Abstract

This paper explores the nature of humanitarian interventions based on an understanding of how conflicts come to an end. The concept of humanitarian intervention has recently become popular due to the international community’s involvement in Libya and the Ivory Coast.

This has become a contentious issue, particularly at the United Nations Security Council where its permanent members have been unable to reach an agreement regarding the United Nations’ stance on these matters, sparking international debate. In order to better understand the implications of action or inaction, it is important to delve into the complexities of this topic and examine competing viewpoints. By focusing on counterfactual cases of humanitarian interventions in the Democratic Republic of Congo and East Timor, this paper seeks to undermine theories that oppose humanitarian intervention and illustrate several instances where humanitarian intervention was a necessary and successful decision.

Introduction

When, if ever, is it justifiable for the international community to conduct military interventions to protect vulnerable populations from gross human right violations?

According to a multinational study conducted by the Chicago Council on Global Affairs and WorldPublicOpinion.org, many political scientists, as well as the general public of 11 surveyed countries, believe that the international community has a responsibility to bring an end to gross human rights violations; however, several critics disagree and even rebuff the idea of humanitarian interventions. [1] These critics claim that the United Nations (UN), as the embodiment of the international community, is not prepared to resolve conflict, and that UN involvement in protracted conflicts may actually fuel hostility and prolong human suffering. What these critics fail to account for, however, is the surge in the number of UN Peacekeeping missions globally, which suggests that these interventions are necessary. In fact, UN peacekeeping missions have increased by more than 50% over the last twenty years.[2] Certainly, humanitarian interventions are a complex topic, particularly during recent months in which the United Nations Security Council (UNSC) authorized interventions in Libya and Ivory Coast, but not in Syria. To address these complexities, this paper examines the intricate nature of these operations, and elaborates a framework for policy makers to assist them in determining “when” and “how” to intervene.
In order to build a compelling case for humanitarian intervention, the remainder of the paper proceeds in four sections. The first section presents the rationale of theories opposing humanitarian intervention. The second section identifies the weaknesses of these theories and builds a compelling argument for humanitarian intervention. The third section elaborates a formal, counterfactual approach to humanitarian interventions, focusing on the Democratic Republic of Congo (DRC) and East Timor as case examples. These cases explore whether or not peace in the DRC and in East Timor would be possible in the absence of humanitarian interventions. The final section attempts to introduce a comprehensive framework to assist policymakers in determining appropriate times and measures to conduct humanitarian interventions.

Arguments Opposing Humanitarian Interventions

Scholars and diplomats who subscribe to notions of political realism perceive humanitarian operations – particularly UN Peacekeeping missions – as utterly ineffective and harmful to the process of ending hostilities within or among nations. Those opposing intervention perceive UN Peacekeeping missions as intrinsically ill-conceived, in contradiction with war theories and ignorant of the political and military realities on the ground.[3] Consequently, intervention critics argue, the international community should curtail the deployment of UN Peacekeeping operations because human suffering is compounded by these humanitarian incursions due to an escalation of hostilities.

Edward Luttwak, an American military strategist, stands as a leading critic against humanitarian interventions. Luttwak proposes that the international community should allow war to proceed uninterrupted, based on the premise that wars are an effective instrument if not the sole means to resolve conflict and achieve peace.[4] Luttwak supports the notion that the international community should allow fighting to continue its “natural course” so that peace can be achieved. A conflict comes to an end when one party completely triumphs over the other(s), or when parties engaged in the conflict arrive at a “mutually hurting stalemate;” this is a stage at which both parties realize that neither is in a position to achieve victory, and that the costs of continuing hostilities are too high to sustain.[5] Luttwak posits that it is only under such circumstances that peace is possible.

