of good” (Kennedy: 3). Nonetheless, Kennedy is not blind to the conflicts that humanitarians face as they seek to engage the world while trying to renounce the tools of power politics, to the costs of activism and policymaking efforts that the title of his work terms the “dark sides” of the humanitarian tradition. As it turns out, Kennedy’s concerns are not unlike those of Rieff, including a preoccupation that the vocabulary of human rights, given its origins, spokesmen, and priorities, is effectively—even if unintentionally—a discourse of the center against the periphery, a vehicle for empire rather than an antidote to empire:

The Western/ liberal character of human rights exacts its particular costs when combined with the highly structured and unequal relations between the modern West and everyone else. Human rights has been an overwhelmingly one-way street—criticism of the periphery by the center. It is not clear that the problems addressed by the human rights movement are or should be at the top of the third world’s agenda. Neither is it

clear that an interventionist international human rights movement is or should be at the top of the first world's agenda for itself (Kennedy: 20).

Other observers—for example, Anatol Lieven, of the Carnegie Endowment for International Peace—have taken this argument a step further, contending the modern partnership between liberal interventionists from the non-governmental world and liberal hawks in politics, is reminiscent of the nineteenth century alliance between European Christian missionaries and their colonial office compatriots, and results in similar outcomes: “Despite all their often genuine idealism and good intentions, in the end the missionaries depended on soldiers and had to abide the colonial orders which the soldiers created—however utterly these conflicted with Christian ethics” (Lieven 2004: 84).⁹

Furthermore, according to Kennedy, what is problematic for the humanitarian-as-activist is equally problematic for the humanitarian-as-policymaker:

Policymakers can also overlook the dark sides of their work and treat initiatives which take a familiar humanitarian form as likely to have a humanitarian effect. It is always tempting to think some global humanitarian effort has got to be better than none (Kennedy: 112).

The strong conviction that a humanitarian-motivated policy stance is *ipso facto* a part of the solution rather than a possible aggravation to the underlying problem hinders an honest, pragmatic assessment of the specific initiative in question—a sort of “better to light a candle than curse the darkness” attitude. Kennedy makes precisely this point by analyzing efforts to encourage development through the promotion of the “rule of law” and those to humanize global trade through international labor and other social standards.

In recent years, for example, many policymakers interested in promoting economic development in poor countries have focused on the “rule of law” as a development path (de Soto 2000). Kennedy, however, questions whether their preoccupation with the rule of law in itself might not be an attempt to escape the burden of the “pragmatic analysis of the choices they make in building a legal regime” that encourages them in the questionable belief that “the choices embedded in the particular regime they graft onto a developing society represent the only possible alternative” (Kennedy: 151). However, in this vacuum the rule of law, with its focus on rights, constitutions, and governmental capacity, can be a façade that obscures the need to make distributional choices—which, in turn, requires clarity about how allocating resources one way rather than another will or will not lead to development. In this sense, the juridical emphasis in development shares much in

⁹ In the period leading up to the second Gulf War, there also arose the opposite phenomenon of a number of humanitarian non-governmental organizations that refused to prepare for the postwar situation in order to express their opposition to the impending conflict. They were taken to task by Rony Brauman and Pierre Salignon, respectively past president and director of programs of the French section of Médecins sans Frontières: “For humanitarian actors, such considerations are, or should be, immaterial. Unless humanitarians oppose all wars, or, on the contrary, defend the principle of war in defense of human rights, they had no valid reason as humanitarian organizations to take a stand for or against this particular war... We should remember that modern humanitarian action developed out of armed conflicts in the nineteenth century by asking ‘who needs help because of war?’ instead of ‘who is right in this war?’” (Braumann and Salignon 2004: 272-273).

common with other efforts to replace political (and ethical) debate with presumably neutral technical consensus. Few, in fact, are the development professionals who will nowadays question—much less challenge—the broader notion that liberal political and economic principles are the model to follow. As David Williams and Tom Young have noted, most NGOs involved in development share a “common vision of what development means which is rooted in Western notions of the state, ‘civil society,’ and the self... [and although] the most radical part of the NGO discourse...is their emphasis on ‘grass roots’ participation...this terminology is always to be understood entirely within Western preconceptions” (Williams and Young 1994: 98).

