

THE MUNK DEBATES

THE CASE FOR HUMANITARIAN INTERVENTION

NOVEMBER 3, 2008

The concept of humanitarian intervention is at its core about protecting people. It rests on the premise that when gross abuses of human rights are taking place, when innocent people are being maimed and killed, then the international community cannot and should not stand idly by. What precisely should be done and by whom is a topic of great importance and debate. But that something should be done to stop such abuses is unquestionable. As Kofi Annan has stated unequivocally "massive and systematic violations of human rights, wherever they take place, should never be allowed to stand."

As the veil of the cold war was lifted in the early 1990's, a new type of conflict became apparent. Wars between states, which had remained hidden as US Soviet proxy wars, emerged for what they truly were – civil wars in which large scale civilian suffering was commonplace.

In 1990, this reality presented a challenge to the international community. In the face of Serbian atrocities and oppression of the Albanian Kosovars, NATO intervened, primarily through use of high altitude bombing, to stop the killing. This was conducted without the authorization of the UN Security Council due to the threat of a Russian veto. The Independent International Commission on Kosovo would later find that the intervention was legitimate, due to diplomatic efforts made prior to the use of force, but that ultimately the action was illegal due to lack of Security Council approval.

In this conflicted decision, lies the core the challenge of humanitarian intervention – how should the world act when the interests of humans are superceded by the realities of international law and realpolitic? As Kofi Annan asked: "On the one hand, is it legitimate for a regional organization to use force without a UN mandate? One the other, is it permissible to let

gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked?"

The human costs of this challenge were made ever more poignant when in 1994, the world failed to act in response to the Rwandan Genocide. 500,000 people were killed in the span of three months while the UN and its member states did next to nothing. The legal debates around the right to intervene, here were replaced by the moral and human costs of inaction. Again, faced with genocide, war crimes and crimes against humanity, international leaders had allowed sovereignty to trump humanity.

Following the legal dilemma of Kosovo, the failures of the Rwandan Genocide, and the humanitarian disasters of the Somalia and Bosnia and Herzegovina, the Canadian Government established the International Commission on Intervention and State Sovereignty (ICISS) and asked it to explore when, if ever, the international community has the right to intervene in a sovereign state in the name of humanitarian protection?

Made up of prominent international human rights leaders, the commission came up with a novel approach. In their final report, "The Responsibility to Protect", they shifted the question from when the international community has the right to intervene, to who has the responsibility to protect civilians from gross abuse. The Responsibility to Protect (R2P) is first, of course, placed on the sovereign state. But sovereignty is conditional on providing this protection. If a state is unable or unwilling to protect its population, or is itself the cause of the threat, the international community has a responsibility to protect those populations against genocide, war crimes, ethnic cleansing, and crimes against humanity.

The ICISS also outlined a number of threshold conditions that must be met before sovereignty could be breached by military intervention. They include a just cause defined by high losses of life, right intention, last resort, proportional means, reasonable prospects of success, right authority granted by the UN Security Council, and clear operational objectives.

The notion of a state's sovereignty being conditional on an ability and willingness to protect its citizens was re-affirmed in 2004, in the Secretary

General's High-Level Panel on Threats, Challenges, and Change, which endorsed R2P as an emerging norm. The concept was official affirmed by the UN in the 2005 World Summit Outcomes document which stated that UN had the responsibility protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. In so doing, the last hurdle to the legality of humanitarian intervention had been overcome.

Since 2005, a clear case of the Responsibility to Protect has emerged. While the international community was signing the R2P into UN protocol, the genocide in Darfur was emerging as the first genocide of the 21st century. Despite much talk, little has been done to halt the killing, and the concept of R2P, so lauded in the halls of the General Assembly, has yet to be applied to save the over 200,000 people who have so far been killed in Sudan.

The case for humanitarian intervention in Darfur is clear. First, the conflict threatens regional stability. When humanitarian crises are left unsolved, they ultimately spread to neighbouring countries, destabilizing a region, leading to further conflict in neighbouring states, and threatening even more people. Second, we have a moral obligation to protect the hundreds of thousands who are risk. Third, the Sudanese government, through its complicity in the genocide, has clearly forfeited its right to sovereignty. Finally, we have a responsibility to right the wrongs of the western colonial legacy in Africa.

And herein lies the crucial point. The debate over humanitarian intervention should not be whether it is necessary – there is no question that it is – but rather who is going to finally act to stop the unnecessary killing. It is more intervention that is needed, not less.

For more information on the Munk Debates visit www.munkdebates.com.

© The Munk Debates