

The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era

THOMAS G. WEISS*

The Graduate Center, The City University of New York, USA

In spite of the current preoccupations, in the United States and in the United Nations, with the wars on terrorism and the occupation in Iraq, humanitarian intervention remains an important policy option. Future debates and action are framed by the International Commission on Intervention and State Sovereignty, whose report entitled *The Responsibility To Protect* and an accompanying research volume were published in December 2001. Future humanitarian crises will arise in conjunction with the need for military force to protect human beings, and so four shortcomings of the report are evident. First, the report is not as forward-looking as the commissioners thought or as many opponents feared. Second, the concerns of the most vehement critics, especially developing countries, are misplaced because the problem is too little humanitarian intervention, not too much. Third, the purported danger that the concept of the responsibility to protect might become a Trojan Horse to be used by the great powers to intervene is fundamentally incorrect; rather, intervention by the USA in its pre-emptive or preventive war mode is *the* pressing concern. Fourth, the notion of reforming the UN Security Council is an illusion; the real challenge is to identify those humanitarian crises where Washington's tactical multilateralism kicks in.

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THE NOTION THAT HUMAN BEINGS matter more than sovereignty radiated brightly, albeit briefly, across the international political horizon of the 1990s. The wars on terrorism and in Iraq – the current obsession both in the United Nations and in the United States (Boulden & Weiss, 2004; Weiss, Crahan & Goering, 2004) – suggest that the political will for humanitarian intervention has evaporated at the outset of the new millennium. The USA is the preponderant power, but its inclination to commit

significant political and military resources for human protection has waned.

Nonetheless, and before we close the door on humanitarian intervention, we should remind ourselves to avoid Andrew Hurrell's 'relentless presentism' (Hurrell, 2002: xiii), which reared its head on 11 September 2001. The use of military force to protect human life had been an international priority, but the Al-Qaeda attacks were a political earthquake – changing the strategic landscape, intellectual discourse, and international agenda. And when the dust from the World Trade Center and the Pentagon settled, humanitarian intervention became a tertiary issue.

As purse strings are often attached to heart strings, the pages of *Ethics & International Affairs* provide a useful illustration of the changing fortunes of humanitarian intervention.¹ The topic was central to only about 10% of articles at the outset of the 1990s, whereas in the middle years it reached almost a third and by the end of the decade comprised nearly half of the journal's main articles. Then, after 11 September 2001, the moral shifted dramatically from fad to fade. The new focus became rules of the game for pre-emptive war and fighting terrorism.

Hence, a longer historical perspective is instructive in thinking about future possibilities for military rescue of human beings under extreme duress in war zones. While 'normatively based challenges to the sovereign rights of states are hardly new in international history' (MacFarlane, 2002: 79), nonetheless with respect to humanitarian affairs the Security Council was missing in action during the Cold War. No resolution mentioned the humanitarian dimensions of any conflict from 1945 until the Six Day War of 1967, and the first mention of the International Committee of the Red Cross (ICRC) was not until 1978. In the 1970s and 1980s, 'the Security Council gave humanitarian aspects of armed conflict limited priority . . . but the early nineteen-nineties can be seen as a watershed' (van Baarda, 1994: 140). The Security Council had a virtual humanitarian *tabula rasa* when, suddenly from 1990 to 1994, twice as many resolutions were passed as during the first 45 years of UN history. Through repeated references, in the context of Chapter VII, to humanitarian crises as threats to international peace and security, the Council's broader approach took shape.

For Adam Roberts the decade was one during which 'humanitarian issues have played a historically unprecedented role in international politics' (Roberts, 1999: 19). Some dispute Edward Luttwak's characterization of

¹ The annual issues of *Ethics & International Affairs* included 37 articles about the moral issues surrounding the crises and interventions of the 1990s, an average of almost 4 articles per issue: 1991, 1 of 13; 1992, 1 of 11; 1993, 2 of 12; 1994, 2 of 11; 1995, 2 of 11; 1996, 3 of 10; 1997, 10 of 18; 1998, 4 of 10; 1999, 7 of 15; 2000, 5 of 9. In fact, the journal brought out a compilation of the main essays on this topic (Lang, 2003). The pattern changed dramatically following 11 September 2001. Starting with the new millennium, humanitarian intervention assumed far less importance: 2001, 3 of 18; 2002, 2 of 32; and 2003, 2 of 27. The switch to ethical issues flowing from the wars on terrorism and Iraq is almost as dramatic: 2002, 11 of 32 articles; and 6 of 27 in 2003.

