

## Humanitarian Intervention: Getting Past the Reefs

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The subject of humanitarian intervention has come into vogue in recent years, following a remarkable series of speeches made in 1998 and 1999 by the secretary general of the United Nations, Kofi Annan. Since the phrase "humanitarian intervention" is increasingly falling into disfavor, it is important to note that the secretary general never used it himself, speaking rather of "intervention" pure and simple. At Ditchley Park in June 1998 he stated: "Our job is to intervene.... State frontiers...should no longer be seen as a watertight protection for war criminals or mass murderers. The fact that a conflict is 'internal' does not give the parties any right to disregard the most basic rules of human conduct." [1] The following year, at the U.N. General Assembly, he asserted that "the core challenge to the Security Council and to the United Nations [is] to forge unity behind the principle that massive and systematic violations of human rights--wherever they may take place-- should not be allowed to stand." [2] Referring to the U.N. Charter's declaration that armed force should only be used in the common interest, he then posed the key questions: "But what is that common interest? Who shall define it? Who will defend it? Under whose authority? And with what means of intervention?"

There is no agreement on the answers to these questions, not even on whether they are the right ones to ask. Indeed a debate has been raging in international circles ever since Kofi Annan spoke those words. The debate over humanitarian intervention is largely between two sides, both claiming to be committed to the rule of law in world affairs. One upholds a notion of the rule of law based on the rights of states, and the other speaks of the rule of law based on the rights of ordinary individuals. Each of these positions is set out in different but equally vital U.N. documents, the Charter of the United Nations and the Universal Declaration of Human Rights. The tension between these principles is reflected in different articles of the charter itself. Part of the challenge before the United Nations is to reconcile them.

But we must begin by acknowledging that the term "humanitarian intervention" is itself contentious. To its proponents, it marks the coming of age of the imperative of action in the face of human rights abuses, over the citadels of state sovereignty. To its detractors, it is an oxymoron, a pretext for military intervention often devoid of legal sanction, selectively deployed and achieving only ambiguous ends. As some put it, there can be nothing humanitarian about a bomb.

Perhaps we should step back from the fray for a moment and start with a definition. Oxford University professor Adam Roberts defines "humanitarian intervention" in its classical sense as "coercive action by one or more states involving the use of armed force in another state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants." [3] It can thus be viewed as a subset of the century-long discourse on intervention in which writers from the days of John Stuart Mill onward have grappled with the moral and practical dilemmas of defining circumstances in which a state or states could and should intervene militarily against another.

In his own speeches the secretary general has been careful to stress that intervention can be of many types--from humanitarian relief aid, to diplomatic efforts, to peacekeeping missions--and that military action is not the only kind of intervention he had in mind. But for the purposes of our discussion, it may be best to narrow our focus to the main area of intellectual and political contention, and this is where Roberts's definition helps us. It gets to the nub of the matter: the "humanitarian intervention" we are talking about is conducted in the absence of governmental consent; it involves the application of armed force; and its stated motivation is alleviation of suffering.

### Three Questions

This raises three issues in our discussion of principles:

(1) Is humanitarian intervention necessarily antithetical to the principle of sovereignty? The principles of refraining from the threat or use of force against states, other than in self-defense or when authorized by the Security Council (article 2, paragraph 4), and of nonintervention in matters that are essentially within the domestic jurisdiction of any state (article 2, paragraph 7), are enshrined in the U.N. charter. The latter

is often portrayed as an anachronism of the 1940s, privileging state sovereignty over the rights of citizens. That has always been a risk, and at times has been the experience. But nonintervention also acts to strengthen the rule of law, and to create the international environment for the realization of the ideals of the U.N. charter. Ideally, the concept of nonintervention can be qualified by the concept of military intervention for the purpose of safeguarding another central plank of international law--individual human rights--thereby mutually strengthening the system of international legal rules and norms. But dangers remain: the doctrine of nonintervention carries with it the dangers of omission--atrocities protected by the barrier of state sovereignty--while humanitarian intervention carries with it the dangers of commission--either that it is used as a cover or pretext for intervention for other motives, or that the intervention is genuinely well-intentioned but results in more harm than good.

