

# How should America react when bad things happen in unimportant places?

Written by Joely Denkinger

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JOELY DENKINGER, JUL 30 2011

### How should America react when bad things happen in unimportant places?[1]

The short answer is that the response depends entirely on who you ask. Some would say that if the events are really bad, America, and everyone else, should do everything possible to stop them, regardless of the location. Others would ask for elaboration on the term 'unimportant' using various criteria including, but not limited to: geographical location, presence of Western news media, relation to a recent conflict, size, American historical connection, possession (or not) of nuclear weapons, and even – god forbid – the presence of valuable natural resources. Depending on how 'unimportant' the place turns out to be, the answer could range from “do nothing” (read: push for sanctions), to “send in the troops!” Yet another group of people would say that the same bad things are unacceptable and, ideally, they should have been prevented, and now that they are happening, we would love to stop them immediately, but there are certain considerations.

The point of giving the cynical answers above is to illuminate that there is not one answer to the question. The objective of this essay is neither to answer the question, nor to pick the best answer. The objective of this essay is to explore how America arrived at an answer in the past, and the ways it might do so in the future. Thomas Friedman answers his own question by proclaiming that apparently “the cruise missile (was) the Clinton team’s weapon of choice for combating evil in unimportant places.”[2] This essay will discuss ‘Humanitarian Intervention’ (HI) by examining why it has become a reaction to the question, how it was used by the US and NATO in Kosovo, and its normative and practical implications for the future. Here, HI will be defined as:

“The threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.”[3]

Under the HI umbrella, there is both authorized intervention, which has United Nations Security Council (UNSC) approval, and unauthorized intervention, which does not have such approval.

From the above definition, it is immediately clear that HI is at odds with fundamental principles of the international system: state sovereignty and non-interference in domestic affairs. These principles underpin the current ‘Westphalian’ system, and along with self determination, are important to ensure security for the citizens of states and to allow the ‘common good’ to flourish. An International Society perspective would approve of the Westphalian system because it allows for different conceptions of the ‘good.’[4] It cannot be said that every local society will have the same conception of the ‘good,’ and the role of the norms of non-intervention and self-determination is to avoid a situation in which one conception is privileged.[5] The pluralists within the International Society perspective focus on how the existing rules provide for an international order among states sharing different conceptions of justice.[6] They see HI as a violation of the cardinal rules of sovereignty, non-intervention, and non-use of force enshrined in the UN charter.[7] Therefore, attempts to pursue individual justice through HI, especially if unauthorized, place in jeopardy the structure of the inter-state order. But what happens when a sovereign state is clearly facilitating a conception of the ‘good’ which is not just different, but clearly not ‘good’ at all?

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The conflict between state sovereignty and massive violations of human rights has generally been addressed either as an evolution from the traditional view of 'sovereignty as authority' to 'sovereignty as responsibility,' or through an expanded definition of what constitutes a 'threat to international peace and security' under Chapter VII of the UN charter.[8] As for the latter, the UNSC "shall determine the existence of any threat to the peace, breach of peace, or act of aggression" and it "may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."[9] The wording here is vague, allowing for changes over time in the types of conflict that are seen to threaten international peace and security. Most instances of HI since the Cold War have involved Chapter VII UNSC resolutions that refer to the trans-border effects of humanitarian crises.[10] For some, an expanded definition of 'international peace and security' which leads to an HI authorized by the UNSC would justify the violation of sovereignty and non-interference from a *legal* standpoint. But if one is concerned not with the legality, but with the *legitimacy*, or even morality, of HI, then the concept of 'sovereignty as responsibility' is more fruitful.

Many liberalists, and the solidarists within the International Society perspective, emphasize the defence of human rights through intervention, seeing sovereignty as an 'instrumental value' which is useful under some conditions, but is not sacrosanct.[11] The solidarist claim is as follows: "states who massively violate human rights should forfeit their right to be treated as legitimate sovereigns, thereby morally entitling other states to use force to stop the oppression."[12] Henry Shue maintains that "sovereignty should be conditional upon performance, and performance should be judged by international norms."[13] This begs the question: who decides what qualifies as an 'international norm'? If the fairest answer is that all of humanity should decide, then 'moral minimalism' is a useful conceptual tool. Michael Walzer shows that for any concept, i.e. justice or peace, there is a 'thick' understanding embedded within a particular culture, place, or time, and a 'thin' understanding that identifies the concept enough so that anyone can recognize the idea and can then apply their own 'thick' concept to it.[14] If it is possible to identify the *bare minimum* of rights shared between all peoples and cultures, chiefly the rights to life and security, then it is possible to reach a standard of performance with which to judge sovereign states. These minimum rights are the ones that are violated in extreme cases such as genocide, ethnic cleansing, or mass murder of civilians. If one talks of 'moral minimalism,' it can be said that most people would recognize these acts as fundamentally unacceptable.