'Kofi's rule . . . whereby human rights outrank sovereignty' (Luttwak, 1999/2000: 60), but humanitarian intervention was a most controversial topic within UN circles. The Secretary-General's own speeches (Annan, 1999) were widely debated because 'the age of humanitarian emergencies' had led to policies of 'saving strangers' (Väyrynen, 1996; Wheeler, 2000). An academic cottage industry grew, and governments sponsored a host of policy initiatives: a Swedish initiative, the Independent Commission on Kosovo (IICK, 2000); the Clinton administration's overview by the Policy Planning Staff and a report from the Council on Foreign Relations (Frye, 2000; US Department of State, 2000; and major inquiries into the legal authority for intervention by the Dutch and Danish governments (AIV & CAVV, 2000; DUPI, 1999).

Future policy debates and actions will be framed by the International Commission on Intervention and State Sovereignty (ICISS), whose *The Responsibility To Protect* and an accompanying research volume were published in December 2001 (ICISS, 2001; Weiss & Hubert, 2001). A host of largely positive reviews have appeared (Tanguy, 2003; Roberts, 2002; Williams, 2002; Ryan, 2002; Burgess, 2002; Boulden, 2002; Newman, 2002; Welsh, 2002; Welsh, Thielking & MacFarlane, 2002). While some were cool about the principles, even one of the concept's harshest opponents, Mohammed Ayoob, admits its 'considerable moral force' (Ayoob, 2002: 84).

Humanitarian issues have temporarily been downgraded on the public policy agenda, but as ICISS co-chairs Gareth Evans and Mohamed Sahnoun remind readers of *Foreign Affairs*: 'It is only a matter of time before reports emerge again from somewhere of massacres, mass starvation, rape, and ethnic cleansing' (Evans & Sahnoun, 2002: 100). Military responses to complex humanitarian emergencies remain uncomfortable challenges for the state system; but when another 'military intervention for human protection purposes' is required, *The Responsibility To Protect* provides an essential framework.

Because I take the document seriously, this essay focuses on a number of shortcomings with the ICISS approach. First, the report is not as forward-looking as the commissioners thought or as many opponents feared. Second, the concerns of the most vehement critics, especially developing countries, are misplaced, because the problem is too little humanitarian intervention, not too much. Third, the purported danger that the concept of the responsibility to protect might become a Trojan Horse to be used by the great powers to intervene is fundamentally incorrect; rather, intervention by the USA in its pre-emptive or preventive war mode is *the* most pressing concern. Fourth, the notion of reforming the UN Security Council is an illusion; the real challenge is to identify crises where Washington's tactical multilateralism kicks in.

The Responsibility To Protect: Ahead or Behind the Curve?

The ICISS identified only two threshold cases: large-scale loss of life and ethnic cleansing, underway or anticipated. Humanitarian intervention should be subject to four precautionary conditions: right intention, last resort, proportional means, and reasonable prospects of success. And finally, the Security Council is the preferred decisionmaker (Weiss, 2002).

The ICISS pushed out the normative envelope in two ways. The first is in the report's opening sentences:

State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (ICISS, 2001: xi).

The report affirmed the notion of sovereignty but insisted that it also encompassed a state's responsibility to protect populations within its borders. For those who chart changes in international discourse, the evolution toward reinforcing state capacity is key. This is not nostalgia for the repressive national security state of the past, but recognition, even among committed advocates of human rights and robust intervention, that state authority is elementary to enduring peace and reconciliation. Human rights can really only be defended by democratic states with the authority and the monopoly of force to sustain such norms. The remedy thus is not to rely on international trusteeships and transnational NGOs, but rather to fortify, reconstitute, or build viable states from failed, collapsed, or weak ones.

Sovereignty 'is not just a protection for the state against coercion by other states', writes one set of analysts. 'It is also the means of locating responsibility for the protection of people and property and for the exercise of governance in a territory' (Newman, Partick & Zard, 2003: 36). There is a growing awareness not only of the international legal bases of the contemporary state system but also of the practical reality that domestic authorities are best positioned to protect fundamental rights. In brief, the three recognized characteristics of a sovereign state since the Peace of Westphalia (territory, authority, population) are supplemented by a fourth (respect for human rights).

