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Humanitarian intervention in east Africa: the evolution of a norm

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Humanitarian Intervention in East Africa: The Evolution of a Norm

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Introduction

Humanitarian intervention raises some of the most interesting debates in international relations: it asks questions about the priorities of international justice and order, it inspires debate about the use of military force, and it has as its case studies some of the worst acts of human brutality in recent times. Yet much of the literature on humanitarian intervention is dominated by one of two things: either ethical debates surrounding its moral legitimacy and the conditions for legitimate humanitarian intervention, or the analysis of why states have or have not intervened in a particular case. What is missing is a holistic approach to humanitarian intervention which incorporates the theoretical debates with the practice of this type of intervention.

The aim of this paper is to give a historical account of the evolution of the norm of humanitarian intervention. The paper will use current theories of norm dynamics to assess how a norm of humanitarian intervention has come about and why. The paper will focus on three cases: intervention in Somalia in 1992, intervention in Rwanda in 1994, and ongoing international involvement in Darfur.

Approaching the intervention debate by mapping its evolution has several merits. Firstly, it does not get bogged down in the intricacies of why states intervened or did not intervene in a certain situation, which often include very context-specific factors. I aim to avoid this in the cases of Somalia and Rwanda – which have been substantially covered by existing literature – by looking at them in the long-term context of the norm and by acknowledging that they in fact contributed to the evolution of the norm, the second advantage of my approach. Thirdly, such an approach aims to move the debate from the emotive, knee-jerk ‘never again’ rhetoric that has surrounded it since 1994 (and is aroused intermittently in the face of a new crisis somewhere or other) towards a more long-term understanding of the dynamics of the norm of humanitarian intervention. The inconsistent international responses to cases of egregious human rights violations demand that we improve our understanding of this important norm.

The research proceeds in several parts: first, a theoretical framework outlining the relevant theories of norm evolution; second, the research method and case selection

are set out; third, a background section sketching the norm of humanitarian intervention in the post-Cold War era will precede the case studies, which are then analysed in chronological order; and finally, a closing section will draw some conclusions about the present state of the norm and its future prospects.

Theoretical Framework

With the rise of constructivism in the discipline of international relations, there is a growing interest in norms. The literature in this field tends to focus on one of two things: the influence of norms on behaviour in the international arena, or the evolution of norms. Although this research is firmly focused on the latter, it is worth briefly addressing the former in order to establish why and how norms influence actors to demonstrate that the study of norm dynamics is worthwhile.

First, however, a definition of norms would be useful. Although the precise definition of a norm has been contested in the past, much of the current literature accepts the definition of a norm as ‘a standard of appropriate behaviour for actors with a given identity’.¹ The most important thing to emphasise here is the notion of *appropriate* behaviour. As Ann Florini points out, we have to distinguish norms from mere regular patterns of behaviour; the ‘sense of ought’ imbued by a norm is what distinguishes it from other iterated actions.² Although it is always hard accurately to discern an actor’s motives, patterns of behaviour can be constituted as following a norm when actors believe that such behaviour is considered to be legitimate by a given community, whether or not individual actors agree with the validity of those legitimacy claims; the essence of a norm is that it is a rule that ascribes moral legitimacy or superiority to certain types of behaviour over others.

Why should we concern ourselves with norms in international relations? The power of social norms is well recognised in the study of domestic politics, but it is only relatively recently that attention has turned towards norms in the field of international relations. Realism, as the dominant tradition in the study of international relations,

¹ Martha Finnemore & Kathryn Sikkink, ‘International Norm Dynamics and Political Change’, *International Organization*, Vol.52, No.4 (1998), p.891

² Ann Florini, ‘The Evolution of International Norms’, *International Studies Quarterly*, Vol.40, No.3 (1996), pp.364-365

has, in the past, focused efforts on understanding the dynamics of power and security, conceiving of the international environment as ontologically different to the domestic sphere of politics, with the former characterised by anarchy, mistrust and unpredictability. There is little room for ‘standards of appropriate behaviour’ shared among actors in this outlook. However, few current international relations scholars would deny the existence of norms and yet the nature and extent of their influence is still the source of some debate. Neo-realists, with their inherited focus on power, security and material interests, posit that prevailing norms reflect the preferences of the most powerful states in the system. The contention here is that norms only influence the behaviour of weaker states as dominant states are acting as they please by setting the normative agenda in the first place.

Without engaging in the debate to too greater an extent – for it is not the remit of this paper – the neo-realist understanding of norms seems to be lacking on three accounts. First, it fails to explain the adoption of norms that are not aligned with the material or security interests of powerful states, for instance norms against slave trading or those that constrain the type of force used during war; in other words, norms that seem to be particularly other-regarding. Second, neo-realists simplify the nature of interests. As the compliance with other-regarding norms would suggest, it seems inaccurate to characterise state interests simply in terms of power, wealth and security. Moreover, a state’s interests are a function of its identity, how it sees itself and how it wants others to view it within the international system. Neo-realists fail to acknowledge the power of internal norms and domestic perceptions of appropriateness in shaping international interests. Third, the neo-realist account of norms fails sufficiently to account for normative change in the international system. Norms change even in times of stasis in international power politics.

This paper therefore adopts a constructivist approach to norms. This acknowledges that actors’ interests and identity are social constructs, influenced by norms (international and domestic), and that, in turn, norms are social constructs, advocated for and contested by various actors in international society. Kees Van Kersbergen and Bertjan Verbeek describe this as the mutually constitutive nature of international norms: ‘interacting actors construct norms; norms guide the actors’ behaviour; and

norms may change the definition of the actors' preferences and even identity.'³ Norms do not just rise and fall in correspondence with shifts in the balance of power between states, but emerge in response to new issue areas, as a result of domestic agendas pushed into the international arena and even as a result of individual moral convictions. Such an outlook makes research into norm dynamics distinctly more interesting and also necessary, as a better understanding of normative change can give us a better understanding of how to improve international cooperation and reduce misunderstanding and conflict.

Because a large amount of the literature on international norms has concentrated on their influence on behaviour, relatively little attention has been paid to the theory of norm dynamics and particularly to how, why and when norms emerge and become established. For the purposes of assessing the norm of humanitarian intervention, this paper adopts the framework for the life cycle of norms put forward by Martha Finnemore and Kathryn Sikkink,⁴ one of the few studies that draws on other disciplines to outline all stages of a norm's life. Their framework provides a generalisable identification and explanation of the different stages in the establishment of norms that is not distinct for one particular norm or type of norm. Accordingly, they provide a continuum for the evolution of norms, on which I will attempt to plot the norm of humanitarian intervention at the time of each of the three interventions studied in this research. The three stages in the life cycle of a norm are outlined below: norm emergence, norm cascade and norm internalisation.

