Help Develop Institutions and Instruments for Military Intervention on Humanitarian Grounds

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Summary

In September 1999, after a decade marred by genocide, ethnic cleansing, massacres, and mass starvation in countries like Bosnia and Herzegovina, Somalia, Haiti, Rwanda, and Serbia, the United Nations Secretary-General Kofi Annan challenged the General Assembly's member nations to define when the international community may and may not intervene to resolve such humanitarian crises. Annan urged the member nations to "reach consensus—not only on the principle that massive and systematic violations of human rights must be checked, wherever they take place, but also on ways of deciding what action is necessary, and when, and by whom."

In the past five years, distinguished scholars and former government officials have laid the conceptual groundwork in international law and politics for a new approach to "intervention for purposes of humanitarian protection." A United Nations High Level Panel has grappled with the humanitarian intervention issue. Many national governments have acquired a clearer understanding of the link between state security and the security of individuals. Nevertheless, millions of people—victims of crimes against humanity as well as individuals suffering the effects of civil conflict, famine, and disease—are in urgent need of decisive government action. For the dead in the latest genocide in Darfur, time has run out.

In its second term, the administration of George W. Bush has an extraordinary opportunity to put humanitarian intervention on a firmer legal footing and create the instruments and institutions necessary to make actual intervention easier and more effective. These actions would demonstrate to the world that the United States cares about fighting both terrorism and genocide.

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President Bush should:

- *Deliver a major speech affirming that the United States supports the emerging norm of a collective international responsibility to protect populations against genocide and other large-scale killing in cases where individual governments have failed to fulfill their own obligations toward their people.*
- *Create a commission composed of prominent defense and humanitarian experts from the United States and other NATO countries to examine the feasibility of creating a NATO rapid-reaction force specially trained and ready for intervention in humanitarian crises.*
- *Endorse the proposal of Canada's Prime Minister Paul Martin for the creation of an informal group of leaders of the G-20 nations, which can, in a timely manner, coordinate diplomacy on urgent international issues and humanitarian crises. The United States should work with the Canadian government to cosponsor the first meeting of this proposed group in tandem with the United Nations General Assembly meeting in September 2005.*
- *Task the United States national security advisor with reviewing the 2002 National Security Strategy and recommending ways of incorporating into it an emphasis on human security as well as state security.*

Background

Following Kofi Annan's challenge, the Canadian government and a group of major foundations established the International Commission on Intervention and State Sovereignty (ICISS). Composed of a distinguished group of diplomats, politicians, scholars, and nongovernmental experts from around the globe, the ICISS is headed by Gareth Evans, Australia's former foreign minister, and Mohamed Sahnoun, a special advisor to the United Nations secretary-general. In December 2001 the Commission issued an important report, *The Responsibility to Protect*.

The analysis in the ICISS report was based upon the premise that the intense controversy over military protection for humanitarian purposes flowed from a "critical gap" between the immense and unavoidable reality of mass human suffering and the existing rules and mechanisms for managing world order. To fill this gap, the Commission identified an emerging international obligation, which it described as the "responsibility to protect."

The new and bold aspect of the ICISS report is that it places the responsibility to protect upon both the state and the international community. The Commission insists that an individual state has the primary responsibility to safeguard its people. However, when a state fails to meet this responsibility, a secondary responsibility falls on the international community acting through the United Nations. The report

states: "Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect."

This statement was reinforced recently by the United Nations High Level Panel on Threats, Challenges, and Changes, which was constituted in December 2003 to identify the principal threats to global security and to propose a set of measures to enable the United Nations to respond to them effectively. The former prime minister of Thailand, Anand Parachun, chaired the panel; its members included Gareth Evans, Brent Scowcroft, the former national security adviser to President George H. W. Bush, Sadako Ogata, the former United Nations high commissioner for refugees, Gro Brundtland, the former prime minister of Norway, and other distinguished former officials of the United Nations and national governments. The panel backed the responsibility to protect in no uncertain terms: "We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent."