HI, however, in theory and in practice will most likely not be able to escape from accusations of selectivity, and that is one of the reasons why some view the 'emerging norm' of HI as problematic. From the realist or 'international anarchy' perspective, humanitarian intervention is seen to be no more than a mask for the interests of states, whose governments do, or should, confine their aims to the pursuit of the 'national interest.'[15] Indeed, the decision to intervene is rarely ever decided on the basis of humanitarian need alone. The reality is that although the UNSC can authorize military action across borders, it "cannot conduct military operations on its own... that is the business of sovereign states."[16] This results in a reliance on member states' forces, and the political processes within those states. As a result, a member state's decision to engage in a particular instance of intervention can never be based solely on humanitarian grounds. E.H. Carr warned that:

"the fatal dualism in politics will always keep considerations of morality entangled with considerations of power. We shall never arrive at a political order in which the grievances of the weak and the few receive the same prompt as the grievances of the strong and the many."[17]

Andrew Boyd, in a rather satirical reflection on the UN, highlighted the objection of many third world countries to the idea of removing threats to peace and security using force with UNSC approval. During the early years of the UN, the norm of HI had not advanced as far as it has today, but the idea of UN peacekeeping was discussed in similar terms. Many objected to a world order in which "the mice could be stamped out, but the lions could not be restrained." Unfortunately the 'lions' said that they were going to "do the lion's share of the job of the peacekeeping and therefore had a right to hog control of it."[18] The 'lions' of today – those who contribute the military might to HI operations – are not quite as explicit about 'hogging' control, but there is an implicit understanding that without their support, HI cannot take place.

The resulting North-South dimension, and the perceived 'superiority' behind HI thus presents a major problem. Even if a 'moral minimalism' can be agreed upon, "the paternalism of the 'White Man's Burden' is a tradition that has not been forgotten... however inappropriate the reference to Kipling might be."[19] The most outspoken critics of the

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United States' brand of HI readily point out that "the self described bearers of enlightenment happen to be the rich and powerful, the inheritors of the colonial and neo-colonial systems of global domination: the north, and the first world." [20] To complicate matters, although the initial aim of an intervention may be to relieve human suffering, the 'surgical strike' so beloved in the west is not enough to resolve a complex conflict, generally bound up with ethnic divisions and struggles for self determination. Interventions thus require not just short term relief and support for a new political authority, but a prolonged effort in state building. [21] Although a sustained international presence may be crucial to maintaining stability, it raises questions about self-determination and the accountability of western-sponsored transitional authorities. [22] The imperialist implications contained within HI are especially concerning when combined with the accusations of selectivity, and the reality that the capability to intervene belongs to the states (generally the US and its Western allies) with the military capacity to do so.

The liberal concept of self determination is involved with HI at a theoretical and practical level, because self determination, and liberalism, both encourage and discourage intervention. [23] In the traditional sense, almost by definition, the doctrine of self-determination would have advocated non-intervention in the affairs of other states. John Stuart Mill used the analogy between achieving freedom in a community and searching for virtue in an individual: "they cannot be set free, as he cannot be made virtuous, by any external force." [24] He maintained that while self-determination was a right that all peoples should have, it did not necessarily mean they would create states pleasing to liberalists, consistent with the notion that 'people get the governments they deserve.' The argument here against armed intervention to protect civilians and promote human rights and democracy is that these things must derive from self-government, not from laws or regulations imposed by foreigners. [25] It is particularly important in light of the long-term, stability-ensuring measures attached to intervention and the imperialist implications explained above.

This justification for non-intervention, however, is not acceptable according to the version of liberalism that is based on an elevation of the individual above the state, not subordination of the individual to the state. There has been a normative shift in international law, from the past tendency of declining to see individuals as subjects of international law, stressing the rights of states instead, to the current tendency of addressing the 'rights of peoples' and accepting the international human rights regime. [26] Even further in this direction is the emergence of a 'global civil society' perspective which stresses individual rights and moves away from state-centred approaches towards concern with individual empowerment and personal autonomy. [27] So, the original understanding of self-determination, and the corollary of non-intervention, is a way of protecting the rights of the state, and the more recent understanding is that self-determination applies to people within the state. At the end of this process of evolution towards 'civil society' is "the freedom of the individual: first protected by the state, and later from the state." [28] At the same time as self-determination demands non-intervention, and the need for states to determine their own government and fate, it also advocates the rights of groups and individuals within the state to determine *their own* destinies, which may or may not be in conflict with that of the state.

