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CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES

NSSC 7

THE EVOLUTION OF HUMANITARIAN INTERVENTION AND ITS IMPACT ON CANADA

By/Par

Colonel Denis Brazeau, OMM, CD

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Abstract

Humanitarian intervention represents an evolution in the relation between states proposing a model that compels nations to prevent conflict and human tragedies, react proactively when prevention fails and help rebuild after a military intervention.

Canada is a committed multilateralist nation and the current government has restated its intent to exercise a greater role in the world. This will create new challenges.

This essay establishes the basic theoretical underpinnings and it explains the evolution of the concept. It then looks in great detail at the practical difficulties inherent in a more integrated approach relating to the presence of both humanitarian and military agencies. As such, it raises concerns related to the concept of 3D – defence, diplomacy and development.

It then answers the questions whether Canada must intervene and if so when and how. It concludes by cautioning Canadians to take the time to create the synergies between the military, the political and the humanitarian agencies and to consider the cultural shifts required by the emphasis on the integrated approach. Finally, it warns that any engagement must remain within its limited political, financial and military means.

Part I – Introduction

In this essay, we will review certain definitions and some of the theoretical underpinnings related to the concept of intervention. The essay will then cover the slow but clear shift from non-intervention after the Second World War to humanitarian intervention today. It will study in more detail the decade of the 1990s because of the scope of change during that period.

It will then examine the consequences of the Somalia mission before exploring the efforts of the Secretary-General to challenge the basic premise of Article 2 (7) of the Charter in support of greater interventionism. It will review the issues of legality and legitimacy in regards to the Kosovo campaign.

The essay will demonstrate how the Secretary-General, at the turn of the millennium, challenged the international community on humanitarian intervention. It will identify the role of Canada in the creation of the 'International Commission on Intervention and State Sovereignty' and review in detail its December 2001 report, '*The Responsibility to Protect*' and its new doctrine on human protection operations. Finally, after the events of 911, it will mention the 'war against terror', the new American militancy and contrast the loss of United Nations influence especially in the United States followed by the latest round of reform proposed by the Secretary-General in March 2005.

After concluding that humanitarian interventions will occur regularly, the essay will then study the interaction between the military component and the humanitarian agencies. It will identify the characteristics of each component and ask whether they can work effectively together.

In the second part of the essay, the focus will turn to Canada and intervention. It will review interests and values, redefine national interests and emphasize the great

importance of values to Canadians. It will then analyze the concept of '3D' – defence, diplomacy and development.

The essay will then address the central thesis of the essay: whether to intervene, when to intervene and how to intervene. As such, it will cover the conditions for intervention and identify the difficulties of early and preventive intervention. It will state the quantity and type of military forces required for intervention; it will have a cursory look at technology and raise the important issue of Canadian leadership.

The conclusion will then restate the major findings emanating for the analysis of the evolution of intervention and the role Canada can play in the short and mid-term following its intent towards a more focused and strategic involvement in the world.

Part II - Definitions

Two definitions are important for the purpose of our analysis: intervention and humanitarian intervention. The Merriam-Webster dictionary defines intervention as:

> "interference usually by force or threat of force in another nation's internal affairs to compel or prevent an action."[1]

Neil MacFarlane offers a more complex and compelling explanation:

> "an engagement in the domestic affairs of a state intended to change (or to preserve) the structure of power and authority within it or a coercive application of force intended to affect domestic political processes and outcomes."[2]

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[1] Merriam-Webster Online Dictionary, available from http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=intervention&x=14&y=15.; Internet; accessed on 25 March 2005

[2] S. Neil MacFarlane, *Politics and Humanitarian Action*. (Providence: Thomas J. Watson Jr.Institute for International Studies, 2000), 13-14

The latter definition is more useful as it reinforces the political aspect and it emphasizes the domestic consideration. It also offers a choice between change and the preservation of the status quo.

Humanitarian intervention is different. The Advisory Council on International Affairs and the Advisory Committee on Issues of Public International Law define it as follows:

> "the threat or use of force by one or more states, whether or not in the context of an international organization, on the territory of another state in order to end existing or prevent imminent grave, large-scale violations of fundamental human rights, particularly individuals' right to life, irrespective of their nationality without the prior authorization of the Security Council and without the consent of the legitimate government of the state on whose territory the intervention takes place."[3]

The definition emphasizes human rights writ large and the notion of lack of consent. However, the Advisory Council has extended this strict definition to include the use of force with Security Council authorisation. The essay will use this latter extended definition throughout. It is an evolving interpretation resting along the realist/idealist continuum of the international system. In order to grasp its evolution, its nature and the role that Canada can play, we must first comprehend its theoretical underpinnings.

Part III – Theories

Michael J. Wheeler uses the "conception of international society provided by the English school to define a very different understanding of humanitarian intervention" that the author will use: pluralism and solidarism.

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[3] Advisory Council on International Affairs and Advisory Committee on Issues of Public International Law. *Humanitarian Intervention*. (The Hague: Advisory Council on International Affairs, 2000), 1

Pluralism espouses the norm of non-intervention. Nicholas J. Wheeler explains that this theory recognizes humanitarian intervention "as a violation of the cardinal rules of sovereignty, non- intervention and non-use of force." He adds that pluralists "focus on how the rules of international society provide for an international order among states" and that to "pursue individual justice through unilateral humanitarian intervention places in jeopardy the structure of inter-state order." He concludes that pluralists are "skeptical that states can develop agreement beyond a minimal ethic of coexistence."[4]

Robert Jackson supports this view in that "intervention is wrong" and if it occurs, "it must be justified or condemned". We must maintain international order and, when we intervene, obtain the consent of the targeted state. Jackson reminds us that "this negative posture" was nowhere better captured than by the UN General Assembly's 1970 'Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States'. "The declaration asserts that intervention violates the spirit and the letter of the Charter."[5]

Pluralists consider "political independence" and the liberty that flows from it as "the most desirable arrangement of international society." When each country is responsible for its own affairs, it follows that in the main, the people will be better off. When "powerful countries" take it upon themselves to assume the responsibility of governance for others, even for worthwhile reasons, they cannot hope to understand the requirements and the needs of those people.[6]

Jackson maintains, "pluralism does not preclude action to assist people in foreign countries." The difference between intervention and assistance is significant because the latter respects the sovereignty of the state. It can include work by NGOs, military training assistance and other technical and economic aid.

