

# Is Intervention a Useful Tool to Stop Humanitarian Crises?

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### Introduction

Humanitarian intervention creates a conundrum within the field of human rights. Complications arise with humanitarian intervention in several scenarios. While a state or group of states may cite moral obligation as the criterion for humanitarian intervention, the process of militarily intervening within another sovereign state is a violation of a state's right to self-determination, a violation of the United Nations (UN) Charter (United Nations, 1945). If states choose not to intervene in a humanitarian crisis there is the risk that human rights violations, war crimes, ethnic cleansing, genocide, and crimes against humanity will persist. There is also the notion that humanitarian intervention changes the way sovereignty is defined; from sovereignty as indivisible to sovereignty as contingent on protecting civilian populations, upholding human rights, and fulfilling internal and external fundamental obligations of human rights (Haass, 2007). Perhaps the most important concern, and the focus of this paper, is that humanitarian intervention can be easily misused by intervening states. Because of these complications, there is a lack of consensus and a degree of exaggeration between critics and advocates of intervention. This creates tension between the two positions both with differing perspectives on what the norm is for use of intervention and conduct of forces in humanitarian intervention, and what the norm ought to be (Bellamy, 2012).

While critics of humanitarian intervention would pivot to misuse as a reason not to intervene in humanitarian crises, failure to intervene in Rwanda, East Timor, Congo, and Darfur saw human loss on a substantial scale (Bellamy, 2012). However, the purpose of this essay is not to create a false dichotomy between humanitarian crises and whether or not humanitarian intervention would have worked in stopping them, but to argue against the normative framework amongst critics of humanitarian intervention that intervention is coupled with a high rate of misuse. I disagree with the notion that humanitarian intervention is easily misused. While the argument that humanitarian intervention with the use of military force *can* be easily misused, this is not the norm. Humanitarian intervention is a crucial tool in stopping humanitarian crises and protecting the welfare of civilian populations caught therein. The argument in favour of humanitarian intervention will be made through the analysis of literature on the subject of humanitarian intervention and analysis of two cases: the 1992 Unified Task Force (UNITAF) in Somalia and Operation Provide Comfort in 1991.

### Terminology

Humanitarian intervention for the purposes of this paper will be defined 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, without the permission of the state within whose territory force is applied." (Holzgrefe & Keohane, 2003)

This is not to exclude methods of humanitarian intervention such as sanctions or statecraft as a means to stop humanitarian crises; however the focus of this essay is to argue against the misapplication of military force in support of humanitarian intervention.

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## *Sovereignty*

As mentioned in the introduction, humanitarian intervention adds complexity to the concept of sovereignty. Notable diplomats and scholars such as Secretary-General Ban Ki-moon, US Ambassador Richard N. Haass and Dr. Richard Falk have all written on changing the notion of unconditional sovereignty to a definition with more contemporary relevance and a more complex conceptual framework for modern international affairs. Falk views sovereignty as negative, to be sovereign state is to be a state that has a prerogative to resist interference, encroachment, and claims from other states. Falk calls this type of sovereignty the “right to say no” (Falk, 2007). Falk’s suggestion is to move towards a model of responsible sovereignty in which state sovereignty hinges on state adherence to minimum humanitarian norms and state protection of citizens from threats to individual security (Falk, 2007). Haass states that modern sovereignty is qualified and can be forfeited when a state fails to safeguard civilian population fundamental rights, pursue criminal behaviour, or threaten global security (Haass, 2007). Falk and Haass’ redefining of sovereignty relate back to Ban Ki-moon’s report on the Responsibility to Protect (R2P) in which sovereignty is reinforced and viewed as “sovereignty as responsibility”, the responsibility of states to protect civilians from genocide, war crimes, ethnic cleansing, and crimes against humanity (ICRtoP, 2009).

Falk, Haass, and Ki-moon each view sovereignty in the 21<sup>st</sup> century as a concept in which states must uphold a minimum humanitarian standard for citizens. This notion is realized in the R2P, a document that sees humanitarian intervention as not only a tool to stop humanitarian crises but a responsibility in exigent circumstances.

