

**A COMMON HUMANITY: REGIONAL ORGANISATIONS  
& HUMANITARIAN INTERVENTION**

by

Robert Graham Stuart  
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# APPROVAL

**Name:** Robert Graham Stuart  
**Degree:** Master of Arts  
**Title of Thesis:** A Common Humanity: Regional Organisations & Humanitarian Intervention

**Examining Committee:**

**Chair:** Lynda Erickson, Professor  
Department of Political Science, Simon Fraser University

---

**Dr. James Busumtwi-Sam, Associate Professor**  
Department of Political Science, Simon Fraser University  
Senior Supervisor

---

**Dr. Douglas Ross, Professor**  
Department of Political Science, Simon Fraser University  
Supervisor

---

**Dr. Ben Muller**  
Department of Political Science, Simon Fraser University  
External Examiner

**Date Defended/Approved:** March 31<sup>st</sup>, 2009



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## **ABSTRACT**

Humanitarian intervention is a contentious issue in international relations, but remains an important policy option. At the centre of recent debate is the International Commission on Intervention and State Sovereignty and *The Responsibility to Protect*. *The Responsibility to Protect* attempted to balance state sovereignty with the responsibility of the international community to protect populations in danger. The recommendations contained plausible thresholds for which to trigger action, but the mechanism for using military force, the Security Council, was not realistic. Regional organisations, are much better suited to conducting the complex military operations involved in humanitarian intervention missions. In examining past cases of humanitarian intervention missions by the United Nations and regional organisations in both Europe and Africa, and conducting a comparative case study analysis, it is evident that regional blocs have a higher probability of success in ending hostilities and stopping egregious violations of human rights compared to the United Nations.

**Keywords: Humanitarian Intervention; United Nations; human rights; regional organisations; Responsibility to Protect.**

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# TABLE OF CONTENTS

<b>Approval .....</b>	<b>ii</b>
<b>Abstract .....</b>	<b>iii</b>
<b>Acknowledgements .....</b>	<b>iv</b>
<b>Table of Contents.....</b>	<b>v</b>
<b>Glossary .....</b>	<b>vi-vii</b>
<b>Chapter 1: Introduction .....</b>	<b>1</b>
<b>Chapter 2: The Responsibility to Protect.....</b>	<b>6</b>
<b>Chapter 3: The United Nations and Humanitarian Intervention .....</b>	<b>13</b>
<b>Chapter 4: The Case for Regional Organisations .....</b>	<b>27</b>
<b>Chapter 5: The Case Study Approach.....</b>	<b>33</b>
<b>Chapter 6: Case Study – Yugoslavia.....</b>	<b>37</b>
<b>Chapter 7: Case Study – Kosovo .....</b>	<b>43</b>
<b>Chapter 8: Case Study – Rwanda .....</b>	<b>50</b>
<b>Chapter 9: Case Study – Liberia.....</b>	<b>54</b>
<b>Chapter 10: Case Analysis.....</b>	<b>60</b>
<b>Chapter 11: A Common Humanity.....</b>	<b>72</b>
<b>References .....</b>	<b>75</b>
United Nations Proceedings, Publications and Documents .....	75
Secondary Literature of Books and Articles.....	76

## **GLOSSARY**

<b>AFL</b>	Armed Forces of Liberia
<b>ASEAN</b>	Association of South East Asian Nations
<b>AU</b>	African Union
<b>DPKO</b>	Department of Peacekeeping Operations
<b>EC</b>	European Community
<b>ECOMOG</b>	Economic Community of West African States Ceasefire Monitoring Group
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>FAR</b>	Rwandan Armed Forces
<b>FDI</b>	Foreign Direct Investment
<b>HI</b>	Humanitarian Intervention
<b>ICC</b>	International Criminal Court
<b>ICISS</b>	International Committee on Intervention and State Sovereignty
<b>ICRC</b>	International Committee of the Red Cross
<b>IFOR</b>	NATO Implementation Force
<b>KFOR</b>	NATO Kosovo Protection Force
<b>KLA</b>	Kosovo Liberation Army
<b>LPC</b>	Liberian Peace Council
<b>MSF</b>	Medecins Sans Frontiers

<b>NATO</b>	North Atlantic Treaty Organisation
<b>NPFL</b>	National Patriotic Front of Liberia
<b>OAS</b>	Organisation of American States
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>P-5</b>	Permanent Five Members of the United Nations Security Council
<b>PG</b>	Presidential Guard
<b>PRC</b>	People's Republic of China
<b>R2P</b>	Responsibility to Protect
<b>RPF</b>	Rwanda Patriotic Front
<b>RUF</b>	Revolutionary United Front
<b>SMC</b>	ECOWAS Standing Mediation Committee
<b>ULIMO</b>	United Liberation Movement of Liberians for Democracy
<b>UN</b>	United Nations
<b>UNGA</b>	United Nations General Assembly
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNOMIL</b>	United Nations Observer Mission in Liberia
<b>UNPA</b>	United Nations Protected Area
<b>UNSC</b>	United Nations Security Council
<b>UNSG</b>	United Nations Secretary-General
<b>WHO</b>	World Health Organisation
<b>WW1</b>	First World War
<b>WW2</b>	Second World War



# 1: INTRODUCTION

In 1991 a sense of optimism permeated the international community. The conclusion of the Cold War ended over fifty years of nuclear paranoia, and many scholars predicted an increase in international cooperation and a coming together within the international community. Unfortunately, such prospects have yet to materialise. The 1990s, instead of being a decade of collaboration, saw some of the worst humanitarian disasters since the end of the Second World War – Srebrenica, Rwanda, and Somalia are all synonymous with the international community's failure to entrench human security as an international norm. The United Nations Security Council (UNSC) dithered as genocide and ethnic cleansing took place in both Rwanda and the former Yugoslavia, and did little to mitigate a civil war in Liberia and Somalia, with the latter having yet to be resolved. Moreover, when the international community did eventually intervene in cases such as Kosovo or Liberia, it was a regional organisation, not the United Nations (UN) that provided leadership and adequate command and control of forces. Indeed, the 1990s were not a good decade for UN peacekeepers or the UNSC.

At the 1999 and 2000 sittings of the United Nations General Assembly (UNGA), then UN Secretary-General (UNSG) Kofi Annan implored the international community to develop a cohesive framework to combat instances of great humanitarian suffering. Annan's plea for a norm on humanitarian

intervention (HI) was a direct result of the UNSC's failing to mitigate conflicts throughout the 1990s. Annan was direct and frank in his question stating:

If humanitarian intervention is indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?<sup>1</sup>

The International Committee on Intervention and State Sovereignty (ICISS) and the Responsibility to Protect (R2P), an initiative sponsored by the Canadian government, was the result. Comprising twelve academics, military personnel and former politicians from eleven countries, the ICISS outlined the circumstances under which the international community could violate a state's sovereignty for the purposes of upholding human rights. Among other propositions, R2P outlined the concept of sovereignty as responsibility; states that are unwilling or unable to protect their citizens from harm cannot claim a violation of sovereignty if the international community is to intervene for the preservation of basic human rights. Moreover, R2P suggested a framework for such intervention, proposing that military intervention should only be used as a last resort and that the UNSC is the best international organisation to authorize force.

Unfortunately, R2P contains some critical errors that make cooperation on humanitarian intervention unlikely. The UNSC has proven to be largely ineffectual when conducting the complex military missions required in

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<sup>1</sup> The International Committee on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), vii.

humanitarian intervention cases; the United Nations Assistance Mission For Rwanda (UNAMIR) and the United Nations Protection Force (UNPROFOR) provide stark examples of UNSC ineptitude. Furthermore, the UNSC has been unable to halt members of the Permanent Five (P-5) from conducting operations that are contrary to the Council's resolutions; currently, the People's Republic of China (PRC) continues to supply weapons and funds to the government of Sudan regardless of UNSC resolutions to the contrary. Although the UNSC may provide the best forum to discuss cases of humanitarian intervention or the principles of humanitarian law, it is not the best organisation to lead and command the operations themselves. Such operations are best left to regional organisations.

Regional organisations present a number of benefits compared to the UNSC. They are often more involved in local conflicts, and have an interest in resolving crises within their regional bloc – one of the major problems with Rwanda was that no UNSC member wanted to take responsibility for a military mission in a country that had no strategic value. Regional organisations also understand conflicts much better and can properly identify all parties to the conflict – this recognition also lends regional organisations more credibility in negotiating peace agreements, as they are not viewed as being opposed from above. However, not all regional organisations are created equal. The North Atlantic Treaty Organisation (NATO) and the European Union (EU) have larger budgets than their developing world counterparts, and deep roots within their membership that does not allow for the domination of anyone one country within

the organisation. Moreover, Western organisations often have member countries that are more politically and socially stable, allowing them to commit their resources to conflicts abroad. Regardless of such impediments, regional organisations offer a real solution to the question of peacemaking and nation building.

This paper will argue that although R2P provides a solid foundation for humanitarian intervention, its reliance on the UNSC to conduct military operations is a glaring weakness. The record of the UNSC to maintain international peace and security in times of humanitarian necessity has been poor, and a new approach is necessary. I will argue that regional organisations provide a realistic alternative to the UNSC in operating humanitarian intervention missions. By employing a comparative case study approach, I will evaluate the effectiveness of humanitarian intervention missions based on the following criteria: how quickly the organisation was able to respond to the impending humanitarian disaster; if the intervention met its goals by stopping gross violations of human rights; and the ability of the mission to bring the warring factions to the negotiating table and sign a ceasefire. To evaluate these criteria, instances of humanitarian intervention by the UNSC and regional organisations on two different continents, Africa and Europe, will be examined. The UNSC intervention in the former Yugoslavia and NATO's intervention in Kosovo will serve as the European cases, and UNAMIR and the ECOWAS intervention in Liberia will be used as the African cases. This paper will begin by outlining the Responsibility to Protect and the differing interpretations and thresholds for

humanitarian intervention. An overview of the history of intervention missions will then be conducted, followed by an analysis of the UN Charter. The benefits of using regional organisations as opposed to the UNSC will then be put forth. A brief review of comparative methodology will be conducted, followed by the case studies themselves and the appropriate analysis. The paper will conclude addressing some of the criticisms of the regional organisation approach.

## 2: THE RESPONSIBILITY TO PROTECT

The notion of human security emerged largely in the post-Cold War era when the international community was no longer consumed by bipolar superpower conflict and moved towards more liberal internationalist ideals. With the exception of the 1948 Convention on Genocide, no international principle has moved more rapidly in the international normative arena than that of humanitarian intervention<sup>2</sup>. These principles culminated with the publishing of the “The Responsibility to Protect” in 2001, a document which outlined when and how the international community could violate a state’s sovereignty. Unfortunately, the ICISS framework is but one document – it is not the ultimate source for characterising and defining humanitarian intervention, not least because it has not been accepted by all the P-5 members of the UNSC. Herein lies the challenge – how does one define humanitarian intervention and what qualifiers should be put in place to justify the intervention into a sovereign state’s territory to uphold human rights? The following section will examine the ICISS definitions of humanitarian intervention and look at some of the guiding principles.

Intervention for humanitarian purposes or humanitarian intervention can have a number of different connotations. Many humanitarian agencies such as the International Committee of the Red Cross (ICRC) and the UN High

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<sup>2</sup> Thomas G. Weiss, *Humanitarian Intervention* (Cambridge: Polity Press, 2007), 1.

Commissioner for Refugees (UNHCR) object to the application of the term humanitarian intervention to describe states that intervene militarily to uphold human rights<sup>3</sup>. Moreover, some academics and policy makers, including members of the ICISS, propose that the term be thought of as 'intervention for humanitarian purposes', rather than 'humanitarian intervention' as the latter carries a somewhat more negative undertone<sup>4</sup>. Regardless, this discussion will use the two terms interchangeably, as it is not the name which is important, but the foundational principles. Humanitarian intervention can take a passive form, such as the development of institutions and infrastructure in a state susceptible to collapse; it can also take a more active form including the imposing of arms embargoes and trade sanctions, the maintenance of no-fly zones, or the use of military action to prevent a humanitarian disaster. Regardless of the type of action, intervention for humanitarian purposes has a number of guiding principles.

The dominating principle of humanitarian intervention is the sanctity of human life; states conducting intervention are doing so in the face of gross violations of human rights, such as genocide or ethnic cleansing. This is not to say that states must be altruistic in their motives, but the primary reason for intervention *must* be to save lives, not conquer territory. This principle of humanitarian intervention overrides all other considerations, including neutrality,

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<sup>3</sup> Ramesh Thakur, "Intervention, Sovereignty and the Responsibility to Protect: Experiences from ICISS," *Security Dialogue* 33.3 (2002), 327.