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[4] Nicholas J. Wheeler. *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 11
[5] Robert H. Jackson, *The Global Covenant: Human Conduct in a World of States*. (Oxford: Oxford University Press, 2000), 254
[6] Ibid., 314

Pluralists accept that governments with very different value systems compose the international system and they prize above all that "international action be consistent with its basic norms."[7]

Solidarism focuses on "deepening its commitment to justice" in order "that the legitimacy of the international society will be strengthened." For solidarists, "states that massively violate human rights should forfeit their right to be treated as legitimate

will override those of the state especially if the state is unable to protect its own citizens. This is the primary justification for intervention.

Of course, the reality of a particular situation must be interpreted in accordance with the tenets of both theories. These are not abstract concepts because they legitimize international action.

As our understanding expands, the theories will adapt to remain relevant. Their basic premises are useful because they provide a framework to comprehend the competing views within the international system. We will now explore the evolution from non-intervention to intervention from the end of the Second World War until today.

Part IV – Evolution from non-intervention to intervention

From 1945 to 1960

In the early days of the United Nations and in the aftermath of the Second World War, pluralism reigned supreme. Indeed, there were no arguments, legal or otherwise in favor of intervention. The accepted practice was that "there was no place in contemporary international law for a right of intervention."[11] Indeed, Michael B. Akehurst described that international law had "developed a body of rules restricting the (previously almost unlimited) right of states to use force."[12]

Fervent proponents of non-intervention were quick to cite two articles of the United Nations Charter:

> Article 2 (4) – "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political

[11] S. Neil Mac Farlane, 106
[12] Ibid., 37

independence of any state, or in any other manner inconsistent with the purposes of the United Nations"; and

Article 2 (7) of the United Nations Charter – "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." [13]

Chapter VII of the Charter authorizes the Security Council to "impose coercive measures and disregard the general principle of non-intervention in the domestic affairs of states if it determines that a particular problem poses a threat to international peace and security."[14] However, this chapter of the Charter relates to the inherent right of self-defense and the preservation of interests of the powerful states within the international construct rather than on the perceived values of human rights.

The Security Council could not act because of the veto power of its permanent five members. When their interests were in jeopardy, authorization of intervention was out of the question.

The exception was the response to the North Korean aggression of June 1950. This was only possible because of the temporary absence of the Soviet Union from the United Nations Security Council. It had boycotted the body since January 1950 over the issue of seating communist China's representative in the United Nations. When it eventually "dropped its boycott to rejoin the Council, it used its veto repeatedly to block Security Council initiatives." As a result, "the US put forward a resolution called 'Uniting for Peace' stating that the General Assembly could take over if the Security Council vetoed any initiative that was considered important for maintaining peace."[15] This resolution is still in force.

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[13] UN Charter available from http://www.un.org/aboutun/charter/; Internet, accessed 2 April 2005

[14] William J. Lahneman, *Military Intervention: Cases in Context for the twenty-first Century* (Lanham: Rowman & Littlefield Publishers, 2004),174

[15] The United Nations and the Korean War available from http://www.historylearningsite.co.uk/united_nations_korean_war.htm; Internet; accessed 2 April 2005

During this period, the emergence of the two superpowers constrained interventions to matters of national interests. Only matters that did not affect these interests were candidates for intervention. The situation forced the nations to exercise extremely careful management of the issues even for peripheral crises.

The 1960s

The decade of the 1960s experienced decolonization on a grand scale. The new countries opposed unilateral intervention since their inherent weakness attracted the potential attention of overbearing neighbors or of their former colonial masters. Gene M. Lyons and Michael Mastandrino argued, "third world states… are most suspicious of the development of a 'right' of international intervention, which may serve to cloak domination by the major powers."[16]

In 1965, the General Assembly's Declaration on intervention reaffirmed the principle of non-intervention. It asserted, "no state had a right to intervention, directly or indirectly, in the internal or external affairs of another state." For the General Assembly, "armed intervention was equivalent to aggression."[17]

This is not to suggest that interventions did not occur. A case in point was the United Nations intervention at the request of the government of the Congo (ONUC 1960-1964). MacFarlane recollects this mission "highlighted the limits and the dangers" for

1970-1989

For the next two decades, the concept of non-intervention endured, even in the face of genocide carried out by the Khmer Rouge. Skepticism and indifference greeted the 'killing fields' of Cambodia. When Vietnam intervened in 1978, "the four NATO members of the (Security) Council that participated in the debate took the position that even grave violations of human rights could not justify military intervention."[19]

There were other factors at play but intervention was a greater sin than a so-called aggression against non-consensual states. Only the United Nations provided the legitimacy and the justification for armed intervention. It reaffirmed the United Nations Charter in that members were expected to "seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."[20] They could not intervene unless "the dispute was likely to endanger the maintenance of peace and security," the only criteria legitimizing to "take action" as "appropriate."[21]

The 1990s

The end of the Cold War and the demise of the Soviet Union was a watershed event in world history. It left the United States as the sole superpower. It also encouraged a growing "economic interdependence, the rise of transnational actors, nationalism in weak states, the spread of technology and changing political issues."[22]

The early 1990s witnessed the liberation of former Warsaw Pact countries and the decisive victory of the coalition led by the Americans against Iraq during the first Gulf War.

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[19] Ibid., 42
[20] Article 34 of the UN Charter available from http://www.un.org/aboutun/charter/ ; Internet; accessed 2 April 2005
[21] Article 37 of the UN Charter available from http://www.un.org/aboutun/charter/ ; Internet, accessed 2 April 2005
[22] Joseph S. Nye Jr., "Soft Power". *Foreign Policy*, No 80 (Fall 1990), 156.