(2) Who has the right to authorize the use of force? If humanitarian intervention is to strengthen international law and norms rather than serve as a Trojan Horse undermining them, it needs to be effective in obtaining its intended goals, and it needs to be, and be perceived to be, legitimately implemented. Legitimacy here rests on what is done, who does it, and under what authority.

The experience of the 1990s has focused on three types of bodies that have claimed the authority to intervene: the United Nations, particularly the U.N. Security Council; regional bodies and arrangements, including the Economic Community of West African States, NATO, and the Organization of American States; individual states and groups of states acting ad hoc.

International lawyers have taken different positions on whether a state, groups of states, or regional bodies can act without wider United Nations legitimization. On Kosovo, the U.N. secretary general, who for a year had been urging the world not to allow the rights of Kosovars to be trampled upon, while declaring that "there are times when the use of force is legitimate in the pursuit of peace," nonetheless expressed regret over NATO's decision to bomb Serbian targets without seeking the consent of the Security Council. It could be argued that the Security Council's subsequent 12-3 vote, rejecting Russia's proposal to condemn NATO air strikes against Serbia, strengthened the case for unilateral action in the event of a Security Council deadlock. However, a double negative, in any field, but especially in international law, is not a good basis upon which to establish a precedent. At most, perhaps, along with previous Security Council resolutions, it did create what has been referred to as a "semi-permissive" legal and political environment for NATO action.

The secretary general, in his Ditchley Park speech referred to earlier, sounded a note of caution. He asked: "Can we really afford to let each State be the judge of its own right, or duty, to intervene in another State's internal conflict? If we do, will we not be forced to legitimize Hitler's championship of the Sudeten Germans, or Soviet intervention in Afghanistan?" He answered that most of us would like to see such decisions taken collectively, by an international institution whose authority is generally respected, and that only the Security Council, assigned this responsibility by the U.N. charter, fits the bill.

Other commentators ponder whether the General Assembly, with its subsidiary responsibility for peace and security under the charter, might also play a role. This could either be in drawing up a set of guidelines that the Security Council could apply when faced with the question of the legality of an act of intervention, or, in the case of Security Council deadlock, by invoking the "uniting for peace" formula and making direct recommendations containing an implicit judgment on the case at hand. Despite the strong legal challenges to the validity of the General Assembly acting while the Security Council is seized of an issue, Ramesh Thakur, vice rector of the United Nations University, argues that, when the Security Council is deadlocked, invoking this formula would give greater political legitimation, particularly in the absence of reform of Security Council membership. The potential difficulty with this approach is that it substitutes for the primary and mandated authority of the Security Council, where an attempt has been made under the charter to marry power with representation, the "one state-one vote" democracy of the General Assembly, where countries such as Nauru and Tuvalu with a population of 12,000 each have the same vote as countries such as China and India, with over a billion citizens each. Certainly the General Assembly can claim to be more representative of world opinion than the Security Council, but a General Assembly majority itself is no guarantee of a majority of world opinion. If the General Assembly were to take upon itself to pronounce on such matters, it would be the composition of votes--that is, which countries voted in favor, which against, and which abstained--that would add to or detract from legitimacy in a particular case.

Whatever the respective roles of particular U.N. organs, the United Nations is central both to political legitimacy, as the only global authority in the field of peace and security, and to legal legitimacy, since the principle of nonintervention under international law is primarily institutionally enshrined through the provisions of the U.N. charter and any permissible exceptions to this principle must also be viewed and defined through the charter framework.

The debate has been pushed to the forefront in recent years by attempts to find answers in cases where the Security Council members were either unable or unwilling to take action in the face of humanitarian catastrophe and the international community did nothing (such as the case of Rwanda) or where, in the face of deadlock in the Security Council, some states took military action under the rubric of humanitarian intervention, without explicit approval (as in Kosovo). The secretary general explored this dilemma in his 1999 speech to the General Assembly:

To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask... in the context of Rwanda: If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defence of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?