Luttwak argues that this “natural” path to peace is not possible when the UN intervenes.[6] By conducting humanitarian interventions, the UN interrupts the “natural course” of war, thereby extending the duration of conflicts. It does so by imposing ceasefires, which provide protection for the weaker party in a conflict. Such action makes absolute, clear victory for any party impossible, since the stronger party can no longer decisively dominate over the weaker party. This means that “natural” peace does not unfold as an eventual product of
war, and instead an imposed, forced peace ensues, which may not be sustainable. Furthermore, the construction of refugee camps and the allocation of aid dollars, both typical elements in humanitarian operations, tend to have unintended effects. These actions may allow warring factions to recruit new members, rearm themselves and regroup to continue the fighting. Therefore, Luttwak argues that when the international community becomes involved in humanitarian interventions, conflicts escalate and last much longer. If the international community truly cared about the fate of those trapped in conflict, then it should curtail interventions and let the natural course of war play itself out. According to Luttwak, the international community should avoid the temptation to engage in humanitarian interventions, particularly because they are often driven by “frivolous and disinterested motivations” in response to sustained media coverage and public outcry, or what is known as the “CNN Factor.”[7]

Similarly, former US Permanent Representative to the UN John Bolton takes issue with humanitarian interventions; however, he does condone certain types of intervention. Bolton sees national interests, power and its relative balance as the main elements of foreign policy. Accordingly so, he supports muscular and unilateral interventions. These are solely conducted to protect and advance national interests, as opposed to humanitarian interventions that tend to be multilateral and in response to gross human right violations. Bolton argues that the UN does not have sufficient ability to wield power and authority over countries. For this reason, he sees UN humanitarian missions as utterly ineffective and ill-prepared to engage in modern day conflict, especially without US support and leadership. For Bolton, the UN has no role in bringing conflicts to an end, much less in establishing peace and justice. He writes, “international law applied through multilateralism can never substitute for power and force.”[8]

Bolton advocates for the curtailment of UN humanitarian interventions, except in cases when dominant countries use them to advance their own interests. Since Bolton argues that sovereignty only yields to power and not to human rights, humanitarian interventions should only be used as a tool at the disposal of the hegemon, or dominant party. Under this lens, the sole purpose of humanitarian interventions is to provide legitimacy and allow the dominant party to share the financial burden when advancing national security interests.[9] In these types of interventions, there are no moral imperatives taking precedence, only national interests. When self-interest sets the agenda, the legitimacy and moral authority of the concept of humanitarian interventions is undermined.

Prior to US intervention in Iraq, the Bush administration presented evidence and a set of arguments justifying the intervention based on the perceived threat to the US posed by Saddam Hussein’s regime. Furthermore, in order to build the case for intervention, the
Bush administration framed the operation in terms of human rights, arguing that the US and the international community must hold Saddam Hussein accountable for the gross human rights violations committed against the Kurds in 1988 and 1991.[10] This rhetoric aimed to portray the war as a sort of humanitarian endeavor. The façade of “humanitarian intervention” began to crumble, however, particularly after the UN refused to authorize this operation based on the fact that there was no clear “humanitarian” concern driving the intervention. In this case, the US attempted to use humanitarian intervention to gain international legitimacy. In the aftermath of this operation, the US lost much of its creditability and diplomatic standing with the UN. Consequently, in the eyes of the international community, and particularly from the perspective of Arab countries, the US had no moral authority when arguing for a legitimate humanitarian intervention in Darfur in 2004.[11] The aftermath of the Iraq war demonstrated the consequence of Bolton’s argument that dominant countries should use humanitarian interventions as a tool of war. The policy to intervene ultimately proved to be incompatible with American interests and it became self-defeating because the US lost critical support of NATO, the EU and the UN, and is now still entangled in a deadly and costly conflict.

Luttwak and Bolton’s respective arguments are controversial because they explicitly seek to undermine the legitimacy of humanitarian interventions. In spite of such critiques, however, there has been a surge in the number of humanitarian missions in the last two decades. Clearly, this trend contradicts theories that view interventions as ineffective and unnecessary. The fact that the international community continues to conduct peacekeeping missions and deliver international assistance at an increasing rate, suggests that such theories do not speak to the realities of the international community.

