

# Legitimising Force: The Moral and Legal Ramifications of Humanitarian Intervention

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## Legitimising Force: The Moral and Legal Ramifications of Humanitarian Intervention

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### Introduction

The threat or use of military intervention as a response to genocide, war crimes, ethnic cleansing, and crimes against humanity, has emerged as a strategy for conflict resolution in the post-Cold War world. Ian Clark describes humanitarian intervention as the most visible manifestation of the liberal rights order which persisted after the Cold War. That is to say, the international system in the early 1990s saw an increase in the regulation of state behaviour, with an emphasis on human rights and the preservation of peace and security. This reordering of international relations, with the prevalence of liberalism, generated a new interpretation of just-war theory that validated the use of force for the protection of human lives.[1]

This paper aims to outline the evolution of the debate surrounding humanitarian intervention since the end of the Cold War, addressing theoretical principles alongside actual examples to assess how the international community has attempted to build and normalise a framework to deal with humanitarian crises. To do this it is important to use academic texts and journals to frame the key issues, reinforcing the arguments developed by critically analysing primary sources. In this case, the primary sources to be used include United Nations General Assembly and Security Council resolutions, as well as reports by the International Commission on Intervention and State Sovereignty (ICISS), and publications by the United Nations (UN).

With this in mind, chapter one provides an introduction to humanitarian intervention and the issues regarding the legitimacy and justification of using military force to preserve international stability and safeguard human rights. By identifying contradictions within both the legal framework and the moral perspective, it becomes possible to understand the difficulty in reaching a consensus on intervention, and the limitations of international and intergovernmental organisations, allowing us to carry out a balanced evaluation of the debate. After establishing a background to some of the main points of view, both for and against the use of force, we will be able to apply them to past examples and observe how the perception of humanitarian intervention has evolved over the last two decades.

Using the theoretical context provided in the first chapter and applying it to two cases from the 1990s, chapter two explores the practical aspects of humanitarian intervention, focusing specifically on the US-UN mission in Somalia, and North Atlantic Treaty Organisation's (NATO) military action in Kosovo at the end of the decade. Observing these two examples as turning points in the discussion around Western responsibility, Chandler asserts that it is impossible to understand the current principles and norms without first recognising the shift in the framework of international regulation and intervention since the end of the Cold War 1990s.[2] This chapter, then, begins a necessary examination of both crises and critically compares them in order to demonstrate the moral implications of military action, together with the issues surrounding legitimacy, sovereignty, and Security Council authorisation.

Chapter three aims to bring this study in line with the current norms and practices of humanitarian intervention in the twenty-first century. By looking specifically at the 'responsibility to protect' doctrine, now enshrined in a legal framework as identified by Security Council Resolution 1674 of 2006 and the UN Secretary-General's report of 2009, it will be possible to analyse the continuing debate in the twenty-first century surrounding the legitimacy and effective

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implementation of intervention. This chapter will consider the ICISS report of 2001 as a direct response to the 1990s, and the need to develop an agreed model for intervention, assessing the extent to which this has been achieved through the subsequent adoption of the principles.

Ultimately, this paper will attempt to balance theory with practice and arrive at the conclusion that, despite the efforts of the international community, there are still obstacles to dealing with humanitarian emergencies in the twenty-first century, and that the success or failure to protect human lives is contingent on the need to solidify a unanimous consensus on intervention among members of the United Nations. The study of humanitarian intervention is a pertinent venture today since, in a globalised context where a conflict rarely remains isolated and technological advancement allows the world to witness and scrutinise the actions of states, the question of a common humanity and our duty to maintain international peace and security is at the forefront of International Relations

## **Chapter One: Introducing the Humanitarian Intervention Debate**

Any discussion on the matter of humanitarian intervention, as a contemporary solution to internal conflict within a state's borders, must begin by outlining the core principles and objectives of such action. By charting the progress of these principles, in becoming an established and legitimate method for conflict resolution, it is then possible to appreciate its role in twenty-first century world politics. This chapter, therefore, sets out to frame the issue of humanitarian intervention against the backdrop of the ethical and moral implications which arise when an external actor, or set of actors, become involved in a state's domestic affairs.

To ensure a rounded approach is taken when tackling the issue, it is pertinent to explore the subject within the dynamic of the legal framework that has been developed since the end of the Cold War, reviewing efforts that have been made to legitimise contemporary interventionism.[3] Undertaking this research will then naturally lead into an examination of case studies from the 1990s, followed by a summary of developments over the last decade that have cemented the idea of humanitarianism into the international agenda.

If we recognise humanitarian intervention in its most basic form to be the use of unsolicited force to resolve humanitarian crises within a state, as opposed to humanitarian assistance in the form of aid packages[4], it is clear that it "poses a hard test for an international society built on principles of sovereignty, non-intervention and the use of force." [5] Challenges remain since intergovernmental organisations such as the United Nations (UN) are limited in their capacity to defend human rights whilst acting within the boundaries of international law. These ideas are, perhaps, best encapsulated by Alex J. Bellamy whose introduction to the topic reveals some of the dilemmas inherent in the very concept:

When states kill large numbers of their own population or prove incapable of protecting them from other groups intent on doing them harm, the question of humanitarian intervention arises. Because states very rarely consent in such cases to the deployment of peacekeepers, and because the UN Security Council remains reluctant to authorise armed intervention into fully functioning states without the consent of the government, the protection of populations from mass killing may sometimes require intervention without either host state consent or Security Council authority.[6]

Bellamy establishes one of the fundamental notions behind humanitarian intervention, that is to say, protecting civilians from violence inflicted by their own states or, that state's inability to uphold the rule of law and protect its civilians from bloodshed or poverty. The legal paradox is also identified here, with the UN in place to protect human lives, and yet bound within the confines of international law, which has led to examples of states or alliances acting outside of UN authorisation such as the NATO intervention in Kosovo 1999 which will be examined in greater detail in chapter two.