To those for whom the Kosovo action heralded a new era when States and groups of States can take military action outside the established mechanisms for enforcing international law, one might ask: Is there not a danger of such interventions undermining the imperfect, yet resilient, security system created after the Second World War, and of setting dangerous precedents for future interventions without a clear criterion to decide who might invoke these precedents, and in what circumstances?

The dilemma was interestingly summed up at a recent conference in the following three propositions: to respect sovereignty all the time is to be complicit in human rights violations some of the time; to insist that the Security Council must always consent is to hand over power to the most obstructionist of its members; and to use force unilaterally is to violate international law. [4]

(3) The motivation, means and ends of humanitarian intervention. Humanitarian intervention, like justice, may be easy to define in theory but problematic to identify in practice. It is particularly hard to distinguish from undesirable (or "un-humanitarian") types of intervention. Intra-state conflicts frequently present a melange of security, political, economic, and humanitarian problems, all interconnected. Political tools, such as sanctions, and humanitarian tools, such as food aid, can undermine each other's effectiveness. Even nonviolent humanitarian action can itself constitute a political intervention or influence the military balance in a civil war situation.

A recent publication by the Carnegie Council on Ethics and International Affairs argues that in practice humanitarian intervention has never been free of both good and bad effects: "Humanitarian intervention saves lives and costs lives. It upholds international law and sometimes breaks international law. It prevents human rights violations and it perpetrates them." [5]

In our initial definition, of course, we failed to define the word "humanitarian." Kofi Annan, in a speech last year to the International Peace Academy symposium on humanitarian action, noted that the word humanitarian, according to the Concise Oxford Dictionary, is defined as: "1) A person who seeks to promote human welfare, and 2) a person who advocates or practises humane action; a philanthropist." He cautioned against using the term "humanitarian" to describe military operations and stated that while "military intervention may be undertaken for humanitarian motives," and it is sometimes necessary for armed force to be used when "there is no other way to save masses of people from extreme violence and slaughter... such cases will be very rare."<sup>6</sup> Of course, for the victims of gross violations of human rights, the motives of intervention are often less important than its success. Every intervention arises from a complex and changing context of political aims, views, and positions in which "motives" are hard to isolate and to interrogate.

## Objections to Humanitarian Intervention

This takes us to the problem areas in this debate. There are serious objections against the growing norm and practice of humanitarian intervention. The four principal ones are those of neo-imperialism, vigilantism, double standards, and inefficacy.

*Neo-imperialism.* The fundamental political problem with humanitarian intervention is that it is resisted as a concept by many countries in the developing world that see it as the thin end of a neo-imperial wedge. As one diplomat from a formerly colonized country expressed it to one of the authors: "In the imperial days they embarked on intervention in our countries as part of a civilizing mission. Now they call it a humanitarian mission. What's the difference?"

It is hardly surprising that countries that have only recently won their independence, especially after centuries of foreign rule, will look with suspicion upon any doctrine that seems to license foreign intrusions upon their hard-won freedom. The fact that the doctrine of humanitarian intervention appears to have found its strongest adherents among precisely those countries that, in the past, have revealed a taste for empire, compounds the problem. So does the fact that decisions on intervention are usually taken in bodies like the Security Council, where the developing world feels it is only feebly represented, or NATO, where it is unrepresented.

