Humanitarian interventions, past and present

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Today everyone is a humanitarian, or at least that is how it seems. Humanitarian crises are rarely absent from the global media. They call forth large-scale campaigns designed to mobilize donor publics and to persuade or pressurize governments into action they might otherwise avoid. In many of the world's most troubled regions, humanitarian interventions have become a substitute for political interventions, with the emphasis more on the containment of conflict than its prevention or resolution. There is in fact much gnashing of teeth over an ongoing 'crisis of humanitarianism', fuelled by the more routine interaction of humanitarians with military forces and by resistance from non-Western powers to humanitarian missions widely perceived to serve Western interests.¹ In the wake of military intervention in Iraq, which produced a bigger

I would like to thank Jean-Luc Blondel, Fabian Klose, Robert Peckham, and Annabel Lenton-Thompson for their perceptive comments on an earlier draft of this essay. The author is proud to be an Honorary Professor in the College of Graduate Studies at the University of South Africa in Pretoria, and grateful for UNISA's friendship and support.

¹ For the debate, see Mary Anderson, *Do No Harm: How Aid Can Support Peace – Or War* (Boulder, CO: Lynne Rienner Publishers, 1999); Didier Fassin and Mariella Pandolfi (eds.), *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions* (New York: Zone, 2010); David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton University Press, 2004); Jonathan Moore (ed.), *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Lanham: Roman & Littlefield, 1998); Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action* (Ithaca, NY: Cornell University Press, 2002); Peter Walker and Daniel Maxwell, *Shaping the Humanitarian World* (New York: Routledge, 2009).

humanitarian disaster than it set out to resolve, some question whether aid may not be doing more harm than good.²

These problems have become all too familiar in recent times. Yet there is a much longer and richer history of humanitarian action and intervention, which is explored in this book. The greater prominence of humanitarian issues in international affairs is a defining characteristic not only of the last two decades but of the last two centuries. The precise origins of this transformation may be open to debate. Its effects are however plain to see. Starting in the early 1800s, humanitarian movements became more widespread and popular. They were driven by a mixture of secular and religious concerns, redefined norms in the regulation of armed conflict, and promoted an unprecedented change in the breadth of knowledge within Western societies about the sufferings of people elsewhere in the world, however selective the resulting interventions may have been.

In their preoccupation with the here and now, humanitarians are said to be ignorant of their own history.³ There are signs that this is changing, however.⁴ Leading humanitarian organizations have been delving back into their past in order to look forward to the challenges of the future. Tracing the arc of modern humanitarianism – from the anti-slavery movements of the early nineteenth century to twenty-first-century peace-keeping missions, counter-insurgency campaigns, and internationalized civil wars – is not only of academic interest therefore. With the publication in 2011 of Michael Barnett's *Empire of Humanity: A History of Humanitarianism* and Brendan Simms' and David Trim's *Humanitarian*

² For a trenchant critique, arguing that recipients of aid are not better but worse off as a result, see Dambisa Moyo's, *Dead Aid: Why Aid Makes Things Worse and How There is Another Way for Africa* (London: Penguin, 2009).

³ For the view that aid agencies need to pay more attention to the history of contemporary ideas and interventions, see David Lewis, 'International Development and the "Perpetual Present": Anthropological Approaches to the Re-historicization of Policy', *European Journal of Historical Research*, 21 (2009), 32–46. For the insights to be gained, see Monica Van Beusekom and Dorothy Hodgson, 'Lessons Learned? Development Experiences in the Late Colonial Period', *Journal of African History*, 41 (2000), 29–33.

⁴ Randolph Kent, Justin Armstrong, and Alice Obrecht, *The Future of Non-Governmental Organisations in the Humanitarian Sector: Global Transformations and Their Consequences*, Humanitarian Futures Programme discussion paper (Kings College London, 2013), esp. 5–6. For an example see C. Magone, M. Neuman and F. Wiseman, *Humanitarian Negotiations Revealed: the MSF Experience* (Hurst, 2011). This would equally be true of the International Committee of the Red Cross, with which I am organizing a conference in September 2015 to mark the 50th anniversary of its 'Fundamental Principles' and to explore the history of the principles from the beginning of the Red Cross / Red Crescent Movement.

Intervention: A History, there is a palpable sense of a new research landscape opening up before our eyes, the contours of which are so ably delineated by the contributors to this book.⁵ Collectively, they make a compelling case for the study of humanitarian interventions in the past in order to better understand the problems faced in the present.

The preceding chapters range widely across three centuries of humanitarian history and many different types of conflict in many different parts of the world. Four overarching themes nevertheless emerge. The first – to which we shall return – is the definitional difficulties that arise from the terms ‘humanitarian’ and ‘intervention’. It is these definitional difficulties which lie at the heart of many of the debates about humanitarian interventions whether in the academic literature or between politicians and in the press. Another is the differing perceptions of the lawfulness and legitimacy of this *particular* mode of humanitarian activity, and the consequent challenge of building of a consensus around protecting international humanitarian norms by force, even as those norms are themselves in flux. Third, many of the contributors explore the respective roles of state and non-state bodies in response to large-scale loss of life and human rights violations and how this has shifted over time. Finally, and crucially, there is the question of the broader geopolitical environment in which conflict takes place, and how geopolitics has affected the nature of the humanitarian interventions undertaken in conflict and the type of justification they require.

For the book as a whole, a key point to grasp is that histories of humanitarian intervention do not stand alone. Rather they are entangled with broader historiographies of humanitarianism and of human rights. The intensifying critical scrutiny to which forcible humanitarian interventions have lately (and rightly) been subjected must not be viewed in isolation from other forms of humanitarian aid. Humanitarian interventions have taken place in the context of a wider international humanitarian system, of which ‘armed humanitarianism’ was merely one, if very visible, component.⁶ Take, for example, the unease surrounding the

⁵ Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca, NY: Cornell University Press, 2011); Brendan Simms and J. B. Trim (eds.), *Humanitarian Intervention: A History* (Cambridge University Press, 2011).

⁶ For the view that governments have fabricated moral motives in order to secure public support for military campaigns that would not otherwise have been forthcoming, see Mark Curtis, *Unpeople: Britain's Secret Human Rights Abuses* (London: Vintage, 2004), esp. chs. 7 and 8. Curtis reprises the argument popularized by Naomi Klein in *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Metropolitan Books,

conflation of military and humanitarian roles in conflict during and after the 1990s. The militarization of humanitarian aid is widely viewed by humanitarians as a chief cause of the ‘crisis’ referred to earlier. But the militarization of aid is itself part of a much bigger debate surrounding humanitarian action – its purpose, its inadequate means, and its questionable consequences. Indeed, the increased frequency, severity, and unpredictability of emergencies as a result of global economic instability, climate change,⁷ and the rise of sectarian violence has presented as many problems for ‘peaceful’ humanitarian operations as it has for their ‘forcible’ counterparts. As we enter the twenty-first century, international NGOs, multilateral agencies, and governments are all having to ask whether emergency aid and relief may not have to be conceived and delivered very differently in future if the international humanitarian system is not repeatedly to fail those most in need.

The 2011 report *Humanitarian Emergency Response Review* of Lord (Paddy) Ashdown is a case in point. The Ashdown report was at pains to set its findings in a longer-term perspective. It depicts humanitarians as being caught in a race between the growing size of the challenge and their ability to cope: a race they are deemed not to be winning.⁸ Part of the problem is felt to lie with an international humanitarian system that, over the last 150 years, has evolved haphazardly and inconsistently, repeatedly failed those in need, and suffered from numerous gaps, overlaps, and inefficiencies as well as lack of accountability, leadership, and coordination. In the words of the report: ‘Merely improving upon what has been done in the past will not be enough to meet the challenges of the future.’⁹ Interestingly, the report draws no hard and fast distinction between humanitarian interventions and other types of humanitarian action. Instead, it reflects the current zeitgeist around the problem of ‘shrinking humanitarian space’ by insisting that there will be times when military force, mandated by the UN, is vital to protect the increasingly ‘fragile’

2007), in particular that humanitarian crises are opportunities for the power of the state (or private capital) to expand.