Taking a closer look at the international legal framework, with its ambiguous and sometimes contradictory precepts, allows us to gain a more precise understanding of why no agreement has yet been made for a defined approach to humanitarian intervention. Overlooking the obvious fact that no two crises are the same, which prevents a delineated and structured methodology, international law has often been the foundation of anti-intervention arguments. From a

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pre-9/11 perspective, the legitimacy of the use of force took centre stage in debates around humanitarian interventions ensuing in the post-Cold War international order.[7] In order to corroborate Grotius' *Jus ad Bellum* Just War tradition, and the legitimate right to go to war for the protection of human lives, or indeed to refute them, the wording of the UN Charter has often been manipulated and re-interpreted to suit the cause of the proponent.[8]

The founding principles of the UN are written into the Charter, which came into force on 24<sup>th</sup> October 1945, and serve to prevent outside interference in a state's affairs. Although these were written with the direct hindsight of World War Two and were aimed at preventing the invasion of a sovereign, independent state, the actions prohibited under it are directly akin to the methods of humanitarian intervention. Article 2 (7) of the Charter states:

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII." [9]

Contradictions inherent within the Charter arise in Chapter VII, which limits the domestic jurisdiction clause, by authorising the Security Council to take action against a state that carries out a "threat [or] breach of the peace [which poses a risk to] international peace and security." [10] The Security Council is, therefore, given the power to decide on appropriate measures required to maintain international stability and it must be recognised that the UN Charter was written with a focus on interstate conflict and collective security.[11]

The end of the Cold War saw an apparent shift in the scope of international law, and it became clear that there needed to be developments to address the fragmentation of states and, in particular, ethnic conflict.[12] The General Assembly Resolution 46/182 in 1991 aimed to tackle the issue of sovereignty in humanitarian crises and allow affected states to request UN assistance in their domestic matters. However, ambiguous wording in the resolution has been manipulated and used as justification for later interventions without consent of the host state, using phrases such as "should" and "in principle" to allow for freedom of interpretation:

"The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country". [13]

The notion of sovereignty is an important concept and it is often the counterbalance against the human rights argument for intervention.[14] Sovereignty, as we have seen, is heavily guarded by the founding Charter of the UN, and yet proponents of both 'for' and 'against' opinions would use it to represent their case. If we consider that sovereignty...

"means accountability to two separate constituencies: internally to one's own population and internationally to the community of responsible states in the form of compliance with human rights and humanitarian agreements" [15]

...then it follows that sovereignty, and thus legitimacy, is not unconditional. Rather, it is provisionally granted dependent on a responsibility to comply with the UN General Assembly's Universal Declaration of Human Rights (1948)[16] whilst abiding by international norms and treaties.

Through understanding sovereignty as a responsibility, it can be suggested that, in the case of failed states, "they do not protect their citizens from violence," and thus commit to "the principle of self-exemption from the laws of war." [17] This idea will be explored in the second chapter through a direct evaluation of the US-led UN intervention in Somalia (1992-3), which can be used as an example of how sovereignty and human rights cannot be mutually exclusive,[18] and how a state might undermine its own legitimacy by its failure to uphold the civil liberties of its population.

Looking at the restrictionists' argument, which uses the legal framework of the UN Charter to argue against humanitarian intervention, Wheeler asserts that, in this view, the Security Council "cannot authorize military intervention on humanitarian grounds alone." [19] That is to say, the restrictionists would argue that unless there has

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been a specific breach of international peace and security, intervention for humanitarian reasons cannot be legitimised using the constructs of the UN Charter.

Subscribing to a similar view, academics from the realist school of thought have presented arguments against intervention basing their rationale on hidden motives and national interest under the guise of humanitarianism:[20]

“In the absence of an impartial mechanism for deciding when humanitarian intervention is permissible, states might espouse humanitarian motives as a pretext to cover the pursuit of national self-interest.”[21]

Exploring these issues further, Haas identifies that the absence of a universal agreement for acceptable conditions for intervention “enables states to claim the moral high-ground as they engage in naked conquest under a humanitarian fig leaf for the sake of geopolitical ‘regime change’.”[22]

Wheeler’s own ‘solidarist’ arguments surrounding the legitimacy of humanitarian intervention are particularly insightful since they allow a case-by-case analysis to determine whether the humanitarian motives were justifiable criteria for the use of military force. Deriving his rationale from the Just War tradition, Wheeler states that, to vindicate violent action, there must be:

“a supreme humanitarian emergency, [...] the use of force must be a last resort, [...] it must meet the requirement of proportionality, and, finally, there must be a high probability that the use of force will achieve a positive humanitarian outcome.”[23]

Wheeler’s criteria allow for intervention to be justified in the case of genocide, state breakdown and, perhaps controversially, as a pre-emptive preventative measure in the case of impending massacre, such as in Kosovo.[24]

It is clearly imperative to explore the humanitarian motives for intervention, looking at ethical and moral aspects which are used as a primary defence for military action. Before looking at the lobby that uses examples of the abuse of human rights to present the case in favour of intervention, we can further bolster the anti-intervention stance by highlighting the paradox of halting bloodshed, or re-instating the rule of law, by carrying out military action at the cost of even more human life. Proponents of non-intervention would argue that, on these grounds, the means of military intervention are highly problematic since a humanitarian cause “has to be focused on the protection of civilians and cannot kill the very people it is supposed to protect.”[25]

Moral justification of intervention tends to adopt a post-Cold War liberal worldview which took an almost hegemonic position as a reflection of American power.[26] Describing these beliefs as being integrated into the international order at the start of the 1990s, Clark notes that “rights belong to humans as individuals, and this has always been the predominant Western conceptualization of them.”[27] Clark is, however, careful to mention that in the liberal international order, the main connection between policies of humanitarian intervention and self-determination is made through democratisation, with the assumption that this would promote peace in a wider region.[28]

Following this outline, we can highlight the frequent claim that the idea of a common humanity supersedes any legal claim of a state’s sovereignty since, in an interdependent and globalised world, we have a universal moral obligation to protect human life and no human rights violation on a massive scale can remain isolated.[29] This argument has been made by several political leaders, with perhaps the most notable example being British Prime Minister Tony Blair and his endorsement of an ‘international community’ following the NATO intervention in Kosovo in 1999.[30] Formulating a case for permissible and proportional humanitarian intervention, Tesón makes the moral assumption that, since we grant human rights to each individual,

“depending on the circumstances [we have] the obligation to *rescue* victims of tyranny or anarchy, if we can do so at reasonable cost to ourselves.”[31]

To further reinforce the case for intervention, it can be asserted that, by being a member of the international community, states are obliged to behave according to international customs and norms. In this perspective, it is

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contended that “humanitarian intervention is not about imposing the will of a few upon the many, but about protecting and enforcing the collective will of international society.”[32] Whilst this differs from the idea that there is a universal duty to protect human rights, it still maintains that there is a customary right of humanitarian intervention in cases of genocide and grave humanitarian crises, agreed upon by international actors. Following in this line of thought, and tying in with the notion of sovereignty, it can be claimed that territorial boundaries essentially lose significance “once a state ceases to maintain political authority or have a monopoly on violence,”[33] which makes the situation a concern for the international community and justifies their right to intervene.