The second contribution of the ICISS consists of shifting the burden away from the rights of outsiders to intervene toward a framing that spotlights those suffering from war and violence. Moving away from the picturesque vocabulary of the French Doctors Movement (Bettati & Kouchner, 1987; Bettati, 1987) shifts the fulcrum of debate away from the rights of interveners and toward the rights of affected populations and the responsibilities (if

not obligations) of outsiders to protect. The new perspective prioritizes those suffering from starvation or being raped and the duty of international institutions to respond.

For all of its inherent value in moving the idea from scholarly journals to the policy mainstream, the concept is not as innovative as the ICISS thought. For example, the work of Special Representative of the Secretary-General on IDPs Francis Deng on 'sovereignty as responsibility' appeared throughout the 1990s (Deng et al., 1996; Deng, 1995). Former *New York Times* columnist Anthony Lewis describes the consensus and the report as capturing 'the international state of mind' (Lewis, 2003: 8).

Were the commissioners more timid than they could and should have been? They set the bar for humanitarian intervention very high:

large-scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large-scale 'ethnic cleansing', actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape (ICISS, 2001: xii).

This double-barreled justification addresses two conscience-shocking triggers, but the 'just cause threshold' is higher than many would have hoped. For instance, these recommendations fall short of the 1998 Statute of the International Criminal Court (ICC), whose 'crimes against humanity' mentions everything from murder and slavery to imprisonment and 'other inhumane acts of a similar character intentionally causing great suffering'.

The value of a shopping list is debatable, but there were at least two other obvious candidates for inclusion in the ICISS's threshold conditions: the overthrow of democratically elected regimes (especially favored by states and regional institutions in Africa as well as in parts of Latin America) and massive abuses of human rights (favored by many in the West). The insertion of 'actual *or* apprehended' opens the door, but compromise among enthusiastic and skeptical commissioners required a lower common denominator.

The height of the bar is puzzling in that the Security Council-approved and US-led effort in Haiti in 1994 had already set the precedent of outside pressure – including the threat of the 82nd Airborne Division – to restore an elected government; and the UN, the Economic Community of West African States (ECOWAS), and the Organization of African Unity (OAU) condemned the overthrow of the government in Sierra Leone in 1997, which led to the Nigeria-led ECOWAS intervention subsequently sanctioned by the Council. Moreover, the ICISS thresholds do not include systematic racial discrimination and massive human rights abuse, *jus cogens* norms for most international lawyers. Indeed, the new charter of the African Union codifies lower thresholds for humanitarian intervention than those of the ICISS. As one specialist observed, 'the ICISS thresholds for intervention are apparently

more conservative than those of African states, but perhaps not more so than those of Asian and Latin American states, which historically are among the staunchest subscribers to the international law principles of nonintervention and state sovereignty' (Levitt, 2003b: 168; see also Levitt, 2003a).

Thus, the ICISS report is neither forerunner nor pacesetter. It usefully stakes out a helpful middle ground.

11 September and US Strategic Priorities

The ICISS finalized its report in mid-August 2001, and the chairs reconvened the group in late September of that year. To their credit, the commissioners did not try to repackage their report with the flavor of that tragic month: 'The Commission's report was largely completed before the appalling attacks of 11 September 2001 on New York and Washington DC, and was not conceived as addressing the kind of challenge posed by such attacks' (ICISS, 2001: viii). However, they added a passage stating that the special challenges of fighting the scourge of terrorism demand adherence to the commission's precautionary principles.

Though the ICISS met with Hubert Védrine, they failed to appreciate adequately the implications of what the French foreign minister dubbed the *hyper-puissance*. Bipolarity had given way to what was supposed to be US primacy, but the military prowess in Afghanistan and Iraq makes 'primacy' a vast understatement. Scholars speculate about the nuances of economic and cultural leverage resulting from US soft power (see Nye, 2002), but the hard currency of international politics undoubtedly remains military might. Before the war on Iraq, Washington was already spending more on its military than the next 15–25 countries (depending on who was counting); with an additional appropriation of almost \$90 billion for the war on Iraq, the United States now spends more than the rest of the world's militaries combined (Center for Defense Information, 2004).

Security Council efforts to control US actions are beginning to resemble the Roman Senate's attempts to control the emperor. Diplomats along First Avenue in New York almost unanimously describe the debate surrounding the resolution withdrawn on the eve of the war in Iraq as 'a referendum not on the means of disarming Iraq but on the American use of power' (Traub, 2003: 51). The notion of 'empire' is inaccurate and, as John Ikenberry aptly notes, 'misses the distinctive aspects of the global political order that has developed around U.S. power. . . . there are limits on American imperial pretensions even in a unipolar era' (Ikenberry, 2004: 154; see also Ferguson, 2004; Barber, 2003; and Mann, 2003).