The first stage in the evolution of a norm is the emergence of a new norm. Changes in the international system, new issues requiring international cooperation and individual agency can be responsible for the emergence of a new norm.⁵ Finnemore and Sikkink single out two factors that are common to the successful creation of new norms: norm entrepreneurs and the organisational platforms such entrepreneurs use to promote a new norm.⁶ Norm entrepreneurs are a crucial part of the constructivist understanding of international norms, as they are the element of human agency in the

³ Kees Van Kersbergen & Bertjan Verbeek, 'The Politics of International Norms: Subsidiarity and the Imperfect Competence Regime of the European Union', *European Journal of International Relations*, Vol.13, No.2 (2007), p.220

⁴ Finnemore & Sikkink, 'International Norm Dynamics and Political Change', pp.887-917

⁵ *ibid.*, p.896

⁶ *ibid.*, p.896

social construction of norms. Norm entrepreneurs may be individuals with a particular conviction about appropriate behaviour in an issue area, they may be states or they may be transnational advocacy networks made up of activists and non-governmental organisations (NGOs). Florini suggests that powerful states make the best norm entrepreneurs as they are in the position to increase the prominence of a new norm through their greater communication resources and status in the international community. 'Norms held by powerful actors simply have many more opportunities to reproduce through the greater number of opportunities afforded to powerful states to persuade others of the rightness of their views.'⁷ However, Amitav Acharya notes that foreign norm entrepreneurs may have less success than local actors at advocating a norm at the domestic level. In South-East Asia, Acharya found that norms advocated by Western governments, Western NGOs or even local leaders seen to be Western-leaning were less likely to become established or to attract regional legitimacy than those proposed by local agents 'seen as upholders of local values and identity'.⁸ In this way, transnational advocacy networks that can mobilise different local activists may in fact prove to be more effective norm entrepreneurs than individual or regional groupings of powerful states. The economic and military dominance of certain states does not guarantee an image of moral superiority among other states, and can clearly cut both ways in the advocacy of particular norms.

The initial function of norm entrepreneurs is to draw attention to an issue area, or perhaps even put a new issue area on the international agenda,⁹ as has been the case with environmental and human rights advocacy networks in the past few decades. To begin with, norm entrepreneurs may have to 'frame' a new norm in terms of existing practices and conceptions of the appropriate. This is because emergent norms face competition from multiple existing and established norms which may directly conflict with their aims. As Acharya contends, 'Framing is necessary because "the linkages between existing norms and emergent norms are not often obvious and must be actively constructed by proponents of new norms".'¹⁰ As well as framing, norm entrepreneurs may engage in 'grafting', by associating a new norm with existing,

⁷ Ann Florini, 'The Evolution of International Norms', *International Studies Quarterly*, Vol.50, No.2 (1996), p.375

⁸ Amitav Acharya, 'How Ideas Spread: Where Norms Matter? Norms Localization and Institution Change in Asian Regionalism', *International Organization*, Vol.58, No.2 (2004), pp.249-263

⁹ Finnemore & Sikkink, 'International Norm Dynamics and Political Change', p.897

¹⁰ Acharya, 'How Ideas Spread', pp.243-244

established norms in order to lend the new norm greater legitimacy.¹¹ Although appeals to moral superiority and legitimacy may be used by norm proponents to persuade actors to adopt a new norm, norm entrepreneurs may also appeal to actors' interests in the course of their persuasion.¹²

Although transnational advocacy networks are themselves organisational platforms from which norm entrepreneurs launch and promote a new norm, entrepreneurs also use international organisations such as the World Bank and the UN and its agencies, as well as regional organisations like the EU. Although this is a good way of getting the attention of the many member states and raising the profile of a new norm, there are two caveats to the use of such organisational platforms. Firstly, as Finnemore and Sikkink point out, different organisations have particular organisational cultures which affect the sorts of norms likely to be promoted by them.¹³ For example, the UN Charter places a strong emphasis on norms that uphold state sovereignty and that limit the use of force (a fact which will be discussed later specifically in relation to the norm of humanitarian intervention), thus affecting the sorts of norms likely to benefit from such an organisational platform. Secondly, although international organisations can lend a normative cause the expertise it needs for its advancement (as has been seen in the case of the environment), professionals and bureaucrats can also slow down or halt the progress of a new norm through organisational inertia. As Ole Elgstrom argues, 'While a constructivist approach is correct in its prognosis that the proliferation of a new norm may be difficult to stop once it has gained an organizational platform, constructivists underestimate the force of resistance and inertia in organizational settings.'¹⁴

Before the second stage of a norm's life cycle is reached, Finnemore and Sikkink contend that a tipping point or threshold will be reached at which a 'critical mass' of states will have adopted the norm.¹⁵ Their assessment of empirical studies on the matter have led them to the conclusion that such a tipping point – which leads to norm cascade – is unlikely to occur until at least a third of all states in the international

¹¹ *ibid.*, p.244

¹² Ole Elgstrom, 'Norm Negotiations: The Construction of New Norms Regarding Gender and Development in EU Foreign Aid Policy', *Journal European Public Policy*, Vol.17, No.4 (2000), p.460

¹³ Finnemore & Sikkink, 'International Norm Dynamics and Political Change', p.899

¹⁴ Elgstrom, 'Norm Negotiations', p.472

¹⁵ Finnemore & Sikkink, 'International Norm Dynamics and Political Change', p.901

system have adopted the norm.¹⁶ Of course, the adoption of the norm by particular states may have a disproportionate effect on whether norm cascade (the broad acceptance of the norm) happens. In this way, Florini may be correct that powerful states can provide leadership in adopting a new norm and are in the position to apply pressure in order that a large number of other states follow suit. However, the content of each individual norm is likely to affect whether this holds true for each case. It is also not only the most powerful states that can lead others to follow their example, but leading and respected states in individual regions may influence the whole region by adopting the new norm.¹⁷

The cascade of a norm is characterised by different processes than those that occurred during its emergence. While adoption of the norm during the first stage may often involve regional and domestic advocacy, the second stage in a norm's life cycle is described by Finnemore and Sikkink as something more akin to international 'contagion'.¹⁸ However, this is not simply an inevitable process, but one which requires active socialisation so that norm-breakers become norm-holders.¹⁹ Thomas Risse and Kathryn Sikkink define socialisation as 'the induction of new members...into the ways of behaviour that are preferred in a society'.²⁰ Socialisation begins with the initial adoption of norms by states for instrumental purposes - violating states make 'tactical concessions' to allay domestic and international pressures - and may progress to the genuine belief in the norm's validity.²¹ Risse and Sikkink argue that the socialisation process largely draws on emotional persuasion, rather than a resort to reason. It therefore involves 'processes such as shaming and denunciations, not aimed at changing minds with logic, but on changing minds by isolating or embarrassing the target'.²² The concept of socialisation assumes a society - in the case of international norms, an international society of states - which excluded members (states) aspire to be part of. The stage of norm cascade therefore