Since self-determination is often used in the context of nations, it is helpful to consider two categories of nation that relate to the different understandings of self-determination: the liberal nation, and the romantic nation. The liberal nation is predicated on the "autonomous individual as the rights bearer," while the rights of the nation are only of value as far as they promote individual welfare. [29] This conception of the nation is congruent with the modern notion of self-determination, the emphasis on individual rights, and the 'global civil society' perspective. The romantic nation, on the other hand, accords primacy to the communal right of the nation, not the rights of individuals, and the essentially cultural and sentimental approach stresses 'exclusionary authenticity.' [30] According the right of self-determination to nations of the more 'romantic' leaning may in some cases unleash some of the darker forces of nationalism, and its horrific consequences as witnessed during the Second World War and beyond. A major facet of the American New World Order, dating back to Wilson's fourteen points, has been to promote self-determination – specifically the liberal, *democratic* variety – throughout the globe. Democratic self-determination is thought to be in America's national interest because it channels nationalist energies in a favourable direction. Indeed, the term 'Wilsonian' generally describes the view that ultimately, democratic governments alone can provide the stability the US needs abroad in areas where its national security interests are compelling. [31] In his presidential campaign, Bill Clinton proclaimed that, "no national security issue is more urgent than securing democracy's triumph abroad." [32]

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The concept of self-determination plays a part in situations which call for intervention by members of the international community. In the majority of the world, states with mixed ethnic composition are the rule, and their cohesion is threatened by “subject ethnic groups seeking autonomy or independence on the basis of doctrines of nationalism and self-determination.”[33] This raises concern about the extent to which the idea of self-determination can be applied. The above arguments about rights and self-determination could be applied *reducto ad absurdum*, and “is it really possible that *any* division of the human race could have the right to self determination?”[34] If this is true, there could be an unravelling of the current state system, and an end to the idea of state sovereignty to protect individual security and act as the ‘local agent of the common good.’[35] Without corollaries of a guarantee for minority rights within nation-states and common international norms of law and democracy, self-determination may lead to a denial of human rights and a potential for conflict.[36]

Therefore, notions of national and individual sovereignty have become linked, highlighting the conflict between order and justice, and duty to the community versus rights of the individual.[37] In practice, this conflict has been reconciled by granting the right of self determination to all colonies, but ensuring that it takes place within pre-existing boundaries determined by the colonial powers, or former federal systems (such as the USSR and Former Yugoslavia).[38] Many of the HI conflicts stem from the struggles of self-determination within those borders, especially when they enclose one or more communities who do not want to live together, or under the particular form of government, or leader, that has emerged out of the process of ‘self-determination.’ The possibility of HI will probably be implicated with some regularity in the process by which an aggrieved ethnic group segues from demands for its protection of minority rights to a struggle for self determination.[39]

The situation in the Kosovo region, part of the Federal Republic of Yugoslavia (FRY) in 1998, thus put the US and its allies in a particularly difficult position. The issues included self-determination of the Kosovars, the above-mentioned legal and moral considerations regarding HI, and several case-specific and related issues outlined below. The history of the situation is too complicated to explain in detail, but it is worth noting that Kosovo’s situation was embedded in the history of the region, and linked to the recent and ongoing conflict in neighbouring Bosnia. The dialectic of order and justice had been present since Croatian and Slovenian declarations of independence from the FRY in 1991; the principle of maintaining territorial integrity in the region was placed at odds with the right of peoples to self-determination.[40] The principal humanitarian arguments to justify NATO’s eventual use of force in Kosovo in 1999 were as follows: Serbian actions to forcibly expel the Kosovars were creating a supreme humanitarian emergency, the Serbs were again committing crimes against humanity – possibly genocide – with the wars in Croatia and Bosnia as a precedent, and the Milosevic regime’s use of force against the Kosovars challenged global norms of common humanity.[41] However, neither of the exceptions to the Article 2(4) UN Charter prohibition on the use of force – self defence, or UNSC authorization under Chapter VII – applied to NATO’s bombing campaign on the FRY in the spring of 1999.[42] NATO was not able to secure UNSC approval for its intervention in Kosovo, due to the views of several permanent Council members – particularly Russia and China. NATO governments maintained, however, that military action was justified even if not technically authorized.[43]

