

Two Decades of Military Interventions: Questions of Law, Morality, and Effectiveness

In the past two decades, the UK has been involved, along with other countries, in many military interventions. There have also been cases in which states have failed to intervene. These actions, and failures to act, have raised a range of questions. In July 2009, a British Academy Forum explored the underlying factors that have led to these interventions, the lawfulness of the use of force, the adequacy of existing international rules and institutions, and the capacity of intervening forces to achieve change. One of the participants, Dr Dominik Zaum, discusses the issues.

In a now famous speech in Chicago in April 1999, at the height of the Kosovo war, Prime Minister Tony Blair set out a strong defence of the principle of humanitarian intervention. In a globalised and interdependent world, he suggested, states could not turn their back on major human rights violations, and common values should under certain circumstances be upheld by the use of force. His call was shaped by the experience of a decade of military interventions since the end of the Cold War, mostly under the auspices of the United Nations (UN). This had demonstrated the potential for states to collectively address challenges to international order, for example after Iraq's invasion of Kuwait in 1990; but it had also revealed the failure of states to respond effectively to atrocities and genocide, as in Somalia, Rwanda, and Srebrenica. The speech set the scene for extensive British military involvement in different conflicts over the next decade. While interventions in Sierra Leone or East Timor seem to have confirmed the effectiveness of outside interventions to provide peace and stability, the experience of apparently open-ended conflicts such as in Iraq and Afghanistan has led to protracted debates about the ability of outsiders to transform so-called 'failed states' and to promote peace and

development through the use of military force. Looking back at the record of two decades of military intervention since the end of the Cold War, a British Academy Forum on 10 July 2009 brought together academics, politicians, senior military officers and civil servants, diplomats, and journalists to examine the legal and ethical questions that have been raised, and to evaluate the utility and consequences of the use of force in the early 21st century. Both the tone of the forum, and its findings, struck a sober note that contrasted with the optimism of the Chicago speech.

Legality and legitimacy

Questions about the legality and the legitimacy of the use of military force have often dominated debates about particular military interventions, especially Kosovo in 1999 and Iraq in 2003. Those two operations were controversial because they were neither explicitly authorised by the UN Security Council nor conducted in defence against an actual or imminent attack, the only conditions under which the UN Charter allows the use of military force by individual states. In particular, the case of Kosovo raised the question as to whether force used for humanitarian purposes could be 'illegal, but legitimate', whether it is a question of international morality rather than international law.

The legality of such humanitarian interventions remains contested. For example, the Attorney General's memorandum on the legality of the use of force in Iraq has argued that, exceptionally, the use of military force can be lawful to avert overwhelming humanitarian catastrophes, but concedes that this interpretation of international law remains

controversial. However, the moral principle that states have a responsibility to protect their citizens has gained traction in recent years, and has been adopted by states at the 2005 UN World Summit. While this 'Responsibility to Protect' (or 'R2P') primarily falls onto the state to which citizens belong, states have in principle recognised that the international community, acting through the UN Security Council, has a residual responsibility if states are unable or unwilling to protect their citizens.



Figure 1. Warrior Armoured Personnel Carriers of the Irish Guards, cheered on by refugees from the Brazda Camp on the Macedonian/Kosovo Border, as they advanced towards Pristina, June 1999. Photo: Captain Jim Gallagher, © Crown Copyright/MOD.