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ *ibid.*, p.902

¹⁹ *ibid.*

²⁰ Thomas Risse & Kathryn Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices: Introduction', in Thomas Risse, Stephen C. Ropp & Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change*, (Cambridge, Cambridge University Press, 1999), p.11

²¹ *ibid.*, p.12

²² *ibid.*, p.14

relies heavily on states' conceptions of themselves as members of the international community. 'What happens at the tipping point is that enough states and enough critical states endorse the new norm to redefine appropriate behaviour for the identity called "state".'²³ Localisation, as outlined by Acharya, can be part of the norm cascade and socialisation processes, as outside norms come to be a means for leaders to enhance their domestic legitimacy by showing that they are conforming to international standards of appropriate behaviour.²⁴ In this way, formal institutionalisation of a norm in the rules of international organisations and in multilateral treaties can assist the norm cascade as it 'creates the preconditions for seeing the norm as *appropriate*'.²⁵ Norm cascade may also occur as states realise that their existing approaches and beliefs are inadequate to deal with new challenges.²⁶

However, the stage of norm cascade and the socialisation of states into adopting a new norm is not the end of the story. The third and final stage of a norm's evolution is internalisation. The thing that separates the end result of norm cascade (in which a large proportion of states have adopted the norm and that those who have not are ostracised by international society) and the internalisation of the norm is the degree to which compliance with the norm has become automatic and taken for granted. As Risse and Sikkink clarify, 'Norms can only be regarded as internalized in domestic policy when actors comply with them *irrespective* of individual beliefs about their validity.'²⁷ Indeed, the very taken for granted nature of internalised norms leads Finnemore and Sikkink to warn that such norms may become hard to identify, as they are so much part of normal behaviour.²⁸ Perhaps one of the easiest ways to assess whether a norm has been internalised is to see whether or not its enactment provokes discussion. Iterated behaviour and habit are likely to be part of the internalisation process,²⁹ as a norm becomes *normal* practice in a given situation. It is perhaps only when a new norm emerges to challenge an existing norm that debate about an internalised norm will occur. Risse and Sikkink identify three causal mechanisms that

²³ Finnemore & Sikkink, 'International Norm Dynamics and Political Change', p.902

²⁴ Acharya, 'How Ideas Spread', p.248

²⁵ Elgstrom, 'Norm Negotiations', p.472

²⁶ Acharya, 'How Ideas Spread', p.247

²⁷ Risse & Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices', pp.16-17

²⁸ Finnemore & Sikkink, 'International Norm Dynamics and Political Change', p.904

²⁹ *ibid.*, p.905

they argue are necessary for norm internalisation to occur: ‘processes of instrumental adaptation and strategic bargaining; processes of moral consciousness-raising, argumentation, dialogue, and persuasion; and processes of institutionalization and habitualization’.³⁰

Having identified the three stages of a norm’s life cycle, Finnemore and Sikkink acknowledge that not all norms will evolve successfully. They identify two major factors that can influence the success of a new norm. Firstly, the way in which states proposing a norm are viewed in the international system can have an impact on the degree to which other states adopt the norm. They contend that ‘the fact that Western norms are more likely to diffuse internationally would seem to follow from this observation’.³¹ However, we must be careful to remember that such a prediction will only hold true as long as the West’s moral values are seen to be legitimate by other states. Acharya’s findings from South-East Asia suggest that an association with the West does not always aid the international acceptance of an emerging norm, and may in fact hamper it.

Secondly, Finnemore and Sikkink propose that the intrinsic qualities of a norm will play a major role in determining its success. This includes both the nature and the content of a norm.³² The level of clarity about what is meant by a norm and the obligations or prohibitions it will entail are important in influencing whether states will want to adopt it. Jeffrey Legro is one among those scholars in the field who argue that the more specific a norm the more likely it is to be fully enacted.³³ If actors argue about its content and implementation, a norm is less likely to be successfully implemented. However, Van Kersberg and Verbeek suggest the opposite: ‘State and non-state actors in world politics are more likely to adopt vague norms... Vague norms allow actors to stick to their own interpretation of norms. It thus becomes more difficult to determine what type of behaviour would constitute a breach of the norm.’³⁴ What can be identified here is that the clarity of a norm may have different impacts at different stages of a norm’s life cycle. When a norm is first emerging, its

³⁰ Risse & Sikkink, ‘The Socialization of International Human Rights Norms into Domestic Practices’, p.5

³¹ Finnemore & Sikkink, ‘International Norm Dynamics and Political Change’, p.906

³² *ibid.*

³³ Jeffrey W. Legro, ‘Which Norms Matter? Revisiting the “Failure” of Internationalism’, pp.34-35

³⁴ Van Kersberg & Verbeek, ‘The Politics of International Norms’, p.221

vagueness may count in its favour, leading to broader international approval. However, when it comes to *applying* the norm – a stage distinct from the mere acceptance of the norm – the clearer the norm, the more likely it is to be implemented, as actors know exactly how to go about this and doing so is a relatively straightforward process.

As well as clarity, the actual content of a norm – *what* the norm is about – is likely to have a strong influence on how far it progresses. This is clearly something that is hard to measure and will vary over time and international context. However, we can make an educated guess about the sort of factors that might play a role. Firstly, the extent to which the norm can be aligned with existing international beliefs about what is appropriate. If a new norm competes with established, successful norms, we can expect its chances of success to be lower, unless norm entrepreneurs can find a way of framing it in terms of such existing norms. Secondly, the level of congruence with domestic norms can help determine an international norm's success at the individual state level. Jeffrey Checkel refers to this as 'cultural match': the extent to which a new norm resonates with 'domestic norms, widely held domestic understandings, beliefs, and obligations'.³⁵ Thirdly, adopting a more neo-realist stance, Andrew Cortell and James Davis contend that norms are more likely to find domestic success if they are compatible with, or supportive of, a state's economic and/or security interests.³⁶

Although these conditions are just a guide to what we can expect, they will prove helpful in the analysis of explanations for the degree to which a norm of humanitarian intervention has progressed. Likewise, the three stages identified in the model of norm evolution proposed by Finnemore and Sikkink will be useful counterpoints from which to measure the extent to which the norm has become established. Judith Kelley remarks that each individual stage in the life cycle is 'characterized by different actors, motives, and mechanisms of influence',³⁷ and this is clearly a strength in the framework, as we would not expect the same processes to be involved in the initial

³⁵ Cited in Andrew P. Cortell & James W. Davis Jr., 'Understanding the Domestic Impact of International Norms: A Research Agenda', *International Studies Review*, Vol.2, No.1 (2000), p.73

³⁶ Cortell & Davis, 'Understanding the Domestic Impact of International Norms', p.78

³⁷ Judith Kelley, 'Assessing the Complex Evolution of Norms: The Rise of International Election Monitoring', *International Organization*, Vol.62, No.2 (2008), p.225

emergence of a new norm to those contributing to its internalisation. However, Finnemore and Sikkink's theory is not beyond criticism. Van Kersbergen and Verbeek note that the framework has an underlying assumption that the norm in question remains the same throughout its life cycle; they do not sufficiently account for the possibility (or likelihood) that an emergent norm will have to adapt to appeal to as many actors as possible and may well be the subject of debate and bargaining that fundamentally alter its content.³⁸ Cortell and Davis also contend that Finnemore and Sikkink fail to pay adequate attention to the role domestic political systems play in the establishment and adoption of new international norms.³⁹

Nevertheless, the model put forward by Finnemore and Sikkink provides a useful continuum, with easily identifiable key stages, against which this research can assess the evolution of the norm of humanitarian intervention. They, along with other scholars in the field, also provide suggestions about the types of norms likely to succeed, thus assisting with possible explanations for the findings of this research.