⁷ For the relationship between climate change and conflict, see S. M. Hsiang, M. Burke and E. Miguel, ‘Quantifying the Influence of Climate Change on Human Conflict’, *Science*, 341 (2013), 1212–26.

⁸ *Humanitarian Emergency Response Review*, 28 March 2011, Chaired by Lord (Paddy) Ashdown, available from the website of the Department for International Development: www.dfid.gov.uk/Documents/publications1.HERR.pdf (last accessed 7 March 2013).

⁹ *Ibid.*, 12.

environment into which humanitarian agencies are admitted and times when it is not.

Like many other such publications the Ashdown report treats humanitarianism as a stable and singular concept. In this book, by contrast, the reader repeatedly encounters the question of how widely or narrowly the concept should be defined.¹⁰ Defined too widely, humanitarianism lacks precision; defined too narrowly, we lose sight of ‘the broader ways in which humanitarian ideology intersected with various forms of coercive diplomacy’.¹¹

A further – and central – definitional difficulty arises from the interplay between the ‘national’ and the ‘international’ in humanitarian policy and practice. Humanitarians present what they do as universal – they are a territorially boundless community transcending nation states. Yet few would deny that today’s international humanitarian system remains tied to particular parts of the Western world at the expense of humanitarianism’s non-Western equivalents. To understand why this is the case we need to delve back into the nineteenth as well as the twentieth century. Take the care of the poor in Africa. In precolonial times this was largely a matter of individual largess and distributed through highly personal networks.¹² The idea of institutionalized welfare provision was very much a colonial innovation. Precisely because African generosity was not easily channelled into large European organizations, indigenous welfare traditions were easily overlooked. In China, meanwhile, the state has long been regarded as a legitimate and positive humanitarian actor. Less value is therefore placed on civil society actors and there is also much less debate in China about the political manipulation of aid.¹³

Even within the West, humanitarian movements are remarkably diverse. Over the last century the range of activities they have undertaken has expanded almost exponentially. It now includes the provision of water, food aid, shelter, medical and health services, refugee services, rehabilitation and welfare projects, human rights advocacy, and full-scale military intervention. Because of this ever-widening range of activities judging whether interventions are predominantly for humanitarian purposes is considerably more complex. A diversity of missions has produced

¹⁰ Jan Erik Schulte, Chapter 12, XX4, in this book.

¹¹ Quote taken from Abigail Green, Chapter 7, XX5, in this book.

¹² John Iliffe, *The African Poor: A History* (Cambridge University Press, 1987), ch.11.

¹³ Miwa Hirono, ‘Three Legacies of Humanitarianism in China’, *Disasters*, 37 (2013), 202–20.

a diversity of requirements and a corresponding need to separate out humanitarianism's different strands in order to better gauge what an appropriate 'intervention' might be.¹⁴

Histories of humanitarian intervention turn around the questions of who intervenes, for what reasons, through what relationships, and with what results.¹⁵ On the face of it, the essential features of a humanitarian *intervention* are well established. They are uninvited and unwelcome interventions by one or more states in the affairs of another state, infringing on the sovereignty of that state, involving the use of force, and undertaken for the purpose of humanitarian protection and assistance.¹⁶ But beyond the slippery question of what are considered to be valid humanitarian objectives, there is equally, as Jan Erik Schulte points out, the matter of how much and what type of compulsion is required. In the preceding chapters we have encountered two main scenarios in which the roles of the military and humanitarians have become blurred. One is the limited deployment of a strong military presence to clear the ground for humanitarians to act, either by removing blockades imposed on relief or by protecting its distribution, as was the case in Somalia and the Balkans during the early 1990s (and is again the pressing issue in Syria today).¹⁷ The other scenario is the co-optation of medical, welfare, and education programmes within counter-insurgency operations, as part of a broader strategy for winning the loyalty of local people, as was the case in Iraq and in Afghanistan a decade later.¹⁸

Such engagement of the military with relief operations is by no means a uniquely contemporary phenomenon. A recurring theme in the history of

¹⁴ I am grateful to Corinna Hauswedell, who expressed this point very forcefully at the conference from which this book emerged.

¹⁵ Fred Cooper makes this point with reference to development, see 'Writing the History of Development', *Journal of Modern European History*, 8 (2010), 5–23.

¹⁶ The term 'humanitarian intervention' is defined at various stages in this book: see Fabian Klose, Chapter 1, XXX; Schulte, Chapter 12, XX5–6; Manuel Fröhlich, Chapter 14, p.XX7; and Norrie MacQueen, Chapter 11, XXX. For an important contribution from the wider historiography, see J. L. Holzgrefe and Robert Keohane, *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge University Press, 2004).

¹⁷ On Somalia, see Jon Western, Chapter 8, XX29, in this volume; on the Balkans, see Schulte, Chapter 12, XXI, XX26–7, XX29.

¹⁸ Marcos Ferreira, 'Blurring of Lines in Complex Emergencies: Consequences for the Humanitarian Community', *The Journal of Humanitarian Assistance*, 24 December 2012, <http://sites.tufts.edu/jha/archives/1625> (last accessed 21 May 2014). For a case study of post-war counter-insurgency operations that explores their links to welfare and development programmes, see David French, *The British Way in Counter-Insurgency, 1945–67* (Oxford University Press, 2011), ch.6.

modern humanitarianism is that of its cooperation, complicity and collusion with state power. The dilemma faced by humanitarians – past and present – is whether they can ever share common goals with the military. Many think not. Humanitarian intervention is either regarded *a priori* as a misnomer – the military, it is argued, can never be genuinely humanitarian – or joint military-humanitarian operations are felt to be far too vulnerable to pressures to deploy aid according to strategic assessments of military threat rather than impartial humanitarian need. Either way, there is a fundamental ambivalence to the concept of humanitarian intervention, as noted by Manuel Fröhlich – a concept that wants to legitimize yet limit the use of force at the very same time.¹⁹

Maintaining a distinction between the military and humanitarian components of emergency interventions is, as we have noted, all the more difficult as a result of the expansion of the scope of humanitarianism itself.²⁰ As the aid community has moved beyond the traditional task of distributing emergency relief to try to prevent acts of ethnic cleansing, or to support processes of post-conflict reconstruction and transformation, so it has become harder to distinguish its goals from those of donor states' security and stabilization agendas. The concept of humanitarian interventionism has come to look suspiciously like a post-Cold War concept of 'liberal interventionism': international stability is equated with the Western export of democratic freedoms, human rights, and neo-liberal economic values to 'failing' non-Western regimes.

Much of the legitimacy of humanitarian interventions hangs in the balance of this question of right motivations. Yet, as Michael Ignatieff argues, humanitarian motives are not discredited simply because they are mixed. Otherwise, almost all interventions would be suspect.²¹ Genuine grievances have always been exploited for reasons of state interest. The real issues are, first, whether *non-humanitarian* considerations prevent the possibility of any positive humanitarian outcome? Second, how do we

¹⁹ Fröhlich, Chapter 14, XX7.

²⁰ See, especially, Geoff Loane, who, while observing how humanitarianism's base 'is as broad as the multiplicity of actions that go to represent its interventions', notes how the resulting ambiguities can complicate humanitarianism's mandate, blur the boundaries between relief and development operations, and make the presence of aid agencies more open to manipulation by belligerents: Geoff Loane and Tanja Schümer (eds.), *The Wider Impact of Humanitarian Assistance: The Case of Sudan and the Implications for European Union Policy* (Baden-Baden: Nomos Books, 2000), 19–20, 24–5.