The Crux of the Matter

The crux of the matter is determining whether or not these nonintervention theories are as axiomatic and consistent as they claim. If these are indeed self-evident propositions, why do they suffer from many inherent contradictions and inconsistencies? Specifically, why are these theories unable to explain the surge in the number of UN-led interventions? These theories fail to account for the fact that humanitarian interventions have not only become commonplace in conflict scenarios, but that the international community is increasingly supportive of these interventions by providing resources on an unprecedented scale. UN interventions have grown in size and prominence; the UN Department for Peacekeeping Operations (UN-DPKO) currently manages 14 peacekeeping missions around the world with a total of 98,582 uniformed personnel and a staggering annual budget of $7.83 billion.[12]
The Need for Intervention: A Counterfactual Approach to Challenging War Theories

Based on the large amount of resources conferred to the UN-DPKO, we can infer that these operations are largely supported by donor countries and are perceived to be a useful instrument of peace and security. Fortna’s study, a quantitative analysis that confirmed the presence of international peacekeeping mission in conflict zones has a positive effect on the likelihood of achieving lasting peace, further supports this claim.\[13\] The study found that peacekeeping missions are usually effective at preventing further hostilities, suggesting that international presence is an important component in establishing peace in the aftermath of conflict. This stands in contrast particularly to Luttwaks’ assertions that claim the opposite effect. Based on the evidence presented, we can discern a strong case for humanitarian interventions because these operations reduce the length of a conflict and can potentially establish reconciliation.

Several examples exist of successful humanitarian interventions over the past few decades, illustrating that these operations are effective mechanisms to achieve peace. The existence of such operations, such as the intervention efforts in DRC and East Timor, provide clear indication that the international community does not subscribe to Luttwak’s idea of war as the only path to peace.\[14\] Therefore, it is no surprise that Luttwak’s theory is unable to explain the international community’s refusal to remain indifferent towards human rights violations. If the UN is to maintain a high moral authority, there has to be congruence between its foundational ideals and present day actions. In other words, at times humanitarian interventions will have to be conducted in order to “save succeeding generations from the scourge of war,” as set out in the preamble of the UN Charter.\[15\]

The idea of inaction in the face of systematic violence targeting national, ethnic, or religious groups is against the international community’s universal notions of justice and fairness, as established in the Genocide Convention, an international treaty providing the moral and legal imperative to act when genocide is planned or underway.\[16\] When conducting interventions, however, we must consider framing it according to the concept of *jus ad bellum*, “the right to wage war.” This concept forms part of the doctrine of “just war,” an important public international law instrument advocating for an ethical and political approach in humanitarian interventions.

Further, contributions from legal scholars strengthen the case for interventions and rebuff Luttwaks’ assumptions about nonintervention. For instance, Gareth Evans, a renowned international lawyer, builds upon the “just war” doctrine and argues that humanitarian operations should be framed not as a right to intervene, but rather a responsibility to protect (R2P).\[17\] R2P is a revolutionary concept because it redefines state sovereignty as a responsibility of states to protect their own citizens. In the case when a state is unable or unwilling to do so, the responsibility to protect falls on the international
Clearly, this approach opposes Luttwak and Bolton’s respective arguments since both allow the natural course of war to continue while remaining indifferent to gross human rights violations.

Before military force is used to intervene, however, the international community is responsible for preventing deadly conflict and other forms of man-made catastrophe and seeking all possible channels to remedy the situation. Only after diplomatic, political and economic measures have failed should the international community use force to stop mass atrocities. This can be done by invoking Chapter VII of the UN, which provides legal cover for conducting military intervention to stop the commission of mass atrocities. More specifically, Chapter VII authorizes the use of force in response to “any threat of peace, breach of peace, or any act of aggression.” Gross human rights violations threaten peace and compel intervention from the international community, even in conflicts deemed inconsequential to the calculus of interests, as it was the case with the NATO-led multilateral mission, Kosovo Force (KFOR) in the Balkans. KFOR, a purely humanitarian mission, issued a UN mandate to resolve the grave humanitarian situation in Kosovo and use all necessary means to stabilize the region in accordance to Chapter VII of the UN Charter. This mission was successful because Kosovo now enjoys peace and democratic elections and the intervention demonstrated that international security is best protected by international collective action.