The effect of economic globalization was intensifying. It translated into economic consolidation in North America and in Europe and in the continuing massive export of jobs to lower-cost developing countries. This was creating 'haves' and 'haves-not'. It was increasing disparity and dislocation, with the continent of Africa falling further behind.

Globalization also involved an explosion in the means, breadth and pervasiveness of communication. The advent of around-the-clock news services and the internet gave unprecedented access to information. It empowered the media outlets that were able to exploit the information. This provoked a fundamental change in people's lives, as the 'global village' became reality. It disrupted our sense of well-being and naivety because the images of violence relayed by the media could no longer be ignored.

Finally, the abandonment of the bipolar construct allowed unprecedented collaboration within the Security Council. For the first time in January 1992, the heads of state acknowledged the expansion of the Security Council's scope of activities with a redefinition of non-military sources of instability threatening peace and security; those applying to the "economic, social, humanitarian and ecological fields."[23]

The involvement in Somalia was a demonstration of the new militancy in intervention. As we know, these efforts foundered in the streets of Mogadishu. The death of American soldiers created public unease and attracted congressional criticism of both intervention and "multilateralism". The extrication of the American forces without "jeopardizing the credibility of the United Nations" was badly executed and it had a "profound effect on American views of the utility of force in addressing the new conflicts" emerging during this period. [24] The failure to stop the genocide in Rwanda was a direct consequence of the Somalia failure.

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[23] Robert H. Jackson, *In Beyond Westphalia? State Sovereignty and International Intervention*, ed. Gene M. Lyons and Michael Mastandrino, 73-88. (Baltimore: The John Hopkins University Press, 1995), 88
[24] William J. Durch, ed. *UN Peacekeeping, American Politics, and the Uncivil Wars of the 1990s* (Basingstoke: Macmillan, 1997), 48-49

William J. Durch points out that the critique within the United States "faulted the administration for supposedly ignoring American national interests in its conduct of foreign policy." He relates Kissinger's viewpoint that the "American administration had failed to relate the use of American force to a concept of the national interest."[25]

It was obvious to all that the nature of war was changing and that intervention would be much more difficult than had been anticipated.

In June 1998, Kofi Annan expressed his views on intervention during the thirty-fifth annual Ditchley foundation lecture. He challenged the basic premise of Article 2 (7) of the Charter dealing with the "protection of national sovereignty even from intervention by the United Nations itself." For Annan, the organization should be a "benign policeman or doctor" and "their job was to intervene: to prevent conflict where it can, to put a stop to it when it has broken out, or – when neither of those things is possible – at least to contain it and prevent it from spreading."[26]

He added the Charter was "never meant as a licence for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power." He cautioned against military intervention, believing that "the most effective interventions are not military" and that "it is much better if action can be taken to resolve or manage a conflict before it reaches the military stage."[27]

Finally, he argued for solving "disputes peacefully at the regional level" if possible without UN involvement. He also proposed that a "small rapid reaction force at the disposal of the Security Council ready to move at a few days" notice would have helped to avert further disasters.[28]

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[25] Ibid., 50
[26] Press Release SG/SM/6613 26 June 1998 available from http://www.un.org/News/Press/docs/1998/19980626.sgsm6613.html; Internet/ accessed 25 March 2005, 1-2.
[27] Ibid., 3,5.
[28] Ibid., 6,8.

The following year, the Kosovo conflict polarized the international community and undermined the legitimacy of the United Nations. Unable to secure Security Council support and eager to placate Milosevic, NATO launched an air campaign against the former Yugoslavia to protect the ethnic Albanians in the Kosovo province.

There was much discussion about the legality and the legitimacy of the action. MacFarlane considers that the "defeat of the Russian resolution condemning NATO's action was a backhanded UN endorsement of the operation." He surmises that the "action was legal because it conformed to general international law based on overwhelming humanitarian necessity."[29] However, for many other states, this campaign was illegal and they rejected outright this so-called humanitarian intervention.

The Kosovo case suggests that the concept of humanitarian intervention was not yet universally accepted as a norm in 1999. The author suggests the main driver for this intervention was the mistreatment of the Albanian Kosovars following a decade of bullying by Milosevic in the region.

In the same year, Kofi Annan challenged the international community during an opening speech of the General Assembly. He asked "if the words 'We the Peoples', in the Preamble of the UN Charter, have meaning, then the threat or use of a veto in the Security Council cannot be allowed to stand in the way of humanitarian intervention." When talking about the Rwandan genocide, he questioned: "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?"[30]

We have reviewed some of the articles of the Charter banning the use of force against states. In the latter speech, the Secretary-General emphasized other articles

[29] S. Neil MacFarlane, 57
[30] Nicholas J. Wheeler, 294

dealing with human rights. Article 3 of the 'Universal Declaration on Human Rights' states that "everyone has the right to life, liberty and the security of person."[31] Article 55 of the UN Charter commits the organization to "promote…universal respect for, and observance of, human rights and fundamental freedoms." Article 56 of the Charter pledges all members "to take joint and separate action" toward this end.[32] Bruce W. Jentlesen adds that even Article 2 (7) is qualified with "the important rider that this principle shall not prejudice the application of enforcement measures under Chapter VII. In other words, even national sovereignty can be set aside if it stands in the way of the Security Council's overriding duty to preserve international peace and security."[33]

Evolution – The New Millenium

The "Secretary-General, in his report to the 2000 Millenium Assembly, challenged the international community to try to forge consensus, once and for all, around the basic questions of principle and process involved with intervention."[34] The Canadian government accepted this challenge. It funded an independent International Commission on Intervention and State Sovereignty whose task was to formulate recommendations for the consideration of the United Nations.

Their report, entitled '*The Responsibility to Protect*', was published in December 2001. We will now turn to this report because it captures succinctly the main underlying principles on humanitarian intervention at the turn of the millennium.

