



A CRITICAL ANALYSIS OF THE SUCCESSES, FAILURES AND CHALLENGES OF HUMANITARIAN INTERVENTION AS A CONFLICT MANAGEMENT TOOL

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Abstract:

The need for humanitarian intervention though critical continues to be elusive in many conflict situations despite there being clear international, regional and local guiding policies and legal frameworks on humanitarian intervention. The study therefore sought to critically analyses the successes, failures and challenges of humanitarian intervention as a conflict management tool using the just war theory as the underpinning theory. The study assumed the desktop methodology through extensive review of existing literature on humanitarian intervention as a conflict management tool. The analysis found that humanitarian intervention is justifiable in instances where there are gross human rights violations, however; certain factors must be put into consideration before embarking on the intervention. Successful interventions were found to largely dependent on multiple factors key among them being the involvement of stakeholders in the entire process. The study also revealed that not all interventions are successful and some have resulted in various degrees of failure largely due to challenges of timing, coordination, vested interests among interveners as well as geo-political factors. The paper concludes by recommending that humanitarian interventions should be based on the existing legal frameworks devoid of any strategic motives. Equally, interventions should involve key stakeholders and adopt context specific measures to cater for the different needs of a conflict situation to avert further human rights abuses.

Keywords: humanitarian intervention, conflict management, responsibility to protect, human rights violations

1. Introduction

The concerns surrounding humanitarian intervention continues to elite debate in the face of the changing conflict dynamics of the 21st century. Widespread violations of human rights have been witnessed across the globe prompting the need for the involvement of the international community even though it has often been accused of doing very little too late to salvage dire situations. There have been varied opinions on what exactly entails humanitarian intervention and what should be the yardstick of a successful humanitarian intervention.

Murphy (1996) defines humanitarian intervention as *“the threat or use of force by a state, group of states or international organizations primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights”* (pp.11-12). Further, Nardin (2006) defines humanitarian intervention as *“the use of military force by one or more states within the jurisdiction of another, without its permission to protect innocent civilians from violence by the target state’s government”* (p. 14). From the above definitions, emphasis on the need for the international community to act swiftly to arrest further suffering and loss of lives in the affected population is underscored. Similarly, Lee (2010) proposes that an intervention is considered humanitarian when it’s guided by the central goal of saving lives – in this case, the interveners come in to protect vulnerable citizens who are targeted by a group within the state or sometimes by state agents themselves.

While the two definitions clearly point out military enforcement as key in a humanitarian intervention, this paper puts forward the proposal that humanitarian intervention goes beyond the use of military force and could involve softer methods such as diplomacy and mediation. In light of the above propositions, humanitarian intervention as a rescue tool can contribute significantly in managing conflicts arising from diverse social issues. Being a liberating activity, it plays both a preventative as well as a reconstructive role with the aim of assisting those whose rights are threatened or violated (Lee, 2010) by offering the much needed assistance at a time when the concerned government is either unable, unwilling or is the violator of its people’s rights.

In the global arena, the thinking behind humanitarian intervention was influenced by the aftermath of the German holocaust and World War II (WW2) thus prompting the formation of the United Nations (UN). The UN underscores its primary duty as that of promoting international peace and security but recognizes the importance of state sovereignty and the principle of non-interference with the internal affairs of states. However, human rights violations such as the Cambodian genocide;

Srebrenica massacre in Bosnia; Rwandan genocide; East Timor violations; the Darfur crisis in Sudan and Somalia civil war are among key human rights violations that escalated the debate between the proponents and opponents of humanitarian intervention and respect for state sovereignty in an attempt to find out how best to respond to these grave concerns.

Subsequently, the conditions for humanitarian intervention as clearly stipulated under the Responsibility to Protect Principle were endorsed by the United Nations General Assembly in 2005 (United Nations Secretary General report, 2012). Using these guidelines, regional organizations such as North Atlantic Treaty Organization (NATO) have intervened in Kosovo and Afghanistan with significant levels of success. Additionally, African Union (AU) adopted the R2P principles and established an African Standby Force in Darfur in Sudan and Somalia. African Union (AU) has also played a role by intervening in the crisis in Burundi and the newly formed state of Southern Sudan (Issues in Peace & Conflict Studies, 2011).

