

Paradoxes in Humanitarian Intervention

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Explaining the rash of humanitarian interventions that states have undertaken since the end of the cold war has posed huge analytical problems for international relations (IR) scholars. Traditional security scholars have struggled to understand the nature of “humanitarianism” as an interest, often with the result that they simply discount it and emphasize other possible motivations for intervention. In these analyses, the intervention in Somalia is explained as an effort to export US values, intervention in Haiti was about refugees, interventions in Bosnia and Kosovo are explained by the need to protect NATO’s credibility and maintain stability in Europe.¹ Humanitarianism was only window-dressing in every case. Constructivists, legal scholars, and an increasing number of policy analysts have taken humanitarianism more seriously as a motivation for state action. They point to the increasingly dense web of humanitarian treaties, norms, and laws, as well as transnational activist groups that together persuade (or coerce) policy makers and publics to support these interventions. The analytic problem for this group of scholars has been to understand why humanitarianism produces such inconsistent and varied effects. Humanitarian norms and laws are often not respected, and humanitarian concerns do not always produce interventions (as the Rwanda case makes painfully clear) nor do they produce interventions of the same kind. If humanitarianism is an important motivator of state action these scholars need to explain better the conditions under which it prevails and the kinds of actions it will generate.

Humanitarianism is not some single isolated impulse nor does it consistently produce identical effects. This seems obvious but analytically we scholars have tended to treat norms and values like

¹Michael Mandelbaum, “Foreign Policy as Social Work” *Foreign Affairs* v.75, no.1 (Jan/Feb 1996):16-32 at 17; Richard Haass, *Intervention: The Use of American Force in the Post-Cold War World* (Washington, DC: Carnegie Endowment for International Peace, 1994).

“humanitarianism” in isolation, trying to attach particular causal significance to each norm individually. This ignores the relationship *among* norms and the ways they interact. Norms never function in a vacuum; they are always part of some larger normative structure. To understand how norms work, we need to understand the complexity, contradictions, and indeterminacy of the larger normative system in which political action takes place. Any policy decision of consequence is taken within a dense web of normative claims that often conflict with one another and create serious ethical dilemmas for decision makers. After all, if the prescriptions of norms and values were always clear or if they never conflicted with one another, we would not have to make any decisions; we would just follow the prescriptions. In this sense, normative conflict is what *creates* decisions since, absent conflicting normative claims, there would be nothing to decide.

Humanitarian intervention always occurs within an intricate structure of conflicting norms and values that determine whether and how it happens. Humanitarian intervention may be supported by powerful human rights norms that have unprecedented power in contemporary politics. It may be undercut by geostrategic considerations rooted in the moral duties of politicians to protect their own state and citizens. It is often in tension with other values we hold dear, such as self-determination, and when coupled with military force, these tensions are greatly exacerbated. Humanitarianism, by itself, never provides a satisfactory explanation of an intervention. Only by examining the broader normative landscape in which humanitarianism rests can we begin to understand its effects.

In this paper I examine the normative structure in which contemporary humanitarian interventions are embedded and make three arguments about the way changes in this structure have produced new patterns of humanitarian intervention. First, I argue that our perceptions of what constitutes a “humanitarian crisis” requiring intervention has changed. Over the past 50 or 25 years there has been a qualitative change in the kinds of expectations we as an international community have for government performance. We expect much more from governments than we ever have before, and

we hold governments responsible for the health, safety, and well-being of citizens more than we did previously. Events that earlier would have been seen as unfortunate (but inevitable) tragedies are now seen as crises demanding response. The decreased tolerance for bad government performance also shapes our responses to these crises. It influences the kinds of post-conflict peace-building we undertake and the possibilities that these efforts will succeed in their own terms. Second, I argue that there are well-understood political and normative rules about how we, as intervenors, deal with these crises and that these rules are often in tension or opposition in ways that make such conflicts particularly hard to resolve. Some of these tensions are obvious, like the tension between intervention and self-determination, which we claim is the right of all people. Other tensions are less obvious but have powerful effects on our ability to achieve the kinds of solutions we say we want. Third, I suggest that we have off-loaded much of the work in these crises onto international organizations, both intergovernmental organizations (IGOs) and non-governmental organizations (NGOs), without thinking very hard about the implications of this move. Among other things, this off-loading implies changes in the way we constitute authority in global governance, but it also raises issues of accountability that we are only beginning to address.