The report embraces three aspects: "the responsibility to prevent, the responsibility to react and the responsibility to rebuild."[35] It has rejected the term

[31] Universal Declaration of Human Rights available from http://www.un.org/Overview/rights.html; Internet; accessed 2 April 2005
[32] UN Charter available from http://www.un.org/aboutun/charter/; Internet; accessed 2 April 2005
[33] Bruce W. Jentlesen, ed. *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War* (Lanham: Rowman & Littlefield, 2000), 346
[34] Department of Foreign Affairs and International Trade, Canada, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), back page.
[35] Ibid., xi

humanitarian intervention preferring to use “intervention or military intervention for the purpose of human protection.”[36] In a sense, the three responsibilities mirror the emerging Canadian concept of ‘3D’ – diplomacy, defense and development – to which we shall return to later.

The report recognizes the reality of a “convulsive process of state fragmentation that is transforming the international order itself.” It warned against the complexity of the new operations and challenged the organization to “fill the current gulf between outdated concepts of peacekeeping and full-scale military operations that may have deleterious impacts on civilians.”[37]

The new approach to intervention on human protection grounds should “establish clearer rules, procedures and criteria for determining whether, when and how to intervene.” It should “establish the legitimacy of military intervention” (when absolutely required), ensure it “is carried out only for the purposes proposed and is effective, and finally eliminate, where possible, the causes of conflict.”[38]

This also raises the difficult issue of coordination. The report recognized the necessity for an ‘integrated Task Force drawing together UN, Bretton Woods and appropriate regional, sub-regional and national institutions to develop specific strategies.”[39] The intent was to expand help to cure not only the symptoms but the underlying causes of violence and conflict.

The other limitation dealt with its inability to mount any action against “major powers.”[40] Finally, the report proposed a new “doctrine for human protection operations” based on the following principles which I reproduce here in their entirety because of their importance:

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[36] Ibid., 9
[37] Ibid., 5
[38] Ibid., 11
[39] Ibid., 27
[40] Ibid., 37

> "the operation must be based on a precisely defined political objective expressed in a clear and unambiguous mandate, with matching resources and rules of engagement;
>
> the intervention must be politically controlled, but be conducted by a military commander with authority to command to the fullest extent possible, who disposes of adequate resources to execute his mission and with a single chain of command which reflects unity of command and purpose;
>
> the aim of the human protection operation is to enforce compliance with human rights and the rule of law as quickly and as comprehensively as possible, but it is not the defeat of a state; this must properly be reflected in the application of force, with limitations on the application of force having to be accepted, together with some incrementalism and gradualism tailored to the objective to protect;
>
> the conduct of the operation must guarantee maximum protection of all elements of the civilian population;
>
> strict adherence to international humanitarian law must be ensured;
>
> force protection for the intervening force must never have priority over the resolve to accomplish the mission; and
>
> there must be maximum coordination between military and civilian authorities and organizations."[41]

Clearly, the application of these principles will require more than just political will. They imply cultural changes, the creation of new structures and a level of commitment unheard of in the name of human rights values and in a wider re-interpretation of the 'threat to peace and security' clause of the Charter.

[41] Ibid., 67

After 911

The final phase of the evolution of the concept of intervention began with the attack against the United States by Al Qaeda on September 11, 2001. The reaction was swift. The United States declared 'war against terror'. They intervened effectively against the Taliban in Afghanistan. They then turned their attention against 'the axis of evil' - a term used by President Bush during his State of the Union address in January 2002 in relation to 'North Korea, Iran and Iraq'.[42]

The new militancy disturbed many world leaders. Elizabeth Pond mentioned, "except for Blair, they were taken aback by Bush's strong conviction that he was sent by God to lead the United States in its hour of need." The religious overtones of the United States President's reaction to 911 and subsequent involvement in Iraq "compounded the mistrust" surrounding American interventionism against 'evil' powers.[43]

Following the decisive military victory in Iraq, the export of democracy surfaced as a main justification for the American involvement in that country. The pre-war justification of the presence of weapons of mass destruction in Iraq was debunked by the United States Senate Intelligence Committee confirming, "assessments on stockpiles of chemical and biological weapons, and if left unchecked, would probably have a nuclear weapon within the decade, were wrong."[44]

Currently, the Secretary-General is valiantly pursuing his reform efforts. His statement of 21 March 2005, outlined in his report 'In Larger Freedom', proposes a comprehensive strategy for consideration by the heads of state in September 2005. In this report, he proposes a better balance between "development, security and human rights" by the "creation of a third Council on human rights." He asks for the establishment of a

[42] State of the Union Address 29 January 2002 available from http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html; Internet; accessed 2 April 2005
[43] Elisabeth Pond, "European Shock and Awe". *The Washington Quarterly*, Vol 26, No 3 (Summer 2003), 193.
[44] Press Conference of 9 July 2004 by Senate Intelligence Committee, Fox News available from http://www.foxnews.com/story/0,2933,125188,00.html; Internet; accessed 6 April 2005.

"Peace-building Commission to help countries make the transition from war to lasting peace."[45] This commission will identify "potential trouble spots, offer help and advice, give warnings and prepare the way for armed intervention as a last resort."[46]

He advocates the adoption of the "principle of the 'Responsibility to Protect', as a basis for collective action against genocide, ethnic cleansing and crimes against humanity." In essence, this proposal "recognises that the responsibility lies first with each individual state, but also that if national authorities are unable or unwilling to protect their citizens, the responsibility then shifts to the international community; and that, in the last resort, the Security Council may take enforcement action."[47]

Finally, he recommends an expansion of the "membership within the Security Council to be more broadly representative and to reflect the geopolitical realities of today."[48]

Conclusion on the evolution of the concept of intervention

The concept of intervention has evolved significantly from 1945 until today. However, there is still no legal framework in support of intervention even for humanitarian purposes. The legal debate still rages on as to whether it is part of customary international law. Despite its mixed record, the United Nations remains the primary path for legitimacy in the use of force. The application of intervention continues to raise the suspicion of weaker countries against major powers and especially against the United States. Its relevancy remains highly subjective. Weaker countries are distrustful of national interest's considerations although the legitimacy of intervention is gaining acceptance.