One can argue that the last thing ex-imperial nations want is a new set of colonies--and indeed that the sole remaining superpower, the United States, insists more and more that it will only intervene in its own national interests, which makes one want to cry out, "Humanity is a strategic national interest!" But for many in the postcolonial world, humanitarian intervention looks suspiciously like a recipe for foreign domination and is resisted as such, irrespective of its merits. Speaking immediately after the secretary general at the 1999 General Assembly, President Abdelaziz Bouteflika of Algeria, then the chairman of the Organization of African Unity, called sovereignty "our final defense against the rules of an unjust world." The problem is, substantially, that developing countries still largely see themselves not as norm setters in international affairs, but rather as "norm takers," not as subjects of international law, but as the not-always-willing recipients of it. In addition, the concept of the state promoted by Western democracies, which reflects the long historical development of the Westphalian model, may reasonably be resented by regions with different cultures and priorities, for whom sovereignty is a prize recently won, and the community rather than the individual is the traditional unit in which rights are vested.

*Vigilantism.* A key problem with intervention undertaken outside of explicit U.N. Security Council authorization, however pure its motive, is that it threatens to introduce a form of "vigilantism," whereby the rule of law is undermined. Intervention literally means "coming between." There is an obvious danger when, in interposing between citizens and the forces that oppress them, an intervener breaks other chains of relationship that govern international order, specifically the constraints and mechanisms of the U.N. charter. Where one party invokes the prerogative of its conception of justice to transgress the agreed boundaries of order, others may claim a precedent to follow. The disturbing conclusion available to states that fear they may become targets of intervention is that military strength rather than legal bonds and norms are a surer guarantee of their inviolability. Moreover, where one chain of authority within a state is broken, the consequences may be far-reaching for the identity and independence of that state in future. For both these reasons, interventions demand the closest scrutiny of the legitimacy of their inception and the long-term implications of their effects.

*Double standards.* Another criticism raised is the perceived one-sidedness of humanitarian intervention. Some Western politicians and governments have objected to having U. N. human rights investigators on their soil to evaluate their domestic human rights standards, as required under the human rights covenants. But these same countries appear only too ready to cast judgment on the practice of others, and to intervene when others are found wanting. Indeed, concern has been expressed that intervention is the corollary of the new advocacy of good governance, when again it will be outsiders judging whether a country is governed well enough not to warrant external intervention.

*Efficacy.* A fundamental question is whether humanitarian intervention brings any lasting benefit to the societies and polities where intervention occurs. This is in fact the argument being made by some in the new Bush administration--that an examination of the interventions in Haiti, Rwanda, Bosnia, and Kosovo suggests that they had a short-term impact but resulted in a long-term commitment without long-term

benefits to either the interveners or, to coin a word, the intervenees. The authors do not subscribe to this argument, since intervention in Bosnia, for instance, undoubtedly put an end to atrocities, killings, and mass rapes in the short term, but also created space for the restoration of political and economic stability in the longer term.

Humanitarian intervention is also part of a wider ends-and-means dilemma that besets much of the United Nations' enforcement action. Many interventions under Chapter VII of the Security Council, and with full Security Council authorization, have negative humanitarian consequences. Despite the measures in place to mitigate such effects, the sanctions against Iraq--though they do not constitute a "humanitarian intervention" in the sense we are discussing--have unquestionably worsened the living conditions of the Iraqi population. Where we put the blame for the continuation of sanctions--on Saddam Hussein for refusing to abide by Security Council decisionmaking or on the Security Council or its permanent members who each hold the power to block the modification or lifting of sanctions--is a much-debated question with no universally accepted answer.

The question of efficacy raises an important point. It is essential that problems are treated with the right tools, and early prevention is invariably the best (and cheapest) cure. Early action of a nonmilitary kind at the first signs of human rights or humanitarian disaster can make military intervention unnecessary, or a rare act of last resort. When military intervention does occur, it must then be followed up by postconflict peace building to strengthen legitimate governmental structures and the rule of law in a country. This also raises the wider question of expensive short-term intervention versus longer-term development. If more lives can be saved in other parts of the world, perhaps in places out of the media spotlight, for fewer dollars, yen, euros, or pounds, than paying for the expensive military escort of humanitarian aid in the midst of a telegenic civil war, then is it not preferable to focus on the long-term development instead? These are the tough choices one wishes governments would make, given the constraints on government treasuries and public donor fatigue, but one has little doubt how most governments would choose when under the spotlight of media pressure and public moral outrage to act in the short term.