These are certainly not the only insights to be gained from an examination the normative structure within which we do these interventions. I offer them only as examples of the range of effects normative structure and the interrelationships among norms can have. In these instances we see how the relationships among norms--both their complementarities and contradictions--shape our perceptions of problems, structure the ranges of response we consider, and limit the effectiveness of that response in our own normative terms.² My goal is to understand some of these changing relationships in internationally-held values and the impact they have on humanitarian intervention.

² This notion that normative “complementarity” and “contradiction” shape action is nicely elaborated by Mlada Bukovansky in, *Ideas and Power Politics: The American and French Revolutions in International Political Culture*, Princeton University Press, forthcoming.

Expectations for government performance

Humanitarian interventions occur in response to what now we call “humanitarian crises,” but what constitutes a “crisis” requiring response is a matter of perception. Something is a crisis only if it flies in the face of what we agree is acceptable. Thus, what constitutes a crisis is always a function of the normative fabric of political life and standards of acceptable behavior in the world.

One reason for the recent spate of humanitarian crises in the 1990s is that these standards of acceptable behavior have changed. Ethnic cleansing, genocide, mass killings of various kinds are hardly new in world politics, but they did not provoke the kinds of responses in earlier periods that we have seen in the 1990s. Just a couple of decades ago a wide range of state-sponsored violence was tolerated that would now constitute major international crimes. People rarely applauded internal repression (or not publicly), but governments rarely intervened militarily if a state decided to kill, torture, relocate, and dispossess its own citizens, and states *did* commit such abuses with some frequency.³ The end of the cold war may account for some of this change but it certainly does not account for all of it. Fear of the Soviets was not blocking the US’s ability to intervene in this hemisphere, yet large-scale massacres of indigenous peoples in Guatemala in the 1980s, and political “disappearances” in Argentina and Chile during the 1970s did not provoke military intervention by Western governments. People certainly noticed and made a fuss about these humanitarian abuses, but the willingness of governments

³ States did occasionally intervene against abusive regimes for these reasons during the cold war. India’s intervention in what is now Bangladesh (1971), Tanzania’s toppling of the Idi Amin regime in Uganda (1979) and Vietnam’s intervention to overthrow Pol Pot in Cambodia (1979) all stopped what we would now call “humanitarian crises” even if humanitarianism was not the only or even primary motive for intervening. My point here is that the frequency with which mass killing is met with military intervention rose dramatically in the 1990s and the target state does not have to present additional security threats or other reasons for action to the intervenor to merit such attention. I analyze these cases on many of the normative dimensions discussed here in “Constructing Norms of Humanitarian Intervention” in Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), 153-185.

to take costly political and military action in response to these abuses has increased. Spain's attempt to secure extradition of Pinochet in the 1990s, and the widespread support for this in European legal and political circles, unthinkable twenty years ago, and provides one indication of the changed normative climate. The increase in military interventions to prevent mass killings is another.

Explaining the causes of this change would require another piece of research, but as a simple description of the character of these increasing standards, two features are worth mentioning. First, these rising standards for government performance are clearly bound up in the rising power of human rights norms over the past several decades. The international human rights network has been hugely successful at mobilizing publics and institutionalizing standards for acceptable treatment of people in a wide range of states, especially powerful states, over the past 30 years.⁴ It is easy to underestimate the effects of this change. Because there are still so many human rights violations going on all over the world, it is tempting to conclude that respect for human rights must still be marginal in world politics. However, this mode of thinking misses crucial changes. While it is certainly true that there continue to be violations, the way people react to violations has changed markedly. The amount of mobilization and pressure brought to bear on governments over human rights abuses is much greater than it was in the 1970s.⁵

The expansion and institutionalization of human rights claims constitute a major qualitative change in the normative and ethical fabric of world politics. Specifically, they compromise basic features of state sovereignty since human rights are claims that states cannot do anything they want to

⁴For a detailed examination of this process see, Thomas Risse, Steven Ropp, and Kathryn Sikkink, *The Power of Human Rights* (New York: Cambridge University Press, 1999); Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998) chs. 1-3; Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*. Princeton: Princeton University Press, forthcoming.