Global leaders must pay equal attention to developing the means to mount humanitarian interventions. One existing institution in need of new direction and another institution still on the drawing board are likely to play critical roles in changing the practice of humanitarian intervention in cases like the genocide that occurred in Rwanda and the genocide now taking place in Darfur. The first is NATO, which was the vehicle for humanitarian intervention in Kosovo and took on important peace-keeping and stability operations in Bosnia and Afghanistan. NATO's ability to project force around the world, coupled with the legitimacy it derives from the democratic nature of its members and its ability to speak for the North Atlantic community as a whole, make the alliance a natural instrument for humanitarian intervention. NATO is vulnerable, however, to charges that it represents only the West or, at best, advanced industrial democracies.

The second institution would circumvent NATO's identity problem. This institution would be an informal network drawing its members from the G-20, an existing network of finance ministers from Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, the United Kingdom, the United States, and the European Union. The G-20 was created after the East Asian and Russian financial crises of the late 1990s to help reform global financial architecture. Canada's prime minister, Paul Martin, has pushed for the creation of a so-called L-20, which would

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— UN HIGH LEVEL PANEL ON THREATS, CHALLENGES, AND CHANGES

gather the presidents and prime ministers of the G-20 countries in a roughly representative forum for diplomacy at the highest level. The L-20 would serve as a kind of informal economic and security council, allowing leaders to come to agreement on pressing issues in a forum that reflects 65 percent of the world's population and 90 percent of its economic power. China and France have been favorable toward this idea; it is likely that an initial meeting could take place during the autumn of 2005.

The Bush Administration's First Term

The Bush administration has shown a willingness to intervene in practice to help resolve humanitarian crises but has paid very little attention to the formal rules governing humanitarian intervention. The administration had no official reaction to the ICISS report, although recently it has repeatedly referred to the Sudanese government's "responsibility to protect" its own citizens in its responses to questions about its handling of Darfur. Before and during the post-9/11 hostilities in Afghanistan, the administration moved quickly to reach out to humanitarian groups in order to avoid a humanitarian disaster after major combat operations concluded. President Bush deployed United States Marines off the coast of Liberia in an effort to apply pressure that would force an end to that country's civil war and induce West African nations to introduce peacekeepers. Then Secretary of State Colin Powell played a leading role at the United Nations and in Africa trying to resolve the humanitarian crisis in Darfur.

The second Bush administration must demonstrate whether it is willing to help shape a set of rules that will legitimize intervention for humanitarian purposes under specified conditions and make it easier to mobilize such interventions in the international community quickly enough to make a difference on the ground. The administration should appreciate that the establishment of rules governing when the world may intervene for humanitarian reasons would legitimize international responses and increase the probability of action in a way that would relieve the ultimate burden on United States forces. At the same time, the administration should demonstrate to the world that its moral leadership includes not only fighting against the evil of terrorism but also fighting for the victims of mass murder and ethnic cleansing.

Toward a New Policy on Humanitarian Intervention

Had the responsibility to protect been established as a principle of United Nations membership when Saddam Hussein was killing Iraqi citizens with poison gas in the late 1980s, the Security Council would have had the

authority to act against him on that basis alone. Given that the United States took the lead in many instances in pushing for humanitarian intervention throughout the 1990s, and turned to NATO in the case of Kosovo when it appeared that the United Nations Security Council was blocked, Washington would lose nothing by endorsing the principle of a responsibility to protect. Washington would clearly stand to gain by endorsing this principle because it would help spur other UN member states to take timely and effective action—for example, in Darfur today. Since each state must have the capacity to meet its responsibility to protect, the United States can push this principle not only in terms of intervening when a government has failed, but also in terms of working to strengthen a government's capacity and integrity before it is required to act.

For these reasons, changing the global rules regarding humanitarian intervention would have direct practical benefits to the United States to the extent that they facilitate quick action in response to humanitarian crises and deprive other nations of excuses either for inaction or for blocking the action of nations seeking to intervene for purposes of humanitarian protection. By endorsing humanitarian intervention, the United States would also signal a profound shift in the definition of national and international security to include the security of individual citizens as well as the security of the state as a whole. This shift is ultimately necessary to deal with the threat of terrorism, AIDS, and other challenges the 21st century holds in store.