### **The Sovereignty Argument**

Despite these suspicions, and the valid concern for efficacy, the imperative for some form of action in the face of clear human rights abuses will remain. In accepting this, one must squarely face the sovereignty argument. "National sovereignty" does not give the state unlimited freedom of action; the concept of sovereignty cannot be seen in isolation from other provisions of the U.N. charter, namely those that relate to "promoting and encouraging respect for human rights and for fundamental freedoms for all" (article 1, paragraph 3). Moreover, the development of international law in relation to human rights and humanitarian law has mainly occurred since the adoption of the charter. The assertion of sovereignty has to take into account not only the Universal Declaration of Human Rights but the international human rights covenants of 1966, the establishment of international tribunals for Yugoslavia and Rwanda, and the adoption in 1998 of the Rome statute of the International Criminal Court, all of which are meant to exercise jurisdiction over matters that were traditionally within the competence of sovereign states. During the past century, the paradigm of sovereignty has shifted. It is no longer seen as designed to protect a sovereign but a people. Furthermore, there is a growing consensus supporting the moral claim that sovereignty is a contingent rather than an absolute value, whose observance relies upon a state upholding its responsibilities to protect the fundamental human rights and welfare of its citizens. There is a demonstrable difference in motive and result between intervention in support of this moral ground and the imperialisms of yore.

A valid question is how the doctrine of humanitarian intervention can deal with a major military power that is committing human rights abuses within its own sovereign territory. Here the pragmatic need to assess the consequences of an intervention arises. To attempt a military intervention would be folly, since it would likely lead to all-out war and result in greater harm than good being done. As a practical matter, there would be few countries willing to risk their troops or their treasure in a military intervention for purely altruistic reasons against a major power. This does not give a major power impunity over human rights abuses, nor does it negate the need to act; it requires the widest possible vocabulary of tactics to induce change--a powerful language of opprobrium with application to all states perpetrating human rights misconduct, which in a globalized world will grow in meaning and socioeconomic value. That vocabulary includes sanctions, of course, but also condemnation through resolutions of human rights

bodies and exposure in the increasingly ubiquitous mass media. Shunning errant states is also effective; shame is a powerful weapon in global diplomacy and should be a choice weapon of recourse.

However, selectivity is thus an inevitable consequence of the requirement of efficacy in intervention--that the right tool is employed in each case. Selectivity, crucially, also arises as a consequence of the lack of political will to mobilize resources (military or otherwise) to intervene in every situation. Since the defense of an intervention in the eyes of the world rests on the twin bulwarks of authority and efficacy, interventions need to be sophisticated, strategic, and sufficient, and this implies a long, hard look at operational capacities and preparedness for commitment. Do the above caveats mean that it should not be done at all--that consistency should triumph over the (imperfect) possible? We assert that it should not. Two wrongs, whether of omission or commission, do not make a right.

### **Future Prospects**

In an address to the United Nations Commission on Human Rights, the secretary general stated: "Emerging slowly, but I believe surely, is an international norm against the violent repression of minorities that will and must take precedence over concerns of State sovereignty," adding, "though we are an organization of Member States, the rights and ideals the United Nations exists to protect are those of peoples." [7]

But how can this be manifested in practice? A number of scholars and practitioners have called for the creation of a "principled framework for humanitarian intervention which could be used to guide future responses to imminent humanitarian catastrophes and which could be used to assess claims for humanitarian intervention." [8]

Criteria are invidious, in this or in most other domains. Here the devil is in the details. Who would draw up such guidelines? Some have argued for the General Assembly, others the International Court of Justice. Could either body ever agree on such guidelines? The United Nations, it has been frivolously suggested, exists so that nations that are unable to act individually can get together to decide that they are unable to act collectively. If they did agree, how would such guidelines be applied and by whom, and would they be directed at determining the validity of an intended, current or past intervention? Or is this a blind alley, since no intervention will ever be purely humanitarian in motivation, and a political judgment of legality and legitimacy on a case-by-case basis will always be necessary? If, in applying such guidelines, an emphasis is placed on a predicted evaluation of outcomes, then what outcomes should be examined? Whether the intervention will purely do more humanitarian good than harm? Or also what the political, economic, and social/developmental effects will be? And what should be the time frame of these likely effects?