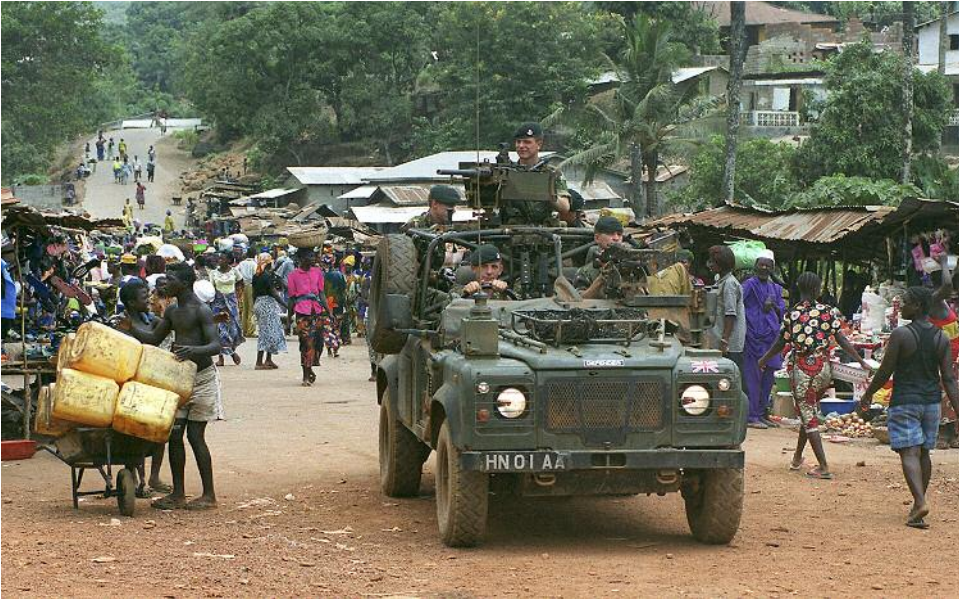


Figure 2. British soldiers on a local protection patrol in Sierra Leone, April 2001. Photo: Kevin Capon, © Crown Copyright/MOD.

substantial local support and have faced few violent challenges. As both the wars in Afghanistan and Iraq were motivated by regime change rather than ending a civil war, there was no consensus among the local political elites as to the nature of the post-war political settlement and distribution of power. As a result, the new political order established with the help of outsiders was met with violent resistance by those groups who had lost or were actively excluded from power, such as Sunni groups in Iraq and the Taliban in Afghanistan.

R2P has moved the discussion away from the conditions under which one might legitimately intervene militarily to protect vulnerable populations, towards the question of how to prevent such abuses from taking place in the first place through conflict resolution and capacity building, and considers only as a last resort the use of military force for humanitarian purposes.

This multifaceted approach to the R2P is also a consequence of the fear of many developing countries that powerful states might abuse the principle to justify military interventions for narrow national interests, suspicions that were nourished by British and American attempts to justify the Iraq war in humanitarian terms, and Russia's invocation of the R2P to defend its military action in Georgia in 2008. Regrettably, this environment has also made it easier for governments presiding over major humanitarian emergencies, such as the Sudanese government in Darfur, to rally support against substantial international military interventions to address these conflicts; and for governments to avoid international scrutiny and censure of the humanitarian consequences of their actions in conflict, as highlighted by the resistance of many developing countries to discuss the plight of Tamil civilians in the aftermath of the Sri Lankan government's war against the Tamil Tigers in 2009.

Local consent

While questions about the international legality and legitimacy of the use force remain pertinent, the wars in Iraq and Afghanistan have highlighted the importance of local legitimacy if the use force is to be effective. Without local buy-in and support, outside interveners rarely have the capacity to achieve their objectives. Forcing change on unwilling or even hostile political elites requires resources that intervening states are unlikely to be willing to commit, or repressive measures that especially democratic states will find difficult to employ. Hence, such interventions require a degree of local consent. Interventions to end a civil war or in support of a peace agreement, such as NATO's robust peacekeeping presence in Bosnia and Kosovo or the British intervention in Sierra Leone in 2000, have generally had

Efforts to engineer a particular political outcome, and supporting certain local elites and leaders seen as sympathetic to an intervention's objectives, are fraught with risks and difficulties. Local actors have their own priorities and objectives, and while they may overlap with those of international interveners, they may at times conflict. This was highlighted most starkly by the recent presidential elections in Afghanistan, which returned the West's partner, President Hamid Karzai, to power, but because of pervasive electoral fraud fundamentally undermined the local and international legitimacy of the intervention. In the worst case, such a policy can deepen divisions within the country and lead to conflict – as in Iraq. Here, the attempts of the US and its allies to entrench a pliant exiled elite in government through elections exacerbated the political and social dynamics that contributed to civil war after 2005. The electoral system contributed to the polarisation of Iraqi politics along ethnic and sectarian lines, and



Figure 3. Time to leave: an Iraqi boy celebrates the withdrawal of U.S. troops, in Mosul, 30 June 2009. Photo: Reuters/Khalid al-Mousuly.

the instrumentalisation of sectarian resentment and fear to maximise electoral gain.