Hypotheses, Methodology and Case Selection

Before turning to the case studies, I will briefly outline my hypotheses, method and case study selection.

Hypotheses

If the dependent variable is the evolution of the norm of humanitarian intervention, namely the extent to which the norm is accepted by states, enacted by states and ultimately internalised by states, I will be looking at three broad independent variables:

1. Norm entrepreneurs – I intend to identify the key norm entrepreneurs, what role they have played in the evolution of a norm of humanitarian intervention, and how and why they have been successful or not. I will also look at the organisational platforms used by the various norm entrepreneurs.
2. Tipping point – The tipping point is itself in effect a dependent variable, as it is one of the stages of norm evolution. However, I will aim to identify when it

³⁸ Van Kersbergen & Verbeek, 'The Politics of International Norms', p.222

³⁹ Cortell & Davis., 'Understanding the Domestic Impact of International Norms', p.68

has occurred, as well as analysing the factors that contributed to the tipping point. Most particularly, I will address the question of which states (and how many) need to have adopted the norm of humanitarian intervention for the tipping point to have been reached and norm cascade to begin.

3. Quality of the norm – I will assess both the nature and content of the norm to determine what qualities of the norm have contributed to – or hindered – its success. I am not necessarily expecting the quality of the norm to remain static over the period covered by the three cases under analysis, but this should serve to give a better insight into the extent to which the quality of a norm is a significant determining factor in the norm's success, as well as providing a better idea of which specific qualities contribute to norm success.

The hypotheses that emerge from the literature assessed in the theoretical framework in these three areas are therefore:

H1 – Actors seen as morally legitimate and not just the most powerful states will make the most successful norm entrepreneurs.

H2 – The tipping point of a norm will not occur until a third of all states in the system (taken here to mean all UN member states) have adopted the norm.

H3 – A clear norm will be more successful.

H4 – A norm that conflicts with established norms will be less successful.

Method

In approaching the case studies, I will use deductive reasoning to test these hypotheses for the norm of humanitarian intervention. However, my analysis of the case studies will not be confined to testing these hypotheses. I anticipate that other factors determining norm evolution not adequately covered in the existing literature will become apparent. Much of the literature is focused on particularly successful norms. The less clear success of the norm of humanitarian intervention might give us new insight into other factors that explain this limited success. Therefore, I will also inductively identify additional independent variables that contribute to norm evolution.

In analysing the cases, I will use the method of process-tracing. Alexander George and Andrew Bennett describe this method as the attempt 'to trace the links between

possible causes and observed outcomes'.⁴⁰ For each of the case studies, I will therefore examine statements, decisions, justifications and actions of actors prior to the decision to intervene (or not). I will also look at the relevant contextual history so as to cover all possible causes of the observed outcome, which is whether or not the norm of humanitarian intervention was enacted. It is important to note at this stage that I am not trying to assess why intervention occurred or not, as this has been done before for the cases I have chosen. Rather, I am trying to establish the stage of evolution reached by the norm of humanitarian intervention, a manifestation of which is either intervention or non-intervention. To put it another way, I am interested in the extent to which the degree of acceptance of a norm of humanitarian intervention (among some or all states) led to intervention or failed to lead to intervention. By using the method of process-tracing, I will therefore look at the justifications actors gave for their actions, and at the actions themselves, in an attempt to assess how much those words and deeds refer to a norm of humanitarian intervention and are shaped by the norm; i.e. the level to which the norm is affecting behaviour in the international arena. This will allow me to deduce the stage of evolution the norm has reached as well as to identify the factors contributing to this.

Case Studies

I have selected three cases: US-led intervention in Somalia in 1993, the genocide in Rwanda in 1994 and the ongoing conflict in Darfur. I have selected these cases for several reasons. First, there is some variance in the cases, making comparison between the cases useful. Somalia can be seen as a 'success' case. The intervention by US forces was considered a resounding failure, but for the purposes of this research, the case is considered a success for the norm of humanitarian intervention in the sense that an intervention actually went ahead in an attempt to stop large-scale human rights violations. Rwanda on the other hand is a clear case of 'failure'; intervention did not happen in time to halt the atrocities. Darfur is a 'failure' case, but less clearly so. The international community has reacted to serious human rights abuses in the region and peacekeepers are present there, but forceful intervention without the consent of the Sudanese government has not occurred. In this way, Darfur is not strictly a case of humanitarian intervention, but this very fact makes the

⁴⁰ Alexander L. George & Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, (Cambridge, Massachusetts, MIT Press, 2005), p.6

case interesting to this study.

Secondly, the selected cases cover a considerable time scale. This is important for the tracking of the chronological evolution of the norm. All the cases are in the post-Cold War era, as I believe that a norm of humanitarian intervention did not properly begin to emerge until then. Although some would claim that the interventions by India in East Pakistan in 1971, by Vietnam in Cambodia in 1979 and by Tanzania in Uganda in 1979 are cases of humanitarian intervention during the Cold War, none of the intervening countries justified their actions in humanitarian terms and in all cases there were considerable national interests involved.⁴¹ That leads to the third reason for selecting the particular cases chosen: in none of them were significant national interests at stake for potential interveners. The reasons for intervention or non-intervention are therefore more likely to be specifically related to the norm of humanitarian intervention and not other factors like geo-strategic or economic interests. The explanations for other post-Cold War cases, such as the protection of Kurds and Shiites in northern Iraq by allied forces in 1991 and the NATO intervention in Kosovo in 2000, were more intertwined with national interests, making an assessment of the acceptance and power of a norm of humanitarian intervention much more difficult.

Finally, a special note on the selection of Darfur as a case: it is not a particularly clear case as it is ongoing and international engagement with the region has covered several years now with periodic policy changes. However, its inclusion as a case is important for the task at hand, as it is the most recent test for the norm of humanitarian intervention. The international response to the atrocities in Darfur, and the extent to which a norm of humanitarian intervention has been referred to, is the best indication of the current status of the norm and of whether it is likely to continue to evolve in the future. The outlook for the norm in light of the response to Darfur will be discussed more fully in the concluding section of this research.