Today, there are two world 'organizations': the United Nations – global in

membership – and the United States – global in reach and power. Critics of US hegemony – and several members of the ICISS are among them – argue that the exercise of military power should be based on UN authority instead of US capacity (Foot, MacFarlane & Mastanduno, 2003; Byers & Nolte, 2003). But the two are inseparable. As its coercive capacity is always on loan, UN-led or UN-approved operations with substantial military requirements take place only when Washington approves or at least acquiesces. Although small battalions of British and French soldiers had demonstration effects in toning up UN operations in Sierra Leone in 2000 and the eastern Congo in 2003, US air-lift capacity and military muscle and technology are required for larger and longer-duration deployments. For enforcement (as opposed to traditional peacekeeping), the value added by other militaries is political, not operational.

This reality will not change unless Europeans have an independent military capacity, and to date neither populations nor parliaments have demonstrated any willingness to spend more on defense. Rhetoric on ESDP (European Security and Defense Policy) far outpaces spending. Andrew Moravcsik argues for a division of labor between US enforcement and European peacekeeping (Moravcsik, 2003). But the next Kosovo will almost surely take place outside of the continent, and Europe's failure to develop an independent capacity – indeed, its military capabilities continue to decline vis-à-vis those of the USA – imposes a binding constraint on UN activities, especially humanitarian intervention.

With Washington's focus elsewhere, the danger is not too much but rather too little humanitarian intervention. US and UN dawdling as Liberia came apart in mid-2003 provides a more likely future scenario than any abuse of the responsibility to protect. The ICISS was originally established in response to the Security Council's failure to address dire humanitarian crises in Rwanda and Kosovo. In 1994, intervention was too little and too late to halt or even slow the murder of what may have been as many as 800,000 people in the Great Lakes region of Africa. In 1999, the formidable North Atlantic Treaty Organization (NATO) finessed the Council and waged war for the first time in Kosovo. But many observers saw the 78-day bombing effort as being too much and too early, perhaps creating as much human suffering as it relieved. In both cases, the Security Council was unable to authorize the use of deadly force to protect vulnerable populations.

However, the lack of reaction in Rwanda represents a far more serious threat to international order and justice than the Security Council's paralysis in Kosovo. Not all claims to justice are equally valid, and NATO's was greater than Serbia's or Russia's. At least in the Balkans a regional organization took a unanimous decision to enable human protection. Justified criticism arose about timidity: Washington's domestic politics meant that military action remained at an altitude of 15,000 feet when ground troops

would have prevented the mass exodus. Nonetheless, past or potential victims would undoubtedly agree with NATO's decision. The only survey to date of victims in war zones reports that fully two-thirds of civilians under siege who were interviewed in 12 war-torn societies by the ICRC want more intervention, and only 10% want none (Greenberg, 1999: xvi).

Is Humanitarian Intervention a Smokescreen for Bullies?

If there is a genuine concern to prevent future Rwandas, what explains the fear that the concept might become hostage to great powers and be manipulated as an excuse for intervention? Using the 'H' word – for 'humanitarian', though it may also be used facetiously for 'hurrah' or bitterly for 'hypocritical' – stakes out prematurely the moral high ground. Thucydides put it starkly in his *History of the Peloponnesian War*: When the citizens of Melos refused to bow to Athens, the sentiment that the strong do what they will and the weak suffer what they must was etched into the template for international order. Stephen Krasner was briefer, 'organized hypocrisy' (Krasner, 1999).

History counsels caution to anyone even vaguely familiar with so-called humanitarian interventions of the colonial period – or more recently by Washington on behalf of the contras in Nicaragua or by Moscow on behalf of comrades in Budapest and Prague. Concerns about the degradation of sovereignty come often from countries whose borders have been breached by many countries that now champion protecting human beings and ignoring borders. Hence, an honest debate about motivations and likely costs and benefits is required, not visceral accolades because of a qualifying adjective. Such a discussion has become particularly relevant because outside assistance can do more harm than good or can become entangled in a local political economy that favors war (Anderson, 1999; Berdal & Malone, 2000; Duffield, 2001).

US rhetoric and the invocation of humanitarian values in Afghanistan and Iraq suggest the heightened need for analysis. Jennifer Welsh notes three ways in which the responsibility to protect and the war against terrorism connect. First, ICISS principles should govern any use of force in international society. Second, 11 September leads one to ask what the community of states could and should have done to prevent massive human rights violations by the Taliban. Third, the issue of selectivity may ebb because the situation in Afghanistan underlined the consequences of state failure anywhere in the world (Welsh, 2002: 518).