[45] Statement of the Secretary-General to the General Assembly 21 March 2005 available from http://www.un.org/largerfreedom/sg-statement.html; Internet; accessed 2 April 2005
[46] Paul Reynolds. "UN plan demands more intervention," BBC News, 30 Nov 2004 available from http://news.bbc.co.uk/2/hi/middle_east/4052385.stm; Internet; accessed 2 April 2005, 1
[47] Statement of the Secretary-General 21 March 2005.
[48] Ibid.

It would also be wrong to reduce the arguments in favor or against intervention as "those who are concerned about human rights and those who are indifferent or callous about human suffering." It is really a "debate about the basic values of international society." For Jackson, the "higher responsibility rests with international order and stability." He adds:

> "the stability of international society, especially the unity of the great powers, is far more important than minority rights and humanitarian protections. War is the biggest threat to human rights. War between the great powers is the biggest humanitarian threat of all."[49]

In effect, interventions will remain a valid tool of states to solve humanitarian crises, quell aggressive behaviours or prop up failing states. Most of the interventions will involve a military and humanitarian dimension to which we will now turn before considering the specific case of Canada.

Part V – The military component and the humanitarian agencies

The relationship between the military component and the humanitarian agencies has a strong bearing on a potentially successful intervention. However and although they are not mutually exclusive, the principles underlying both groups' actions are hardly conducive to a shared intent. Training, exercises and the sharing of viewpoints in different fora can reduce this cultural bias. Canada has been at the forefront in this regard with the creation of the Pearson Peacekeeping Centre in 1995.

Practitioners know that cooperation on the ground takes time. They also know that to succeed involves good coordination because of the complex realities facing them. We can certainly do more in this regard. We will now identify the characteristics of the two communities, their limitations and the best avenues of progress.

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[49] Robert H. Jackson, 292-293

Clearly, the military component is much more comfortable when it anchors its participation on “national interests” rather than on purely humanitarian considerations. When the choice comes between “protecting their own troops” and “protecting local populations”, more often than not the latter will have precedence. A renewed emphasis on “combat training for peace-keeping forces” also creates nervousness with humanitarian agencies. The military component will argue that common sense necessitates this emphasis because they cannot fail and they must be able to respond to any unforeseen threat. What is truly important is a shared understanding of the mandate as well as the overall political, military and developmental end-state. There may also be confusion when the military component “arrange artificial deadlines for a quick exit” versus a well thought-out exit strategy.[50]

The shift towards the use of ‘alternate service delivery’ or ‘subcontracting’ of military functions also raises new ethical issues in the relationship between the military component and the humanitarian agencies. The military values of service to the nation and accomplishment of the mission could be sacrificed on the altar of commercialism and the ‘bottom line’. Granted, most contracting relates to support. However, this support is often essential to maintain a military force in theatre. If the military and the humanitarian values collide, it can have dire consequences.

As stated earlier, the Secretary-General accepts the employment of regional organizations such as NATO, the EU or the African Union to deal with conflict if it makes sense to do so. Every regional organization applies its own methods, prejudices and values that may affect the relationship between the military component and the humanitarian organizations. In certain cases, a coalition of states may intervene. Then, the lead-nation of the coalition may wish to impose its views. Finally, at the individual state level, Michael Pugh raises the specter of “states with regional ambitions following

[50] Michael Pugh, “Military Intervention and Humanitarian Action: Trends and Issues,” in Disasters. Special Issue: "The Emperor's New Clothes: Charting the Erosion of Humanitarian Principles.” Vol 22 No. 4 (1998), 344

hegemonic policies" that could disguise naked aggressions as humanitarian interventions.[51]

The threat of the use of force by the military component changes the interaction between the humanitarian agencies, the local armed groups and the local population. If it is part of a "broader bargaining strategy in which the objective is to dissuade so as not to have to reach the point of trying to defeat" the belligerent, it might be quite useful. In many ways, it solves the "security dilemma" and provides a certain form of "reassurance needed for the parties to feel secure."[52] On the other hand, all must understand this overarching strategy.

There is no doubt that if the international military force is "unpopular", it will affect the "room for maneuver" of the humanitarian agencies and complicate "civil-military relations."[53] The quality of the military force becomes a determining factor in the overall analysis of the benefits and costs incurred by the humanitarian agencies.

In reviewing the military dimension, the tendency of the military force to conduct developmental work through 'feel-good' humanitarian projects is often counter-productive. More often than not, these projects have very short-term relevancy. They might not conform to the real requirements of the local authorities. Finally, they may also relate to the accomplishment of purely "military objectives" in a 'hearts and mind' campaign to create a positive climate towards the military force. Jeremy Ginifer adds, "NGOs are only too well aware that it is usually they, and more importantly, the communities with which they work, who will have to live with the consequences of inappropriate cultural, social, political or material solutions provided by the military."[54]

Let us now turn to the humanitarian organizations. Joanna Macrae believes "the humanitarian system is in crisis". She argues there is a "strong belief that relief aid

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[51] Ibid., 346
[52] Bruce W. Jentlesen, 341
[53] Jeremy Ginifer, *Beyond the Emergency: Development within UN Peace Missions* (London: Frank Cass, 1997), 132
[54] Ibid., 135

actually fuels war". She is uncomfortable with the notion that humanitarian organizations believe "they can and should serve a political function".[55] Oliver P. Ramsbotham and Tom Woodhouse explain, "humanitarian interveners come with their own agendas, with their action bound in some way or other to have a political effect on the conflict." They add, "whatever interveners may genuinely believe, conflict parties will perceive them to be partisan."[56] For Andrew S. Natsios, playing politics is essential lest they "serve political objectives unintentionally."[57]

Another difficulty is the humanitarian agencies' belief that resolution to the crises should focus almost exclusively on "internal causes" and that "internal solutions" must be the "primary means" of effect.[58] Mark Bradbury shares this last observation, "the mantra of 'local solutions to local problems' locates the causes of crises firmly within those societies." It may encourage "international disengagement" and the "denial of international responsibility for the genesis and prolongation of humanitarian crises in Africa". He denounces what he calls a "process of normalisation." He conceives that "the real danger is that as programmes change from relief to development …entitlements and access are actually being cut."[59]

Hence, despite a greater demand for humanitarian intervention, the amount of money devoted to international aid has fallen significantly. This paradox may stem from a perception of the intractable nature of the problems facing the failing and failed states, the pervasiveness of corruption and the continuing enrichment of the elites at the expense of the poorer segments of the local populations.

