Why "Humanitarian Intervention" in Libya is not Humanitarian

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MICHAEL AARONSON, APR 14 2011

Why does my heart sink when I hear the current UN-mandated action in Libya described as "humanitarian intervention"? After all, over the last 20 years the term has acquired currency — not only among Western politicians but also academics — as a description of coercive, usually military, intervention ostensibly for humanitarian purposes.

When I was a relief worker in the Nigerian Civil War over 40 years ago, there was, if anything, too little "humanitarian intervention". Instead both local and international state actors put the pursuit of political self interest ahead of the obligation to alleviate human suffering and failed to undertake any meaningful intervention to save lives. As a result, several hundreds of thousands of ordinary people died unnecessarily of starvation and sickness while politicians wrung their hands.

By the 1980s the problem was somewhat different. Particularly after the mushrooming of the aid industry following the spectacular Horn of Africa food crises in the 1980s, humanitarian action carried out by aid agencies was welcomed by western politicians as a proxy for effective political action to end long-running internal conflicts. In this sense the aid agencies were a victim of their own success, and politicians were let off the hook. Thus the international response to the widespread human suffering in the civil wars in Ethiopia and South Sudan was to support cross-border relief operations carried out by the agencies rather than to engage in concerted diplomatic peace initiatives — the world had other things on its mind.

But since the end of the Cold War "humanitarian intervention" has acquired a different meaning, initially in northern Iraq in 1991 and subsequently in places such as Somalia (1993), Kosovo (1999), and Sierra Leone (2000). In all these cases a decision was taken to deploy international troops to protect the lives of ordinary people either from their own governments or from rebel groups where governments had failed. Although at one level this was clearly a welcome development, some aspects of it were observed with concern by those of us who believe that the concept of neutral, independent, humanitarian action first articulated by Henry Dunant – the founder of the Red Cross movement – is threatened by a more muscular interventionism flying a "humanitarian" flag.

Let us be clear: a humanitarian act is one carried out for altruistic reasons; the term describes a specific intention translated into an act consistent with that intention, and any claim that an act has been a humanitarian one must be judged accordingly. The over-used phrase "humanitarian crisis" is actually meaningless, but if it means anything it is a crisis that creates an obligation on others to respond on grounds of shared humanity alone.

Where consent is given, for example by both parties to an armed conflict, this is relatively straightforward, although a good "humanitarian" often has to be a good talker in order to overcome suspicions and negotiate access to people in need of assistance or protection. The Law of Armed Conflict, otherwise known as international humanitarian law (IHL), is a hard-won body of international law that underpins this endeavour. It provides for humane treatment of both military and civilians involved in armed conflict, including the right of access to those in need on both sides of the fighting.

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The problem arises when one or more parties to the conflict denies access to affected populations or itself commits atrocities against them. If a decision is taken to use force in response to this, a number of difficulties arise. First, there may be collateral damage (almost inevitable where the means chosen is aerial bombardment, as happened in Kosovo and has also been seen in Libya). Second, such decisions invariably involve considerations other than purely humanitarian ones (whether there are reasonable prospects of success, not to mention whether it is in the national interest to intervene) so the intention is less clear-cut and the action open to other interpretations. As a result the interveners may end up forfeiting their neutrality, which limits their ability to be effective on behalf of victims and gives humanitarianism a bad name.

From this perspective, it is better to conceptualise this form of intervention as a just war rather than a humanitarian intervention. Unfortunately the UN Charter does not easily allow this, which explains the mental gymnastics around "humanitarian intervention" and the more recent formulation of the "Responsibility to Protect". Although the latter's supporters claim — justifiably in this writer's view — that it is a great advance on what came before, the debate about whether it is essentially an ethical prescription or has legal force continues to rumble on and is likely to do so for the foreseeable future. It certainly does not provide any easy answers to what should be done in particular situations.