Expanding upon previously mentioned objections to humanitarian intervention, the case goes beyond the restrictionist view of the legal framework. Not only are there grounds to contend that states intervene primarily for national interest, in addition to the liberal perspective opening up avenues for abuse, but in the absence of an impartial mechanism, the issue of selectivity arises.[34] Selectivity of response can be most easily highlighted through the question: at what level of atrocity does it become justifiable, or even imperative, to intervene? For instance, the failure to respond to the Rwandan genocide in 1994 has been described as “the lowest point in the UN’s post-Cold War history.”[35] Without a defined mechanism, how can one intervention be driven by humanitarian concerns if another catastrophe is completely ignored?[36]

The pluralist school of thought responds directly to the moral case made by liberal interventionists and solidarists. Not only do they reject the idea that a collective intervention can be made on the impartial need to uphold international order, but “they would also reject any suggestion that it could be justified merely in defence of a common humanity, or by reference to an organic theory of society under which a surgical intervention might be deemed necessary to cut out a cancerous growth before it spread.”[37] This disagreement over moral principles and, indeed, the nature of the international order is characteristic of the struggle to find agreement on a structured ethical process in determining legitimate grounds for intervention.

If humanitarian intervention is truly concerned with human life and the ability of a state and population to uphold their rights to self-determination, then it is clear that the mission must go beyond military occupation and focus on re-integration, rebuilding, and transformation of a post-intervention state, into a self-sufficient, stable democracy. Advocates of the sceptical view of humanitarian intervention often focus on the limitations of military power to achieve these objectives, as well as the lack of international coordination, in most cases, which is necessary to ensure continued peace and stability.[38]

To conclude this background to the humanitarian intervention debate, it can be mentioned that, especially in the fallout of the Cold War and the increase in UN interventionism throughout the 1990s, many complexities and opinions on the issues have developed. With no international consensus on the nature of intervention in the legal context, difficulties remain in providing justification for both past and present operations. As we have seen, the legal framework allows both the non-interventionists and those advocating collective action to manipulate its terminology for their own purpose, and it becomes an issue of semantics which inevitably draws away from the humanitarian aspect of the action.

Commenting on Wheeler’s proposition of a solidarist framework for intervention, Clark states that:

“the crux of the matter is whether humanitarian intervention specifically, and the liberal rights order more generally, should be understood as an expression of such greater normative solidarism, or merely as the consolidation of Western power.”[39]

It is reasonable to conclude that if an intervention is truly upholding the greater human good, then it should be able to look beyond a Western ideal of liberal democracy and act without any predisposed position of regime change for national interest.

This chapter has aimed to highlight the key issues from both a legal and moral standpoint; however it now becomes vital to reinforce this background with specific case studies to illustrate the practical aspects of the debate, and how this has affected more recent developments of international norms. The next chapter, then, will bring the issue of UN

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Security Council authorisation to the fore, through which it becomes possible to evaluate more complex arguments which hinge on either the success or failure of an intervention. More specifically, the examples used will demonstrate the difficulty in assessing the correlation between legality and success, and aim to examine the moral dilemmas in each case. From this it will then be possible to recognise the deficiency of the existing laws and the tension created in the pre-9/11 period which has led to the need for reform[40] and the move towards the responsibility to protect principle in the twenty-first century.[41]

## Chapter Two: Theoretical Perspectives in Practice

Although it is necessary to gain a full awareness of the background issues surrounding humanitarian intervention, no study would be complete without a thorough analysis of relevant examples. Chapter one has presented an introduction to some of the arguments and views of the debate; however, these remain purely theoretical and circumstantial without the examination of actual cases. Reflecting on the material explored in the first section, this chapter aims to develop and elaborate on key aspects by providing a contextual analysis and critical comparison between two interventions in the 1990s, namely, the US-led intervention in Somalia and the NATO intervention in Kosovo. When evaluated in parallel, these two cases will inform the debate with substance and allow us to gain a more objective understanding of the issues.

To begin our exposition of intervention in the aftermath of the Cold War we can turn to the Somali example, around which debates have taken place regarding legitimacy, moral justification, and state failure. It is clear that since its independence in 1960 the Somali state and its involvement with the international community has been highly problematic.[42] Artificial border creation through western European colonialism, and the establishment of a British protectorate in northern Somalia, resulted in a north-south rift between differing models of nationalism and state identity.[43] Furthermore:

“The colonial legacy also exacerbated the self-induced Somali clan schisms. Further complicating an already complex social system, clan and sub-clan divisions do not associate with visibly distinct geographical boundaries but are territorially fungible.”[44]

In the decades following independence, regional conflict (namely the Ogaden War with Ethiopia) and armed insurgency against the regime of Mohammed Siad Barre led to the destruction of the Somali state and a growing humanitarian crisis.[45] By 1991 the government of Siad Barre fell to insurrection, and Somalia quickly disintegrated into a civil war polarised along sub-clan divisions, inundated with weapons from US and Soviet arms transfers.[46]

Between November 1991 and March 1992, the carnage, which had split the capital Mogadishu in two, left an estimated 14,000 people dead and 30,000 injured.[47] The conflict had ravaged agricultural and livestock production and, alongside increased piracy and looting of aid packages, the subsequent famine and drought had left 300,000 dead and 500,000 refugees by mid-March 1992.[48] With no Security Council action throughout 1991 in response to the deteriorating situation in Somalia, international criticism led to a series of UN resolutions and peacekeeping missions (UNOSOM I) to oversee the delivery of aid packages. The technicalities of these arrangements and the transformation from a peacekeeping mission to military intervention shall be looked at in further detail later in the chapter.

From a human rights perspective, support for intervention at this stage had grown to the point where it could not be ignored, and it was clear that global pressure was to become an influencing factor in future humanitarian missions:

“Television pictures of starving and dying Somalis had persuaded the outgoing Bush administration to launch a humanitarian rescue mission [Operation ‘Restore Hope’ alongside UNITAF], but once the US public saw dead Americans dragged through the streets of Mogadishu, the Clinton administration announced a timetable for withdrawal.”[49]

Describing what has become known as the ‘CNN Effect’, Wheeler and Bellamy portray the nature of media influence as a double-edged sword that can compel governments to act in humanitarian crises, but also to withdraw once

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public support is diminished.

