

# The Trends and Changes on Humanitarian Military Intervention after the Cold War

—Through the Cases of Rwanda and Kosovo—

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Following to my previous article published in *Journal of Asia-Pacific Studies*, No. 16 dated on May 1, 2011, Study Group of Preventive Diplomacy in the Institute of Asia-Pacific Studies, Waseda University, has reviewed the continuous discussion on the subjects of trends and changes on humanitarian military intervention after the Cold War through the cases of Rwanda and Kosovo.

## 1. Introduction

The purpose of this article is to specify to what extent has changed on humanitarian military intervention after the Cold War and whether we can identify any general trends in humanitarian military intervention on the operations of Rwanda and Kosovo.

Humanitarian military intervention has been one of the primary issues in international society after Cold War, and it has continued to influence the international political agenda.

This issue involves military and legal aspects, especially the codification of sovereign inviolability and other moral matters on how to save the people from the situation of genocide. The end of the Cold War has not altered the fundamental nature of state-interest decision making. At the same time, the types of civil wars, as well as international response to them, are different from their predecessors of the century and certainly those of the Cold War period. The present context for the use of outside military forces under the United Nations auspices and the historical precedents for military-civilian humanitarianism are an essential part of the background necessary to evaluate more precisely the costs and benefits of military intervention in the various humanitarian tragedies, such as the cases Rwanda and Kosovo. Before exploring the contemporary context, a brief introduction to humanitarian actors and a historical interpretation of military-civilian interactions are in order.

Simply listing the contemporary cast of characters on the international humanitarian stage, along with the strengths and weaknesses displayed in their respective roles, can be confusing even to a knowledgeable critic. It would thus be useful to describe the most important humanitarian actors in some detail.

Major institutional actors make up the existing system of international assistance and protection,

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or what is called 'humanitarian action.' Three sets of actors are based within conflict areas: host governments and military forces; insurgent political and military forces; and national and local private organizations. The focus here on the cases of Rwanda and Kosovo is on external actors who dominate the delivery of emergency assistance and protection of human rights.<sup>i</sup>

## 2. Rwanda

The Rwanda case indicates, to what extent, demonstration the danger inherent international military intervention in intra-state conflicts. The tragic case of Rwanda points to the importance of understanding the nature of the threat to unarmed civilians. It was a situation that called for fast reaction by a large number of lightly armed foreign troops. The genocide was perpetrated by very lightly armed militiamen who were not a significant military force. That is why a tiny, weak UN mission was instrumental in saving as many as 20 000 people through point protection.

The burden of the UN Assistance Mission in Rwanda (UNAMIR), and its only advantage, was time. In a rapidly developing genocide, fast action saved lives. It could have saved more lives if Western political leaders had not cut the international force to the bone. Those leaders feared another Somalia or Bosnia and Herzegovina, which Rwanda was not. When France plucked up the courage to act, Operation Turquoise was suited to oppose an army and it had trouble controlling the thuggish violence that engulfed Rwanda. Whereas militiamen were easily deterred by point protection, they remained largely free to continue killing in places where there was no immediate foreign presence, even inside a formally declared safe zone. Most of the 17,000-20,000 people whom French troops saved were at a single location. In other words, they benefited from point protection within the large safe zone.

In situations where the killers are mere thugs and the army is unable or unwilling to back them up when confronted by foreign troops, a fast and light intervention force can save a great many lives. The problem with this observation is that policymakers often cannot be sure before an intervention whether the target countries will back the thugs.

The Rwanda case presents the dilemma of overlapping humanitarian and political motives in stark terms. Operation Turquoise was driven by competing political and humanitarian objectives. France could have saved more lives and done more to capture the *gynocidaires* if it had not been eager to help its Hutu allies. However, but for its political interests, France would probably have declined to intervene at all, just like every other Western country did.<sup>ii</sup>

In this respect, two points should be emphasized. First, to make the case for intervention required connecting such action to interests. State interests were hardly engaged by the unfolding tragedy in Rwanda. In fact, member states and members of the U. S. Mission framed any prospective intervention in the language of obligation. Their troops generally demand a connection to the language of state interests rather than of international obligations. Second, those member states who opposed intervention for self-interested reasons were reluctant to publicly display such calculations; much more morally palatable and defensible was the argument that the Security Council had an obligation and in-

terest to protect its peacekeepers, and the future of UN.