2. Statement of the problem

There seems to be considerable discrepancy between the theory and practice of humanitarian intervention. Whileas, humanitarian intervention advocates for humanity, neutrality, impartiality and independence as the guiding principles; other factors come into play thus interfering with the intervention process. In some cases, humanitarian interventions have been successful in achieving their mandate while in other instances they have ended up aggravating an already dire situation thus failing to achieve the intended objective of saving lives, averting further human suffering and managing conflicts effectively. To fill this existing gap, this study has provided justification for humanitarian interventions, evaluated the successes and shortcomings of humanitarian intervention by identifying key factors that determine both outcomes and concluded by giving recommendations for future successful humanitarian interventions.

3. The purpose of the study

The purpose of the survey was to critically evaluate the successes, failures and challenges of interventionist humanitarianism as a conflict management tool.

4. Research objectives

- Assess the justification for humanitarian intervention in conflict management.
- Evaluate the successes and failures of humanitarian intervention in conflict management.
- Establish the challenges of humanitarian intervention in conflict management.

5. Significance of the study

The study will be significant in providing policy guidelines and strengthening the existing humanitarian intervention capacities and institutions. In addition, the study will fill the knowledge gap on the impact of humanitarian intervention as a conflict management tool and provide a basis for further research to scholars in this field of study.

6. Theoretical framework

The study adopts the “Just War Theory” by Augustine as the underpinning theory of the study. This theory highlights two elements justifying humanitarian intervention. The first one (*jus ad bellum*) means the justice of going to war; it thus provides conditions that must be met before going to war. The second (*jus in bello*) meaning justice in war gives guidelines on the rules of engagement during the war or intervention. The *jus ad bellum* and *jus in bello* principles highlights the following criteria as a basis for humanitarian intervention: last resort, legitimate authority, right intention, prospects of success and attainment of peace. Guided by these principles, the study sought to critically analyze the impact of humanitarian intervention as a conflict management tool.

7. Research Methodology

This study adopted the desk top analysis method as the main source of data. This involved seeking information and facts on a given area of study that have been documented. Being non-interactive, this method enables the researcher to critically analyse existing literature with the view of making concrete findings based on the content analysed. The information was obtained from secondary sources such as books, journals, United Nations’ reports and relevant online documents. This method was appropriate given that the data required was readily available from secondary sources.

8. Literature Review

The paper reviewed existing literature under the following subheadings: justification, successes, failures and challenges of humanitarian intervention.

8.1 Justification for Humanitarian Intervention

The United Nations Charter clearly states 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*” (United Nations, 2004, p. 24). Despite such provisions, this only applies when states show willingness to protect and promote the fundamental rights of their people. The application of enforcement measures cannot therefore be ruled out in cases where there is a clear lack of commitment on the part of the state to protect its citizens from aggression. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide also supersedes the non-intervention rule in circumstances where there is evidence of gross and systemic violation of human rights (United Nations, 2014).

The Responsibility to Protect principle (R2P) initiated by the International Commission on Intervention and State Sovereignty (ICISS) in 2001 and subsequently endorsed by the United Nations General Assembly at the world 2005 summit underscores the need for the international community to offer timely coercive and non-coercive intercessions against states that violate the rights of their people. This concept draws attention to the fact that states and governments do not only have a right to sovereignty, but also a responsibility to protect their populations. Should states therefore fail to uphold this responsibility, the international community is obliged to take action to avert further atrocities in line with the R2P principle ((ICISS, 2001).

The International Commission on Intervention and State Sovereignty (ICISS) report emphasizes that R2P’s mandate include the responsibility *to react*, the responsibility *to prevent* and the responsibility *to rebuild*. This was envisioned to ensure a holistic concept that would; first, respond appropriately to the needs of a particular humanitarian crisis based on the unique circumstances on the ground. Secondly, prevent the recurrence of human rights violations by putting mechanisms in place to address the root causes of these abuses and thirdly, promote long term peace building efforts for sustainable peace within the affected communities (ICISS, 2001).