The case of HI in Kosovo is exceptional because although it was illegal, it was considered to be legitimate. Although the NATO states have been “reluctant to suggest that they acted on the basis of clear legal principles”[44] they sought to legitimize their actions on humanitarian grounds, and in the context of previous UNSC resolutions concerning the Kosovo situation: 1160, 1199, and 1203. The FRY had refused to comply with these resolutions, particularly resolution 1999 which had called for a ceasefire, actions to avert the impending humanitarian catastrophe, and an end to “all action by the security forces affecting the civilian population and the withdrawal of security units used for civilian repression.”[45] Although the UNSC did not approve NATO’s decision to use force, the UN Secretary- General was remarkably supportive of their action, and the UNSC did not condemn it.[46] The vote in the UNSC which defeated a Russian resolution to condemn NATO’s bombing was historic because, for the first time, seven members either legitimized, excused, or acquiesced to the use of force justified on humanitarian grounds in a context where there was no express Council authorization.[47]

The future implications of this fact are significant, for both authorized and unauthorized interventions. Overall, it means that humanitarian concerns are emerging as the most legitimate – perhaps even only – way to justify the use of force across state borders, regardless of the other motives for action. Consider the degree to which humanitarian

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rationales were voiced by American and British officials to bolster public support for an attack against Saddam Hussein, even though “the primary *casus belli* was Iraq’s possession of weapons of mass destruction.”[48] The United States may have drawn a slightly different conclusion from the ‘exceptional illegality’ of Kosovo compared to some of the other NATO members’ ‘never again’ and ‘slippery slope attitudes’: that UNSC authorization is always preferred, but not always required.[49] Yet, it is worth noting Secretary of State Madeline Albright’s remarks that the air campaign in Kosovo was, “a unique situation *sui generis* in the region of the Balkans,” and it was important, “not to overdraw the various conclusions that might come out of it.”[50] It remains to be seen whether the norm is unilateral US (and ‘coalition’) military action cloaked in humanitarian rhetoric, as was the case in Iraq, or if the US is still committed to multilateralism and working within the UN legal framework, as appeared to be the case initially in Libya.

Finally, in terms of factors contributing to NATO’s decision to pursue an air campaign in Kosovo, there were limits to humanitarianism as a motivating factor. Some argue that the decision to use force cannot be explained by realist, or Realpolitik, logic because Kosovo represented no threat to American security in any traditional sense; thus, “Wilsonian principles were the dominant driving force of Western foreign policy in the Balkans.”[51] Political considerations, however, were most certainly present. British Foreign Secretary Robert Cook argued that maintaining NATO credibility was also a key determinant, particularly because the previous 12 months of diplomacy with Milosevic had been underpinned by the supposed credible threat of force.[52] The belief that Milosevic would back down in the face of a credible threat was put to the test when NATO began its air campaign against the FRY in the spring of 1999. Yet, there was reason to believe that Milosevic would not back down easily, and that the operation could become drawn out, escalating the violence before making it better, and resulting in even more civilian displacement and casualties. When US diplomat Richard Holbrooke visited the FRY after the failures of the ‘October Agreement’ ceasefire and the Rambouillet proposal, he asked Milosevic if he knew what would happen if they could not reach an agreement. Milosevic allegedly replied, “Yes, you will bomb us.”[53] The fact that NATO’s campaign in Kosovo was explicitly limited to the use of airpower reduced its effectiveness, raised concerns about proportionality, and may have prolonged the intervention.[54]