<sup>4</sup> ICISS, 9.

impartiality and consent<sup>5</sup>. States conducting an intervention may have to take sides in order to stop one group or government from committing human rights violations against defenceless civilians, without the consent of the parties involved. This conceptual framework for military missions differs drastically from that of traditional UN peacekeeping which has relied upon 'the holy trinity' as the foundational principles: consent, impartiality and the non-use of force.

Given the prominence of R2P in recent scholarship regarding humanitarian intervention, the ICISS recommendation provides a good basis for a framework. Perhaps the most controversial proposition of the ICISS is the aforementioned definition of sovereignty. R2P advocates sovereignty as responsibility, in contrast to traditional interpretations of the Charter, which outline sovereignty as sacrosanct. Sovereignty, the panel argues, was not meant to be a carte-blanche for regimes to oppress citizens within their state borders, but an acknowledgement of equals among international statesmen<sup>6</sup>. If a dictatorial regime is committing vast violations of human rights within its own borders, the international community has a right and a responsibility to uphold a basic code of humanity. Essentially countries are empowered by a moral imperative to intervene in situations of humanitarian necessity.

The ICISS also outlined other duties of the international community, under the titles "The Responsibility to Prevent, the Responsibility to React, and the

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<sup>5</sup> Thomas G Weiss, "Principles, Politics, and Humanitarian Action," *Ethics and International Affairs* 13 (1999), 2.

<sup>6</sup> ICISS, 13.



Responsibility to Rebuild”<sup>7</sup>. The Responsibility to Prevent focuses on the need for preventive action so that conflicts need not escalate to conditions where intervention is required. Such action includes the use of foreign aid to stem poverty, and the training of local bureaucracies to strengthen government institutions. “The Responsibility to React” ensures that the international community take all necessary measures to avoid the use of military intervention, and lists conditions where military action is permitted. “The Responsibility to Rebuild” outlines the need for the international community to provide assistance post-conflict through the training of a domestic police force and the disarmament and reintegration of former soldiers, for example. Among these responsibilities, it is ‘the Responsibility to React’ which dominates the discussion on humanitarian intervention, specifically of a military nature.

As defined by the ICISS, there are only two cases in which the responsibility to protect empowers the international community to take action. Large-scale loss of life or genocide, and ethnic-cleansing, whether underway or anticipated, are the only scenarios that permit the violation of a state’s sovereignty<sup>8</sup>. These thresholds set the bar notably high; they do not allow states to intervene to uphold democratic elections or to dismantle weapons of mass destruction (as was ostensibly the case in the recent Iraq War). What is surprising about the ICISS triggers is that they are in stark contrast to other international institutions, such as the International Criminal Court (ICC), that have

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<sup>7</sup> ICISS.

<sup>8</sup> Thomas G. Weiss, “The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era,” *Security Dialogue* 35.2 (June 2004), 138.

attempted to define thresholds for humanitarian intervention. The 1998 Statute of the ICC definition of 'crimes against humanity' is much broader than the ICISS criteria, mentioning a range of conditions from slavery and murder, to imprisonment and "other inhumane acts of a similar character intentionally causing great suffering"<sup>9</sup>. Moreover, regional organisations such as the African Union (AU) have codified lower thresholds for humanitarian intervention in their respective charters than those contained in R2P<sup>10</sup>. As one scholar has observed, whether these states are willing to invoke such clauses in the name of humanitarian intervention is debatable, but the legal basis for the intervention is present.

[T]he ICISS thresholds for intervention are apparently more conservative than those of African states, but perhaps not more so than those of Asian and Latin American states, which historically are among the staunchest subscribers to international law principles of non-intervention and state sovereignty<sup>11</sup>.

Herein lays the difficulty. How does an emerging norm such as humanitarian intervention become codified internationally when the definition is malleable, and when it has already been accepted under a different definition by other international institutions?

If humanitarian intervention is to become an international norm a realistic threshold for action must be sought; the R2P conditions for military action provide the best definition for a number of reasons. First, the R2P boundaries are more

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<sup>9</sup> Ibid, 139.

<sup>10</sup> Ibid, 140.

<sup>11</sup> Jeremy Levitt, "The Responsibility to Protect: A Beaver Without a Dam?" *Michigan Journal of International Law* 25.1 (2003), 168.

stringent, thus better mediating the prospect for abuse. If vague definitions such as those contained in the ICC statute are applied internationally, states could violate one another's sovereignty for reasons of national security and claim humanitarian necessity. The ICC can afford to have less stringent criteria regarding crimes against humanity; the Court is concerned with legal process and trials, not deploying mass amounts of troops for a military mission. Second, for a norm to emerge regarding humanitarian intervention, strict criteria must be established from the onset to avoid the potential for abuse – the criteria may be loosened later to encompass the principles laid out in the ICC Statute, but it is inevitably easier to set the bar high and lower it than vice versa. R2P's recommendation allows for political contingencies that cannot be fully anticipated during a conflict; by setting out 'conscience shocking' criteria as the basis of intervention, the proposal enhances the chance for action<sup>12</sup>. The rigid criteria for intervention in the ICISS recommendation is warranted given the potential for abuse and contentiousness of the issue.

The ICISS provides a solid foundation for the circumstances surrounding humanitarian intervention. By setting the bar relatively high, R2P circumvents the issue of abuse quite well – regional or global powers cannot claim a humanitarian imperative in instances where such triggers are absent. Unfortunately, the ICISS thresholds are but one set of guidelines, and are not institutionalised or codified by any international organisation. While some members of the P-5 have endorsed the ICISS recommendations (former UK Prime Minister Tony Blair is a

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<sup>12</sup> Ramesh Thakur, "In Defence of the Responsibility to Protect," *The International Journal of Human Rights* 7.3 (2002), 168.

proponent of R2P), there is a severe lack of consensus at the Council. China and Russia rejected the proposals almost outright, with the Chinese claiming, “[t]heoretically, the conceptualisation of humanitarian intervention is a total fallacy. Practically, actions of humanitarian intervention [pose] grave problems for international law and international relations”<sup>13</sup>. Moreover, scholars have helped ‘muddy the waters’, providing a vast array of definitions and thresholds for intervention, which have further problematised the issue. There is no singular definition of humanitarian intervention, nor is there an accepted threshold for action – it is no surprise that scholars, states, and organisations alike have yet to codify this potential international norm.

The ICISS and R2P provide a solid foundation for humanitarian intervention, but lack a number of qualities. By relying on the UNSC for authorization of military force, a task at which they have previously been largely incapable, and hoping that the P-5 members of the Council will avoid vetoing resolutions that are not in their national interest, R2P is condemned to failure. Humanitarian intervention requires a framework based upon regional actors with support from the international community, not a structure that puts an inept global institution in control with aid from local countries. This following chapters will outline the argument that regional organisations, not the UNSC provide the best framework for which to conduct humanitarian intervention.

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<sup>13</sup> Mohammed Ayoob, “Third World Perspectives on Humanitarian Intervention and International Administration,” *Global Governance* 10 (2004), 108.

### **3: THE UNITED NATIONS & HUMANITARIAN INTERVENTION**

Traditionally, political science scholarship has defined security narrowly. Exogenous factors such as the environment or human security, although present in real world decision making, were largely viewed as externalities. Academics emphasised the conduct of and preparation for war, as well as the management and mitigation of armed conflicts<sup>14</sup>. Regardless of this narrow definition, scholars have focused on any number of areas regarding security such as the strategic impact of arms embargos or force depletion and the role of alliances. Since the end of the Cold War, a vast amount of research on peacekeeping and peacebuilding has also been presented in many peer edited volumes<sup>15</sup>. Within this literature, the emergence of human security and humanitarian intervention has been a contested issue.

Institutional responses to conflict often appear at the conclusion of a major world event. The forming of the League of Nations after the First World War (WWI) or the Concert of Europe after the Napoleonic Wars are but two examples of this trend. The United Nations, created after the conclusion of the Second World War (WWII) is perhaps the most important international institution; with 193 member states, the United Nations is truly a global institution. One of the

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<sup>14</sup> S Neil MacFarlane & Thomas G Weiss, "The United Nations, Regional Organizations and Human Security: Building Theory in Central America," *Third World Quarterly* 15.2 (1994), 278.

<sup>15</sup> Ibid.

main ideals upheld by the UN is the promotion of basic human rights. Unlike the guiding principles of the League of Nations Covenant which lacked binding codification, the rights of all persons and the duties of states are explicitly (and ambiguously) entrenched in the United Nations Charter<sup>16</sup>. Although these principles are notably convoluted, and can be interpreted by different states in different ways, they are, nonetheless, enshrined in international law. However, the upholding of this provision does not allow states to unilaterally intervene in another state's affairs; the Charter also contains a provision of non-intervention in another state's domestic affairs, stating that, "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..."<sup>17</sup>. This is a seeming contradiction; the upholding of human rights is subject to the norm of non-intervention.

Conventional definitions of security have focussed on inter-state conflict and, drafted in 1945, are reflected in the language of the Charter. Nonetheless, since the end of the Cold War, intrastate conflict has grown increasingly more common, with civilians lacking legal protection under the Charter. Violent regimes have used the Charter provisions of non-intervention and state sovereignty as justification to commit wretched violations of human rights against their own populations.

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<sup>16</sup> Cindy Collins & Thomas G Weiss, *Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help*, (Boulder: Westview Press, 1996), 21.

<sup>17</sup> The United Nations, *Charter of the United Nations and Statute of the International Court of Justice* (New York: UN Department of Public Information, 1945), Chapter 1, Article 2 (6).

The nature of security has changed and so should the application of the Charter; the Charter was never meant to mitigate conflicts of the intra-state nature and, as such, lacks a mechanism for this type of conflict. Moreover, the principles of sovereignty and non-intervention were not intended to provide a *carte-blanche* for leaders to commit violations of human rights within their own borders; sovereignty and non-intervention were meant to bring equality to the global stage in providing all leaders with equal footing when negotiating internationally. Increased global interdependence and the lack of state autarky essentially renders absolute sovereignty meaningless – no state is an island and the happenings in one country can have far reaching affects within neighbouring states and throughout the international system. Furthermore, the UN Charter is a *voluntary* obligation into which states enter. As one scholar has observed, “in granting membership of the UN, the international community welcomes the signatory state as a responsible member of the community of nations...the state itself, in signing the Charter, accepts the responsibilities of membership flowing from the signature”<sup>18</sup>. The purpose of humanitarian intervention is not to conquer states and erode the sovereignty principle, but to protect victims of atrocities within the state; intervention challenges “the rights flowing from the status of sovereignty, but does not in itself challenge that status as such”<sup>19</sup>.

As early as 1991, there is evidence that such reinterpretation has been proposed; former Secretary-General Javier Perez de Cuellar suggested that the

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<sup>18</sup> Thakur, “Intervention, Sovereignty and the Responsibility to Protect: Experiences from ICISS,” 331.

<sup>19</sup> *Ibid.*

Charter principles of sovereignty and non-interference be revisited to allow for humanitarian intervention<sup>20</sup>. Aside from the ICISS, which outlined sovereignty as responsibility and an improbable mechanism for humanitarian intervention in its reliance upon the UNSC, much of the discussion regarding humanitarian intervention has come outside the auspices of the UN. Although the ICISS was a result of a plea by the UN Secretary-General, the principles and guiding frameworks for HI have not been led by the UN or its organ for maintaining international peace and security, the UNSC. What is more, some members of the P-5 have expressed serious doubts regarding the tenets of HI and have not endorsed any facet of the ICISS recommendations, calling into question the body's usefulness when administering HI missions. In fact, some members and academics have questioned whether the notion of humanitarian intervention and state sovereignty is compatible with the UN Charter at all. This casts serious doubts on the R2P's argument that the UNSC should be the sole body in charge of authorising and administering the complex military operations required in HI missions. The following section will argue the nature of HI missions requires a change in the conventional wisdom regarding peacekeeping and the role of the UNSC in authorising and conducting such missions.

The Charter "confer[s] on the Security Council primary responsibility for the maintenance of international peace and security...[and] shall act in accordance with the Purposes and Principles of the United Nations [Chapter

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<sup>20</sup> Jarat Chopra & Thomas G Weiss, "Sovereignty is No Longer Sacrosanct: Codifying Humanitarian Intervention," *Ethics & International Affairs* 6 (1996), 96.