Bellamy and Pape (2013) engage with the question of the level of human rights violations considered sufficient to trigger an international response and what the intervention should entail. They propose that a humanitarian intervention is considered justifiable when there is evidence of widespread violations of human rights on

defenseless civilians which if not responded to could escalate to genocidal levels. Similarly, James (2010) argues on the same lines noting that, *“if a humanitarian intervention succeeds in ending human suffering then it has a humanitarian outcome”* (p.154). He therefore opines that an effective and successful humanitarian intervention should be guided by the need to protect civilians and abate wanton human suffering within a reasonable time frame and without causing further torment to the already susceptible masses. He further makes a strong case for the doctrine of double effect in humanitarian interventions noting that: *“The doctrine of double effect allows room for an intervener to cause collateral damage, including civilian casualties, provided that the damage is unintended, not instrumental to the humanitarian end trying to be achieved, and disproportionate to the gains attained.”* (James, 2010, p.155).

In light of the above argument, it clearly emerges that in any intervention, there is always a likelihood of both positive and negative consequences, however; the good effects should always outweigh the bad effects for an intervention to be viewed as successful. A humanitarian intervention whose negative impact outweighs the prospective benefits to the innocent victims is therefore to a larger extent considered unsuccessful (Barash & Webel, 2014).

As Pape (2015) recounts, the uprisings which broke up in Tunisia in December 2010 spreading across the Arab region caused a lot of anxiety within the region and the rest of the world. This resulted in a litany of problematic concerns in governance, economy, unemployment and social issues that have derailed the attainment of sustainable peace in the region. The revolution resulted in the removal of long-standing leaders such as Muammar Gaddafi (Libya) and Hosni Mubarak (Egypt) leading to a state of anarchy which often is a fertile ground for human rights violations and disregard to the rule of law. In such cases of lawlessness, the use of the minimum force necessary in the form of military intervention is inevitable and could be the only viable method to avert a humanitarian catastrophe thus creating a conducive environment for non-coercive intervention strategies. As Richard, rightly points out: *“The humanitarian rationale is sustained or undermined by the extent to which the tactics of warfare exhibit sensitivity to civilian harm and by the degree to which interveners avoid unduly shifting the risks of war to the supposed beneficiaries of intervention in order to avoid harm to themselves”* (Falk Richard, p. 202).

8.2 Successes and failures of Humanitarian Intervention

Scholars such as MacFarlane, Thielking, and Weiss (2004) have taken a radical stand suggesting that the time for humanitarian intervention has come to an end and the world is no longer keen on it. However, this position is too strong and lacks merit as

illustrated by the following cases where timely humanitarian interventions have salvaged dire situations of gross human rights abuses and saved nations from the atrocities of war.

The Kenyan post-election violence witnessed in 2007 was evidently a timely and successful humanitarian intervention having managed to avert further human rights violations in addition to negotiating for a power sharing formula that saw the country attain some level of stabilization. The violence which was fuelled by the disputed presidential elections in 2007 resulted in the loss of over 1,500 lives in addition to leaving 300,000 Kenyans internally displaced. The disputed elections were only a trigger of the already existing social conflicts arising from perceived and real historical injustices and ethno-political divisions. These social conflicts are largely attributed to lack of inclusivity in the national government, social-economic inequalities, negative ethnicity and historical land issues among other structural injustices (Bekoe, 2008).