Another issue with Luttwak’s arguments against intervention is that they present no comprehensive framework describing the plethora of factors that bring wars to an end. Luttwak conveniently omits several factors that influence the course of war, particularly those related to national interests, reputational issues, political dynamics and humanitarian concerns. The absence of these factors intrinsically impairs the ability of the theory to account for conflicts raging for over 40 years in places such as Colombia, Sudan, and Papua New Guinea. Consequently, Luttwak’s theory does not address how long conflicts may continue before “war brings peace” and at what human cost. Furthermore, Luttwak’s assumption of a “natural course war” is simply not realistic in an era where conflicts easily propagate across borders and threaten international peace and security.

With regard to Bolton’s claims, his argument deliberately omits the types of mechanisms that can be used to protect populations from large-scale killings. Bolton does not delve into this matter, and he simply concludes that, based on scant evidence, humanitarian interventions have an overall negative impact. Certainly, many of these operations have failed to achieve their mission as was the case in Somalia. Humanitarian interventions are not a panacea for ending conflicts, but they should not be discounted as a tool for handling conflict, especially since interventions provide a coordinated, international response to stop
The Need for Intervention: A Counterfactual Approach to Challenging War Theories

As long as interventions inflict less harm than good, then the existence of humanitarian interventions will remain necessary. This will be the case until the international community, chiefly the Security Council, develops a more efficient mechanism for preventing and addressing deadly intra-state/inter-state conflicts. For this reason, we will have to rely and work to improve humanitarian interventions, similar to the ones that took place in the DRC and East Timor, as instruments for protecting vulnerable populations from the scourge of war.

**Humanitarian Interventions**

This section elaborates a formal counterfactual approach to humanitarian interventions in the Democratic Republic of Congo (DRC) and East Timor. Counterfactual cases are used in this paper because of the importance they play in political science as a tool for assessing causal hypothesis, as demonstrated by James Fearon. Furthermore, because the analysis of individual cases suffers from a small N sample, the degrees of freedom of the study tend to be negative. With such a small sample, it is not possible to statistically test the hypothesis, instead political scientists and researchers resort to adding cases, that is, counterfactual case, which attempt to answer the question; *what would have happened if?* In addition, in order to build a credible and legitimate counterfactual case the arguments, this paper count with a robust counterfactual case methodology that draws on assumptions of rational behavior, important theories in the field of conflict studies, and relevant historical facts.

The objective is to further identify the flaws inherent to Bolton and Luttwak’s respective arguments, and build a case for humanitarian intervention by showing where interventions were successful. These cases have been chosen in order to account for the variety of UN interventions and to help answer the following question: Would there have been peace in these situations if the international community *had* not intervened in these crises?

**Intervening in the Democratic Republic of Congo (1999-2010)**

**Context.** Given the scale of violence, the conflict in the DRC ranks as one of the deadliest after WW2. Since the 1990s, the Eastern Region of the DRC has been in conflict and the death toll accruing from violence, disease and hunger stands around 5.5 million. Ethnic hostilities, competition for resources and the state’s failure to curtail violence and prevent further hostilities has fueled conflict in the region. In addition, the presence of spoilers, parties that present an obstacle to peace, tends to perpetuate the cycle of violence. These spoilers include multiple forces: Hutu combatants who participated in...
The Need for Intervention: A Counterfactual Approach to Challenging War Theories

The Rwandan genocide and now remain at large in the DRC; Lord Resistance Army (LRA) cells, a violent military group known for recruiting child soldiers, wreaking havoc; a plethora of armed rent-seeking militias; and at one time, eight different neighboring countries participated in the conflict*. A recent UN mapping report revealed the extent of the atrocities that took place in the DRC. There is unequivocal evidence stating that crimes against humanity have been widespread during the conflict. Rape has been systematically perpetrated on a scale amounting to acts of genocide. Furthermore, the report found that all the parties involved in the conflict had committed such crimes.[26]