1]”<sup>21</sup>. Thus, it is the UNSC’s duty and obligation to uphold principles of humanitarian interest. Although humanitarian interests are not specifically defined in the Charter (nor are economic, social, or cultural issues), it can be surmised that the framers intended the UNSC to uphold a basic code of humanity, one that includes genocide prevention. The fact that a definition of humanitarian interest is not contained in the Charter does not preclude the UNSC from intervening to uphold human rights – after all, there is no mention of peacekeeping in the Charter either, and peacekeeping has been a cornerstone of UNSC action. Furthermore, although traditional peacekeeping missions relied upon consent, this principle was noticeably absent throughout some of the missions of the 1990s, such as UNPROFOR. Therefore, it can safely be assumed that the practices and principles outlined in R2P are compatible with those contained in the UN Charter. This does not mean, however, that the UNSC should be the sole body for conducting humanitarian operations – the security paradigm has changed dramatically since the drafting of the UN Charter and a new approach is necessary.

Prior to making the case for regional organisations, it is important to highlight how the nature of peacekeeping has changed since 1945. The UN Charter was drafted at the end of WWII, when most conflicts focussed on a state’s acquisition of territory. Warring parties were, more often than not, states themselves, not factions within states, whose main goal was to conquer enemy territory. Throughout the Cold War, this was usually the case as well; although

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<sup>21</sup> Ibid, Chapter 5, Article 24 (1, 2).

many conflicts were 'proxy wars' between the two superpowers, most were inter-state conflicts. Traditional peacekeeping missions operated under the following framework, dubbed by some scholars as 'the holy trinity'. First, peacekeepers were not armed heavily, carrying only basic weapons and engaging in combat only in a defensive role. Second, impartiality was paramount – peacekeepers did not take sides in a conflict, acting only as a 'buffer' between the warring factions. Third, and most importantly, traditional missions entered a combat zone only *after* a ceasefire had been established and had proved stable – the peacekeepers' duty was to monitor an existing ceasefire, not create an environment for hostilities to end<sup>22</sup>. Moreover, peacekeepers were deployed with the consent of the warring parties. While these principles were successful in helping maintain peace during the Cold War, they were not and are not sufficient during the post Cold War era.

The 1990s saw a range of conflicts that were much more complex in nature – the dissolution of Yugoslavia, and the genocide in Rwanda are but two examples of the complicated conditions faced by the UNSC. The missions deployed to these regions by the UNSC began as traditional peacekeeping missions, but spiralled into complex military operations with unachievable goals, a phenomenon known as 'mission creep'. The 'new' peacekeeping missions often entered regions where no ceasefire existed – peacekeepers were armed heavily and forced to use military strength to enforce or make peace. Moreover, both conflicts were heavily one-sided, one featuring an innocent civilian

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<sup>22</sup> Carolyn M. Shaw, "Regional Peacekeeping: An Alternative to United Nations Operations?" *The Journal of Conflict Studies* 15.2 (1995), 59.

population against a well-trained militia in Rwanda, the other seeing the armed forces fighting locally trained and ill-supplied factions in Yugoslavia. Neither conflict had a sustainable ceasefire in place when UNSC troops were deployed or an effective mechanism for bringing the factions to the negotiating table. What is more, the missions themselves lacked the adequate resources required to mediate such environments – traditional peacekeepers were not sufficiently trained or armed to handle conflicts of this nature.

The UNSC has rarely been an efficient decision-making body – many of the reasons UNAMIR and UNPROFOR were abject failures stem from problems in UNSC administration. Furthermore, many question the reliability of the UNSC in determining which cases are worthy of intervention; Rwanda was not of significance to any of the P-5 members, and was thus ignored during the genocide, despite repeated appeals by UNAMIR leader Romeo Dallaire for a stronger military presence. If the situation in Darfur is any indication, the P-5 are not yet ready to put their vetoes away for the sake of humanitarian intervention; the PRC will veto any military action taken against the government of Sudan, and has violated UNSC actions without recourse. Furthermore, the command structure under which UN forces operate is convoluted and problematic; there are serious difficulties in the command and control of UN force structures that are unlikely to improve in the near future<sup>23</sup>.

The main explanation as to why the UNSC is inept at mitigating intra-state conflicts where intervention for humanitarian purposes is required lies in the UN

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<sup>23</sup> Thomas G. Weiss, "Triage: Humanitarian Interventions in a New Era," *World Policy Journal* 11.1 (1994), 64.

Charter. The Charter relies upon a 'ladder' of action; authorisation of force under the UNSC and Chapter VII must come as a last resort. Sanctions are often seen as a lesser alternative to war; they do not require the violation of another state's territorial integrity, nor do they require the use of UNSC members' troops.

Unfortunately, such action is rarely useful in the face of a humanitarian crisis; sanctions and embargoes often hurt civilian populations, not governments, or have misguided side-effects, as was the case with the arms embargo during the Yugoslavian war of the early 1990s. Ultimately, the Charter's design to use non-forcible prior to forcible measures leads to less than favourable humanitarian results<sup>24</sup>. Authorizing military action requires substantial deliberation and adequate resources, neither of which are often present during Council sessions.

The UNSC is also subject to legitimacy issues regarding its place as the sole validator of international security action. The Council is unrepresentative in its composition, having not a single permanent member located in the Southern Hemisphere, is undemocratic in its voting structure with the P-5's persistent use of vetoes, is unaccountable to any other world body, be it the General Assembly or the ICC, and is ineffective in its results, as evidenced by its missions throughout the 1990s<sup>25</sup>. The UNSC does not have a monopoly on the use of force internationally and does not have sufficient political capital to dissuade members from using unilateral force – the Council is seen largely as a forum for rhetoric, not action, by those states embarking upon military operations. Moreover, the

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<sup>24</sup> Thomas G. Weiss, *Humanitarian Intervention*, (Cambridge: Polity Press, 2007), 45.

<sup>25</sup> Thakur, "Intervention, Sovereignty and the Responsibility to Protect: Experiences from ICISS," 334.

UNSC lacks a timely response mechanism to adequately address humanitarian issues – condemning violence and urging restraint are not replacements for boots on the ground. During humanitarian crises, time is of the essence; civilians in peril can ill afford to wait as the UNSC dilly-dallies on making a decision regarding their safety.

Attempts to codify the principles of R2P at the UN have been met with scepticism and little has been done by members of the UNSC to enshrine such principles in international law. Since the R2P recommendations in 2001, various attempts were made by then UNSG Kofi Annan to implement reforms that would see the Responsibility to Protect become more than simply a moral code. In December 2004, the “Report of the High-level Panel on Threats, Challenges and Change” outlined recommendations to the UNGA regarding conflict resolution, human rights and humanitarian intervention and identified some the challenges associated with their implementation. Included in these was an admission that the Security Council, “has not made the most of the potential advantages of working with regional and subregional organisations”, and that “the Commission on Human Rights suffers from a legitimacy deficit that casts doubts on the overall reputation of the United Nations”<sup>26</sup>.

Furthermore, the report details that there is, “a key institutional gap: there is no place in the United Nations system explicitly designed to avoid State collapse...or to assist countries in their transition from war to peace”<sup>27</sup>. As a

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<sup>26</sup> The United Nations General Assembly, *Follow-up to the Outcome of the Millennium Summit* (New York: United Nations, 2004), 64.

<sup>27</sup> *Ibid*, 69.

result, the committee recommended the creation of a Peacebuilding Commission which would have, among other core functions, “to organise, in partnership with the national Government, proactive assistance in preventing that process from developing further”<sup>28</sup>. Essentially, the report suggests that the Peacebuilding Commission should support the Secretary-General in his goal “to integrate system-wide peacebuilding policies, develop best practices and provide cohesive support for field operations”<sup>29</sup>. These goals are ambitious considering the lack of consensus on the issue of peacebuilding and the role of the UN in mediating intra-state conflict. As outlined in subsequent sections, the suggested powers for the Peacebuilding Commission were not operationalised in a way envisioned by the report.

In the follow-up to the Millennium Summit, Annan further pursued his agenda for a broader acceptance of R2P principles. “In Larger Freedom: Towards Development, Security and Human Rights for All” illustrates well the difficulty faced by the UN in bringing such principles from theory into practice. Throughout the report, Annan appeals for wider consultations regarding human rights and the allocation of additional resources for conflict mediation and prevention. To date, little has been done in this regard. For instance, Annan requested “[M]ember States to allocate additional resources to the Secretary-General for his good offices function” to help resolve conflicts peacefully<sup>30</sup>; in the General Assembly’s response document, “2005 Millennium Summit Outcome”,

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid, 70.

<sup>30</sup> The United Nations General Assembly, *In Larger Freedom: Towards Development, Security and Human Rights For All* (New York: United Nations, 2005), 30.

members, “[recognise] the important role of the good offices of the Secretary-General” but make no mention of additional funds<sup>31</sup>.

Furthermore, the UNGA affirmed the creation of the Peacebuilding Commission, but essentially stripped it of any binding responsibility outlined in Report of the High-level Panel on Threats, Challenges and Change. Instead of the Peacebuilding Commission indentifying countries which are under stress and risking collapse and coordinating preventive efforts to avoid such developments, the amended role of the Commission was, “to bring together all relevant actors to marshal all resources...for *post-conflict peacebuilding and recovery*”<sup>32,33</sup>. That is, the UNGA only acknowledged the role of the Peacebuilding Commission after a conflict was over, assuming such conflicts would end, and not during the preventive stage. Essentially, the outcomes the UNGA adopted were so broad and ineffectual that they scarcely bore any resemblance to the initial principles Annan was trying to institutionalise. What is more, the language contained in “In Larger Freedom” can be seen as a capitulation to this; the article itself bears little similarity to the High-Panel’s report on the same principles.

Since the publication of R2P, the myriad attempts to codify principles of humanitarian intervention can be characterised as lukewarm at best. The High-Panel’s report contained recommendations to further the ICISS principles, but through deliberation and debate such proposals have either been dismissed outright, or dwindled down to the point that their acceptance is meaningless. The

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<sup>31</sup> The United Nations General Assembly, *2005 World Summit Outcome* (New York: United Nations, 2005), 22.

<sup>32</sup> *Ibid*, 25.

<sup>33</sup> Italics are for emphasis and not contained in the original text.

Outcomes document is especially discouraging. Paragraphs 138 and 139 suggest that the UN is not any closer to developing an adequate response mechanism in the event of genocide and egregious violations of human rights<sup>34</sup>. If the UN cannot agree on how to implement such principles on anything other than an ad hoc basis, there should be little doubt that such interventions would lack effectiveness. As such, regional organisations must be considered as an alternative to the UN in conducting humanitarian intervention missions. There is already evidence that such an evolution is taking place at the UN level; UNSG Ban Ki-moon has stated that “better collaboration between the United Nations and regional and subregional arrangements are also needed...need to consider capacity-sharing and not just capacity building...”<sup>35</sup>. While the Secretary-General is not suggesting a delegation of military operations to regional and subregional groups it is encouraging nonetheless that capacity-sharing with regional organisations is a priority.

Some scholars, and members of the international community, have questioned whether humanitarian intervention is an idea whose time has passed. After a sharp move towards liberal internationalist ideals during the 1990s, the United Nations has focussed less on issues of humanitarian intervention and more on providing global public goods through specialised agencies. Recently the UN's most beneficial work has come through independent offices of the organisation, such as the World Health Organisation (WHO) and their efforts to

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<sup>34</sup> Ibid, 31.

<sup>35</sup> The United Nations General Assembly, *Implementing the Responsibility to Protect* (New York: United Nations, 2009), 27.



reduce poverty and disease, for example, and not through the UNSC in mitigating international peace and security. As evidenced by the sheer lack of will of the UNGA in codifying the principles of R2P, the question regarding the relevance of humanitarian intervention, and liberal internationalism in general, is a pertinent one.

There are a number of reasons why humanitarian intervention remains a pervasive issue in international relations. First, although there is a general lack of agreement at the highest levels of the UN, missions are still being conducted based upon humanitarian intervention principles. The mission in Darfur, the lack of success notwithstanding, is evidence that human rights and the use of military force to uphold them, still solicits a response from the international community. Second, the inability to codify the issue and move forward in a legal capacity does not necessarily mean the idea itself cannot move forward in a moral capacity. The fact that there is disagreement about institutionalisation should not be taken as an indication that the idea itself is dead. Third, and most importantly, the fact that regional organisations are moving in the direction of humanitarian intervention is evidence that the principles are still alive and well at a more workable level. The AU has codified humanitarian intervention at a regional level within the context of their Charter, as have other sub-regional and regional organisations, not to mention the ICC. Thus, if the United Nations cannot agree on how best to move forward with the principle of humanitarian intervention, regional organisations and other international institutions are willing and able to

pick up the slack. Indeed, this makes the case for regional organisations to have a greater role in humanitarian intervention even more compelling.