Simon Chesterman raises the possibility that ICISS recommendations could directly advocate the application of the principle of the responsibility to pro-

tect to Afghanistan and Iraq. 'If more had been done to induce or compel the Taliban regime to protect the Afghan population, Afghanistan might have proved a less inviting haven for al Qaeda', he writes. 'And, once the United States successfully removed that regime from power, it imposed a special responsibility (with the assistance of the United Nations and other countries) to leave Afghanistan a better place than they found it' (Chesterman, forthcoming).

The National Security Strategy of the United States of America (US Department of State, 2002), unveiled by President George W. Bush in September 2002, is bound to circumscribe future discussions about using force. Many regard the new doctrine itself as such a threat that it requires renewing the principle of non-intervention rather than downgrading sovereign prerogatives. The Bush doctrine 'has had the effect of reinforcing fears both of US dominance and of the chaos that could ensue if what is sauce for the US goose were to become sauce for many other would-be interventionist ganders', according to Adam Roberts. 'One probable result of the enunciation of interventionist doctrines by the USA will be to make states even more circumspect than before about accepting any doctrine, including on humanitarian intervention or on the responsibility to protect, that could be seen as opening the door to a general pattern of interventionism' (Roberts, forthcoming).

Indeed, the worst fears of observers are exemplified in an article by Lee Feinstein and Anne-Marie Slaughter in *Foreign Affairs* early in 2004. The authors use the responsibility to protect as a springboard to developing a corollary principle of 'a duty to prevent' the acquisition of weapons of mass destruction (WMDs). Their proposal 'extrapolates from recent developments in the law of intervention for humanitarian purposes' (Feinstein & Slaughter, 2004: 149). Meanwhile, Allan Buchanan and Robert Keohane are calling for the 'cosmopolitan' use of preventive military force (Buchanan & Keohane, 2004).

A special issue of *The Nation* in July 2003 was billed as 'Humanitarian Intervention: A Forum' but had nothing to do with the billed topic. Instead, it covered the slippery slope of facilitating actions by the Bush administration. The concern by its dozen commentators (including ICISS member Ramesh Thakur) was captured by Richard Falk (2003): 'After September 11, the American approach to humanitarian intervention morphed into post hoc rationalizations for uses of force otherwise difficult to reconcile with international law'.² The hostile reaction to Canadian Prime Minister Jean Chrétien's and British Prime Minister Tony Blair's efforts at the mid-July 2003 Progressive Governance Summit to insert the idea of the responsibility to protect into the final communiqué reflects a new hostility among countries that earlier might have supported the concept.

² Falk and Thakur were joined by Mary Kaldor, Carl Tham, Samantha Power, Mahmood Mamdani, David Rieff, Eric Rouleau, Zia Mian, Ronald Steel, Stephen Holmes, and Stephen Zunes.

To situate the new reluctance, it is important to distinguish Afghanistan and Iraq and explore how US actions are akin to three interventions of the 1970s that were justified as self-defense but had substantial humanitarian benefits: East Pakistan in 1971, Cambodia in 1978, and Uganda in 1979. At the time, the notion of humanitarian intervention simply was too far from the mainstream to be used successfully as a justification for state actions. International order was firmly grounded on the inviolability of sovereignty, and humanitarian considerations were beside the point. Specifically, India's invasion of East Pakistan, Tanzania's in Uganda, and Vietnam's in Kampuchea were unilateral efforts to overthrow menacing, destabilizing regimes. In retrospect, these operations are sometimes invoked as evidence of an emerging norm of humanitarian intervention, but they were conducted by single states interested in regime change for their own self-defense. Moreover, none was approved by the Security Council – and Vietnam's was condemned.

The parallels with Afghanistan (Security Council Resolution 1368 recognizes legitimate self-defense) and Iraq (the USA also makes the claim) become clear. The human rights situations have improved, but the rationale in both cases was self-defense not humanitarian. In Afghanistan, the quick overthrow of the regime led to continuing insecurity but no Osama bin Laden; and Washington's claims shifted away from the destruction of Al-Qaeda to the importance of liberating Afghans from Taliban brutalities. The slippery humanitarian logic reached an extreme in Iraq, as argued by Human Rights Watch's executive director (Roth, 2004). With no evidence uncovered to date, the pre-war justifications of the Iraqi threat (WMDs and links to Al-Qaeda) gave way to embellishing the rationale of freeing subjected Iraqi populations from Saddam Hussein's thuggery.

