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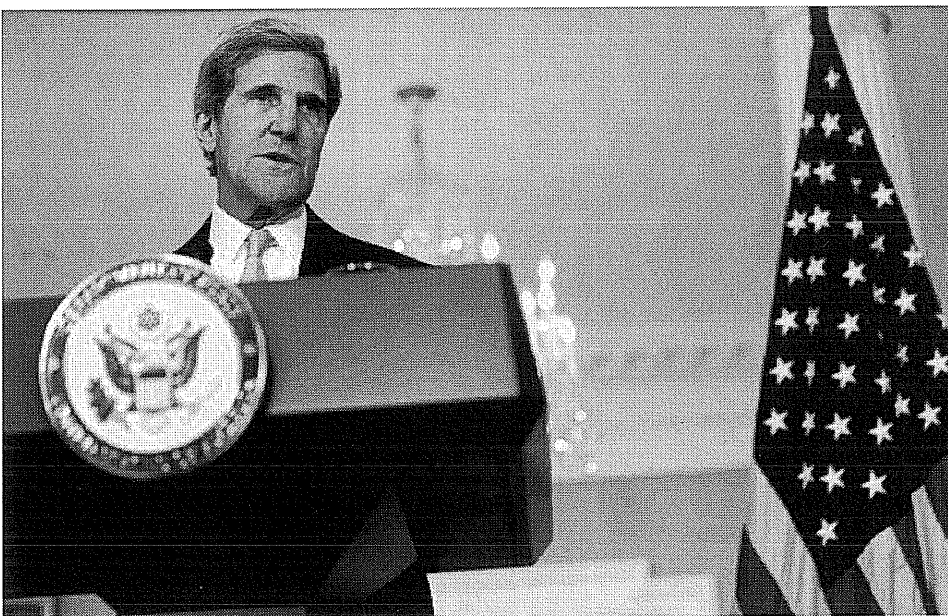
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Don't Call This a Humanitarian Intervention

Whether you support or disapprove of the coming strike on Syria, don't say it's about saving civilians. Please.

BY CHARLI CARPENTER | AUGUST 30, 2013



In its failed bid to convince Parliament to support airstrikes against Syria, the British government **issued a statement on Thursday**, Aug. 29, outlining its legal justification for military action. In doing so, it claimed that its position is consistent with an emerging international norm of "humanitarian intervention." Indeed such a norm, while not yet codified in international law, has begun to take shape in recent decades, evidenced in both international documents and the practice and rhetoric of governments. Britain's legal position, however, inadequately reflects these international understandings about the "responsibility to protect." Although it's now largely moot, if the British position had been authorized by Parliament, it would have risked dangerously undercutting this emerging and still fragile norm, while simultaneously threatening the U.N. Charter regime. It is thus noteworthy that U.S. Secretary of State John Kerry chose not to mention "humanitarian intervention" in his **remarks on Friday**, focusing instead on the need to enforce a taboo against chemical weapons. This makes sense, since the military campaign being proposed would not meet the standards by which humanitarian interventions are judged.

The "**responsibility to protect**" (**R2P**) doctrine encompasses far more than an imperative toward military intervention, but it does also allow the use of armed force to protect civilians (humanitarian intervention). This new "norm," designed to be used in extreme cases, rests on six principles. Of these, Britain invoked only three, and war planners on both sides of the Atlantic have made a solid case only for two.

The first is "just cause." As the British government stated and many observers have reiterated of late, Syria is in a state of extreme humanitarian distress requiring immediate relief. There is strong evidence in favor of this argument. By any estimate, the civilian death toll at the hands of Bashar al-Assad's regime is staggering, and millions have been displaced. The use of gas against civilians is seen by many to breach an atrocity threshold -- killing hundreds of people (more than 1,400, according to U.S. government evidence). Even without chemical weapons, a strong case could be and has been made for doing something to stop the slaughter. But R2P also says intervention should be a "last resort" -- Britain's second stated principle -- after diplomatic avenues are exhausted. Again, Western powers could make a strong case that this criterion has been met in the case of Syria.

The British government also emphasized that a humanitarian intervention must use means "necessary and proportionate" to humanitarian aims. Here its position is trickier. Of course states are expected to conduct all wars in accordance with the humanitarian principles of necessity, proportionality, and discrimination. They are also expected to observe limits on the means and methods of combat. Would the limited strikes Western powers currently envision meet this standard? It's not at all clear. In fact, the British NGO Article36.org has **issued a letter** to Prime Minister David Cameron raising concerns over whether use of explosives in densely populated areas could conceivably be understood as a proportional response consistent with humanitarian aims, given their widespread and predictable impact on civilians.