Similarly, the response of many humanitarians to trade globalization has been either an attempt to stem the tide of international commerce or an effort to develop international regulatory mechanisms—in both cases a preference for public regulation. In so doing, the focus is placed on visible machinery of national and international standard-setting while virtually ignoring the contexts of private law, corporate arrangements, and other social mechanisms. Furthermore, the device selected to carry out this public ordering is the ambiguous distinction between the ‘normal’ and the “abnormal.” In “normal” situations, tariffs and other quantitative barriers to trade are reduced to a minimum. However, if a trading partner behaves “abnormally”—for example, through “dumping” or governmental subsidies—it is subjected to special sanctions to compensate for the impact of its “predatory” commercial practices: “Newcomers must open their markets for investment and export from the first world. They must reform their internal legal order to create what are imagined as the “normal” domestic preconditions for trade” (Kennedy: 179). Not usually discussed, however, is the fact that deciding what is, and is not, “normal” is inevitably a political call involving the allocation of the associated costs.

Perhaps nowhere is the avoidance of the political by the humanitarian better illustrated than in efforts to restrain war. As Kennedy notes, inattention to the political and distributional effects of their interventions into war-making has led humanitarians seeking to bring law to bear against warfare to “enchant their tools, overestimate the significance of legal pronouncements, and mistake legal warfare for humanitarian warfare” (Kennedy: 235)—a criticism that can be applied to both the law in war (*jus in bello*) and the law of war (*jus ad bellum*), as the two Gulf Wars proved.

During the first conflict, coalition forces attacked Iraq’s electrical grid in order to cut off power to surface-to-air missile batteries largely by targeting generating facilities. At the time, the decision—and the resulting casualties among civilians living and working near the generators—was justified as necessary and proportional. After the war, it became known that bombing generators to take down the electrical grid—which remained offline for months and, in some cases, years—severely affected the civilian population in a variety of unintended ways, including the spread of infectious water-borne disease in the absence of power for purification facilities, as well as the very supply of water itself, water being clearly a human necessity (Jackson 2000: 231).¹⁰ The tactical decision was roundly criticized and, in fact, a different method was employed to cut off the supply of electricity in

¹⁰ Michael Walzer takes it further by including electricity itself as a basic necessity, arguing consequently that attacks such as those carried out against Iraq during the first Gulf War cannot be justified: “Power and water—water most clearly—are very much like food: they are necessary to the survival and everyday activity of soldiers, but they are equally necessary to the survival to (of?) everyone else. An attack here is an attack on civilian society (Walzer 1992: xx).” Yet the author seems to go back and forth on the topic: the third edition of his classic study (Walzer 2000) omits this passage, but it is reprinted in a subsequent anthology (Walzer 2004: 96).

Belgrade during the NATO campaign against Serbia in a manner to permit it to be brought back online quickly after the conclusion of the hostilities. Left out of this discussion, however, was any notion that targeting the electrical grid itself possibly might be unnecessary or disproportionate—such a conclusion would require precisely the “out of the box” analysis that law-of-force vocabulary is incapable of delving into once it sacrifices the political for the technocratic, crowding out other modes of evaluation.

In the debate preceding the 2003 invasion of Iraq, the humanitarian preference for multilateral over unilateral policymaking—the “equation of ‘made at the United Nations’ for ‘humanitarian,’” as the author puts it (Kennedy: 301)—led to a focus on the contest between the French demand for two Security Council votes and the American assertion that one was sufficient. Leaving aside one’s views on the lead-up to the conflict, there is something unsettling about humanitarians insisting that the legitimacy (or lack thereof) of a war depended on whether the French (or any other permanent member of the Security Council) went along. Even if such is the letter of international law, and supposing that the U.S.-backed resolution had passed, would that mere fact have made a scintilla of difference on whether the war itself were just?