Rigorous application of the tenets of the responsibility to protect does not permit their being used as a pretext for pre-emption. But Washington's broad and loose application of humanitarian rhetoric to Afghanistan and Iraq *ex post facto* suggests why care should be given to parsing the ICISS's criteria.

Right Authority and the Distraction of Security Council Reform

Secretary-General Kofi Annan's opening statement to the General Assembly in September 2003 returned to a tired theme, Security Council reform, which is a priority for his High-Level Panel on Threats, Challenges, and Change. The ICISS too recommended that changing the Council was of 'paramount importance' (ICISS, 2001: 49) to address its uneven performance, double standards, veto, and unrepresentative character.

The reservations of many states toward humanitarian intervention are summarized by Algerian President Abdelaziz Bouteflika: 'We do not deny that the United Nations has the right and the duty to help suffering humanity, but we remain extremely sensitive to any undermining of our sovereignty, not only because sovereignty is our last defense against the rules of an unequal world, but because we are not taking part in the decision-making process of the Security Council' (Newland et al., 2003: 37).

The history of efforts to make the Security Council more reflective of growing UN membership and of changing world politics suggests slim prospects for change (Weiss, 2003). The veto was an essential component of the original 1945 deal with the Permanent Five (P-5), who have resisted change from the outset (see Russell, 1958: 742–749; Russett, 1997; Hoopes & Brinkley, 1997; Schlessinger, 2003). The only significant reform of the Security Council came in 1965 – enlarging it from 11 to 15 members and the required majority from 7 to 9 votes – but the P-5's veto power was left intact. The change reflected the dramatic growth in member-states, all from the South, whose voices were inadequately represented in UN decisionmaking.

The current calls for reform reflect a similar concern with representation – important for humanitarian intervention and especially critical after Iraq. Most governments support the call for increasing membership and eliminating the veto. True, the Council does not reflect the actual distribution of 21st-century power, but reform proposals from diplomats and analysts do not address the true discrepancy between having a Security Council seat and a finger on the trigger of a powerful arsenal. It would be easier to take proposals for reform more seriously if candidature – either continued or new, with or without a veto – were to entail an obligation to contribute troops or finance as part of membership qualifications.

The issue resurfaced, paradoxically, as a byproduct of the Security Council's initial successes in the early post-Cold War era and Secretary-General Boutros Boutros-Ghali's bullish *An Agenda for Peace* (Boutros-Ghali, 1995; for discussion, see Weiss, Forsythe & Coate, 2004). Was it not high time to restructure the Security Council's composition and revise its anachronistic procedures so that matters of might would take second place to matters of right? So went conventional wisdom and proposals from the 38th floor and elsewhere (Commission on Global Governance, 1995; Independent Working Group, 1995; Russett, O'Neil & Sutterlin, 1996).

A Security Council of 21 or 25 members would hardly improve effectiveness – a 'rump' General Assembly certainly would facilitate what one observer called the Sitzkrieg for Iraq (Hendrickson, 2003: 160). The group would be too large to conduct serious negotiations, and still too small to represent the UN membership as a whole. Vague, rhetorical agreement about expansion to accommodate the underrepresented 'global South' does not translate into consensus about how. Every option opens another Pandora's box. How does

Argentina or Mexico feel about Brazil's candidacy? Pakistan about India's? South Africa or Egypt about Nigeria's? If dominance by the industrialized countries is the problem, why are Germany and Japan obvious candidates? Would Italy not be more or less in the same league? Would it not make more sense for the European Union to be represented collectively rather than Paris, London, Berlin, and Rome individually? How do such traditional UN stalwarts as Canada and the Nordic countries feel about a plan that would leave them on the sidelines but elevate larger developing countries, some of which represent threats to international peace and security?

The logic of 'if it ain't broke, don't fix it' should find more resonance. Practical effectiveness should trump grumblings about representation, especially as humanitarian intervention would be even less likely with a reformed Council. This reality was present before what Charles Krauthammer called 'the unipolar moment' (Krauthammer, 1990/1991). As this moment is likely to last for some time, continued jostling about Charter reform is at best a distraction. As Robert Kagan writes, 'Hopes that a multipolar regime might emerge have faded since the 1990s. Almost everyone concedes today that U.S. power will be nearly impossible to match for decades' (Kagan, 2004: 71). If military intervention to protect human beings is desirable, the critical task is to engage the United States in multilateral efforts.