In any case, the humanitarian motives behind NATO’s action have to be located in the context of the overriding constraint that the operation be ‘casualty free,’ dictating the selection of bombing as the means of intervention.[55] Without this guarantee, there would have been no intervention, highlighting the limits of the global society and ‘moral universalism’ perspective often used to claim a right of HI. Kissinger writes that, “in Kosovo, at least, Western democracies confined their risk-taking on behalf of morality to specific altitudes.”[56] NATO clearly understood that intervention could only be sustained if the public was convinced that the interests at stake justify the cost. Both the ‘CNN effect,’ whereby images of large-scale human suffering cause public opinion to push governments towards intervention, and the ‘body bags effect’ whereby images of casualties reduce public support for intervention, were evident in Kosovo.[57] Humanitarian concern is likely to change, or to be overcome by the opinions of others when US soldiers begin to be killed in a battle that is remote from immediate US security interests.[58] The CNN effect produces public interest in intervention, while the body bags effect begs the questions: is the cost of intervention too high? Were the appropriate means used? These two effects work at cross-purposes, and NATO’s decision to limit the intervention to airpower, refusing to put ‘boots on the ground’ highlights the effort to balance these two effects by ‘doing something,’ while trying to limit casualties, specifically those of NATO troops. These are political considerations, and if the decision regarding the means of intervention had been based solely on humanitarian concerns, the outcome may have been different. NATO commander General Wesley Clark admitted that “air power alone cannot stop paramilitary action,” referring to the actions of Milosevic’s security forces against the Kosovars, and that averting ethnic cleansing would have required not only air power but also the major commitment of ground troops.[59]

Indeed, within weeks of the start of the bombing, thousands of Kosovars were killed, 500,000 were driven from their homes, and the bombing created a “cover of war for the (Serbian) ethnic cleansers.”[60] Therefore, NATO stands accused of exacerbating the very humanitarian disaster that its actions were designed to avert. The most vehement critics of the Kosovo War maintain that, “with full awareness of the likely consequences, Clinton and Blair decided in favour of a war that led to a radical escalation of ethnic cleansing.”[61] The most disturbing lesson of the air campaign may be that the most effective aspect involved hurting Serbia proper, including its population and

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government, rather than directly attacking Serb forces in Kosovo and protecting the Kosovars.[62] The negative effects of the NATO air campaign raise the basic question at the heart of the HI dilemma: can violent means ever serve humanitarian ends? And if not, then what should the US do when 'doing nothing' is no longer an option. The issue with using military force is that it can be blunt and negative: "it can protect some, by killing others, including innocent bystanders, but it cannot plant or build." [63] In the words of Robert Cooper, "One can punish those who transgress principles, but it is difficult to use force to implement them: bombs can flatten cities... but they cannot create a sense of community or a culture of tolerance." [64]

Protecting civilians against the actions of their own governments is just the tip of the iceberg in most modern cases of HI, particularly in Kosovo. The conflict was tremendously complicated due to ethnic differences, historical tensions, and most importantly, struggles over *self-determination*. In March 1999, before the NATO bombing, a UNHCR briefing note emphasized that "Kosovo (was) a political problem, for which there is only a political solution." [65] The NATO bombing campaign, among other factors, eventually forced Milosevic to capitulate and reach a political solution. Yet, the settlement afterwards emphasized the territorial integrity of Serbia-Montenegro and purported to limit the aspirations of the Kosovars to autonomy *within* the former Yugoslavia. [66] When it came down to order or justice in Kosovo, NATO decided that it wanted both, and settled for justice within the existing order. After all, NATO's intervention was ethically and legally premised on massive violations of human rights, not a Kosovar right to self-determination. [67] The Kosovar desire for independence, however, had been a complicating factor in the conflict all along, especially as the Kosovo Liberation Army (KLA) were aggressive champions of independence. The KLA's terrorist actions provided one of the initial excuses for Serb security forces to take action against Kosovars accused of being KLA supporters, beginning in February 1998. [68] Additionally, the 1998 'October agreement' ceasefire failed to hold because the Kosovars had not been involved in the process, and they resented a settlement that gave them less autonomy than they had under the 1974 Yugoslav convention. [69] The Rambouillet conference from January to March 1999 was aimed at reconciling respect for the territorial integrity of the Yugoslav state with the demand of the Kosovars for a referendum leading to eventual independence. The proposed agreement gave a great deal of autonomy to the Kosovars, and was provisionally acceptable to both sides, but its Achilles' heel was the clause providing for the presence of a NATO-led international force. [70] This was apparently too much for Milosevic to stomach, and shortly thereafter, negotiations broke down, the Serbs began a new campaign of ethnic cleansing, and NATO commenced its bombing campaign.