⁵ Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press) chs. 1-3.

their citizens, ergo they cannot have absolute control over what happens inside their borders. States cannot, for example, even do such basic things as keep political control or prevent secession by all means at their disposal without paying some kind of political price. It is impossible to know how much these changes have persuaded or deterred states from repressing citizens, since we cannot have information on non-events. What we can very clearly see, however, is an increased willingness of governments to create “political prices” for human rights violations. This is true even against very large states now. European states, for example, have used the IMF to put pressure on Russia in response to its treatment of civilians in Chechnya. This is not happening simply because decision makers in these Western governments have become high-minded and altruistic in their views. Underpinning these and other protective actions by Western governments is strong pressure by the extraordinarily well-organized human rights networks.⁶

Rising standards of human rights are not the only recent change in our expectations of governments, however. We expect states to do more than just refrain from torturing and killing citizens. We also expect *accountability* in at least two forms. At a minimum, we now expect “good governance” from states. What, exactly, constitutes “good governance” has been the subject of some debate, but the minimalist and most common usage requires that governments not be corrupt. Good governance in this sense has become an important feature of a wide range of intergovernmental interactions and has become a major criterion for all kinds of development aid. The IMF and World Bank both now have extensive “good governance” requirements and anti-corruption programs, as do

⁶ Robert McElroy describes a variety of ways in which moral norms can influence the behavior of governments. One is through internalization of these norms by decision makers; another is through outside pressure by activists on decision makers. Both could be at work here. Robert W. McElroy, *Morality in American Foreign Policy* Princeton: Princeton University Press, 1992.

most bilateral aid programs.⁷ This is new. Corruption of the kind now being condemned, which usually involves use of public office for private gain, was not previously an international issue. It might have been an issue in the domestic politics of some countries, sometimes an important one, but in many places practices now labeled as “corrupt” were standard and “normal” for years. The wide-ranging attempt to impose an anti-corruption standard on all governments and public officials in all countries is unprecedented.⁸

Not being corrupt is only the new minimum among standards of performance for states. Increasingly, the good governance standards being pushed go beyond simply eliminating corruption. “Good governance” is increasingly means having democracy and elections. Non-democracies find it increasingly difficult to convince other actors that they are accountable, responsible, and respect human rights. This is especially true since human rights have now come to mean political participation and political participation is equated with elections in contemporary politics. States that do not hold meaningful elections are seen as denying political participation and thus, by definition, must be denying human rights. “Good” states have elections and “good” states are democracies in the contemporary moral order.

The irony of this contemporary understanding is that we apply pressure to have elections even when we know that elections might actually promote instability in fragile states. Intervenorers who rebuild post-conflict states can only do so legitimately if the governments they set up are liberal democratic

⁷ “Helping Countries Combat Corruption: The Role of the World Bank” The World Bank, PREM network, 1997; Thomas A. Wolf, Emine Gurgen, European II Department, “Improving Governance and Fighting Corruption in the Baltic and CIS countries: The Role of the IMF,” IMF Working Paper WP/00/1, January 1, 2000.

⁸ For a discussion of the ethical implications of this change see Mlada Bukovansky, “The Moral Core of the International Anti-Corruption Regime” unpublished manuscript, Dartmouth College. For details about current anti-corruption efforts see the website of Transparency International at www.transparency.de.

ones, chosen by election. However, elections are often divisive in these situations. Candidates play the “nationalist” or “ethnic” card to rally support, thereby undermining the national reconciliation processes intervenors hope to promote.⁹ This is also a well-recognized problem in Africa where elections consistently tend to produce instability and exacerbate cleavages rather than alleviate them. In fact, a group of African NGOs and intellectuals have been trying to figure out a model of democracy that does not require elections for precisely this reason.¹⁰

Good governance standards and human rights standards are both examples of changed (and rising) *international* standards for states’ *internal* behavior. In both cases, matters that formerly lay within a state’s sovereign control have become accepted topics of international scrutiny. As the scope of international scrutiny widens and standards rise, the level of performance required to be a state “in good standing” in the international community has become higher now than ever before. Not surprisingly, many states do not meet these standards. When this happens, outside actors increasingly feel justified in intervening.

Justifications for intervention are rooted in claims that normative standards are being violated, and because IOs are often the forum in which standards are set and legitimated, IOs are often given the task of intervening to uphold them. When corruption is the problem (a largely economic violation of normative standards), intervention is usually economic and economic actors such as the IMF and World Bank play a large role in policing this kind of performance. However when state failures result in widespread violence, states, publics, and IOs begin to call for forceful responses and, increasingly, those demands lead to intervention.

⁹ Roland Paris, “Peacebuilding and the Limits of International Liberalism” *International Security* 22,2(1997):54-89.

¹⁰ Personal communication, Catholic Relief Services staff member. For more on this irony see Michael N. Barnett and Martha Finnemore, “The Politics, Power, and Pathologies of International Organizations” *International Organization* 53,4 (1999):699-732 at 720.