## **Humanitarian Intervention: Guiding Intervention and Success Conditions**

### *R2P*

Presently the R2P operates as a framework for guiding humanitarian intervention, the purpose being to resolve the impasse of sovereignty versus protecting human rights (Bellamy, 2012). R2P achieves this by focusing on protecting the welfare of civilian populations, and outlining the responsibilities of intervening actors (Bellamy, 2012). The R2P does not call for immediate intervention (ICRtoP, 2009), however the principles of intervention state that it should only be used as a last resort. Instead R2P states that actors must do what is “appropriate and necessary” to “ensure an early and flexible response” (ICRtoP, 2009).

### *Guiding Intervention*

R2P’s humanitarian intervention option is outlined within *The Responsibility to React* and is guided by four principles: interveners must have right intention; intervention must be the last resort; intervention must be done through proportional means; and there must be reasonable prospects for success (Kerr, 2012). Furthermore, the International Commission on Intervention and State Sovereignty (ICISS) emphasizes the role of the United Nations Security Council (UNSC) in order to ease concerns with regards to state sovereignty.

### *Success Conditions*

While mainstream debate and discussion with regards to the success of humanitarian intervention is left to foreign policy pundits and writers there are objective markers to gauge the successfulness of humanitarian intervention. The Oxford Research Group argues that interventions cannot be deemed successful if, although they achieve the political or other goals of the intervening nations, the security of the people on the ground is not enhanced (Kerr, 2012).

### *Opportunity for Misuse*

Humanitarian intervention is guided by the unanimously supported international initiative, the R2P. The goal of this was to improve human security of civilians caught in the midst of civil conflict and to have a military option for decisive action if necessary. This intervention is guided by the ICISS under *The Responsibility to React*, giving firm guidelines to intervening states. Pursuant to ICISS emphasis, states are also encouraged to gain clearance from the UNSC to add another layer of legitimacy to intervention. The Oxford Research Group also provides a useful

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instrument in determining whether or not humanitarian intervention is a success; if greater civilian security on the ground is not achieved, humanitarian intervention is a failure. Given the prescribed guidelines through a unanimously supported document I find that misuse of humanitarian intervention would not only be difficult given immense international scrutiny (vis-à-vis the US in Iraq) but cases of misuse not the norm in humanitarian intervention. It is important to remember that humanitarian intervention is not to impose the will of intervening states (the few) upon civilians in states caught in humanitarian crises (the many), but to protect and enforce the collective will of international society (Bellamy, 2012). This is better illustrated in the cases of UNITAF and Operation Provide Comfort.

## Humanitarian Intervention in Somalia: UNITAF

### *Background: Pre-UNITAF*

The UN's deployment in Somalia was a response to the humanitarian crisis brought about by the Somali Civil War. The crisis saw intense armed conflict in the Somali capital of Mogadishu, a power vacuum created by the absence of central government, the secession of northern areas of Somalia into the independent Somaliland, inter-factional warfare between warlords, militant groups and clans, approximately 4.5 million people affected by starvation, malnutrition and disease, 300,000 deaths between 1991 and 1992, approximately 2 million violently displaced persons, and roughly 60% of Somalia's infrastructure destroyed (United Nations, 1997). Initially this crisis was addressed by the United Nations Mission in Somalia (UNOSOM I), however UNOSOM I was met with strategic difficulties causing its withdrawal. Warlords in Mogadishu threatened to engage UNOSOM personnel, these threats were actualized when peacekeepers were fired upon, their bases shelled, convoys looted, and vehicles hijacked due to the lack of law and order within Somalia (United Nations, 1997).

### *UNITAF: Response and Results*

UNITAF was a response to the failure and withdrawal of UNOSOM I. UNITAF became the product of UNSC Resolution 794 which authorized its creation due to the scale of human tragedy and the obstacles that prevented UNOSOM I's success (Sarooshi, 2000). UNITAF's role was largely shaped by former Secretary-General Boutros Boutros-Ghali who granted UNITAF a large degree of latitude giving UNITAF the mandate of increasing ground security for the delivery of humanitarian aid through the use of "all necessary means" (United Nations, 1997). UNSC Resolution 794 was unanimously adopted by UNSC members. The results of UNITAF are best summarized by Boutros-Ghali who attributes UNITAF to the improvement of human security on the ground creating a positive impact on the delivery of humanitarian assistance (United Nations, 1997). Clarke and Herbst of Foreign Affairs attributed UNITAF to saving approximately 100,000 lives in Mogadishu and its surrounding areas (1996).