With issues of self-determination and autonomy figuring highly in the background of the conflict, it therefore seems impractical that NATO would embark on a mission to end the Serb atrocities without supporting independence for Kosovo. However, the principle of impartiality in HI dictates that intervention should be both limited and impartial because weighing in on one side of the local struggle undermines the legitimacy and effectiveness of outside involvement. [71] This principle sounds like common sense: intervene to save civilians, but maintain impartiality and let self-determination take its course. Yet, if the conflict was messy and complicated prior to outside intervention, it will probably remain messy and complicated, or become worse, during and after intervention unless something is done to address the underlying issues, which would probably violate the rule of impartiality. Richard Betts believes that, "if the use of deadly force is to be legitimate killing rather than senseless killing, it must serve the purpose of settling the war, which means determining who rules, which means leaving someone in power at the end of the day." [72] Perhaps before deciding to intervene, the interveners should recognize that there is a choice to be made between securing peace and maintaining impartiality: a trade-off between order and justice.

One possible consequence of the emerging norm of HI is that it may have created a self-fulfilling prophecy. Alan Kuperman borrows the concept of 'moral hazard' from the study of economics to show that the emerging norm of HI raises the expectation of the groups victimized or oppressed by their own governments that the international community will intervene on their behalf. This unintentionally fosters rebellion and violence by emboldening rebels to expect support that would lower the cost of rebellion and increase its chances of success. [73] This is a concerning dynamic, especially combined with the 'asymmetric impact' of prospective HI wherein it is sufficient to trigger rebellion by non-state actors, but not enough to deter genocidal retaliation by the state. [74] This theory does not hold for all cases, and by acknowledging that rebellions occur in the absence of expected intervention, and that genocidal violence is sometimes perpetrated without any provocation, Kuperman saves himself from laying blame on the groups that suffer from crimes against humanity. However, the Kosovars had been disenfranchised and oppressed

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for a decade, but had adhered to nonviolence until the militants of the KLA launched a rebellion in 1998. Kuperman, using evidence from a variety of high-level interviews on both sides, argues that “the rebels launched their rebellion based on a belief that they could attract HI sufficient to attain their goal of Kosovo’s independence at a tolerable cost in retaliation (from Serbian forces).”[75] According to this account, the ideology of self-determination combined with the doctrine of HI played a major role in escalating the conflict in Kosovo until the NATO intervention in March of 1999. The United States may be reaping what it has sown in terms of its New World Order ideals, but unfortunately issues of self-determination often prove hard to resolve via Humanitarian Intervention, and even contradict it in theory and in practice.

So where does that leave America? What should she do when saving strangers is *themorally* correct thing to do, but *politically* and *practically*, it could turn out to be a nightmare? If America is going to put the lives of its citizens at stake in situations where the primary motivation is not national interest, but an interest in common global humanity, then America should be sure that she can get it right, and at least do more good than harm. At the UN World Summit in 2005, the ‘Responsibility to Protect’ (R2P) was adopted by world leaders, and was reconfirmed by the UNSC in April 2006. R2P was published by the International Commission on Intervention and State Sovereignty, and its intellectual origins lay in the concept of sovereignty as responsibility.[76] R2P’s critics say that the evolution from a right to a *responsibility* to intervene is problematic due to all the complications of HI outlined above. They highlight that R2P arguments could be used by states to justify unilateral and self-interested interventions, and could lead to the development of an ideology of ‘military humanism.’ Indeed, even its supporters have been at pains to distinguish between R2P and HI, and to “embed non-consensual force within the broader continuum of measures aimed at preventing and halting genocide and mass atrocities.”[77] Efforts to make R2P part of the UN framework are aimed at preventing unilateral interventions like Kosovo, so that when intervention does take place, it will have a broader base of support, a higher chance of success, and carry less accusations of abuse and selectivity.

On 17 March 2011, the UNSC passed resolution 1973, which authorized the creation of a no-fly zone over Libya and action by member states – short of deploying ground troops – to protect civilians and civilian-populated areas under attack in Libya. It marked the first Council approval of force specifically in the name of R2P.[78] The Libyan rebels calling for the overthrow of Mu’ammar Qaddafi’s regime have made (and lost) advances on Qaddafi’s forces with the help of a *NATO-led* air campaign. The US has flatly refused to commit ground troops, but did recently announce the deployment of *unmanned* predator drones to aid the air campaign. There have been accusations of civilian deaths due to the NATO bombings, and if the accusations regarding Qaddafi’s use of cluster bombs are true, it appears that the violence may be escalating. It is too early to determine if the critiques about appropriate means, proportionality, correct motives, and moral hazard in Kosovo also apply to Libya, but the parallels are certainly striking. But this time, the US and NATO have UN support, and hopefully together they can chart a course of action that at least considers the hard choices between order and justice so that lives are not lost unnecessarily, and the people of Libya have not hoped for liberation in vain.

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