## 4: THE CASE FOR REGIONAL ORGANISATIONS

The end of the Cold War has brought about a major change in the conceptual model of security. The UNSC has failed in its duty of maintaining international peace and security throughout the post-Cold War era, and there is a need to revisit and seek other mechanisms through which peace can be achieved. Prominent among these is the exploration of regional organisations and defensive alliances as a means of mediating the complex military conflicts encountered during the last twenty or so years<sup>36</sup>. The increased demands placed upon the UNSC during this period vis-a-vis expectations for increased UN activism have demonstrated the extent to which the organisation has overstretched its capabilities<sup>37</sup>. As such, many scholars have looked to regional organisations as a solution for managing the complex military operations resulting from evolved humanitarian peacekeeping efforts. The following section will make the case that although the UNSC can provide support in terms of governance and aid, it is regional organisations that are more likely to be successful in conducting the complicated missions of humanitarian intervention.

There a number of advantages that regional actors enjoy in comparison with the UNSC. As outlined by MacFarlane and Weiss, regional organisations often have a higher stake in preventing and ending armed conflict within their

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<sup>36</sup> Justin Morris and Hilaire McCoubrey, "Regional Peacekeeping in the Post-Cold War Era," *International Peacekeeping* 6.2 (1999), 129.

<sup>37</sup> *Ibid*, 130.

regional bloc. The members of regional organisations are forced to absorb refugees fleeing adjacent conflicts, and bear the potentially destabilizing political, social and economic effects<sup>38</sup>. They also feel the international economic effects more acutely; neighbouring conflicts inevitably contribute to the perception of regional instability and stall foreign direct investment (FDI) to countries in the area, regardless if they are a party to the conflict<sup>39</sup>. Countries situated within the combat zone but not engaging in hostilities invariably suffer the economic consequences, regardless of the fact that they are disengaged from the conflict. Due to their inherent interest in stemming conflict within their regional organisations, members provide a much better foundation for humanitarian intervention because they are more likely to act. The UNSC has the option of non-intervention whereas regional organisations often do not.

Regional actors also provide 'better' intervention than the international community. Whereas some UN interventions, most notably in Somalia, have not been cognisant of the cultural and societal intricacies pertaining to the target country, regional actors are aware of local customs and beliefs. Members understand the nature of strife and ethnic tension in the area; this makes regional organisations better suited to mediate local conflicts<sup>40</sup>. Furthermore, military intervention taken by a regional actor, as opposed to the UNSC is more likely to be viewed as legitimate<sup>41</sup>. Many developing and least developed nations, especially in Africa, are naturally sceptical of the UNSC and its intentions, as

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<sup>38</sup> MacFarlane & Weiss, 283.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

many of these states have a history of colonial oppression – international administration is “often a by-product or consequence of intervention on humanitarian grounds”<sup>42</sup> and can be seen as a form of neo-colonialism. Successful interventions require the support of the native population(s); support that will be lacking if the population believes it is being taken over by outsiders. In this regard regional organisations are more likely to win ‘the hearts and minds’ of the people – while this is not a foregone conclusion by any means as some regions have regional power struggles and historic conflicts, it is certainly no worse than imposing international forces on a local people. Undoubtedly, most humanitarian intervention will take place in countries that do not hold a permanent seat on the Council or have adequate representation on the UNSC, increasing the chances that UN intervention will be seen as imperialism by the target country. Moreover, regional organisations have a better capacity to act as they do not have to consult with as many members that have a plethora of interests. What is more, the scope of regional organisations tends to be much narrower – smaller, region destabilizing wars may not get a spot on a global agenda, but are sure to get attention at the regional level<sup>43</sup>.

On a similar point, the ability of regional organisations to understand the heart of a particular conflict is much more pronounced than such abilities in the larger international community. Wars in Africa are constantly being defined by Western countries as “ethnic wars”, “resource conflicts”, or “socio-economic identity problems”. The problem, as argued by James Busumtwi-Sam, is that

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<sup>42</sup> Ayoob, 99.

<sup>43</sup> MacFarlane & Weiss, 283.

many of the continents longest and most deadly conflicts have been a mix of several issues, and cannot be described by monocausal means<sup>44</sup>. Furthermore, these conflicts also involve a number of exogenous actors including rival governments, mercenaries and various militias, all of which have their own agenda; these conflicts span across entire regions, involve myriad actors and roots, and, thus, require a more regional response<sup>45</sup>.

Another benefit of regional organisations lies in their preventive capacity to avoid the need for HI missions in the first place. Due to the commitment of members to the status quo, regional organisations can be effective in conflict prevention<sup>46</sup>. By constructing security regimes through the pacific settlement of disputes and promoting defensive capability within the organisation, regional arrangements can mediate “the negative effects of anarchy”<sup>47</sup>. That is, regional organisations can alter the balance of power through increased interdependence and promote shared norms and values in favour of peaceful resolutions to regional problems. Moreover, regional blocs are often arrangements that are made beyond security, in other policy areas such as economics or liberalisation of trade. Free-trade between member states inevitably leads to the desire to stem conflict within the region, preventing the need for intervention at the outset. Increased inter-dependence fosters the consolidation of shared values and puts

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<sup>44</sup> James Busumtwi-Sam, “Sustainable Peace and Development in Africa,” *Studies in Comparative International Development* 37.3 (2002), 93.

<sup>45</sup> Ibid.

<sup>46</sup> Muthiah Alagappa, “Regional Arrangements, the UN, and International Security: A Framework for Analysis,” in *Beyond UN Subcontracting: Task-Sharing with Regional Security Arrangements and Service-Providing NGOs*, ed. Thomas G. Weiss (London: MacMillan Press, 1998), 18.

<sup>47</sup> Ibid.

the emphasis on diplomatic rather than military resolutions. While this does not preclude the possibility for conflict within a regional organisation, it does suggest that regional organisations have a role to play in prevention as well as administration. Regional organisations have managed a number of minor and medium size conflicts in the name of humanitarian intervention, and have had some success in doing so, ably ending hostilities and bringing warring factions to the negotiating table. The United Nations, in contrast, has much more limited success when deploying peacekeepers for humanitarian purposes, a record that is reflected in the failed missions of Rwanda and Yugoslavia.

The case for regional organisations is strong, but there are some criticisms surrounding their effectiveness in humanitarian intervention missions. Some critics cite historic cases as examples that regional blocs are not more likely to become involved in regional conflicts. Others scholars suggest that the principle of sovereignty is more pervasive at the regional level than internationally. Many regional organisations have non-intervention clauses within the text of their respective charters and have made deliberate attempts to exclude humanitarian intervention missions. Moreover, critics suggest that regional organisations are more prone to being dominated by a regional hegemon that uses the bloc for the pursuit of its own interests. The UNSC has built in safeguards, the veto, that ensures the Council speaks with one voice and cannot be dominated by one powerful nation. Perhaps the most convincing argument against regional organisations is the fact that few have the necessary

resources to adequately administer humanitarian intervention missions. Still these criticisms are not unique to regional organisations – the UNSC has had significant problems procuring necessary resources for its missions and has a history of avoiding conflicts for which it cannot achieve a consensus for action. Furthermore, sovereignty at the international level is also embedded in the UN Charter, making regional organisations no less susceptible to claims regarding non-intervention. While there are limits to regional organisations and their effectiveness, the benefits outweigh any potential costs. To best illustrate the case for regional organisations in managing international humanitarian conflicts, a comparison between the United Nations and regional organisations is pertinent.



## 5: THE CASE STUDY APPROACH

Due to the comparative nature of the research question, a comparative case study approach will be employed to demonstrate that regional organisations have comparative advantages over the UN in conducting HI missions. One of the benefits of using the comparative case study method is that it allows for the analysis of a small amount of cases. Due to the fact that there are few examples of regional intervention and UN intervention in the same area, a comparative approach seems to be most fitting. Moreover, by virtue of the fact that there are a limited amount of cases, comparative case study methodology will help provide insight into *why* the said proposition is valid.

The greatest challenge in using this approach is measuring the outcome: ‘successful humanitarian intervention’ by international and regional organizations. Because of the nature of the subject-matter, results are difficult to measure and compare against each other. How ‘success’ in a humanitarian mission is determined is subject to vast interpretation. For the purposes of this research, the intervention will be considered successful if the goals of the intervention are met. That is, most cases for humanitarian intervention have limited objectives, for instance, the ceasing of hostilities or the ending of a genocide. If those goals are met, the intervention can be seen to be a success. Although other indicators are also important, for instance, if the country is able to reconcile its previous differences and rebuild into a coherent and functional society, they are beyond

the scope of this research. In this analysis, the primary concern is with conducting military operations to stop/prevent widespread egregious human rights violations – for an intervention to be successful, the *military* objectives must be met. I realise that this is a narrowly defined research issue, but in the interest of time, I believe it is best to keep the investigation as coherent as possible.

There are a number of strengths and drawbacks to using this analytical framework. The strength of the framework is the comparative approach – by having adequate benchmarks and successful and unsuccessful cases, it will provide insight into why some missions have ended in catastrophe while others have thrived. Unfortunately, having a small amount of cases disables the ability to generalise the findings. There is little way to control for outside variables (the potentially largest being involvement by the United States) because there are so few cases. Moreover, there is no way to discount luck in any given scenario – again, the case choice is limiting and it is possible that other exogenous factors, such as access to resources, or historic conflicts may play a larger role than previously anticipated. However, these issues are not due to the framework and methodology, but perhaps due to the research problem itself. In this research I am also ignoring a third factor: coalitions of the willing and ad hoc intervention. This is for a number of reasons. First, there are few cases where intervention has happened by an ad hoc coalition for *humanitarian* purposes – the US invasion of Iraq in 2003 does not qualify as a case for this research because its justification did not meet the established criteria for humanitarian intervention. Second,

involving ad hoc cases does not help advance the research problem, it simply expands the parameters of the study, making generalisation more difficult. Moreover, coalitions of the willing by definition are not institutionalised responses – including them in the study is not relevant to the central thesis of discovering which institutionalised response better suits humanitarian intervention. Another down side of this method is the lack of cases for this research, leading to issues of selection bias and ‘cherry-picking’. The sheer lack of cases to answer the research question can rightly contribute to this criticism. However, upon reading the literature, there are few examples that qualify with the aforementioned criteria. Latin America does not have the appropriate regional missions to evaluate, nor does Asia. In Africa, the case of the African Union intervention in Darfur is an example of regional intervention, but there is not a comparable UN mission to allow for evaluation. Moreover, the crisis in Darfur has not ended, making it impossible to adequately judge its effectiveness. While the method is not perfect, the cases do have a high degree of comparability.

The following cases have been chosen for a couple of reasons. First, both regions, Europe and Africa, have had regional HI missions and UNSC HI missions, making comparisons between missions and across regions more methodologically valuable. Furthermore, all four cases are from similar time periods, increasing comparability. Second, all four missions were justified based upon the principles of humanitarian intervention: the complex military operations in both UN missions were not components of the initial missions, and were added when the humanitarian situation deteriorated; humanitarian justifications have

been used by both NATO and ECOWAS in their reasons for intervention. . Third, all four missions had complex military and civilian components that can be analysed and outcomes that can be evaluated. Regarding evaluation, military objectives will be defined as a ceasing of hostilities and the limiting of *civilian* casualties. The most important criteria for which to judge success in humanitarian intervention missions is how quickly and effectively the mission was in preventing and limiting civilian casualties. It is this principle that will be the primary benchmark for evaluation.

## 6: CASE STUDY – YUGOSLAVIA

The mission in the former Yugoslavia remains one of the most controversial in UN history. Despite the fact that a large UN force was deployed to the region and large civilian and humanitarian components were both present, the UN was unable to stop the persistence of a full scale military conflict. Furthermore, when a ceasefire was finally attained and a deal between the warring parties brokered, it was NATO, not the UN, that was responsible for the peace. The UN proved ineffectual at peace making, and needed the help of a regional organization to end the savage and bloody Balkan conflict. Some of the blame most certainly rests on the UN organization as a whole. However, international organizations are only as strong as their members want them to be. Thus, it is the UN's leading states, the P-5, who shoulder most of the blame regarding the failure of UNPROFOR.