MONUC (Mission de l’Organisation des Nations Unies en République démocratique du Congo). As a UN Peacekeeping force created in 1999 by resolution 1279 to stabilize the region, MONUC’s initial mandate was twofold. First, MONUC had to enforce the provisions of the Lusaka Agreement – an internationally sponsored cease fire agreement that brought an end to the Second Congo War. This agreement had three objectives: disarming warring factions, ensuring withdrawal of foreign troops and bringing the largest warring factions to a power-sharing agreement with President Kabila.[27] Second, MONUC had the responsibility to protect the civilian population in the DRC.[28] [29]

With such diverse actors involved in the conflict, it is very challenging for MONUC to fulfill its mandate. The mission faces a multitude of obstacles that are compounded by scant resources and a weak UN mandate. It is nearly impossible for MONUC, a force with 20,000 uniformed personnel from 19 different countries, to patrol and accomplish its mission in a territory the size of Western Europe.[30] Even though MONUC finds itself in such a hostile environment, the mission renamed MONUSCO (Mission de l’Organisation des Nations Unies en République Démocratique du Congo) remains active. MONUSCO engages in conflict prevention activities, provides protection for citizens in a large swath of territories in the East, and implements several disarmament, demobilization and reintegration programs.

Counterfactual Case. If humanitarian interventions are to remain relevant and supported by the international community, we must somehow prove their necessity, particularly in the DRC. There is no better way to accomplish this than to present a case depicting what could have happened if there had not been any UN involvement. The UN changed the course of warfare by becoming involved, and as this case illustrates, humanitarian intervention was a necessary and successful decision.

If the UN had not intervened by using preemptive diplomacy, the Lusaka Peace Agreement may not have materialized, leading to escalated hostilities across the region, as well as an increase in the death toll for surrogate forces of foreign countries involved in the DRC resulting from mutual assaults on each other. These casualties likely would have motivated...
some states to retaliate against the state responsible for carrying out these attacks. Conflict would have propagated across borders. This would have meant full-blown regional war engulfing all of Central and Southern Africa and drawing more than eight countries into the hostilities.

If MONUC had never intervened, which would have been preferable according to Bolton and Luttwak respective theories, then the conditions in the DRC would have been probably worse. This analysis is supported by the findings of Taylor B. Sebolt from the Stockholm International Peace Research Institute who comes to the same conclusion.[31] It seems unlikely that one single faction, out of so many in the DRC, could have been strong enough to subjugate and coerce others into an agreement. Moreover, a “mutually hurting stalemate” in which the costs become too high for conflict to continue, likely would not have materialized. Since civilians do not provide any significant material or monetary support to warring factions, massive loss of human life does not influence the military and strategic considerations of armed militias in the DRC. Civilian losses do not impose costs on local warlords, since warlords’ ultimate goals are not related to gaining control or influence over civilian populations, but rather maximizing their own utility curve.[32]

These findings suggest that the purpose of war is more nuanced than what Luttwaks’ oversimplified theory states.[33] This theory states that the natural course of war requires the dominant warring party to achieve victory by imposing its will on weaker parties. This practice is not sustainable because as Sergio Vieira de Mello, late UN Special Representative to Iraq points out, under some circumstances such as those in the DRC, rebels do not fight for victory or an ideological cause; rather, they fight because war has become a lifestyle that allows them to profit from plundering natural resources.[34] Since warfare is primarily used as an instrument to keep a firm grip on national resources, the vicious cycle of violence is fueled and perpetuated by warlords seeking to maximize their own profit. Currently, up to 2 million individuals have been displaced; the “natural course” of war likely would have displaced an even larger number of people. [35]

In the absence of a UN humanitarian mission, it is unlikely that the establishment of peace could survive in the DRC. As of now, in spite of the intervention, there is no peace, but the region has been stabilized, democratic elections have been conducted, and the prospect of peace now looms larger. The Rwandan genocide is a case in point of the terrible consequences due to inaction from the international community.

