

Issues Before the UN's High-Level Panel—

Intervention in Humanitarian Crisis

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The Challenges

On November 4, 2003, United Nations Secretary-General Kofi Annan announced the creation of a High-Level Panel on Threats, Challenges, and Change to assess the principal threats to international peace and security in the 21st century and to recommend changes to improve the effectiveness of international institutions like the United Nations in responding to those threats. The panel consists of 16 eminent international figures and is scheduled to release its report in December 2004. The Stanley Foundation and the United Nations Foundation, working in partnership, have convened groups of prominent scholars and practitioners to sharpen the issues for the secretary-general's panel. On March 2-3, 2004, the two foundations brought together experts at the Arden Conference Center in Harriman, New York, to focus on multilateral—particularly military—responses to humanitarian crises.

While the Brahimi panel on peace operations and the Canadian-sponsored “Responsibility to Protect” Evans-Sahnoun Commission have both improved prospects for effective response to crises, some of the momentum of the humanitarian intervention debate seems to have dissipated. Gaps in international capacity and political will to respond in a timely and effective way remain, and the Iraq war has heightened concerns about potential misuse of pretexts to intervene unilaterally. A central difficulty for humanitarian intervention is that the global body with the recognized authority to approve armed intervention, the United Nations, lacks the capacity to mount such operations. Often it defers instead to multinational forces fielded by “coalitions of the willing” or subregional organizations.

Regional and subregional organizations may provide one answer to the problems of capacity and political will; however, most of these organizations have severe gaps in capacity to respond effectively and would require substantial resources to develop into robust and responsive forces. The United Nations, NATO member countries, and other industrialized powers may have militaries in a better position to respond in the short term than many regional organizations, but they may also provide valuable support and resources to bolster military capacities in weaker regions. Indeed, effective intervention and peacekeeping may best be served by a combination of contributions from member states—whether it is funds, troops, equipment, or expertise—according to each state's comparative advantage.

Current State of Peacekeeping: Good and Bad Signs

While it is unclear whether the United Nations, a regional organization, or an ad hoc coalition would be willing and able to step in if another Rwanda were to erupt—a question of renewed urgency with reports of mass killing and displacement in Western Sudan—there are some positive signs. The current operation in Liberia is relatively robust. *The Responsibility to Protect* report articulates the case for intervention and the circumstances under which it should be launched, yet it is still to be seen whether there will be sufficient support for the Evans-Sahnoun Commission's principles to take hold as international norms. In addition, many of the recommendations of the 2000 Brahimi Report on peace operations were pushed forward by the secretary-general and the Department of Peacekeeping Operations and have been implemented or are being implemented. Other positive signs include the Security Council's more frequent consultation with troop contributors and its approval of stronger mandates as well as the General Assembly's support for more realistic budgets.

Despite these improvements, there is no clear indication that sensitivities over outside intervention breaching sovereignty, limited political appetite for getting involved in messy and dangerous situations, or resource and capacity gaps have faded as major obstacles. On the sovereignty front, the Iraq war—which the Bush administration has increasingly rationalized ex post facto on the grounds of Saddam Hussein’s repression and atrocities—has prompted fears that the United States will use humanitarian claims as a pretext for intervening unilaterally. Humanitarian intervention is commonly viewed as a rescue operation that protects populations from mass killing or displacement. The removal of Saddam Hussein in Iraq indeed improved the human rights situation for the great majority of Iraqis, but it came more than a decade after Saddam’s deadly campaigns against the Kurds and Shiites. In the face of this international wariness, some participants argued that the US administration has been chastened by its invasion of Iraq and the deepening problems since. With widespread international resistance to its appeals for help, it may now be more willing to be involved collaboratively with other nations and the United Nations.

Notwithstanding the progress prompted by the Brahimi Report, large gaps in capacity continue to hinder peace operations, with glaring needs in the areas of command and control, training, political and military advice, rule of law, and staff hiring. It should be remembered that the Brahimi panel focused on UN-run peace operations rather than multinational forces deployed by regional organizations or ad hoc coalitions of the willing. This reflects not only a desire to avoid burdening the UN peacekeeping debate with controversies surrounding humanitarian intervention but also a sentiment in some quarters that the United Nations is ill-suited operationally to handle larger and more aggressive deployments. (That said, there is significant overlap between the capacity issues associated with peacekeeping and those of forceful intervention.) A paper commissioned by the United Nations Foundation and distributed to conference participants empirically demonstrated that the presence of international peacekeepers has an observable positive impact in solidifying peace when compared to situations when belligerents are left to their own devices to make or honor a peace agreement.¹

Link Between Capacity to Deploy and the Political Will to Intervene

Given current political realities, intervention on humanitarian grounds will in all likelihood still depend on the political will of key member states that dominate both the decision to intervene and the decision to make funds, troops, and equipment available, whether to the United Nations or an ad hoc multinational force. One participant observed that, notwithstanding any moral responsibility, any forcible response to humanitarian crisis is seen as “a purely elective intervention.”