The war in the Balkans began surrounding the independence of Croatia and Slovenia from the former Yugoslavia. In late March 1992, Croat forces, supported by a Muslim militia and Serb paramilitaries began fighting near the strategically important Pasavina corridor, which linked Serbian inhabited Bosnia with Serbia proper<sup>48</sup>. The fighting intensified when the European Community (EC) officially recognised Bosnia as an independent country in April 1992. Between April and June of 1992, Serb paramilitary forces, aided by the Yugoslav

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<sup>48</sup> Mats Berdal, "Bosnia," in *The UN Security Council - From the Cold War to the 21st Century*, ed. David M Malone (London: Lynne Rienner, 2004), 453.

army, began a brutal assault that resulted in the Bosnian Serb forces taking over roughly sixty percent of the new Bosnian republic<sup>49</sup>. This was due in part to the UN imposed arms embargo; because the Serbian paramilitaries were aided by the Yugoslav army, it was the Croats who were without arms, not the Serbians. Unfortunately, the effect of the arms embargo was the complete opposite of its intentions. After a fact-finding mission by Undersecretary-General for Peacekeeping Marrack Goulding, the UNSC chose to not deploy UN peacekeepers to the region over security concerns. Furthermore, UN Forces stationed in Croatia were under scrutiny and running into difficulty and the UNSC was not willing to commit more troops to an area where it already had a presence.

However, in July 1992 as the circumstances surrounding the war in the Balkans became more apparent, and the extent of the conflict and humanitarian crisis became known, pressure mounted on the UNSC to deploy a UN force to become directly involved in the conflict. On September 14<sup>th</sup> 1992, the UNSC adopted Resolution 776, formally expanding the role of UNPROFOR already in Croatia as a traditional peacekeeping force to support the efforts of the UNHCR to deliver humanitarian assistance throughout Bosnia<sup>50</sup>. Furthermore, UNPROFOR was to establish the United Nations Protected Areas (UNPAs) that would act as safe havens for refugees and be protected by UNPROFOR troops. Unfortunately, this goal was never realised. It is important to note that the expanded mission was authorised under Chapter VI of the UN Charter, as was

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

the initial UNPROFOR mission in Croatia, and thus can be considered a traditional peacekeeping mission from the outset. However, the circumstances in Bosnia when the UNSC expanded UNPROFOR were such that a Chapter VII mandate would have been more appropriate.

Despite the fact that the UNPROFOR mandated force was already in the field, UNSC members did not solidify the mission's priorities until autumn of 1992. These goals were threefold: relieving as far as possible the human suffering caused by the wars, initially by operating the Sarajevo airport and by protecting UNHCR convoys; second, containing the conflict to the territories of the former Yugoslavia; and third, facilitating the efforts of the warring parties themselves to reach a political settlement<sup>51</sup>. Although the mandate suffered a significant amount of mission creep after 1992, the deployment of UN forces centred around these three principles. These principles reflected a compromise of sorts, however, it was clear that by 1993, the spirit of cooperation had eroded; the P-5 were discordant. The underlying cause was obvious. Lacking strategic interest in the former Yugoslavia, the US had no reason to pressure the members of the P-5 into a solution. In turn, the remaining P-5 members lacked the muscle to compel American acquiescence in politics that had a European focus<sup>52</sup>. Furthermore, the prospect of a Russian (or Chinese) veto on a resolution expanding the force structure and mandate compounded the problems within the P-5. The rift between the P-5 related to post-war reconstruction efforts and how they would be organised once a peaceful settlement was reached. Although the

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<sup>51</sup> Ibid, 454.

<sup>52</sup> Geoff Simmons, *UN Malaise*, (London: Macmillan Press, 1995), 83.

mission was far from being complete, the P-5 assumed that peace was “just around the corner”, an assumption that would ultimately doom the mission.

As the members of the UNSC bickered about post-war administration, conditions on the ground for UN Forces went from bad to worse. An increasing number of UNSC member states, including the United States and Germany, questioned the assumptions on which the UNPROFOR mandate had been assigned. However, the remaining membership, as well as troop-contributing non-members showed little or no willingness to move toward taking enforcement action, and the Americans and Germans had no desire to commit their own troops to such a mission<sup>53</sup>. Unfortunately, this disagreement at the UNSC level meant that UNPROFOR remained a traditional peacekeeping mission – one that was vulnerable, lightly equipped, dispersed throughout the country doing a myriad of tasks. The war continued unabated through 1993 and UNPROFOR continued to try to take more forceful action, without changing the peacekeeping basis of its mandate. It was not until June 1993 that the UNSC passed Resolution 836 under Chapter VII of the Charter, to ensure the safety of UNPAs. The problems surrounding the adoption of Resolution 836 and the protection of UN Safe Areas personified the larger issues at the Security Council as to why the mission was failing. Quite simply, the members of the UNSC could not separate their national foreign policy goals from what was best for the mission.

The largest tensions during the debate over Resolution 836 were not between Russia and the US, nor China and the US, but between the Western

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<sup>53</sup> Berdal, 454.



members of the P-5. The establishment of the UNPAs in May 1993 is the clearest example of how tensions within the UNSC led to decisions that were to have catastrophic consequences on the ground<sup>54</sup>. UNSC Resolution 836, cosponsored by France and the UK gave member states, “acting under the authority of the Security Council...all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate”<sup>55</sup>. Unfortunately, the Resolution did not signify any new commitments to UNPROFOR, because it would have been vetoed by the other three members of the P-5. The new US administration under President Clinton wanted the adoption of a ‘lift and strike’ policy which entailed a partial lifting of the arms embargo against the Bosnian government combined with airstrikes against Serb targets throughout Bosnia<sup>56</sup>. Furthermore, the fortified safe area strategy ran into major difficulties when few members were willing to contribute additional troops. Regardless of the tough wording of Resolution 836, the members of the UNSC were either unable or unwilling to expand UNPROFOR’s mandate. This decision proved catastrophic when Bosnian Serb forces raided the UN safe area at Srebrenica in July of 1995, killing eight thousand people, mostly Bosnian Muslims, in what the International Criminal Tribunal for the former Yugoslavia deemed a genocide. Further problems arose when the European Union Action Plan collapsed in late 1993, the third peace plan to be presented to the warring parties. Nearly a year and a half passed before all three parties were to be at the table again. In December of

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<sup>54</sup> Ibid.

<sup>55</sup> United Nations Security Council, *Resolution 836* (New York: United Nations, 1993).

<sup>56</sup> Berdal, 454.

1995, after countless UNSC Resolutions supporting various peace plans, and a ruthless bombing campaign by the members of NATO, the Balkan War officially ended with the Dayton Accords. The Accords were negotiated by *NATO*, not the UN, and resulted in the NATO-led Implementation Force (IFOR) relieving UNPROFOR of its military duties in the region.

The indecisive, hesitant and reactive nature of the response by the UN to the Balkan War were all contributing factors to the failure of UNPROFOR.

Although the UNSC authorised the use of force under Chapter VII, it came too late to make a difference in the conflict and was as much for conveying the impression of resolve as it was taking meaningful action. Invoking Chapter VII did not mean the UNSC was willing to abandon UNPROFOR's core principles, a decision that proved to be its downfall. The UNSC did not intend to abandon the UN's role as a traditional peacekeeper in favour of peace enforcement. Furthermore, although the "use of any means necessary" was authorised, it did nothing to relieve the troops from the other obligations put forth in previous Resolutions<sup>57</sup>. In short, the UN tried to use peacekeepers in the place of peacemakers, while trying to rebuild a war-torn state and assist in a compounding humanitarian crisis. While the ambitions were admirable, the UNSC members did not realise the full extent of the conflict until it was too late, and could not agree on how a solution was to be implemented once this realisation occurred.

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<sup>57</sup> Ibid, 460.

## 7: CASE STUDY – KOSOVO

NATO's eleven week bombing campaign of Serb forces in Kosovo remains the subject of scrutiny, both within academia and between world leaders. Many have argued that because the action was not sanctioned by the UN prior to the start of bombing, NATO violated international law and the UN Charter by compromising Serbian national sovereignty. Others have argued that it is irrelevant when the UNSC gave its approval; the fact that the UNSC eventually endorsed the bombing campaign makes the operation legitimate and within international law. Regardless of legality there is no denying that NATO's air campaign against Serbia was successful in ceasing gross violations of human rights by the Serbs and restoring order to the war torn province. Whether or not the action was legal is beyond the scope of this research; however, why the operation was a success is a pertinent issue that requires reflection.

*Operation Allied Force*, the codename for the NATO bombing in Kosovo, was a unique action in a number of ways. First, it was the first sustained use of military force by NATO since the organisation came to be fifty years earlier<sup>58</sup>. Second, the operation marked the first time a regional organisation had acted to uphold a UN Resolution, without approval from the UNSC to do so<sup>59</sup>. Third, and most importantly, it was the first bombing campaign to take place against a government for actions that happened within its own borders and to secure a

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<sup>58</sup> Adam Roberts, "NATO's 'Humanitarian War' Over Kosovo," *Survival* 41.3 (1999), 102.

<sup>59</sup> *Ibid.*

major policy shift against that government without the use of substantial land operations<sup>60</sup>. The air strikes were also justified under the code of humanitarian intervention.

The circumstances surrounding NATO's bombing of Kosovo are similar to those seen throughout the 1990s. Kosovo had traditionally been an autonomous part of the former Yugoslavia; Tito granted the province special status in the country's constitution, and the province remained so throughout the Cold War. However, when Slobodan Milosevic became President of Serbia, he revoked Kosovo's autonomous status, and sought to increase Belgrade's control over the province's Albanian population. As is similar to other cases where an ethnic minority is discriminated against by the majority, Kosovo Albanians, "resorted to the development of parallel national institutions and many sought independence using the familiar techniques of insurrection"<sup>61</sup>. The Kosovo Liberation Army (KLA) began using guerrilla style hit and run tactics on Serbian positions; Serbia responded with indiscriminate military assaults to reverse KLA gains, and, in 1998, "forced more than two hundred thousand Kosovo Albanians to flee their villages and take refuge in the hills"<sup>62</sup>. To avoid all-out hostilities, both parties agreed to an international observation force, the Kosovo Verification Mission of the Organization for Security and Co-operation in Europe (OSCE) to improve the humanitarian situation and avert an impending humanitarian catastrophe<sup>63</sup>. In

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<sup>60</sup> Ibid.

<sup>61</sup> Ruth Wedgwood, "NATO's campaign in Yugoslavia," *The American Journal of International Law* 93.4 (October 1999), 828.

<sup>62</sup> Ibid, 829.

<sup>63</sup> Christine M. Chinkin, "Kosovo: a 'Good' or 'Bad' War?" *The American Journal of International Law* 93.4 (October 1999), 842.

fashion typical of the UNSC, the Council passed Resolution 1203 in October of 1998 directed at both parties; Kosovo Albanian Leadership was, “to comply with all relevant resolutions, to condemn all terrorist actions and to pursue its goals by peaceful means only”<sup>64</sup>; the Federal Republic of Yugoslavia was, “to comply with all relevant resolutions and to be mindful of its primary responsibility for the safety and security of all diplomatic personnel and for the safe return to their homes of refugees and displaced persons”<sup>65</sup>. The UNSC resolution essentially directed both parties to comply with previous requests to cease hostilities, but did not provide a mechanism for enforcement. It is also worth noting that the UNSC had acted under Chapter VII of the Charter in March of 1998, imposing an arms embargo against the Federal Republic of Yugoslavia, and calling upon all states “to act strictly in conformity with this resolution”<sup>66</sup>. Again, the Council did not allocate resources or provide any context for enforcement.

In light of the OSCE observation mission, both sides convened in Rambouillet, France in January, 1999 with members of the contact group – Russia, France, Germany, UK, USA and Italy – to negotiate a framework for Kosovo’s autonomy within a united Serbia for an interim period of three years, deferring a lasting settlement until after that time<sup>67</sup>. The contact group also put forth a provision allowing NATO the right to operate within all of Yugoslavia to guarantee the terms of the agreement, allowing the organisation to justify later military action. Both sides initially balked at the agreement, but the Kosovo

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<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> United Nations Security Council, *Resolution 1160* (New York: United Nations, 1998).