**Rwanda: A Tragic Episode of Nonintervention.** In the case of Rwanda, the international community failed to prevent and respond to the 1994 genocide, where 800,000 Tutsis and
moderate Hutus lost their lives. Inaction compounded the scale of the tragedy and aggravated the crisis, which subsequently transformed itself into a regional conflict. [36]

Regional war imploded when Hutu perpetrators of genocide fled to neighboring DRC after Tutsi forces descended on Kigali to put an end to the bloodshed. Once regrouped in eastern DRC, these militias conducted cross-border raids and prepared plans for a future invasion to depose the newly formed Tutsi government in Rwanda. The inability of Congolese authorities to halt these raids led to the decision of Tutsi Rwandan forces to invade East DRC in order to eliminate the latent radical Hutu threat. This military incursion ignited the First Congo War, causing the loss of thousands of innocent lives.[37] Clearly, the absence of international intervention in Rwanda aggravated the conflict not only within Rwanda- where it developed into genocide- but well beyond Rwanda’s borders as well.

**Intervening in East Timor**

**Context.** At the end of Portuguese colonial rule of East Timor, Indonesia occupied the island in 1975 and prevented the East Timorese from exercising their right to self-determination. This was a case of forceful annexation that was not recognized by the UN.[38] However, the international community provided tacit support to Indonesia and avoided bringing up this topic at the Security Council. Support for Indonesia was based on the fact that the Suharto regime was a key partner during the Cold War and no single country was willing to sacrifice its commercial relationship with Indonesia at the expense of recognizing East Timorese sovereignty. These factors, coupled with a lack of media coverage, help to explain why it took so long for the international community to act in East Timor. Support for Indonesia began to shift in the aftermath of the Santa Cruz massacre, where a peaceful East Timorese demonstration was violently put down in front of foreign journalists, sparking international solidarity for the East Timorese cause.

In 1999, following the Suharto fall, a UN-supported referendum forced Indonesia to allow the East Timorese to vote for self-determination or annexation to Indonesia. The election proceeded peacefully, but when the results emerged, they revealed that 80% of the population had voted for independence. These results were met with violence. Indonesian-backed militias wreaked havoc and murdered pro-independence followers. Pro-Indonesia militias initiated a systematic campaign to punish and exterminate the Timorese population, making no effort to disguise their genocidal intent. The days following the election witnessed chaos, wanton violence against civilians, egregious human rights abuses and the destruction of 70% of the infrastructure.[39]

**INTERFET/UNTAET.** As a result of the ongoing violence and atrocities committed by pro-Indonesian militias supported by the Indonesian army, the UN Security Council authorized
the deployment of an Australian-led peacekeeping mission called INTERFET. This mission had the objective of preventing a larger massacre and reestablishing security. Under the Security Council’s resolution 1272, the United Nations Transitional Administration East Timor (UNTAET) deployed in October of 1999 to take over INTERFET’s security component and serve as an interim civil administration.

**Counterfactual case.** With regards to East Timor, there are few analyses developing a counterfactual case for the presence of the UN in the island. However, there are several counterfactual analysis trying to estimate what would have happened if Indonesia would not have invaded East Timor.[40] [41] This counterfactual case builds up on these previous cases and employs a robust methodology that makes use of conflict theories and rational analysis in order to obtain a credible and legitimate argument justifying the humanitarian intervention in East Timor.