²¹ M. Ignatieff, *Empire Lite: Nation-Building in Bosnia, Kosovo and Afghanistan* (London: Vintage, 2003), 59; see also Simms and Trim, *Humanitarian Intervention*, 398, 400.

judge humanitarian value in the light of the inevitable compromises that humanitarianism's involvement with these other – more overtly political – considerations entail?²²

The study of motivation requires sensitivity to the consequential use of language – namely, how the categories through which people have thought about human suffering in the past shaped what they actually did.²³ Because the labelling of an intervention as *humanitarian* is ultimately the basis upon which the breach of state sovereignty is justified and the deployment of force legitimized, it is vital to try to disentangle different impulses to act in order to understand why states have previously intervened when they did and in the way they did. Purity of humanitarian motivation has probably never existed.²⁴ Terms like 'genuine humanitarianism' must therefore be suspect. What the contributors to this book suggest is that, scratching beneath the surface, genuine humanitarian impulses are invariably entangled with (and sometimes side-lined by) a wider set of geopolitical, diplomatic, and security concerns.²⁵

At their worst, humanitarian interventions have merely provided pretexts for military conquest, the control of natural resources, and the assertion of great power status, largely or wholly divorced from the human suffering they claim as their primary concern. Mairi MacDonald's study of the Brussels Anti-Slavery Conference (1890) exposes the conceit that colonial rule was the best or the only way to protect Africans against the slave trade. Anti-slavery ends and humanitarian rhetoric were 'used to justify means that were not far from the worst of the abuses the Brussels Treaty sought to eliminate'. The close links between humanitarianism and the colonial projects of European powers are further highlighted by Fabian Klose. During the nineteenth century, humanitarians were sometimes vociferous advocates of imperial expansion, with missionary activity leading to calls for protectorates to shield indigenous populations from the ravages of settler occupation.²⁶ Yet, as MacDonald shows, Leopold

²² Thomas Weiss, *Humanitarian Intervention: Ideas in Action* (Cambridge: Polity Press, 2012), 7; Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford University Press, 2000), 133; Ignatieff, *Empire Lite*, 23.

²³ On the importance of language, see Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley: University Of California Press, 2012).

²⁴ Schulte, Chapter 12, XX6, and Klose, Chapter 1, XX12.

²⁵ This point comes across powerfully in Bradley Simpson's contribution in Chapter 13 of this book; see also Western on the American response in Cuba, Chapter 8, XX21.

²⁶ A. Lester, *Imperial Networks: Creating Identities in Nineteenth Century South Africa and Britain* (London: Routledge, 2001); Jane Sansom, *Imperial Benevolence: Making British Authority in the Pacific Islands* (Honolulu: University of Hawai'i Press, 1998);

was more cynical: to exploit Congo's resources, he wrapped up commercial self-interest in the language of European civilization: an abuse of the term 'humanitarian' which 'provided cover for the most inhumane and uncivilized behaviour'.²⁷

In a similar vein, Jost Dülffer reveals how a long tradition of political obfuscation among the great powers persisted well into the twentieth century, as the appeal to higher moral purposes served as little more than a Trojan horse for the projection of state power. His salutary essay on the 'dark sides' of intervention demonstrates how humanitarian language paraded as altruism under the Nazi regime. Like Leopold, Hitler cynically appropriated such language for aggressive and expansionist purposes. The fight for living space in Central and Eastern Europe may at first seem a far cry from humanitarianism. But the aim to unite all Germans in a single Reich not only evoked the principle of self-determination: it raised the question of the protection of minorities, the violation of whose rights and freedoms had been a long-standing humanitarian concern. There was nonetheless an inherent danger in the use of such rhetoric. The logic upon which it was based – minority rights – exposed Hitler's foreign policy to charges of having suppressed one ethnic group in favour of another. The use of the concept of humanitarian intervention by the Nazi regime for ethnic reasons was increasingly unconvincing therefore.²⁸

Parsing out 'humanitarian' from other impulses is a tricky task.²⁹ The chapters by Norrie MacQueen and Jan Erik Schulte explore why humanitarian operations have been sometimes more, sometimes less prominent on the agenda of UN peacekeeping. During the Cold War, humanitarian operations were of secondary importance: other reasons for initiating peacekeeping operations prevailed. Humanitarian tasks were, however, grafted onto existing missions, most notably the UNFICYP in the Cyprus conflict after the 1974 Turkish invasion; the UNOSOM in Somalia in 1992 – a UN operation clearly organized as a humanitarian intervention; and UNPROFOR in Yugoslavia after its mission was extended from Croatia to Bosnia and Herzegovina in the same year.³⁰ For all that, the

Z. Laidlaw, *Colonial Connections, 1815–45: Patronage, the Information Revolution and Colonial Government* (Manchester University Press, 2005); Ian Tyrrell, *Reforming the World: The Creation of America's Moral Empire* (Princeton University Press, 2010).

²⁷ Mairi MacDonald, Chapter 6, esp. xx2, xx4–5, xx24–6, xx30, xx31; quote from xx31, in this book.

²⁸ See Jost Dülffer's contribution, Chapter 10, in this book.

²⁹ As recognized by Western, Chapter 8, XX21.

³⁰ Schulte, Chapter 12, xx20, xx26, xx29.

risk of conceptual confusion remains. Peacekeeping missions, unlike humanitarian interventions, have historically required the consent of the host state, the impartiality of the peacekeeping force, and the use of force in self-defence only as a last resort. Indeed, for MacQueen, the ‘fundamentally self-restricting character’ of peacekeeping pitches the concept ‘against not just collective security by enforcement but also meaningful armed humanitarian intervention’.³¹ It is also worth noting how, in response to the large-scale loss of life in conflict, the UN has been willing to act pragmatically in its own self-interest just as much as any member state – and arguably all the more so when its reputation and credibility as a multilateral institution have been on the line.³²

The remainder of this chapter will pursue five avenues of enquiry which are critical to a more integrated analysis of the history of humanitarian interventions – an analysis which bridges the nineteenth, twentieth, and twenty-first centuries; state and non-state actors; Western and non-Western practices and perceptions; and the relationship between humanitarian interventions and related discourses, especially those on religious persecution, ‘civilization’, and ‘human rights’.

First: many of the chapters in this book grapple with what we might call the dynamics of commitment of proponents of humanitarian intervention. Humanitarianism has never stood alone: it is a doctrine dependent on an array of other beliefs and ideals. It is these beliefs and ideals that are in turn the key to understanding why public narratives of suffering have taken particular forms and why they have been mobilized on behalf of some peoples and not others.³³ Of particular interest is the interface between humanitarianism and anti-slavery, as well as anti-Semitism and Philhellenism, discourses closely tied to those ‘solidarity’, ‘advocacy’, and ‘exile’ communities that lobbied states to protect their kith and kin.³⁴ These communities portrayed the sufferings of their own peoples in a universal language of humanity, recasting the violence inflicted upon like-minded religious, ethnic, or linguistic groups as crimes offending

³¹ MacQueen, Chapter 11, xx10–11.

³² This was also true of other multilateral institutions, including NATO and the Commonwealth. For the concerns of the Clinton administration for the UN and NATO after the atrocities at Srebrenica, see Western, Chapter 8, X21.

³³ Richard Wilson and Richard Brown, ‘Introduction’ in Richard Wilson and Richard Brown (eds.), *Humanitarianism and Suffering: The Mobilization of Empathy* (Cambridge: Cambridge University Press, 2009), 1–30.