⁴¹ See Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, (Oxford, Oxford University Press, 2000) for an in-depth discussion of this.

Background – Humanitarian intervention since the end of the Cold War

A brief historical overview of humanitarian intervention since the end of the Cold War is useful in order to contextualise the case studies.

First, however, a definition of humanitarian of intervention: for the purposes of this research, humanitarian intervention is defined as the use of armed force by one or more states within the territory of another state without that state's consent for the purposes of preventing or ending serious human rights abuses. This distinguishes it from what some have termed 'soft' intervention, which ranges from diplomatic pressure to economic sanctions. It has been suggested that certain provisos should be attached to an intervention for it to be legitimately labelled as humanitarian, for instance Security Council authorisation or the primacy of humanitarian motives. However, I have chosen not to narrow my definition in such a way, as my project is not to assess when legitimate humanitarian intervention has occurred, but is rather to examine the evolution of the norm of humanitarian intervention, a process which is likely to include changing understandings of what constitutes legitimate humanitarian intervention.

Several features of the post-Cold War era can explain the emergence of a norm of humanitarian intervention. Firstly, the norm emerged in response to a new issue area in international relations. During the Cold War and previously, the threat (or reality) of inter-state war had dominated foreign policy considerations, but with the end of the Cold War, the collapse of the Soviet Union and the emergence of African states from colonial rule came numerous civil wars and struggles for self-rule, and with them the gradual recognition that intra-state wars had the potential to pose a significant threat to international peace and stability. With the end of the Cold War also came the ability for the UN, and particularly the Security Council, to become a more effective body for dealing with these new challenges. No longer paralysed by the East-West impasse, the Security Council was increasingly in a position to find consensus on international responses to the challenges of the new era. The years following the end of the Cold War also saw the increased establishment of universal international human rights norms. As Kelley argues, the West's victory in the Cold War played an instrumental role in this process: 'Just as ideas associated with the losing side of war

or with economic failure often get discredited and just as winning coalitions get to construct a new order after political upheavals, the end of the Cold War allowed the victors to shape prevailing norms.⁴² The rise in importance of human rights norms can be seen as creating a normative environment more conducive to the emergence of a norm of humanitarian intervention (with respect for fundamental human rights at its core). Finally, the post-Cold War era has been characterised by a technological and communications revolution which makes awareness of the internal affairs, including the human rights situations, of almost all states around the world possible. The graphic images that can be instantly projected around the world of serious human rights abuses within distant states has favoured the emergence of a norm of humanitarian intervention, as the internal affairs of other states can so easily become the concerns of individuals and governments all around the globe.

In April 1991, the UN Security Council adopted Resolution 688 for the protection of Kurds in northern Iraq following the Gulf War, arguably the first step towards the first humanitarian intervention of the post-Cold War era.⁴³ The resolution is notable as it was one of the first occasions when the Security Council linked the internal violation of human rights with a threat to international peace and security.⁴⁴ Resolution 688 did not authorise military action, yet two weeks later the US, Britain and France sent in troops to create safe havens for the Kurds. The allies argued that the ‘overwhelming humanitarian need’ made the intervention consistent with the tenets of the resolution. Iraq was the only state to publicly condemn the action.⁴⁵

The 1990s could be described as the golden age of humanitarian intervention, as the decade featured many cases of military force (or the threat of it) being used to stop serious human rights violations, including in Haiti, Liberia, Sierra Leone and East Timor. Other than Somalia and Rwanda, international involvement in the former Yugoslavia dominates the literature on humanitarian intervention in this period. In April and May of 1993, UN safe zones were established in Bosnia under Security

⁴² Kelley, ‘Assessing the Complex Evolution of Norms’, p.228

⁴³ UN Security Council Resolution 688, 5 April 1991

⁴⁴ Wheeler, *Saving Strangers*, p.146

⁴⁵ Peter Viggo Jakobsen, ‘National Interest, Humanitarian Intervention or CNN: What Triggers UN Peace Enforcement?’, *Journal of Peace Research*, Vol.33, No.2 (1996), p.208

Council Resolutions 819 and 824.⁴⁶ The resolutions came under Chapter VII of the UN Charter (that relating to the use of force), but neither provided for enforcement action if the safe zones were breached until Resolution 836 was passed allowing for self-defence in response to armed attacks on or within the safe zones.⁴⁷ In June 1993 NATO started providing air support for the United Nations Protection Force (UNPROFOR) in Bosnia. Over the course of the next year, NATO involvement in the conflict increased, culminating in the bombing of several Serb targets in Bosnia at the request of the UNPROFOR command. However, in 1995 the Serb campaign against Bosnian Muslims escalated, and several of the safe zones created in 1993 were the sites of massacres of Muslims, most famously in July in Srebrenica in which more than 7,000 Muslim men were systematically rounded up and killed despite the presence of around 600 Dutch peacekeepers in the town. The following month, NATO Operation Deliberate Force began, involving large-scale bombing of Serb targets for 21 days. It is significant that NATO force was authorised and requested by the UN, with Western nations providing the force and equipment necessary to stop the atrocities being committed by the Serbs.

However, Security Council authorisation for the use of NATO force against the Serbians in Kosovo was less forthcoming. In September 1998, Resolution 1199 was passed by the Security Council demanding an end to Serbian hostilities against the Kosovar Albanians.⁴⁸ Nicholas Wheeler notes that Britain and the US wanted a more forceful resolution, but that Russia and China had made it clear in informal discussions that they would veto any resolution that authorised the use of force. Indeed, in October ‘Russian embassies around the world issued a statement “that the use of force against a sovereign state without due sanction of the UN Security Council would be an outright violation of the UN Charter, undermining the existing system of international relations.”’⁴⁹ Despite this, in March 1999 NATO started air strikes in Kosovo without Security Council authorisation after failed peace negotiations at Rambouillet. Germany in particular was keen to stress that NATO action did not set a precedent for future NATO intervention without Security Council authorisation. At

⁴⁶ UN Security Council Resolution 819, 16 April 1993 and UN Security Council Resolution 824, 6 May 1993

⁴⁷ UN Security Council Resolution 836, 4 June 1993

⁴⁸ UN Security Council Resolution 1199, 23 September 1998

⁴⁹ Wheeler, *Saving Strangers*, p.261

the time, both British Prime Minister Tony Blair and US President Bill Clinton presented strong arguments that the West had a moral responsibility to end the atrocities in Kosovo, although references to the geo-strategic interests given the region's proximity to Western Europe were also made.⁵⁰ Blair in particular claimed that the West had an interest in intervening in Kosovo in defence of the values of human rights, self-determination and democracy, values that were intrinsic to the identities of Western states and therefore vitally important to uphold and defend elsewhere.⁵¹ However, Russia claimed that the US and Britain were using security and humanitarian motives as a mask for a desire to expand their influence in the Balkans. This suggests that suspicion over the primacy of humanitarian motives played a role in Russia and other states' reluctance to fully embrace a norm of humanitarian intervention, or perhaps gave them a public reason for condemning an intervention they were against for strategic reasons.