Drawing a parallel with the 1999 NATO intervention in Kosovo, it can be emphasised that “in the months leading up to the bombing, CNN’s reporting was closely geared to NATO’s propaganda needs.”[50] Ignoring the lack of Security Council authorisation and the legal issues surrounding NATO’s threat of action, reporters focused solely on humanitarian objectives which helped bolster moral justification for military action. The use of media influence and bias in order to gain global consensus on the rationality of intervention demonstrates the powerful effect of both reporting and its influence on public opinion, which can be used to enflame calls for engagement. The CNN Effect can be seen to be a driving force in both Operation ‘Restore Hope’ in Somalia and Operation ‘Allied Force’ in Kosovo, and binds them together in the “tremendous upsurge in UN peacekeeping and enforcement activities”[51] which followed the end of the Cold War.[52]

Ensuing in full effect after a ceasefire had already been established, the legitimacy of NATO’s action without a UN Security Council (UNSC) mandate has been questioned from both a moral and legal position.[53] As a result, the examination of the intervention in Kosovo provides an important framework for discussion on the humanitarian intervention debate, and raises questions around the functionality and, indeed, capability, of the UN to enforce international norms and conventions.

The crisis in Kosovo emerged from the disintegration of Yugoslavia, and Serbian leader Slobodan Milošević’s continued violence and ethnic cleansing of Kosovar Albanians. Following the end of the Bosnian War, which had seen atrocious acts of genocide against Bosnian Croats in Milošević’s attempt to create a Greater Serbia,[54] the Dayton peace talks in 1995 attempted to reconcile relations in the Balkans. On 14<sup>th</sup> December 1995 the peace talks were drawn to a close with the General Framework Agreement for Peace in Bosnia and Herzegovina, known as the Dayton Agreement.

The Dayton Agreement set out to maintain the sovereignty of the Republic of Bosnia and Herzegovina, whilst also detailing the responsibilities of international institutions to preserve the peace.[55] Included in this was the continued operation of the International Criminal Tribunal for the former Yugoslavia (ICTY), which was responsible for:

“the indictment and prosecution of individuals suspected of violations of international criminal law, and especially genocide, war crimes and crimes against humanity.”[56]

However, Milošević’s evasion of the ICTY and his evident non-compliance with the Dayton Accords exacerbated the already tense relationship between the 90% Kosovar Albanian majority and the Serb minority in Kosovo, which saw escalated violence throughout 1996 and 1997.[57] With the increasing friction, in February 1998 Serbian forces initiated a campaign to crush the Kosovo Liberation Army (KLA) and its efforts to claim independence. By the March of 1999, “scores of Kosovar Albanian villages were destroyed and 200,000 to 300,000 people were forced from their homes.”[58]

Attempts to reach a solution were held in a series of negotiations at Rambouillet, but with no common agenda or consensus, the delegation was doomed to failure. Facing international humiliation at the failure of its preventative diplomacy, NATO began its aerial bombardment on the 24<sup>th</sup> March 1999, lasting 78 days and targeting Serb forces and military installations in Kosovo.[59] With no consensus in the UN Security Council to authorise the use of force and, therefore, no resolution or mandate to permit such action, NATO’s mission has proved to be problematic for the humanitarian intervention debate. Wheeler observes that:

“for the first time since the founding of the UN, a group of states explicitly justified their use of force against another state on humanitarian grounds in a context where there was no explicit Security Council authorization.”[60]

From a human rights perspective, the moral justifiability of the intervention has been defended as permissible, or even obligatory, by solidarist and cosmopolitan interpretations of the legal framework. Buchanan stresses that, in the case of Kosovo, the question becomes framed by a simple choice of precedence between conformity to law or vindication of basic moral values. That is to say:

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“NATO leaders and US State Department officials asserted that the situation in Kosovo was a dire moral emergency that justified acting without Security Council authorization [in which] basic moral values can trump the obligation to obey the law.”[61]

At the core of the humanitarian intervention debate, this dilemma has been partially responsible for stimulating discussion around reform and clarification of international law, and the move towards the responsibility to protect principle. This shall be discussed in greater detail in part three.

From a moral standpoint and a liberal solidarist view of intervention, then, it is clear that the crises in both Somalia and Kosovo presented a case for multilateral action. From a legal perspective, however, the US and UN intervention in Somalia in 1992-3 and the NATO bombing of Kosovo in 1999 were in stark contrast of one another, and can be used to highlight issues in legitimising and justifying the use of force.

The United Nations Operation in Somalia I (UNOSOM I), functioning from April 1992- March 1993,

“was established to monitor the ceasefire in Mogadishu and escort deliveries of humanitarian supplies to distribution centres in the city. [...] It later worked with the Unified Task Force [UNITAF] in the effort to establish a safe environment for the delivery of humanitarian assistance.”[62]

By using careful interpretation of Chapter VII of the UN Charter, the operation was able to deploy 3,500 peacekeepers under Security Council Resolution 775,[63] which was “the first time that the Security Council had authorized a Chapter VII intervention- without the consent of a sovereign government – for explicitly humanitarian reasons.”[64] Wheeler goes on to say that this move:

“represented a decisive shift from the previous strategy of negotiating with the armed militias, who were blocking humanitarian relief efforts. The door was now open to enforce the delivery of humanitarian aid by the threat or use of force.”[65]

With the fading hope of stabilising the situation and overseeing the delivery of humanitarian aid,[66] the operation evolved from a peacekeeping mission to an authorised military engagement. The Security Council invoked Chapter VII of the UN Charter, declaring in Resolution 794 that:

“the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security.”[67]

Resolution 794 of December 1992, therefore, has often been identified as the turning point in military intervention for humanitarian purposes, as it was the first time that the Security Council had authorised the use of force to deliver aid.[68] By making specific mention of ‘the wider threat to international stability’ the Security Council was able to legitimise force and simultaneously fulfil its legal obligations under the UN Charter.

As UNOSOM II took over from UNITAF and the previous peacekeeping mission in May 1993, as provided for by UNSC Resolution 814 of March 1993,[69] it went “beyond the initial US mission of famine relief to the disarmament of warring factions and the provision of law and order.”[70] This move, away from humanitarian relief, towards the long-term objectives of conflict resolution and reconstruction, has often been held largely responsible for the ultimate failure of the intervention. With the resolution allowing for a multinational force of 20,000 peacekeeping troops, 8,000 logistical support staff and 3,000 civilian personnel, under the prominent leadership of American Special Forces,[71] UN forces were tied into actual combat and attempts to seize General Aideed, a powerful Somali clan leader who had assumed a position of control after the overthrow of Siad Barre.