Normative tensions that make intervening is difficult

Just as the normative glasses through which we view humanitarian crises has changed, so, too, have the rules and norms governing our interventions to stop these disasters. States cannot simply intervene in these crises in any way they please. There are well-understood rules they must follow to make their intervention legitimate in the eyes of other states and mass publics, both abroad and at home. Those rules have changed by increments over the past 20, 50, and 100 years and now contain deep tensions that create serious ethical, political, and logistical dilemmas for intervenors.¹¹ In this section I examine several of the most fundamental normative tensions facing intervenors and show how these are not simply isolated matters for ethicists but filter down into the most basic operational details of military action on the ground.

Perhaps the most powerful normative tension surrounding these actions is that between self-determination and humanitarian intervention. International legal scholars, among others, have written extensively about conflicts between such interventions and sovereignty norms, but sovereignty has hardly proved an insurmountable barrier to intervention and, in fact, has always been malleable and conditional in a host of ways.¹² Even among legal scholars, notions of sovereignty are coming under pressure to include understandings that would allow or even require intervention by outsiders in cases of humanitarian crisis and gross human rights abuse.¹³ Underlying much of this malleability of sovereignty

¹¹ Intervention norms have always contained some tensions, albeit different ones from the current array. See Martha Finnemore, *The Purpose of Force*. Ithaca, NY: Cornell University Press, forthcoming.

¹² See Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

¹³ Fernando Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality* (Dobbs Ferry, NY: Transnational Publishers, 1988); Francis M. Deng, *Sovereignty as Responsibility* (Washington, DC: The Brookings Institution, 1996).

are two other sets of norms which I would argue are more basic and more powerful. One is human rights norms, discussed above. The other is self-determination norms, which have come to be intimately connected to human rights. In discussions about whether to intervene in humanitarian crises, sovereignty norms are almost always invoked by those resisting intervention and have become increasingly discredited by those advocating broader humanitarian action. Self-determination norms are more interesting and consequential precisely because even those who support broad and active policies of humanitarian action strongly support self-determination. In fact, humanitarian interventions are often done, in part, to promote self-determination of perceived victims.

Self-determination does not sit comfortably with humanitarian intervention. It is in tension with both words in that phrase: it is in tension with humanitarianism and it is in tension with intervention.

Self-determination vs. Humanitarianism. When we intervene in humanitarian crises we want to save lives and stop violence which is often being perpetrated by officials of the government. Yet, at the same time, we refuse to simply overthrow governments and install new, more humane ones that will protect human rights and guarantee humane treatment of citizens. To do so would violate widely-held norms about self-determination. The tension here lies in the fact that people (or at least some of them) often freely choose to “determine” their fate using violence.

Self-determination may, at bottom, not be a very humane process. Certainly it has not been so historically. If one examines the ways in which states have “determined” themselves in the past, they have killed a great many people in the process. The consolidation of the current array of states in Europe was an extremely bloody process that took several centuries. Self-determination in the United States only occurred through the ethnic cleansing of an entire continent of native peoples and bloody civil war.

The assumption that seems to underlie much of the humanitarian intervention since 1989 is that self-determination can and should only happen through enlightened discussion and the ballot box.

Viewed from an ethical perspective, this may be progress. One might *like* to have peoples “determine” themselves in this way rather than through violence, and raising the ethical bar for the self-determination process might be a good thing morally. However, this view may also be naive, at best, and hypocritical at worst. Citizens of the western states who are pushing this “enlightened” method of self-determination and are doing most of the intervening were not able “self-determine” without a great deal of violence, yet they now expect others to do so. Awareness of this fact often seems to be missing in discussions about how to approach these crises and the kinds of expectations we have of people suffering through them.