This does not mean that the continued strengthening of capacity would not be valuable. Having a more robust, at-the-ready capacity to intervene would affect the political equation by removing the lack-of-capacity obstacle (and excuse), thereby unambiguously testing political will: whether member states would still say “no” in the face of a humanitarian disaster.

It is also possible that the political dynamic surrounding humanitarian intervention may have shifted in recent years. There is a growing recognition that severe humanitarian crises rarely

¹ Page Fortna, Salzman Institute of War and Peace Studies, Columbia University, “Peace Operations—Futile or Vital?” commissioned by the United Nations Foundation, January 12, 2004.

remain self-contained. Often they spread or threaten to undermine entire subregions such as West Africa and the Great Lakes; one participant said that with humanitarian crises, the Cold War's long-discredited "domino theory" has at long last become operative. These crises also often lead to state failure, which has been shown to create an environment conducive to terrorist operations. These concerns give states additional motivations to intervene beyond the pure humanitarian impulse—although several conference participants pointed out that most actions by states are undertaken for a mixture of motives anyway.

Indeed, some participants asked whether the concept of "humanitarian" intervention should only apply in cases of gross human rights violations—that is, for strictly humanitarian reasons—or whether it should also apply to intervention in crises that also pose a major threat to regional stability if left unattended. In other words, was the peace operation dispatched to Sierra Leone "humanitarian," or a prudent early intervention to prevent the spread of a contagion of instability? However, others pointed out that the international community needs to prepare for either, and for major powers at a distance, intervention in such cases seems altruistic in either case because it is not based on direct threats to their national interests.

Authority and Capacity

While authority and capacity have been the major focuses of the intervention debate, questions remain about the connection between the two. One participant summarized the problem at the United Nations as "a tendency on the part of the Security Council to authorize readily and participate reluctantly." The gap between those states authorizing intervention and the countries providing the troops presents several problems.

First, troop-contributing countries may not always agree with the mandate that the council hands them, and as a result mandates may not be clearly understood or may indeed be willfully ignored when troop-contributing countries disagree with them. Second, the robustness and capacity of forces from the developed world are sometimes critical to success, as in Sierra Leone in 2000. Third, there is significant political symbolism when developed states choose not to send their own troops for missions despite their having a greater capacity to carry out these operations. The gaps left by the parsimony of the capable are sometimes filled by the weak by default. Indeed, some developing countries contribute troops to generate income associated with the troops' salaries and per diem.

Various measures have been discussed to tighten the connection between the authorizing function of the Security Council and operational requirements and realities. Although a Bangladeshi proposal to require the permanent five (P-5) to contribute troops to any peacekeeping operation failed, it dramatized a festering complaint about a presumed P-5 sense of entitlement to set rules affecting troops of others without participating themselves. One recommendation may be to persuade the P-5 to send their own observers and trainers to accompany missions. This would also allow the P-5 to monitor mission effectiveness and, more important, sends an important political message that P-5 members are willing to put their personnel on the ground in at least limited numbers. As the panel debates potential Security Council reform and the addition of new members to the council, they may consider a commitment to contribute troops and/or financial support as a criterion for council membership. One way to solidify the progress

made in the consultation between the council and troop-contributing countries would be to further institutionalize this process, particularly during the development of the mission mandate.

Regional Organizations: Potential or Problem?

Regional and subregional organizations have been increasingly seen as key actors for both authorization and provision of personnel for intervention. The role of the Economic Community of West African States (ECOWAS) in its subregion was particularly noted.² Africa has of course been the scene of many of the most dramatic humanitarian crises and contagious instability of the past decade. This tragic fact, along with other political and economic challenges that confront the region, has prompted African leaders to re-form and revitalize their regional organization, replacing the Organization of African Unity with the structurally stronger African Union (AU). The New Partnership for Africa's Development, including government-to-government "peer review," is the AU's centerpiece, but capacity-building for peacekeeping and humanitarian crisis response is also prominent on the agenda. The rate of African troop participation in peace operations is a telling sign of the region's commitment; troops from Africa already comprise 31 percent of peacekeeping troops deployed outside Africa and 40 percent of peacekeepers within the region.

Other regions are considering strengthening the military—or at least political—capacity of their regional organizations to respond to threats. These include the Organization of American States and the Association of Southeast Asian Nations. Encouraging regional organizations to undertake peacekeeping may address problems of political will, as states are often more attentive to crises in their backyards and potential spillovers of threats. Also, neighboring states often possess the local knowledge and commitment to carrying out missions effectively. In addition, regional peacekeeping will likely come at a lower cost than UN missions, where salary rates are set according to a single formula. Several participants expressed the need to review the rates paid to regional peacekeepers to account for quality and cost effectiveness.

The conference heard a brief report from the Fund for Peace about a recent mission to assess the capacity of the AU, and the findings were sobering. The AU seems still to suffer serious shortfalls in capacity, particularly in the areas of preidentified units that have had joint training, stockpiled logistical supplies or vehicles, or experienced planners at the headquarters level. Donor governments are apparently ready to step in to help close some of these gaps, but an AU official said that his organization's administrative and accounting structures were not yet ready to absorb the levels of funding that have been offered. Another participant highlighted the devastating toll the HIV/AIDS pandemic is likely to take on African peacekeepers, for instance decimating the South African army—one of the region's most capable.