Speculation about the impact of NATO's actions in Kosovo on the norm have ranged from claims that it has severely damaged the prospects of widespread acceptance of the norm of Security Council authorised humanitarian intervention because NATO did not have authorisation, to the view that it has created a precedent for humanitarian intervention when the Security Council is unwilling or unlikely to react to humanitarian catastrophes in a timely fashion. Jane Stromseth has observed that the views on the implications of the Kosovo intervention varied considerably among different NATO member states:

At one end of the spectrum, some allies adopted a kind of 'never again' stance... Germany's Foreign Minister argued, for example, that NATO's decision 'must not become a precedent'... The United States drew quite a different conclusion from the Kosovo experience, namely that Security Council authorization is always preferred but not always required... At the other end of the spectrum, some NATO states, notably Belgium and the Netherlands, seem willing to argue for humanitarian intervention as a legal basis for action in the future if the Security Council is unable or unwilling to authorize force.⁵²

The International 'Goldstone' Commission on Kosovo found that NATO's

⁵⁰ See for example, Tony Blair, 'Prime Minister's Speech: Doctrine of the International Community' delivered at the Economic Club, Chicago (April, 1999), available at <http://www.number-10.gov.uk/output/Page1297.asp>

⁵¹ *ibid.*

⁵² Jane Stromseth, 'Rethinking Humanitarian Intervention: The Case for Incremental Change', in J. L. Holzgrefe & Robert O. Keohane (eds.), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, (Cambridge, Cambridge University Press, 2003), pp.238-239

intervention, while not strictly legal, was legitimate. It referred to the discrepancy between international law and a prevailing 'international consensus',⁵³ and called for an interpretation of international law to bring it in line with such a consensus 'in such a way as to bridge the gap...between legality and legitimacy, between strict legal positivism and a common sense of moral justice'.⁵⁴ The Goldstone Commission thus pointed to the need for a legal framework for humanitarian intervention in instances when the Security Council fails to react to situations of egregious human rights violations. This is something the US were particularly wary of. Stromseth notes that 'the United States declined to embrace a doctrine of humanitarian intervention in light of its open-endedness and potential for abuse. Washington prefers instead to consider the facts and the circumstances of concrete cases rather than opening up a new legal basis for the use of force'.⁵⁵ The NATO intervention in Kosovo was also the source of controversy due to the means employed. The intervention comprised largely of air strikes from heights of 15,000 feet, a strategy adopted to avoid risk to NATO soldiers but one which was particularly costly in terms of civilian lives. This demonstrated the reluctance of Western states to risk soldiers' lives in humanitarian missions, a theme that will re-emerge in the case studies.

Shortly after the NATO campaign in Kosovo, Britain became involved in the civil war in Sierra Leone which had raged since 1991. In October 1999 the Security Council established UNAMSIL in Sierra Leone to monitor the Lomé Peace Agreement between the government and the Revolutionary United Front (RUF). However, the situation deteriorated with the RUF capturing 500 UN personnel and equipment in May 2000, using the equipment to help their advance towards the capital, Freetown. Following this incident and in response to the fear of Freetown's imminent capture, Blair launched Operation Palliser to evacuate British nationals from the country. Once there, the role of the British forces expanded, as they provided support for UNAMSIL and secured Freetown against the expected RUF advance. However, Sierra Leonean government troops captured the leader of the RUF before they made it to Freetown and peace followed relatively quickly, with a peace treaty signed in 2001. As a result, the British intervention was claimed to be a

⁵³ Thomas M. Franck, 'Interpretation and Change in the Law of Humanitarian Intervention', in Holzgrefe & Keohane (eds.), *Humanitarian Intervention*, pp.215-216

⁵⁴ *ibid.*

⁵⁵ Stromseth, 'Rethinking Humanitarian Intervention', pp.238-239

success for Tony Blair's policy of 'enlightened intervention', the argument being that the rapid deployment of force and evidence of the willingness to use it was significant in the downfall of the RUF and their subsequent agreement to peace, despite the fact that British or UN troops did not have to resort to the use of force. Therefore, although the British involvement is not a strict case of humanitarian intervention, as both the UN and British forces were there with the consent of the embattled Sierra Leonean government, the case is significant for the norm of humanitarian intervention due to the success it enjoyed and the claims that such an intervention could form a model for future international involvement in (African) civil wars.

One of the most significant events in the evolution of the norm of humanitarian intervention since the end of the Cold War, however, was not an intervention but the release of the report by the International Commission on Intervention and State Sovereignty (ICISS), 'The Responsibility to Protect'. The commission was sponsored by the Canadian government and comprised academics and statesmen from around the world. The Canadian government, which, because of its leadership in the process, could be identified as a significant norm entrepreneur, set up the ICISS in response to the call by the then Secretary-General of the UN, Kofi Annan, for the international community to find a solution to the problem posed by serious human rights violations occurring within states. Addressing the meeting of the UN General Assembly in 1999, Annan said, '...if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?'⁵⁶ Kofi Annan, also a significant entrepreneur in his role in putting humanitarian intervention and the need for consensus on the international agenda, made a similar call to the General Assembly the following year. The ICISS held consultations in eleven different countries over a year and arrived at the responsibility to protect doctrine presented in their report published in December 2001. The report firstly echoed the Secretary-General's calls for greater international consensus on what to do in the face of serious large-scale human rights abuses occurring in the context of increasing numbers of intra-state wars. 'The issue of international intervention for human protection purposes is a clear and compelling example of

⁵⁶ Kofi Annan quoted in International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, [<http://www.iciss.ca/pdf/Commission-Report.pdf>], (2001)

concerted action urgently being needed to bring international norms and institutions in line with international needs and expectations.’⁵⁷ The commission thus highlighted the fact that the prevailing normative environment was still not sufficiently well-equipped to deal with the challenges of intra-state war and the severe human rights abuses that so often accompany it; the emergence of a norm of humanitarian intervention lagged behind the need the international community had for a shared norm to address human rights violations within the borders of sovereign states.

The commission identified one of the most significant barriers to the greater success of the norm of humanitarian intervention: its competition with the established and somewhat sacred norms of state sovereignty and non-intervention. The way the responsibility to protect doctrine attempted to address this problem was to graft the new, emerging and fragile norm onto the old, accepted one, by conceiving of sovereignty as responsibility. The notion of sovereignty as responsibility entails two particular responsibilities: ‘externally – to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all people within the state.’⁵⁸ It is this dual responsibility that the commission argued a state’s sovereignty is dependent upon, and which leads to the notion of a responsibility to protect. The first, external responsibility has long been recognised within the Just War tradition, which acknowledges the violation of one state’s territorial integrity by another as a just cause for war as the former state is no longer fulfilling its sovereign responsibility of respecting the sovereignty of other states. However, the commission proposed that it is equally legitimate to override a state’s sovereignty if it fails to fulfil the second aspect of sovereign responsibility, namely to respect the basic rights of its own citizens. By grafting the norm of humanitarian intervention onto the norm of sovereignty, the commission lent the former some of the legitimacy of the latter.