So where does all this leave the humanitarian impulse, especially as it relates to the concrete challenge of human rights and other violations and the call for intervention? According to Kennedy, the problem arises at precisely “the moment the humanitarian averts his eyes from his own power” (Kennedy: 329)—when he or she seeks to avoid the inherent tensions between the normative and the practical sides of his or her work. Conversely, the responsible position is to realize that the idealistic criticisms, advocacy strategies, and the language of values all have real world consequences in the exercise of power and the allocation of resources:

We will need to lay down the tools of pragmatic renewal which block our experience of responsibility from rulership, and lead us to false certainty about what humanitarianism can mean. To confront the dark sides of humanitarian policy making, we need a policy-making style which welcomes, rather than obscures, the hard choices of governance. We need to develop a new posture or character for international humanitarianism—informed by the vertiginous experience of disenchantment, of seeing that one is responsible and yet does not already know (Kennedy: 347).

Back to (Ethical) Realism

Rieff’s eloquent plea to approach it with great trepidation and Kennedy’s concerns for its blind spots and hidden biases notwithstanding, interventionism in the name of human rights and other humanitarian ideals is likely to continue as part of the toolkit of the contemporary global system. In his March 17, 2003 speech delivering a final ultimatum to Saddam Hussein, President Bush, after citing the Iraqi ruler’s alleged violations of various disarmament requirements imposed by the United Nations after the first Gulf War, and asserting the claimed right of the United States and its allies to preemptive self-defense, also addressed the Iraqi people:

If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you. As our coalition takes away their power, we will deliver the food and medicine you need. We will tear down the apparatus of terror and we will help you to build a new Iraq that is prosperous and free. In

a free Iraq, there will be no more wars of aggression against your neighbors, no more poison factories, no more executions of dissidents, no more torture chambers and rape rooms. The tyrant will soon be gone. The day of your liberation is near (Bush 2003).

Whether or not one agrees with Bush's case for invading of Iraq—in retrospect, the president's reference to “torture chambers and rape rooms” must have become extraordinarily uncomfortable in the light of subsequent revelations about the mistreatment of detainees by U.S. military personnel at Abu Ghraib prison—his remarks appealed explicitly to the international consensus concerning international intervention that would have been unimaginable just a few years earlier—an achievement partially obscured amid the heated exchanges between representatives of the U.S. administration, its supporters and opponents in other governments, and the United Nations over its specific application in the Middle East conflict. In fact, the dust has barely settled from the diplomatic quarrel over Iraq when some of most vociferous critics of American actions in the Middle East were demanding interventions elsewhere that would inevitably be either led or supported by the U.S. military (the exclusive possession by the U.S. of the world's only long-haul military cargo airlift capability of any magnitude makes any such operation without American backing almost impossible). In the summer of 2003, a 2,300-strong unit of U.S. Marines en route home from the war in Iraq detoured to the coast of Liberia, where a small task force, led by the amphibious assault ship U.S.S. *Iwo Jima*, had been dispatched to pressure Charles Ghankay Taylor, the West African country's ruler who had been indicted by a UN-sponsored tribunal for war crimes, into giving up power. Early in 2004, the American government teamed up with that previously self-described “principled opponent” of interventions not explicitly authorized by the United Nations Security Council—France—to send a military force into Haiti that eased out the island's besieged ruler, Jean-Bertrand Aristide, without obtaining a prior Security Council resolution. Later that same year, finally noticing that the estimated two million people in Sudan's western Darfur region had fled their homes after being attacked by the government-backed Janjaweed militia, human rights groups and leading editorialists called upon the United Nations Security Council to authorize some kind of intervention and, absent that, for some power—read, the United States—to act unilaterally if necessary.

While armed intervention may sometimes be needed to halt abuses of the vulnerable, each such intervention presents a unique series of complex challenges (as does its aftermath). Nevertheless as the idea of “humanitarian intervention” is here to stay, even with America's military juggernaut, on which the eventual execution depends, is apparently bogged down in the Middle East and possibly facing challenges elsewhere (the Korean peninsula comes to mind) both advocates and policymakers as well as ethicists would do well to review the history of recent interventions and ponder some of the lessons contained therein about the consequences of such commitments. In the spirit of both Rieff and Kennedy, the following are ten very general theses—one might characterize them as reflecting an “ethical realism”¹¹—about the impact of external military interventions offered as a