³⁴ On anti-Semitism, see Green, Chapter 7; on Philhellenism, see Western, Chapter 8; on advocacy communities, see Simpson, Chapter 13.

international society as a whole. In this way, a wide range of civil and religious liberties were advanced under the symbol of the moral progress that humanitarianism embodied.

These constellations of different moral and ideological precepts which together have constituted humanitarianism explain why it has proved so difficult to separate the religious from the secular, the ethical from the political, and the rhetorical from the epistemological in humanitarian policy and practice. Humanitarian sensibilities have, at various times, been refracted through languages of ‘civilization’, ‘trusteeship’, ‘self-determination’, and ‘human rights’. As people expressed solidarity with their fellow human beings, within their own countries and across international borders, we need to ask how far such empathy was a product of humanitarian concern? Put another way, was humanitarianism essentially a function of other commitments and hence reliant upon the hospitality provided by other movements and vulnerable to their priorities and preoccupations? Or was humanitarianism – as a global discourse, backed by global institutions – able to harness these other discourses for its own ends?

Of particular interest here is what Michael Geyer aptly describes as the ‘troubled rapport’ between humanitarianism and human rights – at once convergent and competitive concepts.³⁵ Human rights violations have triggered humanitarian interventions. Humanitarian interventions have reinforced human rights discourse. Beyond that, the element of universality, rooted in the Enlightenment, underpins human rights and humanitarian thinking. They share a view of ‘humanity’ as a unified international community: basic rights and fundamental needs are to be enjoyed by all people in the world by virtue of that humanity. They suffer from similar shortcomings too. The common humanity that humanitarians and human rights activists invoke is not always as common as they suggest. Humanity is defined so as to give rights to some while withholding them from others; aid and relief are distributed to certain places while neglecting humanitarian needs elsewhere. As one commentator shrewdly observes, ‘the “human” part of human rights’ – and, we might add, of humanitarianism, too – ‘has always been unstable, variable in scope and inclusiveness’.³⁶

³⁵ Michael Geyer, Chapter 2 in this book.

³⁶ Joanna Bourke, *What It Means To Be Human: Reflections from 1791 to the Present* (London: Virago, 2011), 136.

Such is their convergence. That said, the fusion of humanitarianism and human rights is analytically difficult,³⁷ and the promotion of the one has sometimes been (or at least perceived to have been) at the expense of the other.³⁸ Encompassing the sacred as well as the secular, humanitarian discourse has long been based on the alleviation of suffering rather than the defence of rights. Faced with the destitution and oppression of others, humanitarians appeal as much to the heart as to the head – pity, charity, and compassion are the sentiments they seek to evoke. Why, then, in recent times the fashion for eliding humanitarianism and human rights?

Kofi Annan's assertion that a global age calls for a new type of global security is a striking example of this category conflation.³⁹ In a clear riposte to non-interventionists, Annan called for the UN to take seriously its responsibility to protect people against egregious violations of human rights. His deliberate linking of the protection of human rights with humanitarianism was not new. As Bradley Simpson observes, the temptation to substitute the one for the other has long been present. Over the decades, the act of intervening in humanitarian crises has frequently been regarded as less political than that of responding to human rights crimes.⁴⁰ (In a similar fashion proponents of development aid have represented large-scale agricultural projects as *technical* solutions to problems of deprivation and poverty, thereby ignoring how they entrench state power.) Indeed, by focusing attention on the interests of victims rather than states, humanitarianism has sometimes lent an aura of morality to interventions far less disinterested than their sponsoring states suggest.⁴¹

Nor is it only states that have succumbed to such temptations. There is just as pressing a need to investigate when and why non-state humanitarianism has adopted a language of inalienable and universal rights.⁴² Some agencies, such as the International Red Cross / Red Crescent Movement,

³⁷ Geyer, Chapter 2.

³⁸ A. Dirk Moses, 'The United Nations, Humanitarianism and Human Rights: War Crimes / Genocide Trials for Pakistani Soldiers in Bangladesh, 1971–1974' in Stefan Ludwig Hoffman (ed.), *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011), 277.

³⁹ Kofi A. Annan, *We the Peoples: The Role of the United Nations in the 21st Century* (New York: United Nations. Department of Public Information, 2000).

⁴⁰ Simpson, Chapter 13, XX18.

⁴¹ Didier Fassin and Mariella Pandolfi, 'Introduction: Military and Humanitarian Government in the Age of Intervention' in Fassin and Pandolfi (eds.), *Contemporary States of Emergency*, 13.

⁴² Matthew Hilton, 'International Aid and Development NGOs in Britain and Human Rights since 1945', *Humanity*, 3, no. 3 (Winter 2012), 449–72.

remain firmly of the view that humanitarianism is non-political.⁴³ The International Committee of the Red Cross (ICRC), in particular, has been prepared to sacrifice the right to speak out in order to protect its proximity to the victims of armed conflict and to gain access to places often off-limits to other organizations. This is a principled stance in so far as the ICRC has a clear mandate given by states under the Geneva Conventions; human rights are covered by a separate body of international law and regarded by the ICRC and others as part of political decision-making. But it is also pragmatic, as the public condemnation of human rights abuses runs the risk of jeopardizing the ICRC's operations in the field. That said, 'public silence' does not equate to silence in negotiations, while repeated violations of humanitarian law by states may lead to the ICRC to take a more public stand.⁴⁴ Other agencies, however, such as Oxfam and Christian Aid, have strenuously sought to incorporate the human rights concept into their work by representing emergency relief and development aid as a matter of survival or socio-economic rights.⁴⁵ In their view, humanitarianism's quest to be apolitical is not only naïve but positively harmful, in so far as it draws public attention away from the political reasons for victimization and the violation of rights.⁴⁶

The relationship between humanitarianism and human rights is further complicated by the more integrated way of thinking about the legal protection of victims of armed conflict that has emerged over the last half century. International humanitarian law has slowly expanded towards the concerns of the human rights community partly as a result of the

⁴³ The ICRC, the National Red Cross and Red Crescent Societies, and their International Federation formally codified their 'fundamental principles' of humanity, impartiality, neutrality, and independence in Vienna in 1965. In practice, within the movement there are strong differences: some national societies are very close to their governments, some are more international in their outlook and operation.

⁴⁴ See, for example, the ICRC's policy on reports on political detention, where the rule of confidentiality may be suspended in such circumstances. Nor are private negotiation and public condemnation necessarily antagonistic. It can be argued that the success of humanitarian and human rights NGOs is precisely contingent on a real articulation between quiet diplomacy and moral persuasion, on the one hand, and public pressure and denunciation, on the other.

⁴⁵ A criticism of such moral approaches to human rights is that they undermine legal approaches without seriously challenging the violence and exploitation that give rise to economic and social vulnerability: see Geoff Loane and Céline Moyroud (eds.), *Tracing the Unintended Consequences of Humanitarian Assistance: the Case of Sudan* (Baden-Baden: Nomos Books, 2001).

⁴⁶ R. A. Wilson (ed.), *Human Rights, Culture and Context: Anthropological Perspectives* (London: Pluto Press, 1997).

increase of internal conflicts and civil wars after 1945. Such ‘protracted social conflicts’, characterized by conditions of indiscriminate warfare, have seen repeated denials of humanitarian assistance by warring parties and generated growing international concern about the treatment of civilian bystanders.⁴⁷ They have thus underscored the necessity of extending elementary principles of protection for civilian populations in international humanitarian law. Article 3 of the 1949 Geneva Conventions was meant to address these situations. Almost before the ink had dried on Article 3, however, it was widely apparent that its sixteen lines of text would not be sufficiently strong. From the 1950s onwards a succession of expert commissions and conferences sought to strengthen this aspect of international humanitarian law, culminating in the two additional protocols to the Geneva Conventions of 1977. Yet Protocol II, intended to provide greater protection to the victims of ‘non-international’ armed conflicts, was in reality a poor help.⁴⁸ The legal basis of the work of humanitarian agencies in internal or ‘non-international’ armed conflicts remains problematic to this day.