The Kofi Annan led team of African Union Panel of eminent persons borrowing from the African Union (AU) peace, security and conflict prevention architecture pillar mediated a peace agreement that saw the two principles Kibaki, who led the Party of National Unity (PNU) and Raila Odinga, leader of the opposition's - Orange Democratic Movement (ODM) forge a power sharing deal in 2008 (Ramsbotham, Woodhouse & Miall, 2012). This was achieved through a negotiated agreement that led to the formation of a coalition government culminating in the signing of the 'National Accord and Reconciliation Agreement' (NARA) in 2008. The partnership precipitated in the creation of a prime minister's position and two deputies to cater for the interests of both parties. The positive impact of this intervention was the bidding peace accord (NARA) that set the pace for reforms of the constitution which ultimately provided for reforms in the judiciary, security sector, public service, electoral among other governing and public institutions' reforms (National Accord and Reconciliation Act No. 4 of 2008). The success of this intervention was largely attributed to factors such as timely intervention, consent from the warring parties, regional capacity as well as the availability of effective conflict management systems (Ramsbotham, Woodhouse & Miall, 2012).

Similarly, NATO's intervention in Kosovo in 1999 was to a large extent a classic example of a timely and effective humanitarian intervention in response to large scale human rights violations. In this case, the failure of softer non-coercive strategies failed to yield tangible results and the call to end the needless loss of lives prompted this intervention. In addition, all the three Security Council resolutions on Kosovo adopted under Chapter VII (Greenwood, 2002) supported the need to intervene in Kosovo's deteriorating humanitarian crisis which was indeed a threat to international peace and

security. The violations of human rights were clearly evident by the use of excessive and indiscriminate force by the Serbian security forces and the Yugoslav army. This was degenerating into a humanitarian catastrophe and it was therefore no longer an internal matter for the Federal Republic of Yugoslavia alone, Kosovo being part of it. Consequently; the ground was set for NATO's moral obligation to intervene and save the civilians from further distress. For this reason, NATO succeeded in abating further human suffering in circumstances where there was no alternative to the use of the necessary force to achieve the desired hence acting within its mandate.

In spite of the significant gains attained as a result of interventions, several scholars have criticized the applicability and effectiveness of humanitarian interventions. Pape (2012) for examples argues that while the standards of humanitarian intervention are very high which at times have resulted in achieving minimal impact during emergency situations hence failing the timeliness test; the main alternative the Responsibility to Protect (R2P) standard is again too low resulting to the interference of state sovereignty and therefore prone to abuse by those with vested interests in a particular fragile state.

Similar sentiments have been expressed by Jentleson (2013) who argues that 'the international community (the United States, the United Nations, the European Union) has continued too often to do too little too late' (p.277). He further contends that the international community should consider putting more emphasis on preventative mechanisms and adopting early intervention strategies instead of waiting too long to respond to a full blown crisis which normally complicates the situation and makes it difficult to manage within reasonable time to achieve the desired results. This concurs with Barnett and Finnemore (2004) assertions on the consequences of delayed timing using the Rwandan genocide experience which to date is recognized as one of the most resounding failures of international human rights protection. The role of the United Nations in the (1994 – 100) days of genocide that resulted in the deaths of 800,000 Rwandans has been greatly challenged here.

Notwithstanding the Rwandan genocide, there has been widespread criticism on the role of the international community for its failure to take timely intervention in Cambodia during the 1970s resulting to the killing of 2 million people (Wheeler, 2000). These reactions have prompted the international community to take a more proactive role in the face of human sufferings and abuses. In this regard, there has been a paradigm shift in recent peace keeping operations with emphasis being laid on the urgent need to secure the safety of the civilians at the expense of sometimes not forth coming consent from the parties as stipulated by the United Nations humanitarian intervention principles (e.g. Bosnia, Somalia, Rwanda) (Wheeler, 2000).

Other critics of humanitarian intervention argue that more often than not, humanitarian intervention rarely exists since in most cases, interveners are driven by economic, political or strategic interests at the expense of abating human suffering and halting further human rights violations (James, 2010). The implication here is that their intentions in the intervention are misplaced and driven by personal interests and not purely on humanitarian grounds. Therefore, the motivation to use armed force is not informed by the need to salvage a people from the scourge of death as a result of the human rights abuses they are prone to but by geo-political dynamics such as the importance of the state to the international community, business interests, regional stability, and the position of other major players usually the western nations (Bajoria and McMahon 2013).