Revelations in the 9/11 Commission Report about the difficulties United States policymakers had in grasping the extent of the threat al Qaeda posed before September 11, 2001, reveal the continued existence of a Cold War mentality that focuses only on states as the principal actors in the international system. This mindset defines national security and international security only in terms of threats to state security—the survival of entire states. Further, the protection of individuals from violence—human security—has been understood as the province of domestic governments.

It is increasingly obvious that persistent threats to human security within a state merit international engagement. The inability of a state to provide human security for its citizens—for example, when it becomes a failed state—can translate quickly into a threat to other states. A state unable to provide human security for its citizens can become a site for terrorist groups or a breeding ground for radical ideologies that preach violence to individuals who see no other avenue of hope. Alternatively, a government's attacks on its own people often cause prolonged civil strife that typically results in massive civilian deaths and dislocation. Such disruptions generate large refugee flows that can draw neighboring states into the conflict and create long-term regional instability.

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"Protecting the world's most vulnerable will enhance U.S. security."

For these reasons, it makes sense for the administration to uphold a doctrine of intervention for purposes of humanitarian protection as justified on moral, legal, and security grounds. Such a doctrine is only the first step, however. To address humanitarian crises and their fallout effectively, the administration must make it easier to use force on a relatively small scale as quickly as possible. Further, to minimize the need to use force, the administration should create a range of options for taking timely preventive measures together with other nations.

The next several months offer President Bush a window of opportunity to place the United States firmly in the vanguard of an emerging consensus to make it legally and practically possible to protect some of the world's most vulnerable populations against mass murder, in many cases at the hands of their own governments. Protecting the world's most vulnerable will enhance U.S. security by entrenching international recognition of the link between a government's domestic behavior and its potential international threat. The four actions below would help establish an overall legal and conceptual framework for humanitarian intervention and create many of the practical tools necessary to turn global hand-wringing into concrete help for victims of humanitarian crises.

President Bush should:

- *Deliver a major speech affirming that the United States supports the emerging norm of a collective international responsibility to protect populations against genocide and other large-scale killing in cases where individual governments have failed to fulfill their own obligations toward their people.* The president should endorse the work of the International Commission on Intervention and State Sovereignty and the United Nations High Level Panel on Threats, Challenges, and Changes. He should state unambiguously that he believes the responsibility to protect to be a corollary of United Nations membership. And he should call upon other world leaders to follow suit. The president should also task officials in the Department of State and the Department of Defense to work with their counterparts around the world and at the United Nations to begin developing a set of criteria under which intervention would be justified; they should use the ICISS report as a frame of reference and seek Security Council endorsement of such criteria.

- *Create a commission composed of prominent defense and humanitarian experts from the United States and other NATO countries to examine the feasibility of creating a NATO rapid-reaction force specially trained and ready for intervention in humanitarian crises.* This commission should consider the vital necessity of quick deployment to prevent needless deaths, but it must also be sensitive to the difficulties of using violence,

including high-altitude bombing, to prevent killing. The commission should also assess the extent to which a NATO force could support interventions by more regionally based troops, such as forces acting under the authority of the Organization for African Unity, the Organization of American States, and the Association of Southeast Asian Nations.

- *Endorse the proposal of Canada's Prime Minister Paul Martin for the creation of an informal group of leaders of the G-20 nations, which can, in a timely manner, coordinate diplomacy on urgent international issues and humanitarian crises. The United States should work with the Canadian government to cosponsor the first meeting of this proposed group in tandem with the United Nations General Assembly meeting in September 2005.* A flexible, manageable network of representative world leaders can quickly coordinate diplomacy on urgent international issues like humanitarian crises, where a difference of weeks can literally save thousands of lives. The L-20 would be an informal forum driven by personal contacts between the leaders of the United States' closest allies.

- *Task the United States national security advisor with reviewing the 2002 National Security Strategy and recommending ways of incorporating into it an emphasis on human security as well as state security.* The administration should revise its September 2002 National Security Strategy to acknowledge the way in which threats to human security around the world evolve into threats to state security and, ultimately, to United States security. The administration should develop an integrated concept of human and state security and a corresponding strategy to address threats to each in a timely manner.