Problems and Prospects for Humanitarian Intervention

Overview

The idea that states should not be able to commit mass murder by hiding behind national sovereignty has clearly gained ground. The 1990s have seen a number of significant cases—from the former Yugoslavia to Indonesia—where humanitarian norms have taken precedence over national sovereignty. There is a growing consensus that the use of force is justified not only for "self-defense" and protecting "international peace and security" but to protect basic "human security" as well.

In recognition of the challenge posed by these fundamental issues, the Stanley Foundation convened its thirty-fifth annual conference on the United Nations of the Next Decade from June 11 to 16, 2000, in Vail, Colorado. The conference brought together a diverse group of participants from the United Nations, nongovernmental organizations, and the US government. Conference objectives were ambitious. Participants were asked to identify when military-led humanitarian intervention might be justified, who can and should decide when intervention

Issues of Consensus

- There are circumstances where the international community should forcefully intervene to mitigate egregious humanitarian situations in spite of claims of national sovereignty.
- The "bar" for humanitarian intervention must be kept high. Military action in response to humanitarian crises should be undertaken only after all other means to end it have been exhausted. This will provide comfort to smaller countries that such intervention will not be done lightly and will limit the number of such interventions to a level that the more powerful nations are willing to support.
- There was consensus that the UN Security Council is the preferred authorizing body for humanitarian intervention operations. A preponderant, though not unanimous, view stated that such interventions should only be taken after they have been authorized by the Security Council.
- The United Nations should develop and improve its capacity to coordinate and contribute to the broad spectrum of international activity in support of peace and security, including providing timely and informed counsel and recommendations to the Security Council on humanitarian crises.
- The United Nations should pursue the creation of a rapid-deployment police force, together with judicial capability, to reconstitute a justice system in post-conflict societies.
- Member states are divided on the desirability and effectiveness of humanitarian intervention. An informal UN working group(s) should be formed to seek more common ground on how to respond to humanitarian crises and to strengthen the United Nations’ performance in crisis prevention, humanitarian operations, and post-conflict reconstitution.
Problems for Humanitarian Intervention

Participants at the conference agreed that the United Nations is fundamentally disposed to the task of humanitarian intervention in broad terms, including a limited military element. Even though the United Nations is not capable of robust military intervention, including combat that could ultimately lead to high casualties, the participants believed that the United Nations’ efforts and comparative advantage should be exerted on fitting the military effort into the larger political and social objectives. These broad objectives would have two essential elements.

First, the United Nations must have strategic and organizational capabilities to put together and support an effective intervention force with a clear mandate and mission definition. The United Nations is not well equipped for command and control of military operations, and this is probably best handled by an assembled coalition of forces.

Second, the United Nations’ primary operational role will be in enacting a smooth transition following a military operation to reconstitute states by building up civil administration including policing, law enforcement, and justice systems. It is this broad role where many of the participants believed that the United Nations could be most effective in future humanitarian interventions.

When Is Military-Led Humanitarian Intervention Justified?

Sovereignty is, and will remain for the foreseeable future, the fundamental principle of international order. Most states, many of them small and recently constituted, remain opposed to any general subordination of national sovereignty to humanitarian norms—although they might support humanitarian intervention in specific cases. However, international norms have moved the fulcrum in favor of more often putting humanitarian concerns before those of sovereignty—a reflection that sovereignty is now understood differently than a decade ago. As such, humanitarian interests sometimes constitute a ground to override national sovereignty. However, the matter remains highly controversial, and sovereignty is still a key pillar of international order. Participants concurred that, “…we should not be handicapped by state sovereignty, though we should also not underestimate it.”

There was a broad agreement that the “bar” for the use of force in the pursuit of humanitarian objectives should be high. Criteria for what should trigger a humanitarian intervention operation were not specifically defined by the participants. Some urged the creation of guidelines for the Security Council that would advise international action in response to the “violation of humanitarian law.” Others opposed this because, as they contended, such a guideline would be too restrictive and strongly urged that the broader “protection of human rights” be invoked. Ideas for such guidelines were proposed and discussed. In the end, many participants were reluctant to precisely define what might constitute the need for humanitarian intervention. As one participant put it, “I can’t tell you what such a reason [for humanitarian intervention] is, but I know it when I see it.”

Who Can and Should Decide?

While there was no sharp definition of what constitutes a threshold for when humanitarian intervention should take place, nearly all agreed that the Security Council should have the primary authorizing role. A vote by the Security Council, citing Chapter VII and authorizing the use of force, was believed to be an important element for intervention. Furthermore, Security Council authorization would add legitimacy to any action undertaken by a coalition of willing states, especially one that contained a major power. Such authorization would help to ease fears by small states over military action.