Pavel (2010) for instance observes that the unilateral intrusion of the USA in Iraq was considered unjustified by many countries and largely lacked the backing of the international community. While the position of most US led interventions continues to attract debate on their motives, some experts argue that the US only intervenes in countries where it has strategic interests like in the cases of Iraq, Libya and Afghanistan (Jetleson, 2013). Similar, Duffield (2007) questions the sincerity and credibility of modern Western led interventions, arguing that their agenda does not seem to promote the attainment of long term sustainable peace but instead, it is only meant to marshal their might and power in these vulnerable countries. For example, according to Bajoria and McMahon (2013), the ousting of Qaddafi from power by the western-led air strikes provoked condemnation from across the world with many nations such as Russia feeling that the invocation of the R2P doctrine was a cover up for a foreign imposed regime change strategy. A number of scholars are of the opinion that the Libyan military intervention contributed to the upheavals in the Arab region which spilled over several countries causing a lot of mayhem within the region (Matteo, 2014; Bajoria and McMahon, 2013).

Martini (2014) further argues that in the Libyan case, the interveners ought to have assisted in re-building Libya having aided the regime change as a sign of goodwill and continued solidarity with the Libyan people. Withdrawing immediately after the death of Qaddafi was likely to be misconstrued as a 'negative' motive for the intervention in the first place. Post conflict reconstruction is a key component in any effective humanitarian exercise as it brings together all relevant actors for a common cause instigates institutional building and marshals required resources. These concerted efforts are meant to aide recovery, reconstruction and reconciliation in post conflict societies (UN Peace building Commission, 2010). Without such a move (as in the case of Libya) the motives of the interveners will remain questionable and water down any

meaningful gains they may have made in terms of the suitability and moral standing of the intervention.

On the contrary, (Teson 2005, as cited in James, 2010, p.173) argues that there can still be an element of humanitarian intervention even when the motives are driven by personal interests. He gives an illustration using the 2003 Iraq war where the sole motive of the lead intervener (USA) was the removal of Saddam Hussein from power. In his view, the ouster of a repressive and dictatorial regime has a humanitarian intention of promoting democracy even though the motives are questionable.

The ongoing Syrian crisis calls for urgent intervention, once again; the international community has fallen short of its global governance role of offering timely humanitarian intervention. As opinion continue to be divided on whether to intervene or not, human rights violations are taking a toll on civilians in Syria including and not limited to the use of chemical weapons, forcible evictions, torture, hostage-taking and sexual violence (Oliver, 2015). According to The International Coalition for the Responsibility to Protect report, while the Syrian government objected to humanitarian aid provided without their consent terming it as a form of aggression. The UN Security Council on its part deemed this assistance as an obligation and noted that it has a primary duty to respond to systemic and gross human rights abuses where states have failed to do so (Oliver, 2015).

Pape, (2012) proposes a pragmatic standard of humanitarian intervention which advocates for evidence of enduring human rights violations by states and there being a likelihood of more deaths. Further, he advocates for a feasible intervention policy that takes into account the need to lower the number of casualties to minimal levels and a long term plan for building local capacity in conflict resolution and peace building in the affected states. This proposition appears sound because it attempts to address the humanitarian intervention concern beyond emergency operations and aid distribution to post conflict reconstruction and peace building which are critical in promoting sustainable peace and the avoidance of a re-lapse into another conflict situation.

8.3 Challenges of Humanitarian Intervention

Humanitarian intervention takes place in diverse situations that call for varied intervention strategies. As a result, various challenges are likely to be encountered in the process.

Debate continues to rage over the moral question of aiding factions during a humanitarian crisis. The challenge here is whether this support will fuel the conflict or bring it to an end. In Bosnia for example, Valentino (2016) points out that the United States aided Croatian and Bosnian Muslim rebels to protect themselves from assaults by

Serbian President Slobodan Milosevic. Despite not being as powerful as the government forces, they were still held responsible for human rights abuses. It can however be argued that arming these minorities has a positive impact of reducing the number of casualties as opposed to a situation where the party under siege is just defenseless, vulnerable and therefore prone to severe aggression.