Rather than wasting energy on Security Council reform, concerned diplomats, scholars, and activists should try to understand when Washington's instrumental multilateralism, and hence when the humanitarian impulse, kicks in. The roller coaster of humanitarian intervention in the 1990s suggests that US participation often is essential and helpful. Kosovo and Afghanistan demonstrated the superiority of both US firepower and collective action. Edward Luck notes: 'In the end, other states and international secretariats will largely determine whether US policy-makers and legislators find international bodies to be places where America's exceptional potential is welcomed and embraced or is resented and restrained' (Luck 2003: 48; see also Luck, 1999).

Hubris about the value of 'going it alone' seems to be fading somewhat in Washington. The return to the Security Council in October 2003 in pursuit of a blue-tinged resolution 1511 was followed by a request for UN assistance in helping to spell out the necessary steps toward returning Iraqi sovereignty. The administration's 'strategy is one of partnerships that strongly affirms the vital role of NATO and other U.S. alliances – including the UN', according to Secretary of State Colin Powell. Although it is hard to take this assertion at face value, the occupation of Iraq seems to have had a sobering impact. As Theodore Sorensen writes, 'What is more unrealistic than to believe that this country can unilaterally decide the fate of others, without a decent respect for the opinions of mankind, or for the judgment of world institutions and

our traditional allies?’ (Sorensen, 2003: 4). Perhaps a differing perception of multilateralism is emerging. ‘There may be times when the United States must act alone’, write Lee Hamilton and Hans Binnendijk, ‘but these instances should remain the exception’ (Hamilton & Binnendijk, 2002: xi).

The Security Council is not a road Washington always, or never, takes. Clearly, no US administration will permit the Council to stand in the way of pursuing perceived national security interests. At the same time, the Council often serves vital interests and gives the USA cause to proceed cautiously and with international acquiescence, if not jubilant support. Depending on the issue, the stakes, the positions of potential allies, and the plausibility of collective military action, Washington has the power to act unilaterally or multilaterally (Patrick & Forman, 2002; Patrick, 2003; Malone & Khong, 2003). However, the Bush administration is discovering that ‘even imperfectly legitimated power is likely to be much more effective than crude coercion’ (Hurrell, 2000: 344).

Conclusion

In spite of normative progress, we hardly are able to rescue all war victims. With the possible exception of genocide, there is no legal and certainly no political obligation to act, but a moral one (Smyser, 2003). Security Council decisions in the 1990s reflected the humanitarian ‘impulse’, the laudable desire to help fellow human beings threatened by armed conflict (Weiss, 2004). Invariably, this urge translates into a limited political momentum and a sliding scale of commitments, reflecting the stark international political reality that we rescue some, but not all war-affected populations. When humanitarian and strategic interests coincide, a window of opportunity opens for coalitions of the willing to act on the humanitarian impulse in the Security Council, or elsewhere.

Recent experience provides evidence of this impulse but not of an ‘imperative’, the preference of those who are dismayed by the unevenness of Security Council decisions and international efforts to succor war victims. The humanitarian imperative would entail an obligation to treat all victims similarly and react to all crises consistently – in effect, to deny the relevance of politics, which proceeds on a case-by-case basis by evaluating interests and options, weighing costs, and mustering necessary resources. The humanitarian impulse is permissive, the humanitarian imperative would be peremptory.

The Responsibility to Protect contains normative ideas for which many people in the multilateral and humanitarian communities have been waiting. As Jack Donnelly put it in his revised textbook on human rights, ‘the

December 2001 report of the International Commission on Intervention and State Sovereignty to the General Assembly promises to be a watershed event in international discussions of humanitarian intervention' (Donnelly, 2003: 251). Expectations to respect rights are increasingly placed on political authorities.

The report provides an accurate snapshot of mainstream views about sovereignty as responsibility. It is too tame for some and beyond the pale for others. But it does not open the floodgates to justifications of non-humanitarian intervention dressed in humanitarian garb. Those familiar with colonial history and uneasy about US actions in Iraq are understandably cautious, but a rigorous application of the criteria spelled out in *The Responsibility to Protect* should prevent abuse.