Self-determination vs. Intervention. This tension is obvious. Citizens of the west pushing for intervention all profess great support for self-determination, but will go in with troops to change the self-determination process if they do not like either the process or the result. If the political process becomes violent (e.g.. Somalia), the state becomes a candidate for outside intervention; if an elected government becomes violent, the state becomes a candidate for intervention (e.g.. Serbia). This raises the theoretical question: if we force people to self-determine only by the processes and with the results we happen to like, are they really “self-determining”? It also raises practical questions about whether it is possible to force other states to be democratic and humane.¹⁴

This normative tension between humanitarian intervention and self-determination creates a variety of political problems for policy makers and a host of operational dilemmas on the ground for militaries. The most important and most worrisome of these surround the problem of goals--what, exactly, are we intervening for in these crises? What outcome or end state do we want to achieve? One might think, in the abstract, that the logical outcome of a humanitarian intervention would be for the intervenors to install a new humane government that does not abuse its citizens. In fact, something very

¹⁴ For an argument about the widespread illusion of politically “neutral” humanitarian intervention and its effects, see Walter Clarke and Jeffrey Herbst “Somalia and the Future of Humanitarian Intervention” *Foreign Affairs* v.75, no.2 (March/April 1996), 70-85.

like this was an option for intervenors in the 19th century. When the French intervened in what is now Lebanon, then Syria under Ottoman rule, in 1860 they did exactly this. They stopped the killing, brokered new governing arrangements in consultation with other Europeans, put new people in charge, and went home.¹⁵ It is not clear that this kind of imposition of a new government as a solution to mass killing is acceptable in contemporary politics. Increasingly, internationally-shared notions about legitimate government are process-oriented. A legitimate government in contemporary politics is one to which the governed have somehow consented, and the most legitimate demonstration of consent is elections. It is not legitimate for intervenors, even for the UN, to impose a particular solution, much less a specific government, on the target of a humanitarian intervention. The goal of these interventions is always some kind of a negotiated (i.e. consensual) settlement among the parties inside the target state.

Practical dilemmas. A variety of practical and operational dilemmas flow from this valuation of political process, specifically consensual settlement, over imposed substantive outcomes. One is that intervenors may find themselves intervening for a process that includes negotiated settlement and elections, but which ultimately produces precisely the substantive outcomes they were intervening to avoid. This happened in Bosnia. The west intervened to prevent ethnic cleansing, but subsequent elections essentially ratified this result. Candidates who played ethnic and nationalist cards to rally voters were very successful in elections and garnered the lions' share of support. The need for consent also empowers the violent, abusive, and repressive actors who created the crisis in the first place. The need for a consensual solution got Milosovic a seat at the Dayton peace table and gave him leverage over the West. It also brought Foday Sankoh into the intervenors' negotiated government in Sierra Leone, enabling his group to retain control of diamond mines and continue their horrific practices.

¹⁵ A.L. Tiwabi, *A Modern History of Syria* (London: Macmillan, 1969), p.131; William E. Echard, *Napoleon III and the Concert of Europe* (Baton Rouge: Louisiana State University Press, 1983), chapter 8; R.W. Seton-Watson, *Britain in Europe, 1789-1914* (New York: The MacMillan Company, 1937) pp.420-21.

Another consequence of this emphasis on negotiated settlement as a goal is that militaries on the ground find themselves fighting a war without enemies. Reflecting the larger political and social climate, U.S. military manuals on “peace operations” now explicitly incorporate this process-oriented end-state of interventions into their directives. In discussing these missions, the relevant Army field manual says: “[T]he conflict, not the belligerent parties, is the enemy.” It goes on:

As with any mission, commanders at all levels must have a common understanding of the end state and the conditions that constitute success prior to initiating operations. In peace operations, *settlement*, not victory, is the ultimate measure of success...¹⁶

Of course, force can facilitate settlement in a variety of ways (as the Army field manual goes on to describe) but this notion that the goal is negotiated settlement creates practical dilemmas for military personnel using force in at least two important ways.

First, it requires a kind of impartiality and even-handedness that is complicated to execute in practice. Militaries are being asked to fight *for* principles but not *against* any bad guys in these situations. This differs from standard war fighting, where there are clearly enemies. It also differs from policing (another possible model of behavior imposed on militaries in these situations) because there are no criminals one can round up and take to jail. The political end in these humanitarian interventions is neither victory (as in war fighting) nor justice (as it is in policing). The political end is some kind of reconciliation among people who are doing horrible things to each other. To achieve reconciliation, intervenors have to treat all parties as if they were dealing in good faith (even when they are not) and treat them with a kind of even-handedness and impartiality. In the humanitarian intervention model of using force, you have to make peace with the criminals, not lock them up.¹⁷

¹⁶ Both quotation from Department of the Army, *Field Manual 100-23: Peace Operations* (Washington, DC: Headquarters, Department of the Army, December 1994), p.v. Italics original.