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[55] Joanna Macrae, "The Death of Humanitarianism?: An Anatomy of the Attack" in Disasters. Special Issue: "The Emperor's New Clothes: Charting the Erosion of Humanitarian Principles." Vol 22 No. 4 (1998), 314-315

[56] Oliver P. Ramsbotham and Tom Woodhouse. *Humanitarian Intervention in Contemporary Conflict: A Reconceptualization* (Cambridge: Polity Press, 1996), 220

[57] Andrew S. Natsios, *US Foreign Policy and the Four Horsemen of the Apocalypse: Humanitarian Relief in Complex Emergencies* (Westport: Praeger, 1997), 71

[58] Joanna Macrae, 314-315.

[59] Mark Bradbury, "Normalising the Crisis in Africa" in Disasters. Special Issue: "The Emperor's New Clothes: Charting the Erosion of Humanitarian Principles." Vol 22 No. 4 (1998), 328-335.

Nicholas Stockton evokes four major challenges facing the humanitarian system. Besides the "resolution of local problems by local actors" which we have already covered, he adds "the demonisation of the undeserving disaster victim and asylum seeker; the growing hegemony of the theory of welfare dependency and the end of the age of innocence in media relations with aid agencies." Many agree that these negative perceptions abound towards humanitarian agencies. Stockton disagrees that as "humanitarian aid does not discriminate between just and unjust causes, it acts as quartermaster to all parties and thereby prolongs warfare." He also disagrees that "humanitarian aid diverts attention away from long-term political solutions and focuses solely upon treating symptoms."[60] For Stockton, cutting humanitarian assistance is no panacea.

All organizations including NGOs and humanitarian agencies have experienced difficulties in facing the scope and breadth of increasing humanitarian needs. Most military forces had to adapt to these conditions as well. Because of their less structured approach, humanitarian agencies have struggled to adapt. They need better formal training, more adequate structures and processes to spend funds in more direct support of the needy. Finally, they compete for the attention of aid donors (either countries or private donators). Their marketing strategy is an essential part of their core business. Conceptually, the "challenge is to mobilize public opinion into a new moral and practical commitment to the promotion and enforcement of human rights" that can then translate into more direct aid.[61]

If all goes well, the military force creates the necessary humanitarian space within which operate the humanitarian agencies. Some agencies resent this role as an encroachment upon their independence. Fortunately, most "have accepted the conditionality that comes with military protection." Since the humanitarian space will be

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[60] Nicholas Stockton, "In Defence of Humanitarianism" in Disasters. Special Issue: "The Emperor's New Clothes: Charting the Erosion of Humanitarian Principles." Vol 22 No. 4 (1998), 354-355.
[61] Nicholas J. Wheeler, 310

unpredictable and variable, the humanitarian agencies "must operate wherever there is a need."[62]

There could be several hundred NGOs operating concurrently in any given area. The military component must be aware of the difference in quality between them. Ginifer explains, "ten American and ten European NGOs receive most of the public funds and they have the most resources and the greatest impact." What he calls "this premier league of international NGOs" offers the best and most successful programs.[63] We should focus and leverage these NGOs by increased cooperation and by the use of liaison officers either on a temporary or permanent basis through CIDA (Canadian International Development Agency) or even on a direct basis with the most important NGOs.

Can the military component and the humanitarian agencies work effectively together during an intervention? Some will argue, "military humanitarianism is a contradiction in terms". "Military acts are inherently political and usually connote imposition, whereas humanitarian relief is morally autonomous and, in theory at least, neither politically conditioned nor imposed." The counter argument is that "military humanitarianism is not an oxymoron because military action has often defended humanitarian values and military action is ethical because it is a lesser evil than passivity."[64]

Two approaches can deal effectively with a synergistic military/humanitarian intervention. The "integrated approach" has been favored in the past. It is a "multi-faceted operation combining military security, relief, rehabilitation and development." It attempts to solve issues at a "broad range of levels."[65]

Another method is the "atomistic approach". This favors "dedicated" missions. It concentrates purely on "bottom-up developmental strategies. Such a mission could

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[62] Michael Pugh, 340
[63] Jeremy Ginifer, 117
[64] Michael Pugh, 341-342
[65] Jeremy Ginifer, 11

primarily involve civilian direction and be implemented by UN humanitarian organizations and NGOs." However, observers believe it would require "new and dedicated UN mechanisms" and may require the "creation of a highly professional and tenured UN peace-building service."[66]

Despite their differences in outlook, Ginifer recommends we avoid "stereotyping" the two communities. He believes there is a "common agenda which calls for more systematic conferring between the two parties. Both parties recognize the limits of humanitarianism" and the military force understand their "interventions are no substitute for political settlements and subsequent development."[67] Through cooperation, each party can offset the other's limitations and leverage their particular strength. This can be achieved with greater interaction, more training and dedicated liaison.

Part VI Canada and intervention

Interests and values

When discussing Canada and intervention, we must understand how interests and values interact as well as their priorities and importance.