Perhaps the best we can do, by learning lessons from the past, is to find a middle path between rigid guidelines and case-by-case ad hocery. One method could be to draw up broad considerations to assess a particular case of intervention before it is embarked upon. Nicholas Wheeler, the author of *Saving Strangers*, suggests that four threshold criteria should be applied to determine the justice of a humanitarian intervention:

Just cause: the existence of a supreme humanitarian emergency, "a shock to the conscience of mankind."

Last resort: all peaceful means must have been explored and it must be clear that nonviolent methods cannot reach their objectives.

Proportionality: the use of force should result in more good than harm and means must be calibrated to ends.

Likelihood of success: there must be a high probability that the use of force will achieve a positive humanitarian outcome. [9]

Other criteria that might be worth adding to this list are: the intervention must be welcomed by the people at risk; there should be no targeting of civilians and all lives should be morally equal; and the motives should be principally humanitarian. The Independent International Commission on Kosovo suggested three "threshold principles" that must be satisfied in any legitimate claim to humanitarian

intervention: the suffering of civilians owing to severe patterns of human rights violations or the breakdown of government; the overriding commitment to the direct protection of the civilian population; and the calculation that the intervention has a reasonable chance of ending the humanitarian catastrophe. [10]

One scholar, Peter R. Baehr goes into greater detail. [11] He outlines nine factors for consideration before undertaking a military intervention: 1) there should be reliable and objective evidence from different sources of grave and large-scale violations of human rights or the threat of such violations; 2) the government of the state concerned is unwilling or unable to take remedial action, or is itself responsible for the violation(s); 3) there is a clear urgency to act; 4) the use of force is the last resort; 5) the primary purposes of the intervention should be to stop the violations; 6) the available evidence suggests that those for whom it is intended support the action; 7) the opinion of the states in the region should be taken into account; 8) the action has a reasonable chance of success at acceptable costs; and, 9) the action is not likely to lead to even larger problems.

Baehr further argues that during a military intervention the following conditions should be fulfilled: 1) the purpose of the intervention is made clear and public from the very beginning; 2) the use of force should be limited to what is necessary to attain the stated goals and be proportionate to these goals; 3) the rules of international humanitarian law should be fully complied with; 4) the effects on the political system of the country should be limited to what is strictly necessary to accomplish the purpose of the intervention (this is a highly debatable point); 5) there should be full reporting to the Security Council; and, 6) care should be taken to promote a smooth transition to postconflict peace building.

By following guidelines such as these, the international community may be better equipped to deal appropriately when faced with each *sui generis* case. But it must be stressed that there is no political consensus behind these eminently sensible principles, nor does it seem very likely that any such consensus will emerge in the near future.

### **A Grave Moral and Political Dilemma**

There is widespread and growing acceptance--demonstrated in the reaction to events in Bosnia, Kosovo, East Timor, and Rwanda--that the world cannot stand aside when gross and systematic violations of human rights are taking place within sovereign states.

The secretary general has asserted that "no government has the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its peoples." [12] In a world where globalization has limited the ability of states to control their economies, regulate their financial policies, and isolate themselves from environmental damage and human migration, the last right of states cannot and must not be the right to enslave, persecute, or torture their own citizens.

But in raising the issue of humanitarian intervention, the secretary general was alerting the world to a grave moral and political dilemma of our times, not seeking to rewrite the U.N. charter. It is clear that a world order that rests on an association of sovereign states cannot lightly--and indeed will not in the foreseeable future--abandon the bedrock principles of state sovereignty enshrined in article 2, paragraph 7 of the U.N. charter. The norm of nonintervention remains strong. And yet, the prospects for humanitarian intervention are not bleak.