Perhaps the turning point in the intervention, and the move towards military withdrawal, was with The Battle of Mogadishu in October 1993. Two US Black Hawk helicopters were targeted and ultimately, the battle had cost eighteen American lives with a further seventy-four injured, whilst 500 Somalis had perished and 700 more wounded.[72] With US President Clinton’s announcement of military withdrawal the UNOSOM II, the coalition began



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to crumble and led to remarks from Kofi Annan (then UN Under-Secretary-General for peacekeeping operations) that “the most powerful and well-equipped military in the world had become the weakest link in peacekeeping.”[73] That is to say, the loss of American life combined with acute public pressure, attributed partially to the CNN Effect and the influence of broadcast media, resulted in US withdrawal and marked a legacy for future interventions.

One particularly striking example of the legacy of the failure in Somalia, and perhaps the most frequently cited, is the lack of political will to carry out an armed intervention in the 1994 genocide in Rwanda. The unwillingness of states to incur the costs and risks of another African humanitarian intervention posed a greater barrier to action than the Security Council’s opposition based on the violation of sovereignty.[74] In the case of Somalia, state failure, and the inability to maintain a monopoly on the use of force or retain political authority, had allowed the international community to bypass the need to preserve territorial sovereignty, whilst also emphasising their concern that the conflict and instability could spread throughout the region.[75]

Alongside the minimal and delayed intervention in Rwanda, the transition from humanitarian intervention to the long term objective of rebuilding failed states has also been raised as a concern in the aftermath of the UN-US mission in Somalia, and has frequently been accused of contributing to the failure.[76] Commenting on this, Wheeler addresses the deeper fear that nation building echoes the West’s imperial past, and generates belief in its capacity to bring native populations into civilised political frameworks. He also identifies that:

“the haunting question raised by Somalia is whether humanitarian intervention that tries to combine both the short-term and long-term goals of rescuing victims from starvation and lawlessness, and restoring legitimate authority, is *always* doomed to end in a humiliating exit.”[77]

In contrast to the legitimacy and unanimous backing of the intervention in Somalia, attempts to put forward a resolution to specifically allow the use of force in Kosovo had been challenged by both Russia and China. The Chinese ambassador had declared that “his government could not support the draft resolution because it did not ‘see the situation in Kosovo as a threat to international peace and security’”, followed by the Russian statement that “the use of force against a sovereign state without due sanction on the UN Security Council would be an outright violation of the UN Charter, undermining the existing system of international relations.”[78]

The previous UN Security Council Resolution, number 1199,[79] had been passed under Chapter VII of the UN Charter, demanding a cessation of aggression between the Federal Republic of Yugoslavia (FRY) and Kosovar Albanian leaders to avoid the imminent humanitarian crisis. Russia had been outspoken in its opposition to what it viewed as “NATO’s manipulation [of the resolution] to justify its threat to use force.”[80]

With both the Clinton administration and the Blair government arguing that the West had a moral obligation and responsibility to protect civilians in Kosovo, NATO invoked four key justifications of the aerial bombardment. Firstly, that their action was designed to prevent an imminent humanitarian crisis; secondly, that NATO’s reputation was in danger; thirdly, that ethnic cleansing in Kosovo posed a wider threat to security and stability across Europe; and finally, that NATO’s use of force complied with existing Security Council resolutions.[81] It cannot be ruled out, however, that “NATO was propelled into action by a mixture of humanitarian concern and self-interest.”[82]

From a human rights perspective, it has been argued that, in these circumstances, the use of force was both necessary and justified to prevent an impending humanitarian disaster. This argument is strengthened by the UN Security Council’s refusal to condemn or stop the military action by NATO, despite Russia and China’s emphatic reproach of the intervention.[83] However, if we are to consider the moral justification for the use of force, then it is important to mention NATO’s extension of its action to encompass the FRY, including Belgrade and other urban centres, which caused vast damage to civilian infrastructure and loss of civilian life.[84] It can be argued that this means of bombing undermined the exact humanitarian rationales with which it had begun its operations in the region.[85]

The use of force against the FRY brings the question of sovereignty into the equation, and has been a direct contribution for the need to rethink humanitarian intervention. The initiative set by the International Commission on

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Intervention and State Sovereignty in 2001 entitled the 'Responsibility to Protect' insisted that a state's right to sovereignty is dependent on the protection of its citizens from genocide or ethnic cleansing.[86]

To bring this chapter to a close, it must be mentioned that both military interventions examined here present several challenges to the accepted norms concerning the use of force for humanitarian purposes. From both a moral and legal perspective, each has imparted a lasting legacy, not least in the question of the justification and legitimacy of armed engagement, but also of humanitarian intervention's ability to succeed at ending conflict.

When we consider that the two primary objectives of NATO's campaign in Kosovo were to "reduce Serbia's military capacity and coerce Milošević into accepting the Rambouillet settlement,"[87] then we can observe the intervention to have been successful with regards to the ultimate withdrawal of Serbian forces shortly after Milošević's indictment by the ICTY.[88] However, to put this into perspective, it is important to mention the aftermath of the conflict and the continued ethnic violence in the province which, alongside high unemployment, has turned Kosovo into a haven for organized crime. It is also pertinent to note that, whilst Kosovar Albanian refugees have successfully transferred back to their homes, reprisal attacks from the Serbian community have continued.[89]

It must be concluded, therefore, that whilst the intervention in Kosovo is largely considered to be a victory, notwithstanding its legality, we can only assess its success based on its ability to provide a long-term solution to regional instability. To demonstrate this point we can contrast this to the example in Somalia, which has been considered by many to be a catastrophic failure. However, Clarke and Herbst counter the conventional view by stating that the intervention "was not an abject failure. The United States initiated an operation that helped save an estimated 100,000 or more lives."[90]

Whilst the intervention in Somalia resulted in the withdrawal of the US-UN mission, also having negative implications for the Rwandan genocide and selectivity of response, we must recognise that failure or success is relative. It can only be qualified by an objective analysis of the outcome, and we cannot assert that non-intervention would have been a better option in hindsight. As made clear by the Kosovan example, we cannot directly link the success or failure of an intervention to its legitimacy and UN Security Council authorisation. This has ultimately led to the need to reconsider the framework of intervention in the twenty-first century and gain international consensus on a more efficient model with greater clarity and effectiveness in ending humanitarian catastrophes.