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This brings us to the three R2P principles British lawyers are forgetting -- and the reasons, perhaps, that the United States has not invoked R2P in its justification for strikes. One is that a truly humanitarian intervention must have "right intention" -- it must be designed for the express purpose of protecting civilians from predation at the hands of their government. But it is very clear that the military campaign envisioned is not really about protecting civilians from Assad or an ongoing civil war. Instead, as Kerry reiterated today, the goal is to enforce a weapons norm through a punitive strike. While this may well be a laudable goal in itself and may indeed do some good in reinforcing an important global norm, there is no evidence to suggest that it will have an immediate and beneficial humanitarian effect -- indeed much to the contrary.

Enter another important principle: that any intervention undertaken to protect civilians have a "reasonable likelihood of success" and avoid making things worse. Even if a Western strike were the most effective way possible to enforce the chemical weapons taboo -- and this itself is debated -- it is far less clear that such a strike would have a reasonable likelihood of success when it comes to the wider goal of protecting civilians. In fact, much data and analysis suggests the contrary. A **recent study has found** that intervening on behalf of rebels *increases* the number of civilians who are killed. While international relations professor Jon Western of Mount Holyoke College rightly **points out** that it depends on the type of intervention, **successful missions have typically included** robust mandates, ambitious goals, a willingness to stay the course, and significant resources from the international community subsequent to the invasion. Many involved regime change. In other words, the kind of intervention most likely to actually protect civilians is the polar opposite of the one now being proposed.

Even if all these criteria were met -- even if Cameron had been defending a well-deserved, last-ditch military campaign for the right reasons using appropriate means and with the best possible plan to sustainably mitigate rather than increase civilian bloodshed -- it would still violate the R2P doctrine if it included the right to act unilaterally. Precisely because the humanitarian intervention norm runs afoul of the U.N. Charter and because fears are so great that it could be used as a

smoke screen for wars of aggression, international support for this emerging norm has always been predicated on the idea that it would be used only where a broad multilateral consensus existed that it is the right thing to do.

Consider state practice since 1990. The "good wars" perceived by the international community to have been legitimate cases of humanitarian intervention include operations in Somalia to protect food shipments, northern Iraq to protect Kurdish refugees from attack, Bosnia and Kosovo to end ethnic cleansing, and Libya to forestall a devastating siege. In each case, these efforts were undertaken by a wide coalition of governments deeply invested in the cause. Now consider cases where a single government asserted the right to act unilaterally for humanitarian reasons. When the Russian military entered Georgia in 2008, it claimed it was doing so to protect civilians. When the United States invaded Iraq in 2003 to "liberate its people from a tyrant," the vast majority of states opposed this action as an ill-conceived violation of the U.N. Charter. Neither diplomats at the time nor analysts of political history include these incursions among the canon of legitimate humanitarian interventions. Whatever complex mixture of motives underlay these wars (and whatever mixture underlies "bona fide" interventions like Kosovo and Libya), it is multilateralism that constitutes a perception that a military intervention is legitimately humanitarian.

This importance of collective action is reflected in the codified R2P principles as well. Although lacking the status of treaty law, the R2P doctrine has been laid out in several international documents. In each one, it states the importance of seeking prior U.N. Security Council authorization for action, subsequently calling emergency sessions of the General Assembly, and coordinating emergency operations through regional organizations on a multilateral basis. The 2005 World Summit Outcome **document** referred to governments' collective "responsibility" to prevent atrocity. These documents do not confer a right upon individual states to decide for themselves. This explains why, despite a willingness to act without a Security Council authorization, the United States is bending over backward in its political rhetoric to emphasize the shared condemnation of Syria by allies in the region and around the globe. And it is particularly important as the United States gauges how to proceed with the military support of an important ally now out of the picture.

Why is multilateralism so important? It is partly because R2P represents a deeply cautious and tentative compromise between two important sets of rules -- the primacy of sovereignty and the primacy of human rights -- each of which plays a vitally important role in promoting human and global security. Neither should be easily disregarded on a whim by a single actor. While human rights must be protected, the U.N. Charter system itself is a collective public good: It ended a bloody history of great-power war and has ushered in the longest era of interstate peace in human history. States rightly allow exceptions to these fundamental rules only in extreme cases.

The rule that governments should collectively judge whether that threshold has been met is also a check on hubris. R2P channels collective outrage, but when push comes to shove collective reticence is often a canary in a coal mine. That key members of the international community -- including countries like Turkey that have a valid self-defense argument due to refugee flows, and members of the Arab League that would be happy to see Assad gone -- are unready to themselves take the lead would be viewed through an R2P lens as an indication that caution and deliberation is warranted. Does this mean inaction is the best policy? Maybe. Maybe not. But it does mean that unilateral intervention, even to ostensibly protect civilians, doesn't make a war "humanitarian" in the court of global public opinion.

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