Some nonpermanent members of the Security Council, however, demanded robust action to protect civilians, couching their arguments in terms of the 'international community,' referring thereby to a moral order that transcended state boundaries. But at the time, that such language was designed to lure the United States into doing the work of and for the 'international community' referring thereby to a moral of those members who resisted intervention. While they were arguing for action, however, they were not volunteering their own troops and were insinuating that the United States should take the lead. As some of us at the U. S. Mission joked about other proposed and existing UN operations, the international community seemed willing to fight down to the last U. S. citizen. The rhetoric of the international community, then, became something to fear and reinforced the defense of U. S. interests. In general, member states used the language of the international community and the defense of the UN to hide their own unwillingness to get involved and sometimes to implicate others.<sup>iii</sup>

The genocide in Rwanda also led to a questioning of the very efficacy of both peacekeeping and humanitarian intervention. Many lamented the international community's 'failure to act' and the United Nations' inadequate preventative capacity, others argue that the lesson of Rwanda was actually international intervention, in the form of peacekeeping, mediation or military intervention, often had deleterious consequences.

Thus preventive diplomacy, as clearly practiced in Rwanda from 1990–4, is not universally heralded as a necessity. The eventual French intervention, as previously noted, had mixed, if not in fact ultimately negative results, and thus served to further tarnish the image of international intervention. While few argued that a policy of non-intervention should be maintained in the face of genocide, some concluded that it was perhaps best to stay out of intra-state conflicts as such disputes, like the American Civil War, can only be resolved by the parties themselves and probably through the defeat of one side by the other.<sup>iv</sup>

### **3. Kosovo**

A humanitarian crisis in Kosovo that had long been anticipated by many Balkan political observers accelerated in 1998 and exploded in March 1999 when North Atlantic Treaty Organization (NATO) attacked Yugoslavia with air power. Operation Allied Force was a milestone: the first time in NATO's fifty-year history that it had gone to war, and primarily for a humanitarian cause rather than a defensive or security reason. NATO's intervention began several months earlier at a peace conference at Rambouillet in France, where it dictated terms affecting Yugoslavia's sovereignty which the government in Belgrade was obliged to accept, or suffer military consequences.

International intervention in Bosnia had the consent of the newly independent Bosnian government, whose sovereignty was challenged by armed Serb and Croatia secessionists. However, international military intervention in Kosovo was denied consent by sovereign government of Yugoslavia, which was similarly challenged by armed Albanian secessionists. NATO's eventual in Bosnia, after

several years of vacillation, was to enforce an international agreement between the belligerent parties designed to preserve the Bosnian state, and protect human rights. NATO's military intervention in Kosovo was to save the Kosovo Albanians, at the risk of partitioning the Yugoslav state. The Kosovo intervention trespassed on basic norms of the UN Charter and took place without a mandate from the UN Security Council. The primary justification for NATO's intervention—in the crisp language of the British Foreign Office—was 'overwhelming humanitarian necessity'. NATO is described as having had a 'sense of shame' stemming from their four years of anxiety, indecisiveness, and inaction in Bosnia. NATO states were concerned about the organization's credibility. Moreover, NATO's military intervention in Kosovo was targeted against the government: the USA, UK, and some other NATO countries clearly wanted to get rid of the government of Milosevic. They explicitly said they were not attacking the Serbian people.<sup>v</sup>

The Kosovo has been regarded as an example of 'genuine' humanitarian military intervention by the eager to counter the claim that such action is always hypercritical and a function of geopolitics.

Many cases in the 1990s catalyzed intense debate about humanitarian intervention, and Kosovo constituted the high water mark of this discussion. While the intervention sparked intense controversy and was criticized on a number of grounds, the support for Operation Allied Force was unprecedented, and it constitutes the most widely acclaimed act of military humanitarian intervention in the contemporary era. In light of the widespread international outcry at the attempt to portray the invasion of Iraq in 2003 as an act of humanitarian military intervention, Kosovo has increasingly come to be used as an example of a 'genuine' humanitarian intervention by those eager to counter the claim that such action is always hypocritical and a function of geopolitics.

Interest in this issue remains enormous, and Kosovo's place in the history of humanitarian military intervention is surely secure. The details of the conflict between the Serbs and Kosovo Albanians will doubtless remain contested, and Kosovo's declaration of independence in February 2008 renewed the controversy surrounding the relationship between these two polarized groups. Milosevic's indictment for crimes against humanity in the midst of NATO's campaign and subsequent trial at The Hague, cut short by his death in 2006, constituted a new, if highly controversial, departure for international law. It is perhaps to be regretted, though perhaps it is not surprising, that the enormous interest in humanitarian intervention generated by Operation Allied Force has not resulted in a resolution of the penumbra that is humanitarian intervention. The primary sources of dissonance exposed by Operation Allied Force remain despite the many efforts since to generate consensus.<sup>vi</sup>