<sup>67</sup> Wedgwood, 829.

delegation did eventually accede. The Serbs, however, never gave their assent to the framework as it allowed the prospect for Kosovo's complete independence and NATO's bombing campaign against Serb targets in Kosovo, Serbia and Montenegro began soon thereafter<sup>68</sup>.

Many academics have hypothesized as to why NATO's bombing campaign began after Serbia refused to sign the contact group's framework agreement, and not during the prior period of Serbian aggression that necessitated the contact group's initial involvement. Adam Roberts speculates that the willingness of NATO to take action over Kosovo was not due to the failure of the negotiations regarding the province at Rambouillet, nor was it a shared vision as to what the future of Kosovo should be<sup>69,70</sup>. Instead, Roberts suggests, the NATO states within the contact group were, "united with a sense of shame, that, in the four years of atrocious wars in the former Yugoslavia, they had failed, individually and collectively, to devise coherent policies and to engage in decisive actions"<sup>71</sup>. During the last months of 1998 and early into 1999, NATO allies became worried that the conflict between the KLA and Yugoslavian National Army would erupt into full-scale 'ethnic-cleansing' of Kosovo's Albanian population<sup>72</sup>. Moreover, the resolutions, recommendations and roles of third party institutions, most notable the United Nations Security Council, were being

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<sup>68</sup> Ibid.

<sup>69</sup> Roberts, 104.

<sup>70</sup> The main division within the contact group saw Russia alone supporting Serbia's position of keeping Kosovo within a greater Serbia. The United States and Western European countries, if forced, supported an independent Kosovo.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

patently ignored by both sides, but especially the Serb controlled Yugoslavian Army. According to Roberts, NATO members, despite their doubts about diplomatic and military options followed by the organisation, had no obvious alternative course of action<sup>73</sup>. Given the previous failures of other institutions, no NATO member wished to be the first to step out of line. As a result, the alliance took military action to uphold human rights and defend Kosovo's civilian population against the Yugoslavian Army.

Other scholars suggest that NATO's involvement came as a result of an ultimatum the organisation gave Serbia. United States Secretary of State Madeleine Albright had, "threatened at the outset of the [Rambouillet] talks, that failure to agree would lead to NATO military action [against Serbia]"<sup>74</sup>. The United States, having faced significant international criticism over its handling of the Rwandan genocide and its lack of commitment to UNPROFOR, did not wish to make the same mistake again – having threatened swift military action, the US was forced to deliver on that promise. There was also substantial evidence that the Serbs had embarked upon a ground offensive in the Spring of 1999 with the purpose of expelling much of Kosovo's ethnic Albanian population<sup>75</sup>. This action, combined with the Serbs unwillingness to sign the Rambouillet agreement, signalled to NATO that the Serbs strategy all along was to drive out Kosovo's Albanian population and keep Kosovo as a non-autonomous province of Serbia.

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<sup>73</sup> Ibid.

<sup>74</sup> Wedgwood, 829.

<sup>75</sup> Ibid.

As a result, the alliance was forced to intervene to avert the impending humanitarian catastrophe.

The NATO campaign in Yugoslavia is a prime example regarding the principles of humanitarian intervention. The alliance attempted to apply diplomatic pressure through various channels, both international and regional, to end the struggle between the KLA and Yugoslavian Army . When both the UNSC resolutions and the OSCE observers failed to stem the flow of conflict, the alliance acted in a matter consistent with the principles of HI. The organisation did not attempt to make any territorial gains, as is evidenced by the lack of ground offensive following the airstrikes; one of the main purposes for the action was to avoid a humanitarian disaster of catastrophic proportion. Once both parties were brought back to the negotiating table, the alliance provided observer and peacekeeping support only, in the form of the Kosovo Protection Force (KFOR). When the alliance was forced to take military action without UNSC approval, it did so and for all the right reasons. The fact that the NATO intervention in Kosovo directly led to the withdrawal of Serbian troops from the territory is the largest single factor in evaluating the mission's success. Had NATO not intervened, first with air power and with a subsequent stabilisation mission, there is sufficient historic evidence from the previous Balkan War to suggest that Serbian forces would have conducted ethnic cleansing on Kosovo's Albanian population. Furthermore, the NATO bombing can be seen as the determining action that led to an ending of hostilities in the region. There can be



little doubt that the Kosovo intervention by NATO as controversial as it was, was an exemplary instance of humanitarian intervention in action.

## 8: CASE STUDY – RWANDA

UNAMIR was deployed in October of 1993 to enforce the Arusha Peace Agreement. The Arusha Accords established a power-sharing agreement between Hutu President Juvenal Habyarimana and the Tutsi led Rwanda Patriotic Front (RPF), ending a three year civil war. The mission was originally mandated as a traditional peacekeeping force. Unlike UNPROFOR, UNAMIR was authorised after a peace agreement was in place, with the intention that the mission would supplement peace efforts between the parties. Furthermore, the UNAMIR mandate centred around the following objectives: to contribute to the security of Kigali; to monitor observance of the cease-fire; to monitor the security situation during the final period of the transitional government's mandate; to assist with mine clearance; to investigate instances of alleged non-compliance with the provisions of the Arusha Peace Agreement; to monitor the process of repatriation of Rwandese refugees; to assist in the coordination of humanitarian assistance; and to investigate and report on incidents regarding the activities of the gendarmerie and police<sup>76</sup>. It is important to note that the mandate's goals were very broad, but did not authorise UN troops to use force unless in self-defence.

The security situation was tenuous following the deployment of UNAMIR, as Hutu rebels viewed the Accords as placating the Tutsi minority, and ethnic

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<sup>76</sup> United Nations Security Council, *Resolution 872* (New York: United Nations, 1993).

tensions ran high. On April 6<sup>th</sup>, 1994, President Habyarimana was killed in a plane crash. Although it remains unclear who was responsible for the crash, members of the Hutu dominated government and the extremist Hutu militia, the *Interahamwe* blamed the RPF for the crash. The death of Habyarimana marked the end of the Hutu-dominated Rwandan Government's efforts to adhere to the Arusha Accords, and the genocide plan was put into action. Violence erupted in most areas of Rwanda on April 7<sup>th</sup>, with the *Interahamwe*, backed by the Rwandan Armed Forces (FAR), stockpiling weapons for later use. Gangs of Hutus began attacking Tutsi homes attempting to murder, rape and pillage, albeit with limited results, often setting fire to the homes afterwards<sup>77</sup>. The majority of Tutsis were not killed at this time, however, and congregated in supposed 'safe areas'. Unfortunately, after a standoff lasting no more than a few days between congregated Tutsis fighting for their lives and Hutu gangs bent on genocide, the *Interahamwe* with the aid of the Presidential Guard (PG), police and factions of the FAR gained the upper hand. In a precipitated and methodical manner, the *Interahamwe* viciously massacred nearly eight hundred thousand Tutsis and moderate Hutus in a period lasting a little over one month<sup>78</sup>. The question remains: where was UNAMIR and UNSC and why didn't they intervene to stop such a blatant and brutal act of genocide?

In first few months of 1994, prior to the genocide, Canadian Lieutenant-General and UNAMIR Commander Romeo Dallaire had requested additional

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<sup>77</sup> Alan F. Kuperman, "Rwanda in Retrospect," *Foreign Affairs* 79.1 (2000), 96.

<sup>78</sup> For a further detailed account, consult "Rwanda" by Howard Adelman and Astri Suhrke in *The United Nations Security Council – From the Cold War to the 21<sup>st</sup> Century* and "The Security Council: Behind the Scenes" by Linda Melvern in *International Affairs* January 2001.

forces from the Security Council, citing grave security concerns amidst increasing violence. Unfortunately, Lt-Gen Dallaire was told there were no more troops available, and would have to make do with the 2500 troops that were authorised under UNAMIR, despite the fact he had initially recommended nearly double that, 4500, prior to deployment<sup>79</sup>. Furthermore, the original UNAMIR deployment lacked basic personnel; the humanitarian and public administration components were ineffective because there were simply no staff to administer these services. In short, UNAMIR was not given the mandate from the UNSC to take proactive action and use force to stop the genocide; the mission remained reactive in nature, with a severe lack of attention from the P-5. While it is impossible to say why UNAMIR was under-funded in such an obvious manner, it seems that the UNSC committed the bulk of UN resources to the conflict in European Yugoslavia, and did not have the time, nor desire to devote resources to a conflict in Africa.

The case of Rwanda provides interesting insight into the normative and institutional challenges of UN intervention. If nothing else, the Rwandan genocide exposed the UN's inability to conduct enforcement operations and the unwillingness by major powers to spend money and run risks in areas of minimal geopolitical importance<sup>80</sup>. Furthermore, Secretary-General Kofi Annan ordered an independent review of UNAMIR in 1999 that came to similar conclusions. By not asserting its role in preventive diplomacy, which falls under Chapter VI of the

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<sup>79</sup> Linda Melvern, "The Security Council: Behind the Scenes," *International Affairs* 77.1 (2001), 105.

<sup>80</sup> Howard Adelman & Astri Suhkre, "Rwanda," in *The UN Security Council - From the Cold War to the 21st Century*, ed. David M Malone (London: Lynne Rienner, 2004), 495.

Charter (the Chapter UNAMIR was mandated under), and by adopting a passive, reactionary attitude to security, the UNSC failed in promoting the values outlined in the UN Charter<sup>81</sup>. Furthermore, the sheer lack of accountability is disturbing. Only one of the P-5, France, has conducted an official investigation into the handling of the mission<sup>82</sup>, and the head of the Department of Peacekeeping Operations (DPKO) during the genocide, Kofi Annan, not only kept his job, but was eventually promoted to the head of the Secretariat, the Secretary-General. The experience in Rwanda is alarming evidence at how the P-5 failed to act when vested national security interests are not at stake. In this case it seems that the permanent members of the Security Council were an impediment to peace, rather than a stabilising force. Unfortunately, the Rwandan case has been repeated in some fashion all too frequently and failure has become the norm and not the exception. The P-5 have proved largely unable to put aside national interests in the name of global security and have all but lost their moral authority on issues of international conflict management. If the UNSC cannot prevent or end such conflicts as those in the 1990s, it ceases to be an effective body in mitigating disagreements and enforcing peace.

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<sup>81</sup> Ibid.

<sup>82</sup> France's investigation had more to do with French intervention under Operation Turquoise than it did with UNAMIR.

## 9: CASE STUDY – LIBERIA

The experiences of the Liberian conflict are similar to those of many conflicts throughout the 1990s. The situation quickly denigrated into a guerrilla war that was characterised by large-scale human rights violations, creating a serious humanitarian emergency. The rebel National Patriotic Front of Liberia (NPFL), led by Charles Taylor and Prince Johnson, entered Nimba County, Liberia from the Ivory Coast on December 24<sup>th</sup>, 1989 with the declared intention of overthrowing President Samuel Doe's government and establishing a democracy in Liberia<sup>83</sup>. The President responded by dispatching two battalions from the Armed Forces of Liberia (AFL) into Nimba County; the AFL proceeded to terrorise the Gio and Mano peoples of Nimba county, committing rape, murder and other atrocities, and plunging the country into a civil war that would result in over 10 000 civilian fatalities, 600 000 refugees, and 1.5 million displaced persons (one-half of Liberia's population)<sup>84</sup>. In August 1990, ECOWAS deployed 3000 troops to Liberia, under the mission the Economic Community of West African States Ceasefire Monitoring Group (ECOMOG), to help resolve the armed conflict that had broken out the previous year.

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<sup>83</sup> For a detailed analysis of the ECOWAS intervention consult, Clement E. Adibe, "The Liberian Conflict and the ECOWAS-UN Partnership," in *Beyond UN Subcontracting: Task-Sharing with Regional Security Arrangements and Service-Providing NGOs*, ed. Thomas G. Weiss (London: MacMillan Press, 1998): 67 – 90.

<sup>84</sup> W Ofuatye-Kodjoe, "Regional Organisations and the Resolution of Internal Conflict: The ECOWAS Intervnetion in Liberia," *International Peacekeeping* 1.3 (1994), 262.

Like the NATO bombing of Kosovo, the ECOMOG intervention into Liberia set a number of important precedents regarding humanitarian intervention. ECOMOG was the first regional military force deployed in the least developed world, and the first military mission the UN agreed to work with as a *secondary* partner<sup>85</sup>. The UN remained largely on the sidelines during ECOMOG's operations, providing logistical and humanitarian support rather than partaking in military aspects of the mission. However, the most important implication of ECOMOG's intervention was the change in attitude it represented. The intervention was one of the first conflicts where the United Nations and a major regional organisation, in this case ECOWAS, redefined traditional notions of sovereignty in order to permit an external intervention into another state's territory<sup>86</sup>. Essentially, the Liberian intervention represents the first instance of humanitarian intervention in action, and it was taken outside the auspices of the UNSC.