However, there may be instances where the need to act supercedes UN authorization. In the case of deadlock in the Security Council, some felt regional organizations should have leeway for deciding on intervention, as the North Atlantic Treaty Organization did in Kosovo. Furthermore, many in the group underlined the need for exceptional individuals to exercise judgment in the face of competing values, complicated relationships, and unpredictable developments. In the end, the group concurred, a case-by-case approach will be the road most likely taken—even at the risk of double standards and a regression to pure power politics.

"...we should not be handicapped by state sovereignty, though we should also not underestimate it."
What Elements Are Necessary for Successful Interventions?

Managing military operations nevertheless remains a great challenge for the United Nations. The United Nations has fielded soldiers for a broad range of peacekeeping duties, and future peacekeeping will be watched more closely and will be judged on sufficient commitment, timely decision making, appropriate legal authority, and quality information. The military requirements for humanitarian intervention are, however, more demanding. Military intervention means that combat is a distinct possibility. Operations cannot be designed to simply defeat opposing forces—they must also be done in a way that quickly ends the conflict and minimizes further loss of life.

Commitment is a key element for successful intervention. This has been undermined by the diffusion of responsibility within the UN system. Sufficient forces for UN operations are rarely forthcoming from the eighty countries that have signed standby agreements. Furthermore, participants highlighted the US commitment problem in terms of funding or political support for new initiatives at the United Nations. Time and again the United States has refused to provide the United Nations with the resources it needed for humanitarian operations, and then criticized it for not being up to the challenge.

Mission definition is another critical element and, in the international fora, particularly in the United Nations, it often suffered from best-case reasoning. Missions should have clarity of purpose, a clear and robust mandate, and a clear strategy from initial intervention to state reconstitution.

Finally, effective coordination in the transition from military to civilian rule is crucial. The international community should not look at “exit strategies” but rather “transition” from military to civilian control. A post-violence or post-conflict situation is a central requirement of effective intervention and ensuring lasting peace. One participant noted the disparity between the large military efforts and the much smaller subsequent civilian actions. This has repeatedly undermined the success of humanitarian intervention. Clearly, any successful reconstitution of a state will take time, commitment, and resources on the part of all actors.

The Role for the United Nations

The United Nations has an important role in future military-led humanitarian intervention operations. That role, as agreed to by many of the participants, is that any military action should be undertaken in the context of larger political and social objectives. To fulfill this role, the United Nations should have strategic and organizational capabilities to support coalition military operations to achieve these objectives.

The United Nations also has a central role in decision making and legitimacy building for humanitarian interventions. A Security Council vote, citing Chapter VII and authorizing the use of force, was seen as an important, and possibly essential, constituent element of any successful intervention. Furthermore, the United Nations should not authorize an operation based on a narrow set of criteria but on the conditions that already exist and on a broader range of commitments to protect human rights. Thus, in terms of building legitimacy and will for military-led intervention, the group concluded that there could be no one-size-fits-all approach.

Many of the participants supported the idea of an international fighting force. However, as one participant noted, the United Nations will not get a force of 500,000 troops. What the United Nations could and should seriously pursue is the creation of a rapid-deployment police force, complete with the juridical competencies to reconstitute a justice system. Such a force would play an essential role in the period immediately succeeding military intervention and help ensure a smooth transition from military to civilian rule.

Finally, the “post-violence” or state reconstitution phase is where the United Nations’ most important role lies, the group largely agreed. This has been an area where the international community has routinely come up short in humanitarian operations but an important area that is critical to ensuring peaceful political, social, and economic peace-building of a state. The United Nations should call on its resources as well as resources of member states to coordinate efforts and implement programs that create stable political and economic institutions and conditions in a timely and lasting manner.

Commitment is also a key element for successful intervention.

The full report from this event, “Problems and Prospects for Humanitarian Intervention” is available online at http://reports.stanleyfdn.org.
The Stanley Foundation, a private operating foundation, seeks a secure peace with freedom and justice, built on world citizenship and effective global governance. The foundation advances this vision by creating opportunities to improve international understanding through media and educational programs and through forums encouraging open dialogue among policy professionals, educators, students, and citizens interested in world affairs.

More information about the foundation is available on our Web site: http://www.stanleyfdn.org.

The Stanley Foundation encourages use of this document for educational purposes. Any part of the material may be duplicated with proper acknowledgment.

For those without Web access, the full report is available from:

The Stanley Foundation
209 Iowa Avenue
Muscatine, IA52761 USA
Telephone: 319-264-1500
Fax: 319-264-0864
info@stanleyfdn.org
http://www.stanleyfdn.org