The bitter and bloody internal or intra-state conflicts of the 1990s – Bosnia, Iraq, Liberia, Rwanda, Somalia, Southern Sudan, and Zaire – were very much a part of this longer chain of events. This type of conflict had been testing the limits of international humanitarian and human rights law for at least four decades. What was new about the 1990s was the shift in attitudes within the UN – especially its Security Council; in particular the UN’s greater readiness to undertake military intervention in civil war situations for humanitarian purposes. The 1990s recorded the largest number of countries involved in civil conflict at any time since the

⁴⁷ Christopher Weeramtry, *Universalising International Law* (Leiden: Nijhoff, 2004), 169–71. Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria* (Philadelphia: University of Pennsylvania Press, 2013), 120–37. For the idea of a ‘protracted social conflict’, see Edward Azar, Paul Jureidini, and Ronald McLaurin, ‘Protracted Social Conflict: Theory and Practice in the Middle East’, *Journal of Palestine Studies*, 8, no.1 (1978), 41–60.

⁴⁸ Article 3 expanded the scope of the Geneva Conventions to ‘non-international armed conflicts’ in which all parties involved were expected to observe basic humanitarian principles, including the respect for persons not participating in the conflict, and the prohibition of torture, taking hostages, and irregular convictions and executions. But its sixteen lines of text entailed only a minimum set of humanitarian rules and, moreover, presupposed the existence of a ‘non-international armed conflict’ without defining the threshold beyond which a conflict would be considered such. See François Bugnion, *The International Committee of the Red Cross and the Protection of War Victims* (Oxford: Macmillan, 2003), 330–6, 447–51.

Second World War.⁴⁹ The resultant blurring of distinctions between combatants and civilians also produced by far the largest number of Security Council resolutions on humanitarian issues at any time since the UN's founding.⁵⁰ (This may also be the reason for the sharp increase in the proportion of international aid agency budgets allocated to civil conflict during this decade.)

A second theme to emerge from this book is that of periodization. What are the origins of the concept of humanitarian intervention? What were its formative moments? Humanitarianism's psyche of rupture and regeneration can pose problems here.⁵¹ Despair at the failure of present generations to address the problems of poverty, injustice, and senseless violence is counterbalanced by the hope invested in the future to bring miraculous improvements to people's lives. It is a psyche that has tended to cut off current practices from previous experiences out of which later humanitarian praxis evolved. The opening chapters in this book exploring the earliest episodes of humanitarian intervention⁵² and its early legal justifications⁵³ are particularly valuable therefore in charting how ideas about who deserves protection, the rationale for protection, and the rhetoric deployed to justify protection all changed over time.⁵⁴ During the nineteenth century, humanitarian interventions promoted by churches on the ground of religious affinity stood alongside anti-slavery and abolitionist action based around the language of 'civilization', chauvinistic as that language could be.⁵⁵ A subsequent twentieth-century shift from a language of civilization to that of a common humanity is more difficult to

⁴⁹ C. Blattman and E. Miquel, 'Civil Wars', *Journal of Economic Literature*, 48, no. 1 (2010), 3–57.

⁵⁰ A. Roberts, *Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum*, (Oxford: Oxford University Press, 1996), 15.

⁵¹ Guillaume Lachenal and Bertrand Taithe, 'A Missionary and Colonial Genealogy of Humanitarianism: The Aujoulat Case in Cameroon, 1935–73'. Copy supplied by Professor Bertrand Taithe.

⁵² Green, Chapter 7; Fabian Klose, Chapter 5 in this book.

⁵³ Daniel Marc Segesser, Chapter 3; Stefan Kroll, Chapter 4, both in this book.

⁵⁴ David Trim, 'Conclusion: Humanitarian Intervention in Historical Perspective' in Simms and Trimm (eds.), *Humanitarian Intervention*, 387.

⁵⁵ Bronwen Everill, *Abolition and Empire in Sierra Leone and Liberia* (Cambridge University Press, 2012), Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca, NY: Cornell University Press, 2012), and the forthcoming study by Alan Lester with Fae Dussart, *Colonization and Humanitarian Governance: Race and Settler Capitalism in the Early Nineteenth Century British Empire* (Cambridge University Press, 2014).

pin down.⁵⁶ It does not appear to have been the product of any single interest or ideology, but was a feature of the interwar era – a moment when humanitarians combined liberal internationalism with imperial rule and when an informal world of extra-parliamentary pressure gradually gave way to the more formal and structured international NGO environment that would entrench itself after the Second World War.

Periodization is also important because of the way the humanitarian sector has lived by stories of its previous engagement with the world. It is a frequent refrain today that a new era of humanitarian aid and humanitarian intervention was ushered in by the 1990s. This is partly predicated on a rather nostalgic view of the 1960s and 1970s – a time when there were supposedly clear rules of engagement for humanitarians in war zones and combatants respected humanitarian missions.⁵⁷ It is true that the events of the 1990s led to a renewed focus on the politics of Western humanitarianism. But this book brings home a deeper, more complex history of humanitarian intervention, which, as its contributors show, has long proved itself to be a flexible, malleable, and polycentric concept. If there was something particular about the pairing of the ‘humanitarian’ with the ‘military’ during the 1990s, it is the emergence from within the international community of new arguments about the *locus* of sovereignty (in particular, the idea of sovereignty in part residing below or above the level of the state) at the very same time as the notion of ‘failed’ or ‘fragile’ states was emerging.⁵⁸ Interestingly, international development NGOs and the UN specialized agencies, faced with inefficient, unwieldy, and

⁵⁶ Mark Mazower, ‘The End of Civilization and the Rise of Human Rights: The Mid-Twentieth-Century Disjuncture’, in Stefan Ludwig Hoffman (ed.), *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011), 29–44.

⁵⁷ See, for example, Lord Malloch-Brown, former administrator of the UN Development Programme and former UN deputy secretary-general, at a symposium organized by the Institute for Government, 12 March 2013: www.instituteforgovernment.org.uk/events/politics-humanity-john-holmes (last accessed 21 May 2014).

⁵⁸ The language of ‘failing’, ‘fragile’, ‘collapsed’, and ‘quasi’ states was popularized at this time. For ‘failing states’, see Gerald Helman and Steven Ratner, ‘Saving Failed States’, *Foreign Policy*, 89 (1992–93), which defined the term as a ‘situation where governmental structures are overwhelmed by circumstances’ [quote, 5]; for ‘collapsed’ states, see I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder, CO: publisher, 1995); for ‘quasi’ states, see Robert Jackson, *Quasi-states: Sovereignty, International Relations and the World* (Cambridge: Cambridge University Press, 1990); for ‘fragile’ states, see Tim Besley and Torsten Persson, *Fragile States and Development Policy* (London: Centre for Economic Policy Research, 2011). Although they have their own nuances, each of these terms rests on a view of certain states not being able to discharge some or all of the functions of truly sovereign powers. They carry the implication that, in situations where good governance

corrupt governments, were likewise grappling with the problem of whether to bypass the apparatus of developing states and deliver their anti-poverty programmes through civil society actors or community groups.⁵⁹

Third, there is the question of how to situate the state in histories of humanitarian intervention. How, across the last few centuries, have state and non-state actors come together to respond to atrocities and to fashion the legal instruments and ideological defences required to sanction forceful interventions? To what extent has state-sponsored armed force proved a necessary factor in protecting the environment in which relief agencies operate and in ensuring their access to populations at risk?