In this case, if the international community had not intervened, it is unlikely that East Timor would have established peace. Even if pro-Indonesian militias or the Indonesian army itself completely destroyed Dili, they probably would not have been able to eliminate opposition, a pre-requisite for achieving stability. For over 30 years, Indonesia had failed to suppress the Timorese revolution military wing, FALINTIL. In the wake of the post-electoral violence, it is highly likely that FALINTIL would have retreated to the mountains in order to regroup and plan revenge against the “occupiers” therefore continuing the vicious cycle of conflict: this holds especially true since, as RFK once said, “violence breeds violence and repressions brings retaliation.”[42] In addition, there is an increased probability that the few communication and negotiation channels between the Indonesian and East Timorese that existed before the elections would have been destroyed in the wake of the Indonesian-led post-electoral massacre.

Nonintervention at the time the Indonesians waged a systematic campaign against ethnical minorities would have set the wrong precedent, inadvertently allowing such atrocities to continue without holding Indonesia accountable. It is likely that after East Timor, the Indonesian army would have employed its newly acquired “Timorese strategy” to put down social turmoil in other regions aspiring for independence such as in West Papua and Banda Aceh. The possibility of the situation being considerably aggravated for the East Timorese population is very high. The lucky ones would have relocated to Australia as part of a massive exodus, whereas, those that were less fortunate would have suffered the occupiers’ fury for having voted in favor of independence. The Indonesians’ desire for punishment likely would have led them to employ starvation as a weapon of extermination. This method had previously been used on the island, particularly during the early years of East-Timorese annexation to Indonesia, as a strategy to decimate the Timorese population.[43]
It seems inconceivable that the international community could have refrained from intervention, given Indonesia’s systematic and deliberate intent to destroy the Timorese population. Yet this is the strategy advocated for by Luttwak. As the case of East Timor demonstrates, allowing the dominant party to decisively win so that peace can be achieved is not only a logically flawed argument, but it is not a justifiable strategy due to the massive human suffering that can incur. Without a doubt, nonintervention undermines our claims to civilization and tarnishes the reputation of the international community for allowing genocide to happen. As the UN secretary general argued, “preventing genocide is a collective and individual responsibility. Rwanda’s survivors have made us confront the ugly reality of a preventable tragedy. The only way to truly honor the memory of those who perished in Rwanda seventeen years ago is to ensure such events can never occur again.”

Luttwak and Bolton’s ideas are contrary to this argument, and to subscribe to them amounts to irresponsibility and, in some cases, complicity in violation of human rights.

**Justifying Intervention**

It is irresponsible for the international community to let the natural course of war continue uninterrupted, as Luttwak argues, particularly in cases of gross human right violations. Both counterfactual cases demonstrate that nonintervention leads to an escalation of hostilities and ultimately causes great human suffering. Inaction in the face of such crimes against humanity certainly amounts to complicity and it should be prosecuted as such.

Humanitarian interventions cannot and should not be applied to every case, however. These operations are context and case-specific, and may not apply to every situation. It is important to disentangle the intricate web of interests inherent to such operations before determining to conduct a humanitarian intervention. Many standards and considerations need to be met before launching a humanitarian operation including just cause, proper authority, right intention and reasonable prospect of success. The process is complex but we need to rely on careful strategic planning in order to effectively respond to atrocities that undermine our very principles and claims to humanity. Even though many UN missions are ill-prepared or under-resourced to tackle the challenges, this is not the fault of the UN, but rather of its member countries. UN country members have considerable leverage in determining the mandates of missions such as MONUC and INTERFET, and in setting the agenda for humanitarian interventions. Member states need to recognize situations where the UN can make a difference and they must be prepare to allow it to do so. They must be prepared to support the UN with all necessary means so that humanitarian interventions can fulfill their stated mission, “to save succeeding generations from the scourge of war.”
Conclusions

Humanitarian intervention is a concept that radically transforms our notion of what the responsibilities of nation states entail. No longer can states use sovereignty to shield themselves from being subject to humanitarian interventions when they have engaged in large-scale killings and other human rights violations. Instead, sovereignty entails a responsibility to protect under emerging international norms, a critical point that Luttwak and Bolton’s theories fail to account for. For this reason, their theories are unable to recognize the importance of humanitarian interventions. Instead their arguments dwell on heuristics and uninformed assumptions, with which they build their cases against humanitarian interventions.