As well as using the method of grafting, the ICISS fundamentally altered the language of humanitarian intervention. The commission framed humanitarian intervention in the language of responsibility, shifting the old debate about whether a *right* to humanitarian intervention existed towards the contention that a *responsibility* to prevent serious human rights violations existed. In framing humanitarian intervention

⁵⁷ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, p.3

⁵⁸ *ibid.*, p.8

within the concept of a responsibility to protect, the norm arguably gained legitimacy from increasingly well-established human rights norms, which recognise the universal human rights of all and the corresponding responsibilities of rights holders to uphold the human rights of others. Moreover, in shifting the focus of the language of the norm from *intervention* to the language of *protection* the commission may have gone some way to distancing the norm from associations with the aggressive, expansionist behaviour associated with more traditional forms of intervention.

Finally, the commission laid out quite specific conditions for the use of force, emphasising that all non-forceful preventive measures should be thoroughly explored (if not enacted) before force is employed, advocating the necessity for intervening states to consider post-conflict reconstruction and long-term support in the wake of any use of military force, and lastly asserting that humanitarian intervention without the authorisation of the UN (ideally the Security Council) would lack legitimacy. As the NATO intervention in Kosovo demonstrated, this last condition is the source of ongoing disagreement. Nevertheless, the act of clarifying the specifics of the norm may, in the long run, serve to contribute to the future success of the norm of humanitarian intervention. If states know exactly what they are embracing in accepting the norm, they are more likely to adopt it, even if they do not entirely agree with the conditions laid out by the ICISS; compliance with, and enforcement of, the norm becomes an easier task when everybody knows exactly what is entailed in the norm. Whether or not the possible effects of the responsibility to protect doctrine on the evolution of the norm of humanitarian have in fact played out in this way will be examined more closely in the section on the international response to the crisis in Darfur.

The responsibility to protect framework was presented to the UN General Assembly as part of the 2005 World Summit Outcome Document.⁵⁹ The document was unanimously adopted by the General Assembly, representing the most compelling evidence that the responsibility to protect norm (including its provisions for Security Council authorised humanitarian intervention) was widely accepted by states. In April 2006, the Security Council further confirmed this by unanimously adopting

⁵⁹ UN, 2005 World Summit Outcome Document, 14 September 2005, available at <http://www.un.org/summit2005/documents.html>

Resolution 1674, which reaffirmed paragraphs 138-139 of the Outcome Document referring to the responsibility to protect.⁶⁰

Any contextualisation of humanitarian intervention in the post-Cold War era would not be complete without a mention of 9/11 and the global war on terror. I do not intend to speculate on the impacts of these world-changing events on the norm here, and perhaps it is too soon to tell, especially in the case of ongoing Western involvement in Iraq and Afghanistan, but in assessing the state of the norm of humanitarian intervention in the case of Darfur, it will be worth considering a number of things. Have the interventions in Iraq and Afghanistan eroded the non-intervention norm, to the advantage of the humanitarian intervention norm? Or has the significant loss of Western life (as well as Iraqi and Afghan civilian life) in the war on terror put the West off intervention of any form, and made the rest of the world suspicious of any deployment of armed force within another country's territory regardless of the motives given? It will also be worth considering the bearing Western involvement in Iraq and Afghanistan have had on such states' *capability* to intervene elsewhere, regardless of their or other states' willingness to fulfil the responsibility to protect with the use of force. The chronological proximity of the international engagement with the crisis in Darfur to these events may make it difficult for us to measure their full impact on the norm, but it is clear that the post-9/11 context is as significant for the current status and future of the norm of humanitarian intervention as the post-Cold War context was for its emergence.

Intervention in Somalia in 1992-1994

In January 1991 Siad Barre's government was overthrown and Somalia descended into civil war and clan-based violence. The humanitarian situation rapidly worsened, with drought compounding the effects of war, leaving the country facing a devastating famine. It is estimated that over 300,000 people starved to death in 1992.⁶¹ Humanitarian agencies struggled to distribute food aid as the security situation was so poor, and warlords increasingly looted supplies, using food and the threat of starvation as a weapon and means of power. It was against this backdrop that the UN

⁶⁰ UN Security Council Resolution 1674, 28 April 2006

⁶¹ Wheeler, *Saving Strangers*, p.174

became involved in the country. The height of this involvement was a US-led military intervention that initially aimed to ensure the secure distribution of food aid, but went on to try to capture General Mohamed Farah Aideed, one of the leading warlords controlling much of Mogadishu. On 3 October 1993, 18 US Rangers were killed and 84 injured in a 16 hour battle on the streets of Mogadishu which also killed around 500 Somali civilians, in a failed attempt to raid a meeting of General Aideed and his senior advisors. The body of one of the dead Rangers was dragged through the streets of Mogadishu, footage of which reached American televisions within hours. Amid growing domestic criticism of the intervention, US troops began withdrawing from the country in early 1994 and the UN completely withdrew by February 1995, leaving the failed state to a lawless anarchy which persists to the present day.

The disastrous outcome in Somalia has been attributed to several factors, among others, the inability of the UN, with its bureaucratic inadequacies, to fulfil its peacekeeping role in civil conflicts, the misguided notion of short, sharp military intervention to solve a complex humanitarian disaster, and the mission creep that occurred with the transition from the Bush to the Clinton administrations. However, it is not the outcome, albeit tragic, that this part of this paper is concerned with.⁶² The focus here is the norm of humanitarian intervention and its evolution. By analysing the decision to intervene, the degree to which the norm had emerged can be assessed and norm entrepreneurs – crucial in the early stages of norm evolution – can be identified. The analysis is split into two: the UN Security Council decision to authorise the use of force in Somalia, and the US decision to offer to lead the intervention.

The situation in Somalia had been on the UN Security Council agenda since 1991 as it gradually descended into a major humanitarian disaster, but of interest here is particularly Resolution 794 passed on 3 December 1992, which authorised the use of force under Chapter VII of the UN Charter. The resolution itself can give us several indications about the status of the emerging norm of humanitarian intervention. Of particular note is the part of the preamble of the resolution which reads, ‘Recognizing

⁶² The impact of the failure in Somalia on the norm of humanitarian intervention will be discussed in the following section in relation to the Rwanda case.

the *unique* character of the present situation in Somalia and mindful of its deteriorating, complex and *extraordinary* nature, requiring an immediate and *exceptional* response...⁶³ What emerges is a picture of a Security Council very wary of establishing any sort of precedent for forceful intervention in response to humanitarian crises; the ‘unique’ and ‘extraordinary’ situation in Somalia demanded an ‘exceptional response’. The post-Cold War norm of humanitarian intervention was very much in its infancy, in this case a response to a new challenge facing international policy-makers, a challenge which they had yet to realise would rear its head many more times in the post-Cold War era.