The United Nations has revealed over the years a capacity for putting 2(7) aside when confronted with a specific case requiring international intervention within a state. Indeed, a majority of the peacekeeping operations of the United Nations in the 1990s were within states, rather than between them. Humanitarian interventions will always be contemplated, authorized, and carried out on a case-by-case basis. The debate that the secretary general revived, and upon which we are currently engaged, may not establish humanitarian intervention as a universally acceptable doctrine. However, by raising the questions we have considered, it may serve a more useful purpose: that of changing the climate within which the next case is discussed.

Some have suggested that the doctrine of humanitarian intervention would amount to a call for endless "wars of altruism." This is absurd, not merely because no one would authorize them, but because the challenge is more often going to be to get governments to summon the political will to intervene even

when the situation cries out for intervention. One can only hope that by raising this issue and inviting governments to debate it, the secretary general has helped create a political and human rights environment in the world that will make it more difficult for states to abuse the rights of their citizens, judging that the world will stand idly by. If the debate over humanitarian intervention leads a single genocidal dictator in the future to think twice before starting a rampage, it will have been worth every minute we have collectively spent on it.

To conclude with some words from the individual who has done more than anyone else to spark this debate, Secretary General Kofi Annan:

This developing international norm in favor of intervention to protect civilians from wholesale slaughter will no doubt continue to pose profound challenges to the international community. Any such evolution in our understanding of State sovereignty and individual sovereignty will, in some quarters, be met with distrust, scepticism, even hostility. But it is an evolution that we should welcome. Why? Because, despite its limitations and imperfections, it is testimony to a humanity that cares more, not less, for the suffering in its midst, and a humanity that will do more, not less, to end it. [13]

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## Notes

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(1.) Kofi A. Annan, "Reflections on Intervention," speech delivered at Ditchley Park (the Ditchley Foundation), Oxfordshire, U.K., June 26, 1998, reprinted in *The Question of Intervention: Statements by the Secretary-General (United Nations, 1999)*, pp. 4, 7.

(2.) Kofi A. Annan, "Two Concepts of Sovereignty," address to the 54th session of the U.N. General Assembly, September 20, 1999, reprinted in *Question of Intervention*.

(3.) Adam Roberts, "The So-Called 'Right' of Humanitarian Intervention," in *Yearbook of International Humanitarian Law 2001 (The Hague: T.M.C. Asser, forthcoming)*.

(4.) "Humanitarian Intervention? How Can We Do It Better?" conference held at Wilton Park, Sussex, U.K., February 19-22, 2001.

(5.) *Human Rights Dialogue*, 2000, series 2, no. 5 (New York: Carnegie Council on Ethics and International Affairs, 2000), p. 1.

(6.) Kofi A. Annan, Opening remarks at a symposium on humanitarian action, International Peace Academy, New York, November 20, 2000, reprinted in *Humanitarian Action: A Symposium Study*, p. 10.

(7.) Kofi A. Annan, "Standing Up for Human Rights," address to the U.N. Commission on Human Rights, Geneva, April 7, 1999, reprinted in *Question of Intervention*, p. 24.

(8.) Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (New York: Oxford University Press, 2000), p. 10.

(9.) Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (New York: Oxford University Press, 2000), pp. 33-37. These criteria have since been expanded by the author. Other factors often cited in this debate are noncombatant immunity and right intention.

(10.) *Kosovo Report*, p. 10.

(11.) Peter Baehr, "Humanitarian Intervention and Codification," address at a symposium on humanitarian action, International Peace Academy, New York, November 20, 2000, reprinted in *Humanitarian Action*, pp. 4-5.

(12.) Annan, "Standing Up for Human Rights," p. 24.

(13.) Annan, "Two Concepts of Sovereignty," p.44.