Even if regional organizations succeed in strengthening their capacities, Western militaries should contribute the resources and expertise for which they have a comparative advantage. Time and again, for instance, the United States has been called on for its unique strengths in the areas of transport, logistics, radios and communication, and helping to organize the command

² The Fund for Peace has had a project since 2001 entitled "Regional Responses to Internal War," which focuses specifically on the potential of regional organizations. See their report: Jason Ladnier, *Neighbors on Alert: Regional Views on Humanitarian Intervention*, The Fund for Peace, Washington, DC, October 2003.

element. In recognition of the professionalism of regional militaries, however, it is important for personnel from the West to show due respect to troops from countries in the region and to serve in an advisory rather than commanding role where possible.

The panel should consider how best to coordinate the efforts of the regional organizations with its partners at the international level, particularly the United Nations. A better-defined relationship between the United Nations and regional organizations could enable the latter to be called upon for UN missions to implement Security Council mandates, including those relating to international juridical processes. Standards will need to be developed for quality control of regional organizations and to protect against corruption.

Before and After: Early Warning and Reconstruction

The international response to a conflict is always best served by advance warning so that the intervention can be mounted before conditions have deteriorated too severely. But regardless of timing, any intervention must be guided by the best possible understanding of the conflict and the local and regional players. One conference participant spoke of the importance of focusing on the “peacekept,” in other words, making sure to factor in the perceptions and interests of local actors, especially conflicting parties and potential spoilers. Good information is thus of utmost value both for operational leadership as well as for the leadership of bodies such as the Security Council that set out the mandate.³

While the implementation of the Brahimi Report addressed some of these needs in the UN Secretariat, early warning mechanisms and information gathering merits additional attention by the panel. The proposal for an information and strategic analysis secretariat (EISAS) was intended to supply the Security Council with information to support its decision making, but resistance from member states that viewed it as an intelligence service for the Secretariat doomed the proposal. But as one participant pointed out, opposition to EISAS only perpetuates the disparity within the Security Council between members with their own intelligence services and those without. Another participant recalled his own experience with former Secretary-General Javier Pérez de Cuéllar’s initiative, creating an Office for Research and the Collection of Information (ORCI), which aroused suspicions among some governments that the United Nations was “spying” on them and spotlighting their internal weaknesses. This participant noted that Boutros Boutros-Ghali promptly abolished ORCI.

Because violent conflicts are sometimes cyclical in nature and can reignite even after significant periods of effective cease fire, the work of consolidating peace with recovery efforts that give war-torn societies renewed hope is absolutely critical. Yet in contrast to UN peacekeeping operations, which are underwritten by an established scale of assessments for post-conflict operations, the United Nations must pass the “tin cup” each time at special conferences of donors, many of who ultimately do not even fulfill their pledges. The panel should consider recommending establishment of an assessment system for costs of post-conflict political and social reconstruction.

³ In the separate context of humanitarian action, the importance of such information is the central point of another Stanley Foundation project and report focusing on the UN specialized agencies, entitled *The UN on the Ground*.

Recommendations

Recommendations the panel might consider are:

- Clarify the nature of the international obligation to act by offering perspectives on the tensions between sovereignty and the rescue of populations at severe risk. The panel can provide leadership in responding to the issues raised in the Evans-Sahnoun *Responsibility to Protect* report and thereby move the debate toward a consensus on the operative norms.
- Clarify the relationship between the United Nations and the world's regional and subregional organizations on these issues and encourage the strengthening of regional capability to carry out peace operations. The panel can set objectives and standards for regional groups, including goals for the number of deployable units (at least battalion level) that are trained, equipped, and designated for future interventions.
- Stress the importance of better ground-level information both for field commanders and for the diplomats who draw up their mandates.
- Call for increased stockpiles of the critical supplies and equipment for such operations. The panel should build on the progress achieved after the Brahimi Report in stocking the UN Logistics Base at Brindisi, Italy. An additional UN base and perhaps regional organization bases should be considered.
- Encourage the industrialized powers to contribute to peacekeeping missions based on their comparative advantage, particularly in the areas of transport, communications, and establishing an effective command element.
- Highlight the importance of addressing the devastating effects of HIV/AIDS on peacekeeping and on the militaries from which peacekeepers are drawn.
- Support the creation of a post-conflict budget in order to consolidate the peace once peacekeepers depart.
- Make state failure and international criminal and terrorist networks a central focus of the panel's agenda, thereby addressing the key factors in the flaring of conflict and humanitarian crisis.

Conclusion

The proper test for the world community's response to potential humanitarian crises is whether it would act more decisively if another bloodletting, such as the Rwandan genocide, were to break out. This hinges on a combination of international norms, political will, and military capacity—all issues on which the high-level panel can offer critical leadership. Military intervention for humanitarian purposes was the subject of intense debate in the late 1990s and early 2000s, but attention has receded. The panel can refocus attention on these issues and help clear the way for a better response to future tragedies.

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United Nations Foundation

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