## Chapter Three: Lessons from the 1990s: New Frameworks for Intervention in the Twenty-First Century

This chapter aims to use the examples discussed in chapter two, Somalia and Kosovo, to explore the influence the 1990s have had on debates surrounding humanitarian intervention in the twenty-first century. In particular, this section will look at the initiatives put forward by the International Commission on Intervention and State Sovereignty (ICISS) report, 'The Responsibility to Protect'. By examining the policies adopted by the UN General Assembly at the 2005 World Summit, and comparing different academic views of the new framework, it will be possible to outline the evolution of military intervention for humanitarian purposes in the twenty-first century.

With controversy surrounding both authorised and unauthorised humanitarian intervention in the 1990s, alongside the apparent non-intervention in the case of Rwanda, the turn of the millennium warranted new discussions around the legitimacy and justification of military action for the protection of human lives. Tackling the legal, moral, operational and political problems which had been exposed by UN interventionism since the Cold War, the formation of the ICISS was announced by the General Assembly in September 2000.[91] Bellamy notes that "profound international disagreement [around the intervention in Kosovo] animated the ICISS and provided the immediate impetus for the development of the responsibility to protect." [92] When considering the disputed legitimacy of NATO's military action in Kosovo, since "it was neither an exercise of collective self-defence in response to an armed attack, nor was it authorized by the UN Security Council,"[93] we can evaluate the continuing arguments concerning its justifiability and the attention this has brought to the inadequacy of existing international law. Commenting on an argument put forward by Kofi-Annan (then Secretary-General of the United Nations), Buchanan identifies that the Kosovo intervention highlighted "a disturbing tension between two core values of the international legal system itself: respect for state sovereignty and a commitment to peaceful relations among states, on the one hand, and the

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protection of basic human rights, on the other.”[94]

With this in mind, together with the absence of a defined framework for resolving crises such as the Rwandan genocide in 1994, Kofi Annan implored the General Assembly to try to establish a universal consensus around the principles and processes of humanitarian intervention.[95] The ICISS, therefore, was created in an attempt to resolve these issues and strike a balance between international law, state sovereignty, and human rights, whilst maintaining a focus on crisis prevention and the long-term goal of post-intervention rebuilding.

The report produced by the Commission in December 2001, entitled ‘The Responsibility to Protect’,

“insisted that states have the primary responsibility to protect their citizens from genocide, mass killing and ethnic cleansing and that when they prove either unwilling or unable to fulfil this duty, the responsibility to protect is transferred to the international community.”[96]

By determining precisely where responsibility rests, and moving away from the focus on whether states have the right to intervene, the Commission sought to avoid another deadlock in the UN Security Council, which could lead to further unauthorised action or non-intervention.[97]

With such fierce opposition from Russia and China against NATO’s actions in Kosovo, and in order to prevent future stalemates between members of the Security Council and gain international consensus on a new framework, the ICISS had to make it harder for states to abuse humanitarian justifications, but, at the same time, inhibit capricious use of the veto by one or more of the five permanent members.[98] By ruling out unilateral force, the 2001 report was able to take heed of Russia and China’s concerns but in return ask for a firm commitment which would place the responsibility of preventing, and reacting to, genocide and humanitarian atrocities in the hands of the international community.[99]

By providing a revised definition of sovereignty from the outset, the ICISS report lays the foundations for the rest of the document which assumes that sovereignty is not absolute but, rather, that it implies a dual responsibility. These responsibilities are both externally, “to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state.”[100] With this new understanding of sovereignty, the Commission was able to remove the validity of the arguments against intervention which had been based around the legal principle of non-interference as outlined in Article 2 (7) of the UN Charter.[101]

The core principles of the 2001 report, then, embrace three temporal phases: the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. By presenting a logical continuum of responsibility before, during, and after humanitarian emergencies, the report aims to draw the best possible outcome from any stage of a crisis. “Clearly, preventing the outbreak of mass violence would be preferable to intervening to stop it, [but a] commitment to post-conflict peace building is imperative if the long-term benefits of intervention are to be realized.”[102]

The ‘responsibility to prevent’ shows a commitment by the international community to identify both the root causes and immediate triggers of internal conflicts, representing a move away from a reactionary mind-set, towards a collective accountability of UN member states.[103] At the second phase, the responsibility to react outlines the necessary measures which must be taken once the preventative phase is unable to resolve the situation. “These coercive measures may include political, economic or judicial measures, and in extreme cases – but only extreme cases – they may also include military action.”[104] Finally, the responsibility to rebuild focuses on the obligation to ensure sustainable reconstruction, through peace-building measures, development, provision of security, and a functioning judicial system.[105]

Examining the extreme measures in which military intervention is deemed acceptable by the Commission, we can refer to the principles summarised in the 2001 report under six headings: right authority, just cause, right intention, last resort, proportional means, and reasonable prospects.[106]

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'Right authority' emphasises the legitimacy of authorising military action with regards to international law. It invokes Chapters VI, VII, and VIII of the UN Charter to highlight the importance of the Security Council's role, stating that Article 42 gives the Security Council the authority to decide upon military measures when all other alternatives have been exhausted.[107]

Embodying the 'just cause threshold' the report states that large scale loss of life, whether genocidal or not, as a product of state action, neglect, or indeed state failure, satisfies the description of extreme and exceptional circumstances in which the use of force is justified.[108] This is extended to large scale ethnic cleansing carried out by any means.