Intervening to end human suffering is an important instrument at the disposal of the international community, as demonstrated in the counterfactual cases. These scenarios present a compelling argument against allowing the “natural course” of war to continue in certain cases, since wars cannot be relied on to bring hostilities to a definitive end. International inaction in no way contributes to the establishment of peace; instead, inaction compounds the hostilities and aggravates human suffering.

It follows that if a state is unable or unwilling to protect its population from preventable harm, as was the case in the DRC and East Timor, the international community has a responsibility to protect and use any means necessary, including force, to end human suffering. The international community must not and should not stand idle in the face of crimes against humanity. Yet policymakers need to carefully analyze the decision to intervene. The international community should not intervene in every existing conflict around the world. Policymakers need to carefully prioritize intervention missions according to the extent and scale of humanitarian concerns. Interventions should be based on an appropriate analysis of the context accounting for the cost and benefits arising from such operations. Most importantly, before resorting to intervention, the international community needs to exhaust non-violent options such as diplomacy and economic sanctions, as prescribed by public international law.

Lastly, if there is no other option but to intervene, then humanitarian interventions need adequate support and resources, and political will to achieve its goals.

Policymakers should only consider implementing an intervention when it is certain that such an operation will do more good than harm. To ensure this outcome, we need to articulate the concept of “jus in bello,” or justice in the conduct of war. This is a framework under the doctrine of “just war” that lays out a set of basic principles dictating acceptable conduct during warfare. This framework provides answers on how a humanitarian intervention
The Need for Intervention: A Counterfactual Approach to Challenging War Theories

should be carried out. This entails two basic guiding principles:

1) **Discrimination**, which calls for the discrimination of targets. In other words, this entails the process of identifying who are legitimate targets in war and who are not, since non-combatants are not deemed as parties in the conflict.[47]

2) **Proportionality**, which argues for the sufficient use of force to achieve one’s objectives and prohibits the use of unnecessary and disproportionate force.

Based on these concepts, two more factors are included for their importance in fulfilling and achieving humanitarian intervention goals;

3) **Political will**, which entails the critical political support necessary to fulfill intervention goals during and after the operation. Political support can be difficult to obtain, so humanitarian operations must always pursue and ensure political support in order to increase the likelihood of success of the mission. Furthermore, humanitarian operations are not finished simply when hostilities come to an end, but actually extend into the process of post-conflict reconstruction. It then becomes apparent that political will is a critical component for the reconstruction of societies. Political will is a key element for fostering national political compromises in the aftermath of conflict to ensure justice, and to facilitate the economic and political development of war-afflicted countries.

4) **Resources** complement political will and need to be pledged as long as the mission is deemed viable. Otherwise, fragile countries risk reverting back to hostilities.

The implications for conducting humanitarian intervention are clearly important, however, the issue of “when” to intervene is even more crucial for the outcome of the mission. Policymakers want to avoid having their actions perceived as retroactive or insufficient especially in cases where thousands of lives are at stake. For this reason, it is critical to further improve the mechanism of international collective action to timely respond to gross human right violations. Humanitarian interventions are a legitimate instrument that we must work to improve if we are to avoid another tragedy such as the Rwandan genocide from happening ever again.

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The Need for Intervention: A Counterfactual Approach to Challenging War Theories


The Need for Intervention: A Counterfactual Approach to Challenging War Theories


[17] Ibid pg8


[19] Ibid pg10


The Need for Intervention: A Counterfactual Approach to Challenging War Theories

[23] Ibid pg 11


[26] Ibid p12

* Foreign countries involved include: Namibia, Zimbabwe, Uganda, Rwanda, Angola, Zambia, Burundi, and Chad


The Need for Intervention: A Counterfactual Approach to Challenging War Theories


[33] *Ibid pg13*


[44] UN Secretary General Message on the 17th commemoration of the Genocide in Rwanda, 17 April, 2011