Humanitarian organizations have long agonized over their relationship to government. Yet they exist because of, not despite of, the state; many aid agencies in fact perform state-like functions.⁶⁰ In the second half of the nineteenth century, humanitarian circulations of many kinds helped to hold expanding Western European empires together, even as they challenged these empires' practices and underlying premises. Humanitarians could be vociferous advocates of imperial expansion, with missionaries calling for protectorates to shield indigenous populations from the ravages of settler occupation.⁶¹ But in becoming part of colonial governance, humanitarian principles were also heavily circumscribed by it. In Congo, what MacDonald aptly describes as the 'breathtaking cynicism' of the Brussels Treaty of 1890 was based on the pretence that colonial rule was the surest way to provide humanitarian protection – a pretence that justified Leopold's actions to an international community

has partly or wholly broken down, protecting the populations of such states may require the sovereign will of one or more external powers.

⁵⁹ The roots of this shift in thinking could be quite different: the dominant, market-driven ideology of the World Bank, IMF, and US Treasury in the so-called Washington Consensus period contrasted with the emphasis on grassroots initiatives and community empowerment by many NGOs.

⁶⁰ Peter Willetts (ed.), *Pressure Groups in the Global System: The Transitional Relations of Issue-Oriented Non-Governmental Organizations* (London: Pinter, 1982), 1–15, and Clare Saunders, 'British Humanitarian Aid and Development NGOs, 1949–Present' in N. Crowson, M. Hilton, and J. McKay (eds.), *NGOs in Contemporary Britain: Non-state Actors in Society and Politics since 1945* (Houndmills, Basingstoke: Palgrave Macmillan, 2009), 38–58.

⁶¹ A. J. Lester, *Imperial Networks: Creating Identities in Nineteenth Century South Africa and Britain* (London: Routledge, 2001); Jane Sansom, *Imperial Benevolence: Making British Authority in the Pacific Islands* (Honolulu: University of Hawai'i Press, 1998).

and allowed his Belgian agents to ruthlessly exploit their Congolese subjects in the name of European civilization.

For well over a century, humanitarians have feared becoming ensnared by state-sponsored interventions. The threat to their independence posed by counter-insurgency operations in Iraq and Afghanistan is only the latest if pronounced manifestation of this fear. The degree of their discomfort has depended on the nature of the intervention in question. The further one travels from the more limited aim of emergency relief towards a broader transformation of society, the greater the scope for the confusion of political, military, and humanitarian aims.

If the type of force exerted in any given intervention may vary, so too may the perception of that intervention by its 'beneficiary' state. Humanitarians can be slow to appreciate that *any* type of intervention in a war has a strategic military significance. Take the Nigerian–Biafran War (1967–70) – perhaps the most widely publicized African conflict of the last century and one of the greatest tests for the international humanitarian system that emerged from the Second World War.⁶² Doctors Without Borders (Médecins Sans Frontières) eventually emerged from the experience of this conflict, if not quite in the way its founder Bernard Kouchner would later recall. Kouchner – a young French doctor with the Red Cross – was appalled by what he had seen, as indeed were other ICRC aid workers in Biafra. He returned home to reject the principles of neutrality and non-interference in favour of a new more activist brand of humanitarianism which saw the exercise of state power and the right of states to intervene as critical to the humanitarian creed.⁶³

Few in the West regarded – or referred to – the massive relief operation mounted by the ICRC and the churches as a humanitarian

⁶² My analysis of the Nigerian–Biafra War is based on as yet unpublished research in the archives of the International Red Cross Movement. A key text remains John Stremlau, *The International Politics of the Nigerian Civil War, 1967–70* (Princeton University Press, 1977). For the wider literature, see Suzanne Cronje, *The World and Nigeria: A Diplomatic History of the Biafran War, 1967–70* (London: Sidgwick & Jackson, 1972); Alvin Edgell, 'Nigeria/Biafra' in Morris Davis (ed.), *Civil Wars and the Politics of International Relief: Africa, South Asia and the Caribbean* (New York: Praeger, 1975); Michael Gould, *The Biafran War: The Struggle for Modern Nigeria* (London: I.B.Tauris, 2013); John Okpoko, *The Biafran Nightmare: The Controversial Role of International Relief Agencies in a War of Genocide* (Enugu, Anambra State, Nigeria: Delta of Nigeria, 1986); Godwin Alaoma Onyebulla, *Memoirs of The Nigerian–Biafran Bureaucrat: An Account of Life in Biafra and within Nigeria* (Ibadan: Spectrum Books, 2005).

⁶³ MSF was born in 1971 as a merger of Groupe d'Intervention Médical et Chirurgical d'Urgence (formed in response to Biafra) and Secours Médical Français (formed in response to a flood disaster in eastern Pakistan).

'intervention',⁶⁴ but the Nigerian Federal Military Government (FMG) certainly did. It argued that the airlift of aid into Biafra, flown at night rather than during the day, and in defiance of its wishes, was illegal under international humanitarian law. In a war fought with relatively small armies and budgets, the Federal Military Government also pointed out that a relief operation on such a scale would inevitably have political repercussions, for example in providing an increasingly beleaguered Biafra with much needed foreign exchange or by Biafra taking advantage of relief flights as cover for bringing in ammunition and arms. Meanwhile, the Organization of African Unity recognized the conflict as one that should primarily be resolved by the Nigerians themselves.⁶⁵ In the perception of the majority if not all African governments, non-Africans had set about changing the course of a war whose consequences for post-colonial Africa, where most newly independent countries had their own minority problems, were far-reaching.⁶⁶ The fact that Biafra controlled Nigeria's oil reserves made non-African involvement on its behalf even more suspect. What in Europe and North America had the appearance of a non-forcible, non-state humanitarian mission looked rather different from the perspective of Nigeria and many other African states, which were keenly aware that the major donors of aid to Biafra were the UN and Western governments.

Such differences of perspective between Western and non-Western powers as to what constitutes a humanitarian *intervention* point to a deeper, more fundamental and unresolved tension inherent in contemporary humanitarianism.⁶⁷ On the one hand, humanitarians espouse a

⁶⁴ There were, however, arguments, framed in terms of international law, for a 'humanitarian intervention' to be undertaken by the Organization of African Unity or the UN. In some ways, these arguments prefigured the later R2P doctrine in their assertion that sovereignty was conditional and depended on the observance by the Nigerian authorities of minimum standards of human rights, which were regarded as fundamental to the maintenance of international peace and security, and which the Nigerians were said to have violated by their treatment of the Ibo people. See Michael Reisman and Myres S. McDougal, 'Humanitarian Intervention to Protect the Ibos' in Richard B. Lillich (ed.), *Humanitarian Intervention and the United Nations* (Charlottesville, VA: University Press of Virginia, 1973), 167–95.

⁶⁵ Klass van Walraven, *Dreams of Power: The Role of the Organisation of African Unity in the Politics of Africa, 1963–1993* (Aldershot: Ashgate, 1999), 307–11.

⁶⁶ The exceptions were Ivory Coast and Gabon, with close ties with France (which supported Biafra), and Zambia and Tanzania, whose motives appear to have been humanitarian.

⁶⁷ David Forsythe, 'Contemporary Humanitarianism' in Wilson and Brown (eds.), *Humanitarianism and Suffering*, 59.

cosmopolitan solidarity. Rising above the narrow provincialism of state interest, they imagine themselves as community that is coterminous with mankind. On the other, they have long been reliant upon donor states and under pressure to become more accountable to beneficiary populations. In the growth of the UN's specialist agencies some identify a more genuinely or authentically *international* field of humanitarian action. Yet humanitarians did not suddenly cease to serve national objectives after 1945. Rather, humanitarian power and state power continued to advance each other's interests as well as their own: bilateral and multilateral aid coexisted, and state and non-state actors cooperated, competed and not infrequently collided.⁶⁸ 'Humanitarian nationalism' and 'international humanitarianism' may in theory be distinct; yet rarely are they so in practice.