That is not to forget even for one moment that Kosovo was a humanitarian disaster for the people of Kosovo and of Yugoslavia more generally. In fact, it was a disaster of their own making and it was their domestic crisis. Kosovo was significantly different from Croatia and Bosnia in that crucial respect. President Milosevic played political roulette by arbitrarily taking away Kosovo's rights of local autonomy within the state of Yugoslavia. The majority population of Yugoslavia, the Serbs, supported him, probably overwhelmingly. In that regard, the Serbian leader could be accused of acting as a dem-

agogue rather than a statesman. The minority Kosovo Albanian population overwhelmingly opposed him. Kosovo Albanian militants, later known as Kosovo Liberation Army (KLA), threw their own political caution to the wind by engaging in armed rebellion against the Yugoslavia state with the aim of carving Kosovo out of Yugoslavia. In doing that they split with the peaceful party of Kosovo Albanians who sought a rapprochement with Belgrade that would restore their constitutional rights. But many Kosovo Albanians supported the secessionist KLA. The Kosovo disaster was thus created by President Milosevic with the popular support of the Serbs; it was enlarged by certain Kosovo Albanian warlords who enjoyed substantial popular support from among the Kosovo Albanian people.

The Kosovo disaster was a tragedy for everybody, Serbs and Albanians alike, who was caught in it and victimized by it. That it was a humanitarian disaster there can be no doubt—although of far lower magnitude than originally estimated by NATO. But the claim that it was an international crisis that required military intervention was unfounded. It did not present the serious threat to international peace and security either in the Balkans or beyond. It became a major international crisis only when NATO decided to intervene on its own initiative and without a full international mandate. NATO got involved for humanitarian reasons that no civilized person could question. However, the leading NATO posers, and its particular the USA, could be criticized for losing sight of the bigger picture. There is some basis for believing that, by intervening, NATO may have made the humanitarian disaster worse rather than better. What it made definitely better were the secessionist prospects of the Kosovo Albanians.<sup>vii</sup>

#### **4. Lessons from Rwanda and Kosovo : Conditions for Success**

A humanitarian military intervention can be considered a success when it saves lives. Military intervention to defeat the perpetrators of violence is not humanitarian in character but it can be humanitarian in outcome. An intervener must prepare for war and in most cases must actually engage in offensive action until the perpetrators negotiate or are defeated. This kind of intervention is very difficult and dangerous runs a serious risk of failure. If the intervener fails to dominate the perpetrators within the cost limits that its interests will allow, then it has to withdraw in defeat and give up almost all influence over the course of events. Intervention to defeat the perpetrators of violence can lead to more civilian deaths, the death of soldiers and long term instability. On the other hand, if done right, it can stop genocide and mass killing.

One of the simplest ways to protect civilians in a conflict zone is to guard people who have congregated to seek safety in numbers or in a defensible building. The easier of two basic scenarios is to post soldiers around a particular location, such as a stadium or a displaced persons' camp, to deter an attack before it happens. If belligerent attack the location anyway, the guards must fight to defend themselves and the civilians in their charge. The more difficult scenario comes into play when a group of civilians is already under attack or under siege but not yet subject to direct violence. In that circumstance, intervening soldiers must push the attackers back from the building or camp before they can

post guards to deter further attacks. The Best-known, and perhaps only, example of this form of humanitarian military intervention is the protection given by UN troops in Rwanda to Tutsi at several locations in Kigali, the capital, during the 1994 genocide.

Successfully guarding camps and buildings is subject to a number of conditions derived from theories of deterrence and defense. Choosing a strategy of deterring attackers assumes that the guards present a credible threat of causing the attackers more pain than they want to endure. To do that the guards must be at least as well armed as the attackers, and preferably have some kind of fortification, which can be as simple as barbed wire. The fact that the guards are present obviously communicates that the civilians should not be attacked. It does not, however, send a clear signal about how willing the soldiers or their civilian leaders are to risk combat.

In the event of guards having to fight, they must benefit from a local imbalance of power. Given the low tolerance for casualties that governs nearly all humanitarian military interventions, that power imbalance should be significant. One of the best ways to achieve such an advantage is with air power. Successful defense is also made more likely by environmental variables that favor the defense, such as open space around the location being defended.

When guarding a group of civilians begins with compelling the attackers to retreat, similar conditions apply but they are more stringent. The silver lining is that once an intervention force makes good on demand, it will have an easier time convincing the attackers that its subsequent deterrent threats are serious. The ultimatum to retreat must include an immediate deadline, before the group of civilians in question is slaughtered. A credible threat to attack the attackers if they do not retreat depends on communicating serious interest and making military resources available. In short, it requires putting combat units on the ground. The attacker might very well not believe that the intervener has the ability or the will to force an end to its predation, in which case the intervener has to generate the political will and military capacity to act quickly and forcefully.