Realists consider "that military power must not be spent on idealistic efforts, so that it remains available to serve the national interest."[68] However, with the recent evolution towards humanitarian intervention, there has been a willingness to redefine national interest in a wider sense. Joseph S. Nye Jr. has introduced the term 'soft power'. It incorporates within the definition of national interest "values such as human rights and democracy."[69]

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[66] Ibid., 11
[67] Ibid., 139
[68] Jockel, Joseph, and Joel Sokolsky. "Lloyd Axworthy's Legacy: Human Security and the Rescue of Canadian Defence Policy". *International Journal*, Vol 56, No 1 (Winter 2000-2001), 17
[69] Joseph S. Nye, Jr., 23

For Nye, values emanating from democracy, economic and diplomatic means and cultural pre-eminence are "significant sources of soft power." Despite this fact, he warns against "the use of force except in cases where our humanitarian interests are reinforced by the existence of other strong national interests."[70]

Michael O'Hanlon believes that "states can intervene based on their interests and/or their values or a combination of both." He adds that when the state "interests are at stake, they are compelled to act while values are not as compelling."[71] Wheeler confirms; "state leaders will accept anything other than minimal casualties only if they believe national interests are at stake."[72]

The author argues that Canada appreciates its values more than its national interest. This is understandable in a country without a threat to its national survival. Hence, values such as "peace, justice and human rights" are very important to Canadians.[73]

Whether to intervene

In consideration of the evolution of the concept from non-intervention to humanitarian intervention and despite some reservations with the concept, we can conclude that interventions will continue to be needed. However, there are factors we need to consider on whether to intervene or not in a given situation. We will also look at when and how to intervene.

The first point concerns the use of military force as a last resort. The full breadth of other diplomatic and political actions must operate over a reasonable period before considering military means. Secondly, there must be a clear compelling reason for

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[70] Joseph S. Nye, Jr., "Redefining the National Interest." *Foreign Affairs* Vol. 78 No. 4 (1999), 25, 32.
[71] Michael O'Hanlon, *Expanding Global Military Capacity for Humanitarian Intervention* (Washington, D.C.: Brookings Institution Press, 2003), 9
[72] Nicholas J. Wheeler, 301
[73] Department of National Defence. *Military HR Strategy 2020: Facing the People Challenges of the Future* (Ottawa, 2002), 3

military intervention. O'Hanlon suggests "genocide, other mass-casualty conflicts, conflicts in the neighborhoods of great powers, or incipient conflicts that can be nipped in the bud with high confidence of success" as situations that warrant intervention.[74]

Based on Canada's values and interests, the author is convinced Canadians will be willing to commit to intervention in such situations. This would closely parallel the American experience as related by O'Hanlon. He suggests, based on "general polling data, that the American public thinks very pragmatically about the issue of humanitarian intervention: mitigate suffering where that can be done with high confidence, modest cost, and limited duration, but avoid open-ended commitments and high casualties in countries of little direct importance to the United States."[75] This would certainly apply to the Canadian context.

In the final analysis, Canada decides to participate or not to participate. Joseph Jockel and Joel Sokolsky argue, "the government has the luxury of choosing when and where it will commit the Canadian military in support of Canadian values and, if it chooses to participate, to select the level of commitment."[76]

<u>When to intervene</u>

This raises the option of intervening early. According to Haas, the "use of force sooner tends to be better than later"[77] We instinctively accept this principle. However, there is a powerful counter-argument against it. Realists will argue there are benefits in letting the belligerents expend themselves. This may create more victims but it also ensures that the intervening force does not become part of the problem.

Early deployment creates difficulty with the issue of political will. It takes a strong consensus and indomitable commitment to intervene early in a conflict. The

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[74] Michael O'Hanlon, *Expanding Global Military Capacity for Humanitarian Intervention*, 23
[75] Michael O'Hanlon, *Saving Lives with Force: Military Criteria for Humanitarian Intervention,* 3
[76] Jockel, Joseph, and Joel Sokolsky. "Lloyd Axworthy's Legacy: Human Security and the Rescue of Canadian Defence Policy". *International Journal*, Vol 56, No 1 (Winter 2000-2001), 18
[77] Richard N. Haass, 88

perception of the problem must make its way to our domestic population to generate the necessary popular support for deployment. The costs and benefits of the intervention are also difficult to articulate.

The "urge to do something, anything, can lead to ill-considered policies that lack strategic sense."[78] In the rush to contain violence, there is a propensity to deploy too quickly without understanding the second and third order consequences of that decision.

Even the initial use of diplomatic means does not imply a completely neutral or impartial effect. Stephen John Stedman warns, "diplomacy that aims to resolve long-standing conflicts may have to take sides and coerce powerful parties into concessions."[79]

The other tendency will be to deploy limited capabilities that may contain the conflict but will not be able to stop it. This will inevitably create 'mission creep' and it may drag out the problem thus compromising political will and popular support.

Conversely, if we wait too long, the cost in human lives and human suffering could be shockingly high and be morally unacceptable. In addition, experience has shown that "the costs of waiting have proven to be much greater than expected."[80]

Indeed, the importance of timing cannot be over-emphasized. The report, '*The Responsibility to Protect,*' warns, "strategies should be informed by an understanding of whether actors in an emerging conflict are ready to negotiate. Thus, a strategy must first determine if an emerging conflict is ripe for prevention."[81]

How to intervene

In discussing intervention, Haass has identified several factors to consider. While these apply mainly to the American military, three of the factors have special

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[78] Stephen John Stedman, 17
[79] Ibid., 19
[80] Bruce W. Jentlesen, 329
[81] *Responsibility to Protect*, Part I Research Essays, 40

applicability to the Canadian context in order to identify some principles for the Canadian Forces.

One of the factors posits, "too much force is better than too little."[82] Jentlesen reinforces the point when he adds that the "military action needs to be sufficiently strong and assertive in terms of the scope of the mandate authorizing military action, the size of the forces and the rules of engagement to overcome the reluctance of the target to comply."[83] Uncertainty will prevail. To err on too few numbers is a dangerous strategy. It encourages the belligerents to fight the intervening force or to wait them out. It may draw out the crisis. It may force a reassessment of the requirement thus contributing to a form of 'mission creep'. The end-result is political indecisiveness and more suffering for the affected population.