## Humanitarian Intervention in Iraq: Operation Provide Comfort I (OPC)

### *Background: Pre-OPC*

Prior to the establishment of OPC was the 1991 uprisings in Iraq. Within northern Iraq (Iraqi Kurdistan) rebellions were being led by the Kurdistan Democratic Party (KDP), Patriotic Union of Kurdistan (PUK), and the Islamic Movement of Kurdistan (IMK) (Gleditsch, Cunningham, & Salehyan, 2012) in a push to oust Ba'ath party officials and loyalists from northern Iraq. Ba'athists met this rebellion with severe retaliation in order to retake territories in northern Iraq contested by the KDP, PUK, and IMK (Human Rights Watch, 1992). Ba'athists used artillery strikes and helicopter gunships indiscriminately and asymmetrically against not only KDP, PUK, and IMK rebels but Kurdish civilians within the region (Gleditsch, Cunningham, & Salehyan, 2012). The suppression of this rebellion by the Ba'ath party left approximately 1.5 million Kurdish civilians displaced into northern frontier areas and marshes (Peterson, 2002). The death toll of Iraqi and Kurdish civilians is still an anomaly with Human Rights Watch estimating 60,000 or more dead as a result of the 1991 uprisings in northern Iraq (Human Rights Watch, 1992).

### *OPC I: Response and Results*

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OPC was created as a response to the 1991 uprisings with the mandate to defend fleeing Kurds and provide humanitarian assistance on the ground (Rudd, 2004). OPC was created through UNSC Resolution 688 which condemned the repression and human rights violations against the Kurds perpetrated by Iraq, and gave the international community a great degree of freedom to provide humanitarian assistance to those in need within northern Iraq (United Nations, 1991). To achieve increased ground security for Kurds the US, British, and French established and enforced a No-Fly Zone north of the 36<sup>th</sup> parallel to ensure fleeing Kurds would not be shot at by Ba'ath gunships (Rudd, 2004). Humanitarian aid came from multiple states involved in OPC. The US established refugee camps within northern Iraq through the Civil Affairs Battalion, the Civil Engineering Squadron establishing a multi-national refugee camp for displaced Kurds in Turkey, and the US Naval Mobile Construction battalion provided water well construction within northern Iraq and infrastructure repair (Rudd, 2004). Additionally the Australian Defence Force (ADF) provided large amounts of medical support. Poor living conditions and sanitation led to many civilians suffering from an array of acute and chronic health conditions, the ADF stated that over 80% of patients treated during OPC were pediatric, and that a large amount of injuries were shrapnel related from unexploded ordinance and Ba'ath landmines (Little & Hodge, 1991). OPC was a multi-national success with the No-Fly Zone preventing attacks from Ba'ath aircraft and allowing humanitarian aid to occur on the ground. This along with the combined humanitarian efforts of American, Australian, French, Dutch, and Turkish militaries led to the improvement of not only human security of Kurds but as well as quality of life. Hodge & Little argues that after OPC the quality of life for Kurds was raised and life within Iraqi Kurdistan began to return to normal.

## Final Thoughts

The intent of this report was to argue in favour of humanitarian intervention, maintaining the stance that it is not likely to be misused and that it is useful in stopping humanitarian crises and protecting the welfare of civilians therein. Humanitarian intervention in the 21<sup>st</sup> operates within guidelines rooted in unanimously supported international documents and international law through the R2P. As noted earlier, academics in the field of humanitarian intervention also provide specific conditions for what is to be considered successful humanitarian intervention. In the cases provided I have demonstrated that humanitarian intervention has not only been successful in improving civilian security in dire circumstances but humanitarian intervention has not been misused by intervening states. While still a crucial component of world order sovereignty has changed in order to improve civilian human security. States must adhere to minimal standards of human rights and cannot act with impunity towards citizens without considering decisive response by the international society of states.

R. J. Rummel states that in the twentieth century approximately 40 million people were killed in interstate warfare, whilst 170 million people were killed by their own governments (Bellamy, 2012). In the 21<sup>st</sup> century we have multinational humanitarian intervention to prevent human loss by state governments; we have documents such as the R2P to guide humanitarian intervention, and international observers and academics to judge the success, failure, or misuse of humanitarian intervention by intervening states. While there will always be a risk of humanitarian intervention being misused, this is not the norm over the course of history as demonstrated throughout this paper. With new guidelines like the R2P, humanitarian intervention can be regulated now more than ever before, leading to guided intervention and even less opportunities for misuse.

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