Why is there so much talk of the shrinking of 'humanitarian space' today?⁶⁹ The notion of 'humanitarian space' refers to the environment in which humanitarians carry out their work. In its physical dimensions, it refers to the ability of humanitarians to gain access to the people they wish to help; in its operational dimensions, to the type of activity they are able to undertake. In many of the conflicts studied in this book such 'space' was sharply circumscribed by donor governments and host states. There never was a 'golden age' when the freedom of humanitarians to deliver aid and relief was widely or universally respected. It is more fruitful to think of humanitarian space as expanding and contracting over time, according to how vigorously the principle of state sovereignty is asserted and the success of humanitarians in negotiating access with states.⁷⁰ Understood this way, 'humanitarian space' is the product of the political transactions required for aid to be delivered and atrocities to be addressed. Humanitarian principles meanwhile are part of the rhetorical armoury of humanitarians by which they seek to preserve for

⁶⁸ This is particularly evident from research on American humanitarianism. See Julia Irwin, *Making the World Safe: The American Red Cross and a Nation's Humanitarian Awakening* (Oxford University Press, 2013); and Heike Wieters' research on the Co-operative for American Remittances to Europe (CARE), 'On Money and Missions', a paper given at the workshop 'Humanitarianisms in Context: Histories of Non-state Actors, from the Local to the Global', Potsdam, 28–9 November 2013.

⁶⁹ Cynthia Brassard-Boudreau and Don Hubert, 'Shrinking Humanitarian Space? Trends and Prospects on Security and Access', *The Journal of Humanitarian Assistance*, 24 November 2010, <http://sites.tufts.edu/jha/archives/863> (last accessed 21 May 2014).

⁷⁰ Richard Falk, 'Dilemmas of Sovereignty and Intervention', *Foreign Policy Journal*, 18 July 2011, www.foreignpolicyjournal.com/2011/07/18/dilemmas-of-sovereignty-and-intervention/ (last accessed 21 May 2014).

themselves sufficient freedom of action. What *may* be distinctive about recent times is the ‘willingness ... of humanitarian organizations to operate in more risky environments than they did in the past’ and the implications of this for humanitarians’ reliance upon military force.⁷¹

Fourth, there is the question of paternalism and power.⁷² Humanitarianism’s western origins and orientation are increasingly felt to be a barrier to effective action. The credibility of humanitarianism has been badly damaged by recent interventions that have primarily served the strategic interests of the intervening powers. In the hands of some critics, this translates into the argument that humanitarianism in Africa and Asia in the late twentieth century and early twenty-first century has simply been a rerun of colonialism. As with their predecessors, the moral obligation of today’s generation of humanitarians to improve the lives of others is said to stem from the assumed superiority of their own culture.⁷³ There is indeed a paradox here. The very encounters that bring into closer view the suffering of the developing world – or Global South – and that have forged new patterns of responsibility, frequently portray those in need of help as technologically, economically, and culturally backward, a backwardness which can only be made good by following in the footsteps of Western powers. ‘They’ need to become more like ‘us’.

This view of humanitarianism as an imposition over others – something that exercises power over the very people it seeks to emancipate – takes me to my fifth and final point about the justification for interventions. In arguing that the doctrine of humanitarianism intervention serves principally to defend the projection of American power in order to hold other nations in its thrall, critics – most famously Noam Chomsky – are tapping into a deep sense of unease as to who decides what counts as a

⁷¹ For this claim, see Brassard-Boudreau and Hubert, ‘Shrinking Humanitarian Space?’, para. 35, preceding n. 38.

⁷² For the power exercised by aid agencies, see R. L. Stirrat and Heiko Henkel, ‘The Development Gift: The Problem of Reciprocity in the NGO World’, *Annals of the American Academy of Political and Social Science*, 554 (1997), 66–80. For the continuity, in thought and action, of the work of contemporary NGOs in Africa with that of their colonial predecessors, see Firoze Manji and Carl O’Coill, ‘The Missionary Position: NGOs and Development in Africa’, *International Affairs*, 78 (2002), 567–83.

⁷³ For the classic statement, see Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* (Princeton, NJ: Princeton University Press, 1995). For a nuanced critique, see Emma Crewe and Richard Axelby, *Anthropology and Development: Culture, Morality and Politics in a Globalised World* (Cambridge: Cambridge University Press, 2013), 8–10, 12–15, 38–40, 77–86, 131–56.

humanitarian intervention.⁷⁴ Who judges its credentials? Is this left to states? Or is there a role for non-state actors? Are humanitarian norms to be enforced by force only with a UN mandate and Security Council authorization? Or can convincing criteria be established for interfering in the internal affairs of another state when such a mandate is lacking?⁷⁵ What happens when the use of force specified in the initial language of authorization is stretched to and beyond its limits by subsequent military action, as happened in Libya under Security Council Resolution 1973?⁷⁶ These are, in essence, the dilemmas with which the concept of ‘responsibility to protect’ (R2P) has grappled.

How should the international community respond to situations when people are subjected to appalling cruelty by their governments? The question is all the more problematic because of humanitarianism’s selective – some would say blatantly selective – gaze. Why do interventions happen in some locations and not others? Why is the public outraged by some atrocities yet apparently indifferent to others? To what extent are different norms and standards applied to ‘first’ and ‘third’ world conflicts? There are no transcendent humanitarian commitments. Rather humanitarian sensibilities reside in the mind. Interest, circumstance, and opportunity dictate where and when human suffering is recognized, as does the likelihood of humanitarian interventions provoking dissent by a great power or military opposition by warring parties.⁷⁷ As the contributors to this book show, states have chosen *not* to undertake interventions on as many or perhaps more occasions as they have. Such selectivity turns partly on the strategic interests of intervening powers, partly on the types of people felt to be deserving of protection, and partly on what we might call ‘moral geographies’ or ‘emotional economies’ of care – lines of emotive and empathetic

⁷⁴ See the works by Noam Chomsky, *World Orders, Old and New* (London: Pluto, 1994), *Hegemony or Survival: America’s Quest for Total Dominance* (New York: Metropolitan Books, 2003), and *Imperial Ambitions: Conversations with Noam Chomsky on the Post 9/11 World, Interviews with David Barsamian* (New York: Metropolitan Books, 2005). For a spirited argument against, see Elizabeth Cobbs Hoffman, *Playing Umpire: America and the World* (Cambridge, MA: Harvard University Press, 2013).

⁷⁵ Wheeler, *Saving Strangers*.

⁷⁶ Intervention in Libya was initially justified by reference to an emergency situation endangering the lives of many Libyan civilians. It was later converted operationally by NATO into regime change in Tripoli, but without having secured a broader mandate from the Security Council. See also Fröhlich, Chapter 14.

⁷⁷ Roberts, *Humanitarian Action in War*, 24–5.

connection that allow some localities to become the focus of protection and assistance, while others are ignored.⁷⁸

This brings us to the intractable yet inescapable issue of *sovereignty*, and we historicize it. Those opposing humanitarian interventions pitch the respect for state sovereignty against defence of humanity. The humanitarian imperative, they insist, must not be allowed to trump the inviolability of national sovereign rights. (Hence the controversy surrounding the 1992 Security Council resolution 794 regarding Somalia.)⁷⁹ For the UN, founded on the bedrock principle of the sovereignty of its member states, humanitarian interventions have thrown into sharp relief the tensions between maintaining a system of state sovereignty and maintaining international peace and order. In fact, until the 1980s, the UN's marked reluctance to interfere in the domestic affairs of its member states resulted in a very restricted engagement with humanitarian or any other types of emergency.⁸⁰ This, then, is the basic dilemma interventionists have long confronted. Under what circumstances, if any, might the classical rule of non-interference be qualified? And what are the implications of such qualifications for the view that a system of stable interstate relations rests on the sovereignty of those states?