Operational complexities

The experience of military interventions in the post-Cold War period highlights the fact that the 'post-conflict' phase is often more complex, long-lasting, and expensive than the original intervention. In Bosnia and Kosovo, the international military presences established after the end of the conflict have so far lasted more than 13 and 10 years respectively, while in Afghanistan violence is if anything increasing eight years after the fall of the Taliban. While military force can play an important role in providing a reasonably secure environment to engage in reconstruction, statebuilding, and development, these are conflicts that defy a military solution and ultimately require a joined-up effort of all parts of government. The recent emphasis on a 'comprehensive approach' in Afghanistan – both bringing together all the levers of state power, and comprehensively addressing challenges to security and development in the country, ranging from the absence of the rule of law and poor public services, to the drug economy and a violent insurgency – shows that there is good understanding of what needs to be done to succeed. However, translating this into practice has proven far more difficult, for several reasons.

Firstly, in some societies, the idea of 'the state' has very little meaning, instead social ties are defined by loyalty to the tribe or family. Rather than as a protector and provider of public goods, such societies often experience the state as exploitative and coercive. Strengthening the state without appropriate consideration for these alternative ways of organising social and political life can undermine the efforts of outside interveners to improve security.

Secondly, greater effectiveness has been hindered by co-ordination problems, both within the military, and between military and civilian actors in the theatre of operations. Most contemporary military interventions are conducted by multinational forces, often under the leadership of an international or regional organisation such as NATO (as in Kosovo in 1999), or as so-called 'coalitions of the willing' led by a global or regional hegemon (as the US in the 2003 Iraq war, or Australia in East Timor in 1999). Different national contingents of such forces not only often have specific 'caveats' that limit the ways in which they can be deployed, but their capitals might also not share the same understanding of the character of a conflict and prioritise different strategies, making it difficult to achieve unity of purpose. Co-ordination between civilian and military actors is even more difficult, not least because they often don't share a common command structure. In addition, civilian actors tend to be far more diverse, including not only civilian representatives of intervening states such as diplomats and development workers, but also international organisations and non-governmental organisations (NGOs), with different cultures, different perceptions of a conflict, and often a certain distrust of the military. Humanitarian NGOs in particular have been reluctant to co-operate directly with the military, to underline their impartiality in a conflict, and to protect them against attacks from the conflict parties. Such fragmentation stands in strong contrast to interventions such as the Malayan emergency after 1948, where the British military leadership had much greater control over the different

branches of the British state in Malaya, and could direct them in a more co-ordinated fashion in its counterinsurgency efforts, or even some UN operations, such as the international administration of Eastern Slavonia from 1996 to 1998, where both civilian and military command were exercised by a single person.



Figure 4. Afghan President Hamid Karzai holds up his inked stained finger after voting in the presidential election in Kabul, 20 August 2009 – an election marred by electoral fraud which led to the invalidation of votes from over 200 polling stations. Photo: Reuters/Lucy Nicholson.

Thirdly, an effective implementation of a comprehensive approach to military interventions has been inhibited by a lack of political will in the capitals of intervening states. As several participants of the British Academy Forum observed with regard to the British participation in the intervention in Afghanistan, politicians have wanted 'the benefits of taking the decision on intervention ... [wanting] the rewards from the ends, but ... do not really want to understand the ways that will be necessary'; and decide to intervene before being 'really prepared to recognise what it might have to take to get those ends.' The result of this has not only been uncertainty about the political objectives of ongoing military interventions in particular in Afghanistan, but also concerns about insufficient planning for the 'post-conflict' period, and about the implications this has for the resources required for and available to the operation. As the public controversies over casualties and equipment shortages among British troops in Afghanistan show, such uncertainty about the political objectives of the intervention are likely to undermine the public support for the use of force at a time where the cost in lives and treasure of the intervention in Afghanistan continues to rise.

Lessons

What then is the legacy of two decades of military interventions since the end of the Cold War, and in particular of the two most recent major interventions, in Afghanistan and Iraq? Perhaps the clearest lesson of the post-Cold War era is that when states decide to intervene militarily, it is important that they understand the history, culture, and in particular the language of the societies they are intervening in – criteria that are notably absent from those enunciated in the Chicago speech,

but which have undoubtedly affected the efficacy of the interventions in Afghanistan and Iraq. Unfortunately, at a time where command of languages and understanding of other cultures is increasingly important, language learning at schools and universities in the UK continues to decline.