However, from a purely humanitarian perspective this debate is academic. What matters is that there should be unrestricted access to victims of man-made and natural disasters, and that all aspects of IHL should be respected by all parties. Put differently, it matters that organisations such as the International Committee of the Red Cross (ICRC), the custodians of IHL, should be enabled to carry out their mission in a neutral, independent, impartial way.

How does all this relate to the current situation in Libya? In short, although the main justification for the intervention has been humanitarian necessity, the label of "humanitarian intervention" is inappropriate. Political leaders from Barack Obama to the Organisation of the Islamic Conference (OIC) have at various stages characterised the situation in Libya as a potential "humanitarian catastrophe", although this is not the language of UN Security Council Resolutions (UNSCR) 1970 and 1973, which instead talk of stopping violations of human rights and of IHL, and warn of possible crimes against humanity. But in reality, by insisting on Gaddafi's departure the coalition has taken sides in a conflict; neutrality has been abandoned in favour of a specific political objective. This is not necessarily a bad thing, but it is a different thing, and it does call into question the avowed "humanitarian" purpose of the intervention.

It is instructive to apply the traditional Just War criteria – right authority, just cause, right intention, last resort, proportional means, and reasonable prospects of success – to this situation. On two of them — just cause and right authority — most people might agree they have been satisfied; the passing of the two UNSCRs on the basis of Gaddafi's blood-curdling threats to his opponents make this relatively uncontroversial. On two others — right intention and proportional means — the answer might be more nuanced; is ejecting Gaddafi really a good idea, and can the bombing campaign really be described as enforcing a "no-fly zone"? On the final two — last resort and reasonable prospects of success, many would argue they have not been met; was any serious attempt made to mediate between Gaddafi and his enemies before the bombing started, and was the coalition guilty of thinking it would all be over in a matter of days or weeks? So, even in Just War terms, this is a problematic intervention, which makes it even harder to characterise it as "humanitarian".

Meanwhile, "humanitarian intervention" is taking place in Libya. With the support of both the authorities in Tripoli and the National Transitional Council in Benghazi it is being carried out by the ICRC in conjunction with the Libyan Red Crescent, who are: providing emergency food, water, and shelter for civilians affected by the fighting; treating the war wounded; maintaining access to prisoners on both sides. Other organisations such as Save the Children, who have a less formal mandate than the ICRC, are also carrying out humanitarian work. This is given less profile than the military campaign but it is where the truly humanitarian action lies.

So, are we in a reverse situation to that in the 1980s described above? Then, politicians were happy for aid agencies to provide humanitarian assistance, because it relieved them of the responsibility to intervene politically. Now, a new willingness to engage in politico/military intervention may make it harder to undertake meaningful humanitarian action, freely accepted by all parties. This is as mistaken a policy as was its predecessor and no amount of false labelling of the military intervention as "humanitarian" can alleviate this.

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Professor Sir Michael Aaronson was Director General (chief executive) of Save the Children UK from 1995-2005, and from 1988-1995 was the charity's Overseas Director. He first joined Save the Children in 1969, spending two years as a relief worker in Nigeria after reading philosophy and psychology at St John's College, Oxford. Between 1972 and 1988 he held various posts in the UK Diplomatic Service, serving in London, Paris, Lagos, and Rangoon. He is a founder member, and from 2001-2008 was Chair of the Board, of the Centre for Humanitarian Dialogue, a Geneva-based private foundation working to improve the international response to conflict, in particular through independent mediation. Since January 2004 he has been a Visiting Fellow of Nuffield College, Oxford. In September 2008 he was appointed an Honorary Visiting Professor and in May 2011 a Professorial Research Fellow in the Department of Politics at the University of Surrey, where he is also Co-Director of cii – the Centre for International Intervention. He is a Senior Adviser to NATO, working on the political/military aspects of NATO transformation, and is an occasional lecturer at the UK Defence Academy on civil/military collaboration in conflict situations.