'Hegemony on the cheap' is unlikely (Dueck, 2003/2004). And so as November's US presidential election approaches, the United Nations will become more appealing (Berdal, 2003; Tharoor, 2003; Albright, 2003). As well as pursuing elections, weapons inspections, and a host of other tasks in Iraq, other obvious examples where US interests would be fostered more through cooperation than 'going it alone' include fighting terrorism (intelligence-sharing and anti-money laundering efforts), confronting the global specter of infectious diseases (HIV/AIDS, Ebola, and SARS), monitoring of human rights, and criminal tribunals. And, of course, humanitarian intervention is a quintessentially multilateral task.

For all of these undertakings, more than lip service to the interests of other countries must be paid. Multilateralism is not an end in itself, but working through the UN can help achieve crucial US objectives. Joseph Nye points to the 'paradox of American power', or the inability of the world's strongest state to secure some of its major goals alone. Unless Washington is prepared to bend on occasion, governments are unlikely to sign on when their helping hands are necessary for US priorities. The present administration's approach is thus hard to fathom for Nye because 'the United States may find others increasingly reluctant to put tools into the toolbox. One day the box might even be bare' (Nye, 2003: 68). It is this reality that provides some leverage even with Washington, and humanitarian intervention is an important tool for everyone.

If reluctant states and skeptical diplomats solicit US participation and make compromises to facilitate humanitarian intervention, would we begin to slide down that slippery slope and teeter on the brink of justifying unjustifiable actions like the decision to go to war against Iraq? The answer is no if ICISS counsel is followed. The just cause threshold could have been invoked earlier and the humanitarian rationale satisfied – given Saddam Hussein's record as a bona fide war criminal. At the same time, the four other criteria would not have been satisfied: right intention, last resort, proportional means, and reasonable prospects.

Moreover, even if the five previous criteria had been met, which clearly they were not, the ICISS emphasizes just authority, which essentially means an overwhelming show of international support, preferably from the Security Council or at least from a regional organization. Dissent about the war in Iraq within the Council, and indeed around the globe, was far more visible and substantial than in Kosovo – an apt contrast because that particular intervention was ‘illegal’ (that is, without Council approval) but ‘legitimate’ (or at least ‘justifiable’) in humanitarian terms (IICK, 2000: 4). The resolution to authorize military force against Iraq in March 2003 was withdrawn because Washington and London were not even assured a simple majority and were confronting three vetoes. In Kosovo, there were three negative votes (two with veto weight) in the offing. Moreover, there was not unanimous approval for the Iraq campaign from a 19-member regional body – in fact, both NATO and the European Union were split. And all of the regional organizations in the geographic area covered by the crisis were categorically against the war. In short, the ‘coalition’ in Iraq was not truly multilateral in any meaningful way, nor was the decision to wage war. Widespread international backing, let alone right authority, was conspicuously absent.

Iraq involved nothing more than a humanitarian veneer applied after no evidence was found of either the purported WMDs or links to Al-Qaeda. John Ikenberry points out the irony: ‘The worst unilateral impulses coming out of the Bush administration are so harshly criticized around the world because so many countries have accepted the multilateral vision of international order that the United States has articulated over most of the twentieth century’ (Ikenberry, 2003: 545). *The Responsibility to Protect* could be one means to re-engage Washington in the world organization.

Critics and skeptics of humanitarian intervention should be less preoccupied that military action will be taken too often for insufficient humanitarian reasons, but rather more concerned that it will be taken too rarely for the right ones. The case of Congo, where since 1998 an estimated 3.5 million people have died largely from the famine and disease accompanying armed conflict (IRC, 2003), demonstrates appallingly sparse responsibility to protect and plenty of inhumanitarian non-intervention. This fact represents as great a threat to international society and global justice as pre-emptive or preventive war.

The sun of humanitarian intervention has set for now. Whether US power will underpin or undermine humanitarian intervention is uncertain. But one thing is clear. It will be decisive. If the responsibility to protect is to flourish, the United States must be on board. The current moment is dark, but that is not to say that humanitarian intervention will not dawn again.

* Thomas G. Weiss is Presidential Professor of Political Science at The Graduate Center of The City University of New York and Director of the Ralph Bunche Institute for International Studies, where he is also Co-Director of the United Nations Intellectual

History Project and Editor of *Global Governance*. In 2000–01, he served as Research Director of the International Commission on Intervention and State Sovereignty, and he continues to work with the government of Canada on follow-up. He is grateful to El Colegio de México for having commissioned a version of this article for the conference 'The Protection of Human Rights as a Challenge in the 21st Century', 29–30 January 2004. His e-mail address is tweiss@gc.cuny.edu.

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