¹¹ Without giving their very similar perspective a name, the authors of a recent critique (*à propos* the war in Iraq) of hawkish liberals described it as an “acknowledgement of the tragic worldview that is, however much our better angels may not prefer it, a necessary component of foreign policy making in a world characterized by far more ‘less bad’ options than generally good ones” and a realization that liberalism's desire to believe the best about human nature often seduces its adherents into “ignor[ing] the tragic character of the world—and to reflexively interpret the failures of an

starting point for the discussion that needs to take place in the wake of both the persistence of emergencies calling for intervention and the limitations discovered during the course of America's interventions in Afghanistan and Iraq.¹²

Since most violence is perpetrated more quickly than commonly realized, an intervention will almost inevitably come too late for many, if not most, victims. Even if a consensus about intervention were to be achieved as soon as news of the humanitarian crisis reaches the international community—an almost impossible task—the record suggests that, sadly, the killers will still almost always be faster than the would-be rescuers. In Rwanda, an estimated 500,000 of the 800,000 victims were killed in the first three weeks of the hundred days of the 1994 genocide (Khadiagala 2004). In East Timor, Indonesian-backed militias displaced most of the population in the weeks leading up to and following the vote for independence in August 1999, even as it took months before governments were persuaded to contribute personnel and material to what became the UN peacekeeping force (Weiss and Collins 2000: 174-176). While this does not mean that the international community should shirk from intervening in the face of grievous abuse, advocates of intervention must be prepared to be realistic about what it can accomplish even if global opinion (and political will) can be mobilized immediately.

Intervention addresses symptoms rather than underlying causes. While a humanitarian intervention might indeed stop human rights abuses, refugee flows, and material insecurity, these symptoms are usually manifestations of underlying pathologies—including the failure of the state, the breakdown of the civil society institutions, the arming of militias, the division of society along ethnic or sectarian lines—that do not lend themselves to remedy by armed outsiders. Military force can bring warring parties to the negotiating table, as it did during the Bosnian conflict, but it cannot secure societal transformation as the ongoing tensions between Albanians and Serbs in Kosovo demonstrates.

Interventions will have significant, possibly unintended, effects on the value to particular individuals of positional and distributional goods. Michael Ignatieff has observed that the NATO intervention in Kosovo “was defended as a human rights operation, to put a stop to Slobodan Milošević’s ethnic cleansing... It stopped Milošević, but it has not stopped the Kosovars attempting to drive out the remaining Serbs,” and asks, “What is the point of assisting people to be free if they use their freedom to persecute their former persecutors?” (Ignatieff 2003: 51-52). My own field research in the Horn of Africa during the summer of 2005 turned up evidence that it was UNOSOM II itself that unwittingly facilitated the expansion of the influence of the radical Somali Islamic Union (al-Itihaad), which has been linked to al-Qa’eda, by employing the group’s operatives as subcontractors in southern Somalia during the ill-fated humanitarian mission.

Intervention opens the political space to new, often unexpected, actors. Outside intervention, by displacing the old political order, allows new forces to emerge. Some will be old opponents of the former rulers; others will represent entirely new movements. While some of these new actors may be benign, others represent graver threats. As the Coalition Provisional Authority learned in Iraq, Ambassador L. Paul Bremer III’s policy of total de-Ba’athification of state institutions not only fanned resentment among the Sunni population that is still smoldering, but it also created a power vacuum quickly filled by foreign

ambitious social engineering endeavor as evidence of bad technocratic management rather than mistaken premises” (Rosenfeld & Yglesias 2005: 33).

¹² These theses were originally proposed in a more abbreviated form in Pham (2004b).

jihadis who took over the Sunni heartland, as well as local firebrands like the upstart junior cleric Moqtada al-Sadr who enjoys considerable support among poorer urban Shi'ites, in part because of the social services and other goods that he delivered after the fall of Saddam Hussein (Trofimov 2005: 135-137). Since genies once released do not readily go back into their lamps, the ethics of intervention require an acknowledgement that the act inherently represents a taking of sides and thus the implicit assumption by the actor of responsibility for consequences thereof.