Although ECOWAS was largely an economic organisation, aimed at increased trade and self-reliance through trade liberalisation, the group had been observing Liberia's deteriorating conditions with trepidation. ECOWAS, the only West African organisation that included all sixteen states in the region, had never deployed a united military force, although it had defence plans aimed at mutual defence should the need arise<sup>87</sup>. Fearing increased refugee flows and political instability in their already impoverished and unstable states, and the impact of

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<sup>85</sup> Herbert Howe, "Lessons of Liberia: ECOMOG and Regional Peacekeeping," *International Security* 21.3 (Winter 1996), 146.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*, 150.

the conflict on potential foreign investment in the region, ECOWAS conducted a Standing Mediation Committee (SMC) to resolve Liberia's conflict peacefully<sup>88</sup>. Led by Nigeria, the SMC gathered all of Liberia's warring factions, and attempted to broker a deal in Monrovia. However, when no peace agreement could be attained, the SMC feared that any further delay would lead to an urban war in the capital, causing the Committee to create ECOMOG to avoid a final showdown in Monrovia<sup>89</sup>.

ECOMOG's mandate was broad, and included both peacekeeping and peace enforcement components. ECOMOG was given authority, "to conduct military operations for the purpose of monitoring the ceasefire, restoring law and order to create the necessary conditions for free and fair elections to be held in Liberia...to [aid] the release of all political prisoners and prisoners of war"<sup>90</sup>. By giving ECOMOG the ability to conduct peace enforcement from the outset, ECOWAS appeared inherently aware of the potential for deteriorating conditions, and gave the mission the appropriate legal framework to engage in hostilities if the need arose. This is in stark contrast to UNAMIR, where UN forces were given a narrow mandate that contributed to their inability to change to deteriorating conditions on the ground. For the first six to eight months, ECOMOG used its power of peace enforcement; by November 1990, the mission had taken control

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<sup>88</sup> David Wippman, "Enforcing the Peace: ECOWAS and the Liberian Civil War," in *Enforcing Restraint* ed. Lori Fisler Damrosch (New York: Council on Foreign Relations, 1993), 165.

<sup>89</sup> Howe, 151.

<sup>90</sup> ECOWAS Standing Mediation Committee, *Decision A/DEC*, (Banjul: ECOWAS, 1990) cited in Mark Weller, ed., "Regional Peace-Keeping and International Enforcement: The Liberian Crisis" in *Cambridge International Document Series Volume 6* (Cambridge: University Press, 1994), 68.



of Monrovia and established a ceasefire<sup>91</sup>. The ceasefire was largely a product of ECOMOG's overwhelming military presence – Nigeria and Ghana had supplied 3000 additional troops to aid in the taking of Monrovia – Charles Taylor, who had been unwilling to sign previous ceasefire agreements, was essentially coerced by ECOMOG's military pressure into signing the agreement in November.

Unfortunately, the ceasefire did not hold; parties to the agreement, instead of using the ceasefire to negotiate a lasting peace, used the time to re-arm and plan new strategies. Moreover, as is common with African conflicts, the prolonging of the war allowed new factions to form – Taylor aroused dissent beyond Liberia, creating and arming spin-off factions in Sierra Leone known as the Revolutionary United Front (RUF)<sup>92</sup>. Other groups also formed against Taylor's plethora of forces – refugees of Krahn and Mandingo ethnicity that supported the Doe government formed the United Liberation Movement of Liberians For Democracy (ULIMO) in Sierra Leone to fight the RUF. Moreover, as the war extended, the splinter groups split into even smaller factions and began warring with each other – the ULIMO split in two, and other groups, such as the Liberian Peace Council (LPC), continued to form. As a result, ECOMOG supported a diverse range of these splinter groups to aid in the war against Taylor; at times, ECOMOG provided munitions, intelligence, and transport to as

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<sup>91</sup> Comfort Ero, "ECOWAS and the Subregional Peacekeeping in Liberia," *Journal of Humanitarian Assistance* (1995), <jha.ac> Accessed November 30<sup>th</sup>, 2008.

<sup>92</sup> Howe, 156.

many as three different sub-groups in hopes of bring Taylor to the negotiating table<sup>93</sup>.

Ceasefires came and went throughout the early 1990s, resulting in continued bloodshed of both civilians and military personnel – ECOWAS was able to bring stability to the capital, but had difficulty making gains into rebel held territory. The UNSC become involved in late 1993, dispatching the unarmed Observer Mission in Liberia (UNOMIL), which relied upon UNOMOG for security. The mission represented the first joint UN/regional peacekeeping mission “undertaken by the United Nations in co-operation with a peacekeeping mission already set up by another organisation...”<sup>94</sup>. Although the fighting did not cease with the deployment of UN observers, there was significant breakthroughs in peace negotiations, with the signing of the Cotonou Agreement. The agreement was different in that it expanded ECOMOG’s forces from outside West Africa, adding Tanzania and Uganda, included UNOMIL, and provided clauses for disarmament and encampment of the troops<sup>95</sup>. The agreement was, at best, partially instituted. The additional troops promised to ECOMOG in the agreement took upwards of six months to arrive, making the administration of the ceasefire difficult. Moreover, the differing factions disagreed on the division of government ministries, leading to egregious violations of the ceasefire.

ECOMOG and UNOMIL were able to protect civilian populations for the most part, but had difficulty bringing all parties to the table to negotiate a

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<sup>93</sup> Ibid.

<sup>94</sup> Ero, accessed December 6<sup>th</sup>, 2008

<sup>95</sup> Ibid.

meaningful peace. In a way, the experience was similar to that of some UNSC missions in that the mission was underfunded and suffered from organisational problems (Nigeria's incessant need to control resources stoked resentment between the parties). The fact that so many agreements were negotiated and failed speaks volumes about both ECOMOG and UNOMIL's ability to stop the war, but also illustrates the difficulty in managing complex conflicts with a plethora of factions. Regardless of these failings, the ECOMOG intervention in Liberia can be considered successful insofar as it stopped potential ethnic cleansing and genocide – the fact that the ceasefires and peace processes failed is significant, but what is more important is that the organisation was able to bring the factions to the table in the first place. While the ECOMOG intervention is not without its problems, many of which can be considered significant, it was successful in its attempt to intervene for humanitarian purposes.

## 10: CASE ANALYSIS

The NATO intervention in Kosovo and the UN intervention in the former Yugoslavia were similar in that they were both conducted to uphold human rights. Both missions saw the territorial integrity of the target state compromised without that state's permission, and both involved complex military operations as well as civilian components. However, that is where the similarities end. UNPROFOR's experience in the former Yugoslavia was characterised by inaction – UN peacekeepers were thrust into a conflict under-prepared and under-resourced. Peacekeepers were deployed where there was no peace to keep, and the consequences were catastrophic and predictable. NATO's action in Yugoslavia, on the other hand, was a successful intervention for humanitarian purposes. The alliance stopped Serbian forces from ethnic cleansing Kosovo's native Albanian population.

The African cases present different circumstances, but with similar results. Both missions were authorised without the consent of the host state, and both involved a multi-national military force with a broad mandate. As with the European cases, ECOMOG and UNAMIR similarities begin and end with the aforementioned characteristics. UNAMIR was deployed to observe a ceasefire and maintain the current peaceful conditions. Instead, the mission stood blithely by while one of the worst humanitarian disasters of the 20<sup>th</sup> century occurred. UNAMIR had a narrow mandate and limited resources that were not reflective of

the deteriorating conditions. ECOMOG, on the other hand, represents a more complex and interesting case. Although the mission was a failure insofar as it was not able to bring a sustainable peace, it did succeed in ending the gross human rights violations that were occurring on both sides. Although the mission was deployed for a myriad of reasons, one of the central justifications was humanitarian intervention; ECOMOG's chairman claimed the intervention was, "to prevent Liberia, a member state, from sinking further into anarchy and destruction"<sup>96</sup>. In terms of humanitarian components, the mission can be qualified as a success. While the ceasefires were not permanent, they did reduce the number of human rights violations, and, most importantly, created the conditions on the ground for relief agencies to provide much needed support to the civilian populations. ECOMOG allowed for international aid organisations to be deployed and provide humanitarian assistance to the war ravaged population. Between November 1990 and May 1991, the UN World Food Programme distributed over 14 000 tons of food; other agencies such as Medecins Sans Frontiers (MSF), and the ICRC were also able to provide humanitarian assistance to the civilian population<sup>97</sup>.

One of the central reasons surrounding the different experiences is the diverse role of protocol and procedure between the UNSC and regional organisations. The voting structure of the UNSC does not endear the Council to making time-sensitive decisions. Due to the fact that the P-5 have a diverse range of national interests and foreign policy goals, resolutions are often non-

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<sup>96</sup> Ofuatey-Kodjoe, 282

<sup>97</sup> Ibid, 284.

binding orders or offer little or no concrete action. This is evident in both the UNSC case studies – UNAMIR was not given the appropriate resources in part because no member wanted to spare troops to a region of the world with no strategic importance, and UNPROFOR failed because the mandate could not be broadened without the threat of a Russian and Chinese veto. Regional organisations operate in a much more streamlined fashion – members’ interests are aligned more closely than that of the UNSC because regional organisations tend to have a more limited mandate. Moreover, participation in regional organisations is often voluntary<sup>98</sup> – members know what the goals of the organisation are prior to joining and know that the potential for having to take appropriate action within their jurisdiction exists. The UNSC is responsible for managing conflicts all over the globe, whereas regional organisations are only responsible for their member-states.

As argued by Thomas Weiss, it is necessary to clarify the role of international and regional organisations. Essentially, Weiss argues, international organisations act as forums in which member-states make decisions and which thus are essentially tools to pursue national interests<sup>99</sup>. At the UNSC, the broad range of foreign policy goals and national interests often trumps the greater good; members cannot agree on a particular course of action because their priorities are not aligned. This is not the case at the regional level. The reason countries become involved in regional organisations is because they have like

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<sup>98</sup> While participation in the UN is voluntary as well, all countries are members of the organization in some capacity.

<sup>99</sup> Thomas G Weiss, “Researching Humanitarian Intervention,” *Journal of Peace Research* 38.4 (2001), 424.

interests. This is helpful in two ways. First, it makes conflicts within the organisations less likely from the outset. Second, it makes such conflicts easier to manage because the stakes are much higher within a regional organisation. This is evident in both the European and African cases. In Yugoslavia, UNPROFOR was paralyzed by the diverse range of interests at the UNSC; the Western countries backed the Croats in their fight against Serbia, whereas the Russians supported their Slavic counterparts, the Serbs (and China remained ambivalent). In Rwanda, the problem was not competing foreign policy priorities, but lack of priorities in general. The P-5 could not agree on force deployment largely because there was not strategic interest in the region. Conversely, NATO was successful in Kosovo because the goals of its members were aligned. Although members did not make equal contributions to the mission, they all agreed that the mission was worthwhile and in their strategic interest. In Liberia, ECOWAS intervened to bring stability to the region for fear of the economic impact of a large scale humanitarian disaster. Consequently, all members had a stake in the conflict, leading to be successful in mitigating a large scale humanitarian disaster.

The comparative case study in this paper provides some insight into how regional organisations can be successful when conducting large scale humanitarian intervention missions. Upon analysing the cases, a number of trends seem to emerge regarding the occurrence and success of humanitarian intervention missions. First, the cases suggest that the presence of a regional hegemon may be vital to success – both the regional cases illustrate this trend as

do the UNSC cases. Second, for humanitarian intervention missions to be considered, trans-border refugee flows act as a catalyst for action. This is, above all else, an interesting point. Both the NATO and ECOWAS interventions confirm this development as military action commenced in conjunction with the refugee crisis. Moreover, both UNAMIR and UNPROFOR became more complex missions as the refugee crises worsened. Third, the two successful cases illustrate that necessary military and financial resources are paramount when deciding how and when to intervene. While this point is obvious, it does suggest that complexity and ability to manage the mission are interlinked. Last, the strategic nature of the target country cannot be discounted – both Liberia and Kosovo had high strategic importance to both ECOWAS and NATO which helped push both organisations towards action. These conditions are not necessary or sufficient for humanitarian intervention missions to be successful, but there is no doubt that they increase the prospect for a positive outcome.