¹⁷ Eventually, some criminals may be named and efforts may be made to round them up, as in Bosnia or Rwanda, but in this happens only much later, and very incompletely. It provides little

How one implements this kind of impartiality on the ground is not clear and civilians are not providing a lot of guidance to militaries on these questions. We as civilians are supposed to be controlling our militaries, which means providing guidance, but we have not thought through this problem politically or ethically. We want militaries to “enforce peace” but at the same time we do not want them to mess up possibilities for a political settlement by making anyone mad. Situations such as the reluctance of IFOR troops to arrest war criminals in Bosnia, even though they intervened precisely to stop this kind of criminal behavior, are one logical outcome of this. Such action is the product of this underlying tension between the need for political settlement and the “enforcement” of law and justice.

A second consequence for militaries of having settlement, rather than victory, as a goal is that it makes it difficult or impossible to enter these operations with a clear “exit strategy” already mapped out. Americans, perhaps because they have been scarred by the Vietnam experience, have been particularly fearful of military “quagmires” and have put pressure on those proposing humanitarian interventions to demonstrate that US forces can get in and get out again in a tidy and timely fashion. Increasingly, it appears politically impossible to put US troops into a humanitarian crisis for assistance purposes without a clear plan for getting them out again. The problem is that, if the goal is settlement and reconciliation among the local belligerents, US commanders do not control that outcome; other people do. If you do not control achievement of the goal (settlement), it is difficult to plan for an exit after achieving it since you cannot know how long settlement will take or the terms on which it will be achieved. Often, the terms of settlement involve prolonged stays by intervening troops to guarantee the agreement and provide a secure environment in which reconciliation and rebuilding processes can begin. The more of these interventions we do, the more we are learning that the political requirements within intervening states for deploying troops in these crises (quick in, quick out, home by Christmas) runs directly counter to some of the basic functional needs of achieving lasting settlement in the target

guidance for initial intervenors on the ground.

states.

A third important consequence of this need for impartiality is the premium it places on multilateral action. As John Ruggie and his colleagues have noted, this is an extremely powerful norm in contemporary politics that permeates all kinds of political interaction. Particularly since the end of World War II, multilateralism has become essential to legitimate all kinds of decisions and exercises of authority in world politics.¹⁸ Humanitarian interventions have been no exception. States very much want authorization by some prominent international organization condoning their intervention and, if possible, they want multilateral participation by other states in the enterprise. This has most often translated into intervention by an international organization rather than by a state or states in their individual capacity. The UN has been the most frequent intervener in humanitarian disasters but well-publicized institutional weaknesses of that organization have resulted in diversification of the organizations that intervene, rather than a move toward unilateralism. NATO intervened in Kosovo; ECOMOG intervened in Liberia. This kind of multilateralism did not used to be a requirement for legitimate humanitarian intervention. In the 19th century states could (and did) intervene unilaterally for humanitarian purposes. However, unilateral intervention for humanitarian purposes seems to have disappeared.¹⁹

While multilateralism makes humanitarian interventions easier politically, by making these operations appear more impartial ergo more legitimate, it does not necessarily make them easier logistically. Multilateralism is not the same as “burden-sharing” among states since multilateralism often creates more costs than it reduces. Coordinating with other militaries, particularly those outside of

¹⁸ John G. Ruggie, ed., *Multilateralism Matters: theory and praxis of an institutional form*. (New York: Columbia University Press, 1993.)

¹⁹ See Martha Finnemore “Constructing Norms of Humanitarian Intervention” in Peter J. Katzenstein, ed., *The Culture of National Security* Ithaca: Cornell University Press, 1996, pp. 153-185 for an extended discussion of this change.

NATO where training and equipment are not up to a common high standard or may not be interoperable, is a nuisance and would not usually be the Pentagon's first choice.²⁰ But the reason for these interventions multilaterally is not logistical, but political. While it may not make lots of logistical or tactical sense to have troops from a variety of different national armies mixed together in the intervening force, such multinational participation sends a powerful message of broad support for the operation that is essential to legitimizing it both overseas and with the public back home.

The role played by international organizations²¹

The role of international organizations in legitimating and executing humanitarian interventions is one clear change in the normative structure within which we conduct these operations, but the change in their role is much broader. After the intervention, when we have achieved some kind of settlement, it is international organizations (IOs) who are given the lead roles in reconstructing these states and societies. It is the UN, the OSCE, UNHCR, the World Bank, and innumerable humanitarian assistance NGOs, that implement the settlement agreement and make the myriad consequential decisions on the ground that will determine the fate of the people whom the intervenors acted to save. The reasons for this are worth exploring because they say something about the nature of authority in contemporary politics as well as the sources of legitimacy.