The other four criteria for military intervention are described as precautionary principles, and aim to work in conjunction with the previous conditions to ensure that military force is strictly limited to the protection of human lives. 'Right intention' determines that using humanitarian intervention to conceal motives of national self-interest cannot be justified, and aims to guarantee this by only allowing multilateral action. 'Last resort' requires that all other diplomatic or coercive measures must have been explored and exhausted before military force can be employed as a legitimate strategy. 'Proportional means' indicates that only the minimum military action necessary to achieve the humanitarian objective may be used, in terms of scale, intensity, and duration. Finally, 'reasonable prospects' implies that there must be a reasonable chance of success and that the consequences of intervention are not likely to be worse than the consequences of inaction.[109]

As an advocate of the ICISS report, Bellamy discusses the UN General Assembly 2005 World Summit's endorsement of the 'responsibility to protect', marking it as a transformation from a concept to a principle.[110] Disagreements over the version prepared for the 2005 World Summit and the criteria included in the original ICISS report led to significant redrafting of the 'responsibility to protect' paragraphs. Whilst the original rigid criteria for governing the use of force were discarded the final proposition included many of the basic principles, in particular the concept of sovereignty as a responsibility, not a right, and the commitment of international institutions to prevent genocide.[111]

Bellamy and Wheeler examine some of the reasons behind the revisions, stating that "although the ICISS marked a bold and important step towards building a consensus, there are at least three problems with the logic that it employed." [112] First, they assert that even if states agree on which criteria to use in a given situation this does not translate to agreement on action, since the application of criteria is always open to interpretation without an authoritative judge to give a verdict on when intervention is necessary. Second, they note that despite determining the parameters within which justification must be framed, interpretations of the facts are unavoidably influenced by the hierarchy of states. That is to say, it is inevitable that powerful states are likely to carry more weight in arguing their case for or against intervention regardless of defined criteria. Finally, they discuss the idea that transforming the 'responsibility to protect' from an ideal to a reality rests on the assumption that governments can be persuaded, even shamed, into acting by moral pressure from a global public opinion and other governments' coercion.[113]

Some critics of the version of the principle adopted at the 2005 World Summit claimed that "the ICISS report's findings had been watered down to such an extent that it would not, in practice, afford new protections to imperilled peoples," [114] since it was agreed that intervention would require express Security Council authorisation. This removed the possibility of outside appeal in the case of a Security Council majority in which a member had exercised the veto.[115]

However, what must be recognised is that the UN General Assembly's acceptance of the principle, that when a state is unwilling or unable to protect its citizens the responsibility to protect is transferred to the UN, marked the transition to a new understanding of sovereignty in the international system.[116] The Outcome Document preserved several founding principles of the ICISS 2001 report and, as such, tied the 'responsibility to protect' to existing international legal norms.[117] With the declaration committing all 191 member states of the United Nations to the principle, it has been claimed that the 'responsibility to protect' can, perhaps, be seen as a move towards a post-Westphalian approach to the international system and peace operations in the twenty-first century.[118]

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Reaffirming the 2005 World Summit's provisions, six months of intense discussion concluded with the unanimous acceptance of Security Council Resolution 1674 in April 2006<sup>[119]</sup> which acknowledged the Security Council's responsibility for the protection of civilians in armed conflicts.<sup>[120]</sup> As the 'responsibility to protect' became linked to customary international laws and norms, UN Secretary-General Ban Ki-Moon addressed the question of implementation and has become an effective entrepreneur and advocate for the normative progression of the principle.<sup>[121]</sup>

His report in 2009, entitled 'Implementing the Responsibility to Protect', identified three pillars by which the conclusions of the 2005 World Summit can be executed in practical cases. By first clarifying the nature of the principle outlined by paragraphs 138 and 139 of the World Summit Outcome Document<sup>[122]</sup> he establishes that "the mechanisms through which the responsibility to protect can be implemented are consistent with existing international law,"<sup>[123]</sup> citing Chapters VI, VII, and VIII of the UN Charter. After demonstrating the legal framework which affirms that the 'responsibility to protect' can be legitimately applied, he begins his forensic examination of the 2005 agreement and presents his guidelines for implementing the three pillars.

The first pillar identified by the report is the responsibility of the state to protect its population from genocide and crimes against humanity, which forms the cornerstone of the principle outlined in paragraph 138 of the Outcome Document<sup>[124]</sup>. He proposes methods including the role of the UN Human Rights Council in promoting the first pillar; that states should accede to relevant instruments of humanitarian law; and that the values of 'responsibility to protect' should be fostered by every regional culture and society.<sup>[125]</sup>

As a further preventative measure, pillar two is categorised as the obligation of the international community to assist states by helping them to exercise their responsibilities and build their capacity to do so, particularly in situations of stress before crises and conflicts occur. To implement this phase, the Secretary General recommends making the parties who are likely to breach their pillar one responsibilities aware of the costs of doing so, in addition to offering incentives to encourage peaceful reconciliation.<sup>[126]</sup> It also identifies more targeted means of prevention, including economic development, reform of the security sector, and regional and sub-regional assistance to rebuild civilian and police capacity to help countries under stress.<sup>[127]</sup>

Pillar three summarises the reactionary phase inherited from the ICISS report in 2001 regarding a collective response when a state fails to meet requirements to protect its population from humanitarian emergencies. This is, perhaps, the most similar approach to the original practice of intervention in the new framework; however it is stressed that military action is only one coercive measure among many. The Secretary-General is careful, here, to detail the legal framework once more and make clear that coercive measures can only be authorised by the UN Security Council. He also notes that there is a strong preference for non-coercive and non-violent response measures, many of which can be employed at a regional or sub-regional level without the express sanction from the Security Council.<sup>[128]</sup>

Bellamy paraphrases this section of the report, which recommends that the Security Council might enforce sanctions on specific infrastructures and economic sectors before resorting to military intervention. He continues to outline the report's request that the permanent members of the Security Council should avoid using their power of veto in unresolvable situations, but should seek to be co-operative in reaching a consensus. Finally, the UN should strengthen its connections with regional organisations to facilitate rapid deployment of military personnel.<sup>[129]</sup>

To create a balanced view of the founding principles behind the 'responsibility to protect', it is essential to review some criticisms and the challenges faced in gaining cohesion and unanimity for intervention in recent years. In his study of the paradox behind the responsibility to protect, Chandler emphasises that the principle, post-2005, "is about good governance rather than military intervention."<sup>[130]</sup> Drawing attention to the pillars and methods proposed by Ban Ki-Moon's 2009 report, Chandler argues that "the UN has turned the issue of humanitarian intervention, which in the 1990s threatened to undermine its authority – by questioning the sovereign rights of member states and UN Security Council authority over intervention – into an issue of international governance that asserts the UN's moral authority over both Great Powers and post-colonial states."<sup>[131]</sup>

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Frequent criticism of Ban Ki-Moon's report has come from advocates of the 'responsibility to protect', who fear that the most recent framework bears little resemblance to the original concept and its intentions. Bellamy addresses the case made by Chandler and other critics that the Secretary-General's report weakened and watered down its reactionary framework and, therefore, the ability to legitimately implement military intervention for humanitarian purposes. Defending the report, he stresses the fact that it was the 2005 World Summit agreement, as opposed to the Secretary-General in 2009, "that changed the focus and balanced questions about forcefully responding to genocide and mass atrocities with their longer-term prevention."<sup>[132]</sup> He summarises by stating that the 2009 report "was entirely faithful to the spirit, focus and intentions behind the World Summit agreement,"<sup>[133]</sup> an argument which can be supported by the General Assembly Resolution's unanimous affirmation of it in September of that year.<sup>[134]</sup>

To make a complete analysis of the 'responsibility to protect' principle's capacity for success, and its ability to provide an effective framework for preventing and reacting to humanitarian emergencies, it is essential to review the outcome of crises since its initiation.