As Pape (2012) rightly points out, '*R2P lacks a clear standard for the level of atrocities necessary to justify humanitarian military intervention*' (p.47). This lack of standard can therefore be a weakness in two ways: One, it can be prone to misuse by an intervener particularly where the motives are negative and guided by personal interests but hiding in the R2P standards. Two, the principle does not give clear guidelines on the magnitude of human rights violation that warrant intervention but simply puts it as 'large scale loss of life' which is rather vague. The implication here is that this ambiguity can derail timely intervention efforts that are sometimes urgently required to salvage an eminent humanitarian crisis.

The challenge of identifying the right timing and appropriate intervention mechanisms remain significant in successful interventions. Using the Rwandan example, Straus (2006) emphasizes the need for timely intervention by the international community noting that had this happened, many lives would have been saved. In addition, containing a conflict at the initial stages is easier than when it escalates to a level where a crisis is evident mainly because it draws in more parties as it escalated and the parties become hardened hence taking hard line positions. Similarly, (Pape, 2012) underscores the importance of identifying the right intervention strategy; for instance, he argues that the use of air strikes would have been an effective means of paving the way and providing safe passages for the Tutsis fleeing into safer havens during the Rwandan genocide.

A further challenge is brought out by Kant (1983) who argues that there is no moral ground of risking the lives of interveners in the pursuit of trying to save others. He emphasizes the need for interveners to keep their word humanitarian during the course of the intervention. Though this sounds contradictory, the emphasis here is attaining a balance between risking the lives of interveners and saving the lives of civilians. Accordingly, this underscores the importance of a practical humanitarian intervention mechanism which is timely - based on evidence of widespread human rights violations, a feasible strategy to ensure minimal harm on civilians and a tactical approach to enhance security on the ground using both local and international support. Lack of the involvement of key actors in the intervention is a major causal factor for unsuccessful interventions for example the Darfur crisis in Sudan and Democratic Republic of the Congo (Pavel, 2010; Jentleson, 2013). Evidently, in some cases

intervention can make a conflict situation worse than they found it (Oliver, 2015), this is particularly common in cases where the intervention is not properly planned with the full involvement of both local and international actors, while the critical role played by the international actors cannot be down played; it is evident from the foregoing discussions that the success of any intervention is by and large dependent on stakeholder participation as it creates a sense of ownership in the entire process.

9. Conclusion

From the discussions above, it is evident through the presented arguments and counter arguments that humanitarian intervention is important albeit with some challenges. It is also noted that there is general consensus on the need for the international community to come in and halt violations of human rights in situations where states are the perpetrators or in cases where the state is incapacitated and therefore unable to salvage the situation. Nonetheless, the study reveals that humanitarian intervention comes with various challenges which interveners should attempt to surmount by ensuring that they maintain humanitarian intervention principles. The paper recommends further empirical research to capture the real impact of humanitarian intervention from the victim's point of view.

10. Recommendations

1. In the spirit of promoting successful humanitarian interventions, interveners should maintain impartiality during the entire process. In addition, they should also ensure that the intervention is guided by the laid down legal frameworks that advocate for a just war cause. This is a good starting point as it ensures that the process is legal and may therefore not encounter many handles that can derail the goal of the intervention.
2. Humanitarian interventions should take into consideration the specific demands on the ground with the aim of not only stabilizing the situation but also addressing the root causes of the conflict. Additionally, the involvement of key stakeholders and those directly affected by the conflict situation is crucial; this should however be done in a culturally and gender sensitive approach if it has to make any sustainable gains.
3. Proper planning and coordination in an effective humanitarian intervention with the full involvement of both local and international actors is crucial. Equally important is the need to incorporate a multi-dimensional approach which

provides a holistic outlook of the entire intervention process. A purely military component can only contain the situation on the ground but risks the danger of failing to address other important areas such as reconciliation, reintegration, social economic development, governance and justice concerns which are critical during the long term post conflict peace building.

4. There is need for humanitarian interveners to maintain a purely neutral position during the process. Therefore, there should be no economic or political interests or motivations expected as an outcome of the intervention.

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