Another factor is that "relevant force matters."[84] Indeed, the correct type of force is essential to a successful intervention. The troops must be flexible. They must understand the particular context of the situation. Heavy, mechanized forces need their armored vehicles to communicate, move and when required to fight. Lighter forces can move by plane, helicopters, and lightly armored vehicles or on foot. Within the context of a three-block war scenario, the ability to fight, conduct peacekeeping and provide humanitarian assistance all in close proximity absolutely requires military forces with the maximum versatility to fulfill these tasks. The mindset of soldiers is extremely difficult to modify in a crisis. Training must occur prior to deployment. In any event, most nations are now transforming their forces into lighter and smaller modules to deal with the uncertainty of the new conflicts.

Finally, "new technologies increase options but are rarely sufficient."[85] Their use may augment considerably the military capabilities of the more modern military forces. The ability to turn night into day, greater mobility and protection, more precise and

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[82] Richard N. Haass, 91
[83] Bruce W. Jentlesen, 343
[84] Richard N. Haass, 92
[85] Ibid., 95

longer-range weapons and the capacity to see from remote locations to name a few are real force multipliers. However, the belligerents will adapt by using asymmetric means. They will hide in the general population and use unconventional means to attack the intervening force. To defeat the belligerents will require capabilities that affect the physical and the moral aspects.

A new development based on the more meaningful role Canada wishes to play concerns its ability to lead a mission. Canada has led before. A recent example was Lieutenant-General Rick Hillier as ISAF Commander and Brigadier-General Jocelyn Lacroix as commander of the multi-national brigade in Afghanistan in 2004. Despite their impressive accomplishments, this is different from taking the lead of a mission at its inception.

Our last attempt was in Zaire in late 1996. A major humanitarian crisis erupted when hundreds of thousands of Rwandan refugees fled into the jungles of Eastern Zaire. The humanitarian emergency evaporated within a month but it left Canada exposed to criticism. There were several reasons for this lack of success not the least of which was the lack of strategic assets and intelligence capability. The lack of support from the Americans was also crucial. Only the Americans have true strategic capabilities, worldwide intelligence assets and comprehensive command and control.

In fact, O'Hanlon believes that only "France and Great Britain [are] candidates to lead smaller operations because of the need to deploy as a minimum an independent brigade!"[86] The implication is that Canada must acquire and train the strategic and operational capabilities required for lead-nation status and develop the necessary doctrine.

Intelligence assets are particularly important. Canadian intelligence capabilities are limited. This implies the need for one or more of the great powers to provide these capabilities or at least their intelligence products.

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[86] Michael O'Hanlon, *Saving Lives with Force: Military Criteria for Humanitarian Intervention*, 12

Finally, an integrated approach is the way to go if an important part of the mission includes the use of military force. Ginifer, when talking about "the concept of an integral mission", recognizes the difficulties of the "linking of strategies".[87] The cultural differences between DND, FAC and CIDA constitute an important obstacle to overcome. Naivety and goodwill will not suffice. Betts warns, "the intervention force will often have to kill people and break things in the process."[88] Canadian public servants must understand this. Both communities must "reinforce each other" and they must de-conflict the "responsibilities and the mandates of all actors."[89]

Part VII – Conclusion

Canada is seeking a greater role in the world. As the most open economy of the G8, it must preserve peace and security to protect its extremely important economic ties with the United States, the Pacific area and Europe. Canadians are comfortable with multilateralism and the use of the United Nations. They are supportive of human rights and they accept a larger interpretation of the 'threat to peace and security' clause when dealing with genocide, ethnic cleansing or crimes against humanity.

During the 1990s, Canada was deeply involved in the world. Recent globalization has only reinforced its perception of the inter-connectedness and the inter-dependency of states.

The government of Canada responded to the Secretary-General's call for a better definition of the principles of intervention. It established and paid for the International Commission on Intervention and State Sovereignty. The '*Responsibility to Protect*' report gave impetus to the importance of humanitarian intervention. It reinforces the latest wave of United Nations reform. However, we will have to wait for the heads of state meeting next September to assess its eventual progress.

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[87] Jeremy Ginifer, 4
[88] Richard K.Betts, "The Delusion of Impartial Intervention." *Foreign Affairs* Vol. 73 No. 6 (1994), 30
[89] Ibid., 109-110

The relationship between the Canadian Forces and the humanitarian agencies is difficult. However, experience has shown that it can work. Better training, more discussions and exchange of viewpoints and a better understanding of our mutual roles are elements of the solution. We can also focus on the most important NGOs in order to have better value for our investment.

Canada must strike an appropriate balance between its national interests and its values. The redefinition of national interests inclusive of values represents a valid model for Canada. It cannot readily translate its considerable soft power into hard power. However, it still provides a measure of legitimacy that counts.

The concept of '3D' is untested. It presupposes a common culture and approach between FAC, DND and CIDA that is non-existent. We must therefore **create** this 'joint and integrated' culture.

The Canadian Forces can deploy highly trained and well-equipped expeditionary capabilities that are limited in numbers. It is doubtful they possess enough strength for any but the smallest missions. Their ability to operate in a three-block war concept in a complex environment is problematic. It still has limited ability to lead. Several strategic level capabilities, such as intelligence and command and control are lacking. The support of the United States in this regard could be crucial to its eventual success.

The author expects the post 911 world to remain focused for the next few years on Iraq, Iran and North Korea. The Americans may not have the means nor the will to intervene for humanitarian reasons in other parts of the world especially with the current drain on its economy caused by the Iraq conflict.

In conclusion, the author believes we have to take the time to create a "military force that is smart, strategic and focused."[90] We must also reinforce the ability of "defence, diplomacy, development … to work in concert." These components are essential to implement the Government's intent to "assert its interests and project its values in the world."[91] Our window of opportunity is very short. We must use this time wisely.

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[90] Speech from the Throne, First Session of the 38th Parliament of Canada (October 2004) available from http://action.web.ca/home/crru/rsrcs_crru_full.shtml?x=68515; Internet; accessed 6 April 2005, 1

[91] Ibid., 13.

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