Although it is still too early to make a convincing conclusion in most cases, Evans attempts to summarise a number of examples in which the concepts outlined by the initiative do, or do not, apply. A prominent critic of the 'responsibility to protect', Evans identifies the continuing situation in Darfur as a clear-cut case where the principle, by definition, should be employed, and yet there has been failure to prevent on-going crimes against humanity.<sup>[135]</sup> In his more recent account of events Weiss asserts, "It is appalling that the Security Council remains unable to act robustly in the face of Khartoum's intransigence," particularly when we consider that the responsibility to protect principle was solidified only a year before fighting resumed.<sup>[136]</sup>

Chandler's pejorative account of the 'responsibility to protect' as it stands today claims that:

"while Kosovo clearly exposed the awkwardness of the 'intervene/don't intervene' dilemma for Western politicians, it was the earlier failure of intervention in Somalia that should be signalled as heralding the start of the policy discussion [on the responsibility to protect]"<sup>[137]</sup>

The continuing crisis in Somalia, which has seen a new period of conflict and anarchy since the US-backed Ethiopian intervention in December 2006, has not been viewed in line with the 'responsibility to protect', despite ethnic cleansing, crimes against humanity, war crimes, and the threat of escalation. "The international response to the crisis," Bellamy states, "has been slow and hesitant, and has tended to prioritize the interests of external actors over those of Somali civilians."<sup>[138]</sup> Taking a comparably pessimistic view of this situation and applying it to the entire concept, Chandler claims that the 'responsibility to protect' appears to be more about divesting Western responsibility instead of adopting it.<sup>[139]</sup> He maintains that the changing rhetoric around the 'responsibility to protect' has seen a shift away from true responsibility; in reality, no one becomes responsible and this leaves the system open to abuse from actors as long as the framework remains dysfunctional.<sup>[140]</sup>

What is clear from this examination of humanitarian intervention in the twenty-first century is that the discourse is far from over. With the 'responsibility to protect' still relatively in its infancy, it remains to be seen whether it will be able to provide a successful framework within which long-term solutions to humanitarian emergencies can be found. In reality many of the crises since its implementation have remained unresolved and perhaps the only certainty is that the current framework is not the comprehensive solution to dealing with atrocities that was originally envisaged by the ICISS in 2001. As Ban Ki-Moon has argued, the challenge now is to translate the 'responsibility to protect' from words into actions, and to develop the principle to the extent that it becomes a more efficient model for preventing and responding to crimes against humanity.<sup>[141]</sup>

## Conclusion

As this paper has shown, the matter of humanitarian intervention raises complex issues for the global community today, threatening to weaken the principles which underpin the international system. Frequently analysed by world leaders, academics, and all observers of international relations, the problem of threatening or using military force to prevent and resolve humanitarian crises has stimulated intense debate since the end of the Cold War.

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With no apparent cohesive position on the legitimacy, justification, or implementation measures of intervention in the twenty-first century, it is essential to continue the discourse and establish a workable model. Whilst it is evident that pursuing a unanimous agreement between all schools of thought is a complex and challenging objective, what is clear is that developing an impartial mechanism for resolving conflict and addressing abuses of human rights on a massive scale is essential for the survival of the UN System. The liberal focus on humanitarianism since 1990 has evolved into a discussion about the capacity of the current arrangement to maintain good governance and, as such, the issue of humanitarian intervention continues to be of fundamental importance to the discipline of International Relations.

As highlighted in chapter one, differing positions over the legal and moral justification of military intervention for humanitarian purposes present a suitable background to the topic. Identifying the paradox within the legal foundation of the UN system, between the rights of the sovereign state and the rights of the individual, this chapter revealed the significance of humanitarian intervention as an aspect of world politics. By gaining an understanding of the arguments from both 'for' and 'against' perspectives it has then been possible to construct an objective and balanced study of the debate and apply the theoretical framework to practical scenarios.

Considering humanitarian interventions in the 1990s, and developing a detailed review of military action in both Somalia and Kosovo, chapter two was able to demonstrate that these crises exposed the need to prevent future discord when dealing with situations that represent a threat to international peace and human security. After gaining an insight into the legacy of these interventions, and acknowledging them as turning points in the conventional perception and approach to resolving conflicts, we were able to move the discussion towards a focus on the contemporary measures taken to address the issues.

With an enhanced understanding of the events leading up to the twenty-first century, and the complex relationship between the legal framework and human rights, chapter three extended the paper's focus to include the current situation. In order to do this, the chapter concentrated on the International Commission on Intervention and State Sovereignty's report in 2001, and went on to examine the extent to which its recommendations were then accepted and written into international norms. This provided the necessary balance between historical context and contemporary solutions which is vital if we are to understand the future of humanitarian intervention as a normalised practice.

This dissertation has charted the evolution of humanitarian intervention from being a product of the post-Cold War liberal rights order to becoming a central theme in modern International Relations. With a shift in focus from the bi-polar balance of power to the importance of inalienable human rights, the prominence of humanitarian intervention has continued to grow in recent decades. Despite still being fiercely challenged, significance is placed on the need to reach a consensus on the use of military force and the circumstances in which its use is justified. This is affirmed by the formation of the 'responsibility to protect' principle which attempts to provide a construct within which preventative measures are of equal importance to reactionary means.

Outlining methods of humanitarian intervention, the 'responsibility to protect' embraces alternative strategies to using force for the protection of human lives, whilst still permitting it as a last resort once all other attempts to reach a peaceful solution have failed. However, the question still remains whether this construct presents a viable methodology for responding to humanitarian crises, and if it offers a sustainable approach to preventing future conflicts. The real test for the international community, and the principle itself, will be in the coming years; to see if it is rigid enough to prevent manipulation by actors or dissidence and inaction in cases of critical emergencies, whilst remaining flexible enough to be applicable to all, or any, crises that may occur.

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