However, there are number of limitations to this methodology and to the particular cases. While the study suggests that regional organisations are better suited to such missions, the scope is such that it does not explain the conditions for success in a causal way. For instance, the study cannot account for the role of a regional hegemon to lead such missions. In the case of ECOWAS, Nigeria was instrumental in the mission's eventual success. There is little doubt that the bombing of Kosovo by NATO forces would have happened without the dominant force of the United States. Thus, although regional hegemons may dominate the mission and use it to attain their own foreign policy goals, their presence seems



to vastly increase the prospect for success. Furthermore, other evidence suggests that the presence of a regional superpower may be necessary for such actions to happen at all. In the case of Darfur, the lack of a regional superpower taking a leadership position has had a detrimental effect on the mission.

The cases themselves may also be subject to scrutiny. There are many examples when regional organisations have not been successful in their interventions, most notably the African Union and the myriad of problems it has attempted to mediate. The fact that the cases presented represent successes can lead to questions regarding selection bias. However, due to the nature of the research problem, the amount of plausible cases is much narrower than at first glance. Interventions that did not happen, such as ASEAN's lack of response to the Khmer Rouge in Cambodia, cannot be used as they are beyond the parameters of the research scope. Regardless, there is a need for methodological clarification regarding the failure of regional organisations and the successes of the UNSC. The case analysis posits that regional organisations are better than the UN at mediating and prevention humanitarian disasters. However, this does not propose that the UN has never been successful, or that regional organisations will always have a positive impact on intervention. In terms of ASEAN, there are some justifications for its lack of response, brought forth in the following section, but essentially ASEAN failed the people of Cambodia with its inaction against the Khmer Rouge. Regardless of the reasons, this remains an abject failure of a regional organisation. Conversely, the UNSC has not been completely incapable of mediating and preventing human rights violations. The

imposition of no-fly zones in Iraq after the 1991 Gulf War illustrates that the UNSC can have some successful preventive capacity when addressing humanitarian intervention. Although the no-fly zones did not require a large military presence on the ground to enforce and were not complex humanitarian intervention missions in the traditional sense, they had a positive outcome vis-à-vis human rights. Due to the lack of comparability and other research scope issues neither mission was included in the case study, but both help clarify the methodological conundrum of case selection.

The potential for selection bias is most notable in Africa, where the African Union or the Organisation of African Unity have conducted such interventions with limited success. However, the amount of cases is limited due to the scope of the research question and the lack of comparability with UN missions during the same period. The response in Darfur is probably the best example of a regional organisation's failure in a humanitarian intervention mission. This failure, however, may stem from the lack of regional hegemon. The AU's structure is such that Egypt, Nigeria and South Africa all attempt to act as hegemons, leading to a power struggle somewhat similar to the UNSC. The lack of success the AU has had may be a by-product of such politicking. Perhaps subregional groups in Africa have a better chance of success, due to their make-up and cohesiveness. The case study certainly indicates this may be true.

There are a number of criticisms surrounding the use of regional organisations to uphold international peace and security. Some critics, including MacFarlane & Weiss, point to a number of historic examples that provide

evidence in direct contrast to the first claim, that regional actors are more likely to get involved in conflicts. The lack of intervention by the EC during the Balkan crisis in the early 1990s and ASEAN in Cambodia during the Khmer Rouge years confirm this opinion. However, in the case of the EC and Yugoslavia, none of the countries involved in the conflict were members of the organisation, nor was there a large security component of the EC. The EC tried to broker a ceasefire between the warring parties to no avail, but this was not an instance of apathy, but rather lack of ability. In this case, the EC deferred to both the UN and NATO in an attempt to broker peace, with the latter being successful in ending hostilities with the Dayton Accords. Furthermore, the fact that NATO was able to negotiate a ceasefire and the UN was not speaks volumes regarding the effectiveness of regional organisations. In the context of Cambodia, ASEAN was still a 'young' organisation with only six members at the time of the genocide, and did not have the resources nor the mandate to curb a gross violation of human rights; such problems were also constraints upon the UN conducting an intervention of this magnitude<sup>100</sup>. Other such examples are often from the Cold War period, prior to the new security paradigm of humanitarian intervention.

There is marked concern over the structure of regional organisations and their aptitude to mitigate internal conflicts as well. The principle of sovereignty is still held as paramount in many regional organisations, especially in the developed and developing world. Many such organisations, such as ASEAN or the Organisation of American States (OAS) have, historically, been a club for

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<sup>100</sup> S. Neil MacFarlane & Thomas G. Weiss, "Regional Organizations and Regional Security," *Security Studies* 2.1 (1992), 13.

dictators, and as such, have given quid pro quo to one another regarding non-intervention. Furthermore, both ASEAN and the OAS were deliberately excluded from domestic conflict management by their membership for such reasons<sup>101</sup>. However, this argument is outdated. Many countries in these organisations, such as the Philippines or Chile are now democracies that no longer tolerate human rights violations. Moreover, there is evidence that the OAS, as well as ASEAN (to a much lesser degree), are making changes to their organisational structures to relax the principles of non-intervention<sup>102</sup>. Historic examples may not reflect favourably on the prospect of regional organisations conducting intervention, but such perceptions are misguided and antiquated; the evolution in security has forced regional organisations to change their attitudes towards sovereignty and non-intervention.

Another criticism regarding the role of regional organizations in conducting military intervention is the potential for domination by a regional hegemon. The de facto 'leader' of regional agreements may force smaller members into taking action that benefits only the large country, and not the organisation as a whole. The historic case for this argument is centred upon the ECOWAS intervention, when then Nigerian President, General Ibrahim Babangida, pushed the smaller states of ECOWAS into an intervention to serve his own goals. Babangida used the opportunity to showcase his statesmanship and also divert national and international attention away from the growing socio-economic problems and

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<sup>101</sup> Alagappa, 15.

<sup>102</sup> Ibid.

political abuses at home<sup>103</sup>. Unfortunately, this argument does not follow logically from the premise: regional organisations are no more prone to this problem than any other international organisation and the leadership of a hegemon may be a necessary precondition for success. The United States has often used the UNSC as a guise to conduct operations in its own national interests, the Korean War and the first Gulf War being but two examples. Moreover, interventions on an ad hoc basis through coalitions of the willing are also prone to this problem as evidenced by the Iraq invasion of 2003 or the Soviet invasion of Afghanistan. Simply because there is a chance of one country dominance is not an adequate motive to move away from regional arrangements. If the regional hegemon intervenes in a state for its own national interest, but stops a genocide in the process, the action has accomplished its main task of upholding human security.

The most glaring critique of the use of regional organisations is the lack of available funds. On the continent where intervention is most likely to be required, Africa, there is a staggering shortage of resources; the Africa Union (AU), with membership of over fifty countries, is the largest regional organisation in the world, but does not have the capacity to intervene effectively in most cases. In essence, the only regional arrangement which does have this ability is NATO, as its membership consists of the world's richest and most powerful countries that have dominant force projection. Regardless, this is a glaring condemnation of the use of regional organisations, and one that is difficult to dispute. Moreover, many

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<sup>103</sup> Clement E. Adibe, "The Liberian Conflict and the ECOWAS-UN Partnership," in *Beyond UN Subcontracting: Task-Sharing with Regional Security Arrangements and Service-Providing NGOs*, ed. Thomas G. Weiss (London: MacMillan Press, 1998), 69.

regional organisations are not military alliances, but economic partnerships, that have little experience conducting large scale military operations. However, under a framework for intervention, a regional organisation unable to meet the demand for troops could appeal to the broader international community or other regional institutions. Although most regional organisations do not have the requisite experience operating integrated military interventions (NATO being the exception), such expertise could be acquired through interaction with other actors. For instance, in the case of the AU, members could appeal to NATO or the UNSC for funds, rather than troops, the former being more likely to be given. Moreover, this problem is not unique to regional actors; the UNSC has authorised past missions such as UNPROFOR or UNAMIR that were underfunded and unable to fulfil their missions. In fact, due to the diversity of interests at the Council, regional organisations may have an easier time procuring resources for an intervention.

There is another, legalistic argument against military intervention by regional organisations. The UNSC is the sole body in international law empowered to uphold peace and security and authorise the use of military force. Chapter VII of the Charter establishes sufficient basis for the legal use of force to halt conflicts; if the Council gives its assent for a regional bloc to conduct a military operation, it is legal in international law. However, any use of force that is neither justified as self-defence against an armed attack nor authorised by the UNSC, as was the case with the NATO bombing of Kosovo, is an infringement of

UN Charter principles<sup>104</sup>. What is more, if regional organisations feel they can intervene whenever and wherever they please, it sets a dangerous precedent regarding military action. Nevertheless, the legal argument is weak on two fronts. First, the traditional application of Charter principles is misguided in the security paradigm of the 21<sup>st</sup> century – humanitarian intervention unquestionably represents the spirit of the Charter. Second, the legal argument highlights the reason why a framework is needed – if humanitarian intervention is enshrined as a norm in international law, it would no longer be ‘contrary’ to Charter principles. The benefits regional organisations enjoy are not theoretical, but applicable to the changing security climate.

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<sup>104</sup> Bruno Simma, “NATO, the UN and the Use of Force: Legal Aspects,” *European Journal of International Law* 10 (1999), 4.

## **11: A COMMON HUMANITY**

Humanitarian intervention poses a security challenge to the global community that is present and pervasive. Traditional definitions and interpretations of the Charter are archaic and misguided – the spirit of the Charter and the upholding of international peace and security includes humanitarian principles. Because there is no humanitarian exception in the UN Charter, there is a need to adopt a formal framework that is enshrined in international law to mitigate humanitarian crises and allow for intervention when states fail their citizens. The threshold for action outlined in R2P is strict, but due to the nature of the issue and the potential for abuse, stringent criteria is warranted. By limiting the conditions upon which intervention takes place, R2P is a responsible framework through which to conduct HI missions. However, R2P is not a perfect document. It is not the requirements for action, but rather the preferred body for action that hurts the credibility of the ICISS recommendation.

The UNSC is an excellent forum in which to discuss the norms of international peace and security. It can provide appropriate relief to a plethora of situations, however, humanitarian intervention is not one of them. Although the UNSC can issue effective sanctions and embargos, it is not the correct body for initiating military action for humanitarian reasons – the makeup and nature of the Council are not conducive to the rapid response required for a military intervention. Moreover, divergent foreign policy goals within the P-5 virtually



guarantees inaction. The UN missions in both the former Yugoslavia and Rwanda illustrate that the UNSC and DPKO are unable to respond in an appropriate fashion when a humanitarian disaster is imminent. Since R2P, the UN's attempts to codify the ICISS principles have been met with scepticism and roadblocks. The Peacebuilding Commission is but one example of how a theoretical idea has been limited in practice.

Regional organisations, given their make-up, scope of interest and ability to act are the best actors through which to conduct military operations. Unlike the UNSC, the command structure of most regional organisations is streamlined and efficient, outlining clear responsibilities and objectives<sup>105</sup>. Furthermore, regional actors are more likely to feel that conflicts are in their self-interest and will take the required action. As is evidenced by both the NATO intervention in Kosovo and the ECOWAS actions in Liberia, even with limited resources, regional organisations can have a positive impact in peace enforcement missions. Both missions illustrate that regional organisations are a more reliable and efficient forum through which to conduct the complex military operations required of humanitarian intervention missions.

However, regional organisations are not perfect. Some may lack the political will to intervene, as has been the case with ASEAN, or have limited resources to mitigate intra-state conflicts. What is more, some regional blocs make lack the required experience to ensure the success of a humanitarian intervention mission or face internal politicking similar to that of the UNSC. Still,

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<sup>105</sup> Weiss, "Triage: Humanitarian Interventions in a New Era", 64.

these problems are not exclusive to regional organisations; ad hoc interventions and UN missions suffer from the same predicaments. Regional actors offer a vast array of advantages that other actors do not, and thus, should be considered as the primary agent to conduct military intervention for humanitarian purposes. The cases illustrate that when regional organisations become involved, the prospect for success is undoubtedly higher than if the UN acts alone. The UNSC needs to use regional organisations more effectively to achieve better results and continue to develop capacity-sharing, especially regarding military operations. Furthermore, for success to be realised, regional organisations have an obligation to burden share with the UN. Regional organisations are not the solution in and of themselves, but are a tool that should be used appropriately and under the correct circumstances. Indeed, regional organisations may be the solution to uphold our common humanity.

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