Intervention may foster warlordism. In Afghanistan, for example, the hasty withdrawal the bulk of U.S. forces for the then-looming war in Iraq and the inability of the European powers who assumed responsibility to deploy substantive resources left a vacuum that could only be filled by warlords whose “power comes out of the barrel of a gun” and who function simultaneously as “businessmen, tax collectors, tribal authorities and clan leaders” (Ignatieff 2003: 81) in fiefdoms they carve out and maintain by predatory extraction of resources. Rieff confesses his own failure to foresee the criminal warlordism that has afflicted Kosovo since the NATO intervention drove out Serbian forces:

I think the natural human instinct to side with the victims often got in the way of my fully understanding what I was seeing during the now decade and a half I have been at this strange vocation of writing about man-made disasters. Certainly, it got in the way of my understanding of the real nature of the Kosovo Liberation Army (Rieff: 7).

Intervention is the starting point for a complex political process whose eventual end point cannot be predicted. Political conflicts do not come to an end just because outside forces have interposed themselves between combatants. About the most that can be hoped for is that an intervention will channel tensions into the political arena, preventing more violent expressions of communal discord. Iraq's delicate ethnic and religious balance between Arabs, Kurds, Assyrians, Turkomens, Sunnis, Shi'ites and Christians will continue to occasion communal tensions when the CPA's clumsy efforts to create a credible government is no more than a dim memory. New York University law professor Noah Feldman, who served as the CPA's Senior Constitutional Advisor, has admitted:

The ethical challenge is deepened when one considers the dozens of failed nation-building exercises around the world, legacies of both Wilsonianism and the differently oriented nation building of the Cold War. The high failure rate strongly supports the basic intuition that we do not know what we are doing—and one of the crucial elements of any argument for autonomy is that people tend to know themselves, better than others, how they ought best to live their lives (Feldman 2004: 69).

Economic progress will be difficult if the intervention distorts pre-existing incentive structures. In general, the economies of countries that are the objects of humanitarian interventions are already weakened, if not collapsed altogether. However, an intervening force must tread delicately if it is not to irreparably distort what remains of local markets. The presence of large foreign forces can lead to the creation of a state that is unduly dependent upon aid and whose citizens are chiefly employed in servicing their rescuers, as has been the case in Sierra Leone since the United Nations-dispatched

force, UNAMSIL, helped end that country's civil war in 2001.¹³ It will take years to assess the impact on the Iraqi economy of the presence of the U.S.-led coalition's 200,000-plus troops, contractors, and aid workers.

Intervention can exacerbate, rather than reduce, the humanitarian crisis. In fact, an ill-timed humanitarian military intervention can cause the very tragedies it was supposed to prevent, intensifying the level of violence within a conflict and thus increasing the domestic security threat and spreading regional instability. As I argued in my study of the Liberian civil war, the 1990 Economic Community of West African States Monitoring Group (ECOMOG) intervention in the conflict fell right into this ethical dilemma and contributed to prolonging the conflict by over a decade.¹⁴ Even non-military interventions, like the 1994 provision of humanitarian materiel to the refugee camps in Eastern Zaire (now the Democratic Republic of Congo) where the Rwandan Hutu *génocidaires* took refuge, can have disastrous consequences, including the militarization of the camps and the beginning of what would be “Africa’s world war.”¹⁵

Interventions may have significant impact on trust, social capital, and the character of society, but it is difficult to produce positive effects directly. Another senior advisor to the CPA, Larry Diamond, who has been co-editor of the widely-respected *Journal of Democracy* since its founding, has been frank in his assessment of the botched construction he and his colleagues left in their wake:

Bremer was the captive of the same imperial hubris that had landed the United States in Iraq with a democratizing mission but no real sense of how to accomplish it. He failed to see how the United States was viewed by Iraqis who believed that they were falling under long-term occupation and wanted their country back, and by Sunnis who believed they would lose out and wanted guarantees of at least a share of power (Diamond 2005: 300).