All these permutations assume that the civilians have access to the bare necessities of life. Since camps and buildings that are crowded with people quickly run out of clean water and food, some kind of relief access is necessary. One possibility is that the protection operation is short-lived, attackers leave the area or are removed, and people can come and go in relative safety. Another possibility is that relief workers bring in supplies and provide basic services. This requires a certain degree of coordination with the military guards, although it can be as simple as an agreement to allow transit in and out of the location.<sup>viii</sup>

Today's successful interventions share a number of elements absent in earlier, failed missions. First, the interventions that respond the most quickly to unfolding events protect the most lives. Ethnic cleansing and mass atrocities often occur in early phases of conflicts, as Rwanda and Kosovo. This highlights the necessity of early warning indicators and capacity for immediate action. The UN still lacks standby capabilities to dispatch peacekeepers instantly to a conflict area, but national or multinational military forces have responded promptly under UN authority, and then after a number of

months, they have handed off control to a UN peacekeeping force that may include soldiers from the original mission.<sup>viv</sup>

## 5. Conclusions

The balance between state sovereignty and individual rights can be maintained by paying close attention to the set of principles known as just war doctrine. These principles can help political leaders decide, by answering state in the service of human rights.

In many respects, the new humanitarianism, grounded in situational ethics, while being shaped by the linking of relief to development, has moved away from comprehensive coordinating frameworks. The new humanitarianism prefers a relative and locally based system of reference. It relates, essentially, to the type of immediate arrangements, relations and compromises that aid agencies themselves are able to establish on the ground. It minimizes the need for donor governments to provide overarching political frameworks as during the period of UN-led, system-wide operations. The new humanitarianism is geared to the present era of humanitarian conditionality and its accompanying hierarchy of concern. It is able to adjust to a range of possible engagements, from the more robust example of liberal peace in the Kosovo to the local activities of a few UN organizations and NGOs in parts of Rwanda. While the duty-based ethics of humanitarian actions as right may have tended to ignore consequences, it did not normalize violence but was affronted by it. The consequentiality ethics of the new humanitarianism, however, in holding out the possibility of a better tomorrow as a price worth paying for suffering today, has been a major source of the normalization of violence and complicity with its perpetrators.

Intervening powers must also proceed with the understanding that they cannot bring about liberal democratic states overnight. Objectives need to be tempered to match both local and international political constraints. Recent scholarship on post-conflict state building suggests that the best approach may be a hybrid one in which outsiders and domestic leaders rely on local customs, politics, and practices to establish new institutions that can move over time toward international norms of accountable, legitimate, and democratic governance. Humanitarian military interventions involve an inherent contradiction. They use violence in order to control violence. Setbacks are almost inevitable, and so it is no surprise that the operations often attract criticism. Yet when carried on thoughtfully, legitimately, and as part of a broader set of mechanisms designed to protect civilians, the use of military force for humanitarian purpose saves lives.<sup>x</sup>

The issues discussed in this article on the humanitarian military intervention are likely to continue for a long time and will not be resolved here, however, it is worth noting from the cases of Rwanda and Kosovo what conditions imply in regard to the successful consequences of humanitarian military intervention.

## Notes

- <sup>i</sup> Weiss, T. 'Military-Civilian Interactions,' 1999, pp. 7–8
- <sup>ii</sup> Seybolt, T. 'Humanitarian Military Intervention The Conditions For Success And Failure,' 2008, pp. 214–215.
- <sup>iii</sup> Barnett, M. 'The International Humanitarian Order,' 2010, pp. 132–133.
- <sup>iv</sup> Herhir, A. 'Humanitarian Intervention An Introduction,' 2010, pp. 197–199.
- <sup>v</sup> Jackson, R., 'The Global Covenant,' 2000, pp. 277–278.
- <sup>vi</sup> Herhir, A. 'Humanitarian Intervention An Introduction,' 2010, pp. 218–219.
- <sup>vii</sup> Jackson, R., 'The Global Covenant,' 2000, pp. 292–293.
- <sup>viii</sup> Seybolt, T. 'Humanitarian Military Intervention The Conditions For Success And Failure,' 2008, pp. 185–86.
- <sup>viv</sup> Benjamin A, Vallentino, "The True Costs of Humanitarian Intervention", *Foreign Affairs* November/December, 2011, p. 57
- <sup>x</sup> *Ibid*, p. 59

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