The role of IOs in legitimating and implementing these interventions is related to several characteristics of the kinds of process-oriented end states we now view as legitimate, discussed earlier. First, there is a perception that IOs will somehow be impartial, at least more impartial than any state, in the implementation of internationally-legitimate processes for choosing new governments (like elections.) No one would even consider asking a national government to come in and run elections in

²⁰ Interviews with Pentagon officials.

²¹ This section draws heavily on my essay with Michael Barnett, "The Politics, Power, and Pathologies of International Organizations" *International Organization* 53,4 (autumn 1999):699-732.

Bosnia, Kosovo, or Cambodia. The only entities that have this kind of legitimate authority are international bodies. Related, there is a sense that IOs embody some kind of “international will,” international opinion, or some generally accepted principles that are broader than the interests or views of any one state. This kind of representativeness adds to the credibility of these organizations in a world where consensual and participatory decision making are the most legitimate forms of decision making in political life. Finally, IOs are now able to lay claim to some amount of expertise in the business of reconstructing states and running elections. At a minimum, they have experience at it, which is often equated with expertise.

The fact that impartiality, expertise, and a commitment to principles over particularistic interests contributes to authority and legitimacy is suggestive. It suggests that we are investing more authority internationally now in rational-legal bodies in much the same way Max Weber observed a century ago at the national level. International organizations are, after all, bureaucracies, and we are busily bureaucratizing “global governance” of all kinds, including humanitarian intervention, in much the way Prussia was bureaucratizing domestic governance in Max Weber’s time. It is therefore worth entertaining the possibility that the reasons for this, and the implications, may be similar to the ones Weber identified.

Weber recognized that bureaucracies and organizations run on a very particular form of authority—rational-legal authority. It is a form of authority legitimated by both the impersonal rules through which it works (which we tend to see as fair and equal because they are impersonal) and by its reliance on deploying expertise and specialized knowledge to solve problems (which we tend to think must be more effective.) It is a form of authority that modernity particularly values and views as legitimate and ethically “good.” Certainly the general impersonal rules by which bureaucracies exercise their power are widely viewed as more legitimate and more authoritative than other sources of authority that have commanded respect in the past—dynastic affiliation, religion, or even simply the will of Great

Powers. In contrast to these, the rational-legal authority of IOs appears principled, impartial (*ergo* fair), and knowledgeable. These IOs, after all, are staffed by “experts” in their areas of speciality who have clear, rational procedures for what they do (at least in theory.)

This trend, whereby we create more organizations, treaties, regimes, international laws and other rational-legal authorities to govern international life, has broad implications for world politics. It means that in many contexts, international organizations like the UN and OSCE are more legitimate actors than individual states. States, after all, are generally understood to be safeguarding their own particularistic interests; indeed, state leaders have an ethical duty to safeguard their citizens. IOs, by contrast, are both products and producers of general, impersonal, and international rules of accepted, civilized behavior. They are created by treaties--generalized rational-legal rules--and (in theory) act according to those rules. As a consequence, IOs become uniquely legitimate actors in world politics. They can do things that individual states cannot legitimately do, for example, reconstruct other states. If a state unilaterally were to go into a humanitarian crisis situation in another state and stop the killing, organize a new government, and try to reconstruct that society by itself, these actions would be viewed as a form of colonialism and the reconstituted government viewed as a puppet. For this kind of reconstruction to be legitimate, it must be done by IOs.²²

As with other features of the normative landscape, however, this role for IOs is not without problems. The same qualities that make IOs authoritative and legitimate--their impersonal rules and their use of expertise--can also lead IOs to behave in self-defeating ways that undermine their overall missions. IOs can become so attached to their impersonal rules that the rules become ends in themselves, eclipsing the goals for which the rules were chosen in the first place. For example, IOs have clear rules for choosing new governments in reconstructing humanitarian crisis states: new

²² States do, of course, take this kind of action anyway at times. Other states may accept these actions as inevitable in certain situations, but they will not accept it as legitimate. To the extent intervenors value legitimacy, they will work through IOs.

governments must be the product of elections. IOs may be right that, in general, elections produce more stable and just governments, but in particular instances they can be destabilizing. However, rules are rules, and IOs often proceed with elections even when they know that elections will be divisive and destabilizing. Similarly, the UNHCR has rules about how it treats refugees that lead it to provide aid to all-comers, regardless of their political opinions. These rules flow naturally from the humanitarian first principles which the organization embodies but in practice may prove counterproductive. In Congo, for example, UNHCR found itself sheltering many of the same Hutu *interhamwe* militia members who had committed the genocide. Further, the UNHCR found its camps being taken over by these militias who began to use them as bases for renewed anti-Tutsi attacks across the Rwandan border.