In fairness, the challenge is rather daunting because the very nature of an international intervention is, to a certain extent, inimical to its proposed objective of rebuilding a failed state on democratic foundations: the goal is democratic, but the means are not. Navigating between Scylla and Charybdis requires a careful balancing of an imperial function with a clearly non-imperial attitude—a tall order indeed.

Over time, international commitment to an intervention will wane. When interventions are multilateral, it is inevitable that the contributing states will necessarily be acting under the influence of different motivations, even if the overriding rubric is “humanitarianism.” It is part and parcel of international politics that different states will have different interests. Eventually, circumstances will change and interests will diverge. When this happens, the multilateral intervention force’s cohesiveness begins to fall apart. During the Liberian civil war of the 1990s, for example, the ECOMOG forces were

¹³ The budget of the military component of the international intervention, \$113.22 million for the current fiscal year, exceeds the total receipts of the West African country’s government and accounts for over one-third of all public expenditures, including capital expenditures, there. For details see Pham (2005b).

¹⁴ See Pham (2004a): 135-139.

¹⁵ The failure of the donors to remove the political leaders and uniformed soldiers from the camps led two aid groups, the French section of Médecins sans Frontières (MSF) and the International Rescue Committee (IRC), to withdraw in light of the consequences of the militarized camps for the refugees and the region. See Terry (2002): 155-215.

bedeviled by political rivalries resulting in part from the concern of member states about Nigeria's hegemonic designs. During the Iraq war, a totally unforeseen event—the Madrid bombings of March 11, 2004—led to the defeat of Spain's governing People's Party and the ascendancy of a Socialist government that pulled Spanish troops out of the American-led occupation force. Given the entropic tendencies of ad hoc coalitions, humanitarian interventions, when undertaken, should have clearly delimited objectives and a defined exit strategy. As David Phillips has noted:

Clarity of purpose is critical. What was the reason for the intervention? Was it to stop aggression, to prevent ethnic cleansing, to eradicate weapons of mass destruction, or to create a liberal democracy? Goals must be based on a realistic assessment of what can be achieved. Without a clear vision of the end-state, government agencies and international organizations will not know what to do. Governments always feel pressure to complete the mission and execute an exit strategy. Self-imposed deadlines can be avoided by measuring progress in milestones; however, setting goals and moving quickly to achieve them does not obviate the need to sustain activities. Success is contingent upon the level of commitment as measured in time, manpower, and money—and only success can win “hearts and minds” (Phillips 2005: 225-226).



Despite these limits, no present foreign policy seems more benign and enjoys such international consensus as that of humanitarian military intervention—at least in general principle if not in practical application to specific cases. Not only does military intervention appear easily feasible given the overwhelming superiority of Western (especially American) forces over any in the underdeveloped countries where humanitarian crises usually occur, but as Alan J. Kuperman of Johns Hopkins University noted recently, humanitarian intervention is “rooted in the altruistic desire to protect innocents from violent death” especially when “the only obvious costs are a modest financial commitment and the occasional casualty” (Kuperman 2004: 64). However, as Dimitri K. Simes observed in his defense of the realist approach to foreign policy in *The National Interest*, while few realists are opposed to the idea that morality ought to play a part in the formulation of foreign policy, “most believe in the morality of results rather than the morality of intentions” (Simes 2003-2004: 172). And careful analysis of the historical evidence cautions that, over the long term, the benefits of humanitarian military interventions are smaller and the costs far greater than their advocates are usually willing to admit.

According to the Baron de Montesquieu, a rational concern for general security, as well as moral principle, imposes upon the just victor—which, after all, is what a militarily successful humanitarian intervener is—a responsibility “to repair a part of the damage he has done.” Consequently, the sage of *The Spirit of the Laws* concluded, “I define thus the right of conquest: a necessary, legitimate, but unhappy right, which always leaves its holder under a heavy obligation of repairing the injuries done to humanity” (Montesquieu 1961: 149). While there have been—and, undoubtedly, will be—circumstances when military intervention in the name of humanity will be necessary, the hard-learned lesson of recent years is that those who would advocate it have an ethical obligation to contemplate the charge that they assume, tempering their altruistic instincts with a proper regard for the lessons of history, present day political and logistical realities, and the timeless limits of human nature.

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