More generally, despite the undoubted successes of a range of military interventions, for example in Namibia, Kosovo, Macedonia, or Sierra Leone, to name just a few, it seems that ten years after Tony Blair's vision of an international community collectively responding to threats to its core values, the mood has somewhat turned against interventionism, not least because of the experience of the wars in Afghanistan and Iraq. In the wake of the 2003 Iraq war there has been a greater reluctance in particular among developing countries (led by Russia and China) to sanction military interventions such as in Darfur. There has also been a backlash amongst many developing countries against the R2P concept, most notably in the recent debate on the concept in the UN General Assembly, where the President of the General Assembly compared it to earlier justifications for colonialism. In addition, those states that have most actively supported military interventions over the last two decades have in light of the costs of their engagements in Afghanistan and Iraq been more reluctant to support in particular interventions in civil conflicts where their own security interests are not directly at stake, such as the Congo or Somalia. While powerful states will undoubtedly continue to use force to promote their immediate national interests – most vividly demonstrated by the Russian-Georgian war in 2008 – their willingness to use force to improve the plight of others, be it through peacekeeping or humanitarian interventions, has markedly declined. Both concerns about the legitimacy of military intervention, and concerns about the utility and cost of using armed force have dampened the enthusiasm for military responses to conflicts and humanitarian crises. Not only the lessons from two decades of military intervention, but also the outlook for future interventions, are sobering.



Figure 5. *The lead participants at the British Academy Forum on 10 July 2009. Back row: Dominik Zaum, David Hannay, Malcolm Rifkind, David Omand, Mark Malloch-Brown. Front row: Adam Roberts, James Mayall, Charles Guthrie, Tom Bingham.*

Dr Dominik Zaum is a Reader in International Relations, at the University of Reading.

Full list of participants:

Sir Mark Allen (formerly of HM Diplomatic Service and the Foreign Office)
 Rt Hon Lord Bingham of Cornhill FBA (former Lord of Appeal in Ordinary)
 Dr Alia Brahimi (University of Oxford)
 Professor Chris Brown (London School of Economics)
 Professor Barry Buzan FBA (London School of Economics)
 Professor Richard Caplan (University of Oxford)
 Professor Rosemary Foot FBA (University of Oxford)
 David Goodhart (*Prospect Magazine*)
 Nik Gowing (BBC)
 General Lord Guthrie (Chief of the Defence Staff 1997–2001)
 Dr Catherine Haddon (Institute for Government)
 Lord Hannay (United Nations Association of the UK)
 Professor Peter Hennessy FBA (Queen Mary University of London)
 Professor Christopher Hill FBA (University of Cambridge)
 Sir Michael Howard FBA (University of Oxford)
 Sir Simon Jenkins (*Guardian*)
 Rt Hon Lord Malloch-Brown (then Minister for Africa, Asia and the UN)
 Professor James Mayall FBA (University of Cambridge)
 Barney Mayhew (independent consultant)
 Sir David Omand (King's College London)
 General Sir David Richards (then Commander-in-Chief, Land Forces)
 Rt Hon Sir Malcolm Rifkind MP (Foreign Secretary 1995–1997)
 Sir Adam Roberts FBA (University of Oxford)
 Dr Claire Spencer (Chatham House)
 Adam Thomson (Foreign and Commonwealth Office)
 Professor Charles Townshend FBA (Keele University)
 Professor Chris Whitty (Department for International Development)
 Dr Ralph Wilde (University College London)
 Professor Elizabeth Wilmshurst (Chatham House)
 Dr Dominik Zaum (University of Reading)

IN AUGUST 2009, the British Academy joined forces with a number of leading cultural heritage organisations to call on the Committee of Inquiry into Iraq to include in their investigation the problems faced by British forces in safeguarding cultural heritage in Iraq. In a letter to the Chair of the Inquiry, Sir John Chilcot, the organisations expressed their concern over the damage and loss inflicted on museums, libraries, archives and archaeological sites within the country.

Sir Adam Roberts, President of the British Academy said: 'The Iraq Inquiry must not neglect the damage, destruction and looting of Iraq's archaeological sites and ancient artefacts. In this, as in other matters, it will need to look at the adequacy of plans made in the run-up to the war, the particular problems faced by UK forces in their areas of responsibility in the occupation and post-occupation phases, and the extent to which the UK acted in accord with its existing legal obligations. Fifty-four years after the UK signed the text of the Hague Cultural Property Convention, it is time that we took the key step of ratifying it, as the United States finally did earlier this year.'