These dysfunctional tendencies in IOs may not be any worse than the flaws in other possible methods of accomplishing reconstruction tasks. They may, in fact, be preferable. My point is only that we are off-loading large pieces of these humanitarian operations onto international organizations without thinking through the adequacy of these entities for their assigned tasks. Some inadequacies are clear and have been widely discussed: IOs have insufficient resources and some, like the UN, were not designed for the kinds of military missions with which they have been charged in recent years. Other relevant features of these IOs have been less fully thought through. One such feature is the paradox that the same characteristics that make bureaucracies effective and legitimate at performing complex social tasks (their rules and expertise) can also make them ineffective and dysfunctional. Another neglected feature of this relocation of authority to international bureaucracies is its consequences for accountability and representation. Max Weber understood very well that bureaucracy, for all its virtues, would also be unresponsive, repressive, and unaccountable. What recourse, for example, do citizens in Bosnia or Kosovo have against the army of international civil servants and NGO staff who decide the outlines of their reconstructed polity? What methods do they have to demand accountability? As we expand the scope of authority for IOs, it is becoming clear that the “democracy deficit” is not simply a problem for

the European Union. The demonstrations in Seattle are evidence that this is a broad problem of global governance, and its impacts on people at the receiving end of humanitarian interventions requires some extended consideration.

Conclusion

It is hardly original to argue that humanitarian interventions are difficult to carry out. The question I have tried to engage is *why*, exactly, these operations are so difficult and why success is often elusive. The answer is important both because it sets the direction of policy initiatives and determines the ethical imperatives one sees in these crises. If you think that these humanitarian crises are intractable because they flow from ancient hatreds among ethnic groups that go back hundreds of years, then the logical policy prescription is to ignore them. No action on the part of intervenors will change such a dynamic. Evidence rarely supports this view, however. Most of these conflicts and humanitarian crises are happening in places where the parties lived together peacefully for long periods prior to the current disaster. These conflicts have a variety of different causes; ethnic hatred is only one. Some may be more tractable than others, but the biggest problem in all these mass killings is a generic one: it is difficult to get people to trust each other and live together after horrendous violence has been done. That is not a new feature of these conflicts; it is always true of any conflict.

All violent conflicts are difficult to resolve. What is new, or newly difficult, about these humanitarian intervention situations is not the fact that these groups are killing each other or hate each other. What is new is the array of political options we as outsiders (and potential intervenors) have for dealing with them. We have fairly high performance standards for both these troubled states and for ourselves in these situations. There are enormous tensions between the demands we make for all governments to keep control of their societies only through non-violent, rational-legal procedures when the social, cultural, and physical infrastructure for such governance is often thin. There are tensions, too, in the kinds of legitimate responses we as outsiders feel we can take--tensions between self-

determination and humanitarianism, between self-determination and intervention, between peace and justice, between humanitarianism and accountability.

These tensions in the Western intervenors' ethical universe are a large part of what makes humanitarian intervention so difficult. It makes it difficult to craft politically acceptable solutions that will achieve the ends intended. In moral terms, however, these interventions may be difficult for the "right" reasons. At the risk of some simplification, I suspect we are finding these operations difficult in part because we are demanding better (in ethical terms) policy solutions than we ever have before. Features of these interventions that plague us now were simply not matters of great concern to policy makers or publics 50 or 100 years ago. In earlier eras, peace simply got imposed, repression was part of that process, and if a lot of locals got killed during these interventions, that was an unfortunate but necessary part of political life. Many of the paradoxes and tensions I have outlined here come about precisely because people are not willing to settle for this kind of solution any more. Intervenors cannot simply impose a peace of their choosing; some kind of consent is required. International law now demands due process and other legal protections for perpetrators of genocide and ethnic cleansing.

Current efforts to deal with these humanitarian crises according to these more demanding ethical criteria may fail. Western intervenors may become frustrated and simply stop intervening to help in these situations. But before we turn our backs, we should consider that part of the reason we are finding these situations so difficult is that we have raised the bar for ourselves and are holding ourselves to more demanding criteria than we ever have before. This strikes me as a reason to continue struggling with these contradictions and to be a bit more patient as we work toward solutions.