Here, as Daniel Segesser reminds us, we need to consider carefully what was meant by sovereignty at different points and by different actors in the past.⁸¹ Much of the period covered by this book was as much (or more) an age of empire states as an age of the nation state. The normative status achieved by the nation state after 1945 turned sovereignty into an absolute and indivisible principle.⁸² Yet for much of human history, sovereignty was viewed quite differently – a conditional concept, capable of being qualified, exercised over certain aspects of statehood and not others, and diminished by degrees. Different levels of sovereignty could thus be invested in 'civilized' and 'uncivilized' powers, or in 'major

⁷⁸ This theme is picked up by several contributors, see Kroll, Chapter 4; Green, Chapter 7; Dülffer, Chapter 10; and Davide Rodogno, Chapter 9 in this book.

⁷⁹ The Security Council authorized the creation of a Unified Task Force to create a 'secure environment' in order to provide humanitarian assistance to the civilian population. Its resolution determined that 'the magnitude of human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance' constituted a threat to international peace and security.

⁸⁰ M. Duffield, *Development, Security and Unending War: Governing the World of Peoples* (Cambridge: Polity, 2007), 70.

⁸¹ Segesser, Chapter 3.

⁸² For the force of this point, see John Darwin, *After Tamerlane: The Rise and Fall of Global Empires, 1400–2000* (London: Allen Lane, 2007).

powers', 'minor powers', and 'non-powers'. Sovereignty could be held in trust by imperial states acting on behalf of the international community, or shared between states in jointly administered occupied territories, or fiercely contested between rival ethnic groups in newly liberated colonies. Empires – and their mental maps of civilization – provide a crucial context in which past debates about state sovereignty and intervention occurred.⁸³

The latest move by proponents of the R2P concept to reframe sovereignty as a question of the responsibility of states to protect their own citizens is, therefore, part of a much longer sequence of debates among international lawyers, diplomats, humanitarian policymakers, and human rights activists regarding the obligations of states to the international community of which they are part.⁸⁴ As Stefan Kroll shows, it is the 'consciousness of that collectivity' that has led successive generations of interventionists – humanitarian and otherwise – to argue for the right of collective interference as an extension of the principle of sovereignty from the domestic to the international sphere – a *sine qua non* of a functioning community of states.⁸⁵

The history of empires also speaks to a related and persistent problem, namely that of conflict definition: how violence is named, and who gets to do the naming. War, it has been said, 'is the violent expression of a complex set of opposing interests and aspirations'.⁸⁶ The labelling of wars is inherently controversial because the way conflict is defined shapes perceptions of the moral status of combatants and who are their victims. Conflict definition is, in fact, as much a crux of the matter as sovereignty and a question no less 'recalcitrant'.⁸⁷ Intra-state conflicts, secessionist

⁸³ I would like to acknowledge here an important contribution from Martin Aust during discussions at the conference.

⁸⁴ Kennedy, *The Dark Sides of Virtue*, 254. For the basis of the R2P concept, its four specified violations (genocide, war crimes, ethnic cleansing, and crimes against humanity), its three pillars (the responsibility of individual states to protect, the role of the international community to assist states in discharging that responsibility, and the circumstances in which collective action against states failing in their duty of protection might be envisaged), and the argument that 'responsibility' should be seen as an ally of 'sovereignty', see 'Responsibility to Protect: Timely and Decisive Response', Report of the United Nations Secretary-General, General Assembly, 66th Session, 25 July 2012, www.globalpolicy.org/humanitarian-intervention.html (last accessed May 2014). The report also warns against the dangers of humanitarian action being used as a substitute for political action and reaffirms the need to defend 'humanitarian space' by respecting the so-called fundamental principles of 'neutrality, independence, humanity and impartiality'.

⁸⁵ See Kroll, Chapter 4. ⁸⁶ Roberts, *Humanitarian Action in War*, 11.

⁸⁷ On the 'recalcitrance' of the question of sovereignty in the debate about humanitarian interventions, see Trim, 'Conclusion', 381.

movements and ethnic conflagrations are widely referenced by contributors to this book. What are the processes by which conflicts are classified either as civil wars, liberation movements, or terrorist campaigns, with all the implications these descriptions then carry for the mobilization of humanitarian sympathies and the harnessing of such sympathies to calls for military intervention?⁸⁸ The risks of humanitarian double standards here have not been lost on recent commentators. Humanitarian interventions may be an expression of the growing interdependence and fragility of a globalizing world. Yet, as Michael Geyer argues, the questions of sovereignty and accountability provoked by humanitarian interventions are ultimately 'part and parcel of an argument for power and order in the international system'.⁸⁹ They point to the stark inequalities between states and to the lack, not the realization, of a comprehensive system of global collective security.⁹⁰ The interveners are invariably those who are able to enforce their own rules of order on others – the 'law of the strongest' is as much a characteristic of humanitarian interventions as it is of peacekeeping or other types of military operation.⁹¹

If interventions have their critics, it is worth remembering that the consequences of non-intervention are agonized over, too. Lurking behind much recent commentary on humanitarian intervention is the question painfully posed by the survivors of Srebrenica towards the UN Blue helmets: 'why did they not protect us?' At the time of writing the question is being transferred to Syria. Three years into a complex civil war, nearly half of the population are in need of humanitarian aid, a quarter of a million are living in besieged areas where they are unable to access help, and a staggering 2.4 million refugees have been displaced into five neighbouring states.⁹²

Participants at the conference from which this book emerged spoke eloquently of the 'intrinsic dilemmas' and 'irreconcilable character' of the concept of humanitarian intervention – the contrary pulls of good intentions and hard-core power politics. Humanitarians hope to change the world, but the world profoundly shapes what humanitarianism is and

⁸⁸ See Western's observation that 'whether or not these broad views translate into expressed support for *direct military intervention* on behalf of victims and against perpetrators is often a function of how conflict is framed and understood', Chapter 8, XX8.

⁸⁹ Geyer, Chapter 2, XX6. ⁹⁰ MacQueen, Chapter 11, XX7.

⁹¹ Viewed from the perspective of the Ottoman Turks, David Rodogno notes how the history of such interventions speaks of an 'exclusionary control' by the West in the setting of humanitarian norms.

⁹² These are the figures currently in the public domain. See *Christian Aid Magazine*, (Winter/Spring 2014), 16–17 and (Spring/Summer 2014), 5.

what it is able to do.⁹³ History can help to reconstruct the contexts and constraints under which humanitarian interventions have previously occurred. The experience of the past can shed light on how interventions in the present are likely to be perceived. Moreover, without history we cannot fully understand the legal frameworks in which humanitarian interventions have come to be sanctioned, or the underlying moral codes created for and inscribed into humanitarian work. At whom do you aim interventionist policies? What do you do about sovereignty? How do you work through and respect local institutions? How do you make judgments about proportionality, necessity, reasonable prospects of positive outcomes, collateral damage, unintended consequences, and right motivations? Such moral codes – and their attendant ‘moral hazards’⁹⁴ – lay at the heart of decisions to intervene in the affairs of other states. Whether humanitarians occupy a position of distant sympathy, professional mediation, critical solidarity, or protective support, squaring up to these questions will be as important to the pursuit of their goals in the future as it has been in the past.

⁹³ For an eloquent recognition of this fact, see Barnett, *Empire of Humanity*.

⁹⁴ MacDonald, Chapter 6.