But was the belief that Somalia was truly exceptional really behind the language of the resolution? Peacekeeping had begun to dominate the UN agenda since the 1980s, and many members must have been aware that dealing with internal strife in countries emerging from colonialism and the Soviet bloc would continue to become a more frequent part of their work. The very wariness of the Security Council in avoiding setting a precedent for humanitarian intervention was surely a manifestation of the acute awareness that Somalia was in fact unlikely to be exceptional – many members wanted to avoid any permanent erosion of the norm of state sovereignty protected by the UN Charter. In negotiating the resolution, China was particularly adamant that Somalia be referred to as a unique situation,⁶⁴ reiterating in a press conference after the resolution had been passed that Somalia was an ‘exceptional case’.⁶⁵ One of the most significant ways in which the situation in Somalia was claimed to be unique was the fact that there was no functioning government in the country. India, another country quick to stress that Resolution 794 did not create a precedent for humanitarian intervention, said after the meeting that the resolution had been passed in the context of an ‘extraordinary situation, with no government in control’.⁶⁶ Although India and China were not alone in guarding sovereignty against the potential threat of a new norm of humanitarian intervention, not all states were quite so wary of creating scope for similar action by the UN in the future. The Zimbabwean ambassador, while acknowledging that Somalia was ‘a unique situation that warrants a unique approach’,

⁶³ UN Security Council Resolution 794, 3 December 1992, emphasis added

⁶⁴ Mats Berdal, ‘Review: The United Nations in International Relations’, *Review of International Studies*, Vol.22, No.1 (1996), p.105

⁶⁵ Wheeler, *Saving Strangers*, pp.186-187

⁶⁶ *ibid.*

said that the response ‘adopted creates of necessity a precedent against which future, similar situations will be measured’.⁶⁷ While those clearly against a norm of humanitarian intervention were quick to affirm the dominance of sovereignty, by agreeing to Resolution 794 they were unwittingly contributing to the tentative emergence of the norm by creating a benchmark against which future action (or inaction) would be judged. By authorising the use of force in response to an internal humanitarian crisis, humanitarian intervention had become a new policy option which could be considered in future cases – it was no longer unthinkable for the UN to overlook state sovereignty in addressing such humanitarian disasters.

The use of force permitted in Resolution 794 was authorised under Chapter VII of the Charter on the basis that the situation in Somalia constituted a threat to international peace and security. Perhaps, then, the intervention in Somalia was nothing new for the UN, as it was merely a solution to a conflict which was threatening international peace and security and the internal humanitarian crisis had little to do with the decision to intervene; in other words, perhaps it was not really a *humanitarian* intervention and did not mark the emergence of a norm of this type of intervention. Once again, the language of the resolution itself and the negotiations surrounding its adoption are instructive. The preamble of the resolution states: ‘Determining that the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to peace and security.’⁶⁸ The link between the humanitarian situation and the threat to peace was clearly made. Moreover, as Wheeler notes, although some members referred to the regional implications of the increasing numbers of refugees fleeing Somalia, many more explicitly acknowledged that the humanitarian disaster *within* the country required UN action.⁶⁹ Wheeler goes on to argue that the declaration that the humanitarian crisis in Somalia constituted a threat to international peace and security was a new departure for the Security Council, as such an argument had not prevailed in the negotiations over the situation facing the Kurds in northern Iraq the previous year. Ecuador, which had only agreed to intervention in Iraq because of the ramifications of the Kurds’ situation on regional

⁶⁷ *ibid.*

⁶⁸ UN Security Council Resolution 794

⁶⁹ For example, Zimbabwe and Morocco – see Wheeler, *Saving Strangers*, p.184

security, and which had explicitly said that Security Council intervention to stop human rights abuses in Iraq would not be legal, argued in the case of Somalia that the Security Council could not ‘remain impassive in the face of human tragedy’ and that it had ‘ineluctable responsibilities to save the Somali people’.⁷⁰ Significantly, Russia, which had also opposed armed intervention to protect the Kurds, said that it was the ‘international community’s obligation to put an end to the human tragedy’ in Somalia, requiring ‘the use of international armed forces under the auspices of the Security Council’.⁷¹ The comparison with the case of intervention in Iraq and the rhetoric used by states in authorising Resolution 794 makes the humanitarian aspect of the intervention in Somalia indisputable.

Negotiations in the Security Council and the adoption of Resolution 794 give us evidence of the (albeit tentative) emergence of a norm of humanitarian intervention. As Finnemore and Sikkink argue, new challenges in the international environment often lead to the emergence of a new norm, and indeed in the case of humanitarian intervention, the new challenge of an imploding state and the humanitarian fallout can broadly explain the emergence of the norm at this point. However, the United Nations had been engaged with the crisis in Somalia quite some time before Resolution 794 was adopted and the use of force was considered. What factors contributed to the emergence of the norm at this *precise* time?

Undoubtedly the ongoing humanitarian disaster and the failure of UN non-forceful peacekeeping contributed to the Security Council turnaround, but Resolution 794 would not have been possible had the US not offered troops. This highlights the dependence of the norm of humanitarian intervention on the *capability* of states to carry it out. A commitment to humanitarian intervention in theory would be relatively meaningless without the ability of states to enact the norm – the norm would not have got off the ground had the US not been willing to contribute the 30,000 troops it offered. Indeed, President Bush acknowledged this fact in his address to the nation announcing the deployment of US troops in Somalia:

In taking this action, I want to emphasise that I understand the United States alone cannot right the world’s wrongs. But we also know that some crises in the world cannot be resolved

⁷⁰ Wheeler, *Saving Strangers*, p.185

⁷¹ *ibid.*

without American involvement, that American action is often necessary as a catalyst for broader involvement of the community of nations. Only the United States has the global reach to place a large security force on the ground in such a distant place quickly and efficiently and thus save thousands of innocents from death.⁷²

This would support Finnemore and Sikkink's contention that for the tipping point of a norm to occur, it is not only the number of states that accept the norm that is crucial, but *which* states. Clearly in the case of humanitarian intervention, the tipping point cannot occur until the states most capable of conducting forceful intervention have accepted the norm (and the responsibility of committing troops and resources). This, however, does not mean that once states like the US have accepted the norm, norm cascade will occur – their commitment is a necessary but not sufficient condition for the tipping point to occur. Moreover, the US willingness to intervene in Somalia does not mean that it accepted an ongoing duty to conduct humanitarian intervention in similar future cases.

Perhaps, though, it is possible to say that in the case of Somalia the US was a significant norm entrepreneur, advancing the norm in the Security Council. The evidence, however, suggests to the contrary. The US had not consistently lobbied for intervention at the UN and the US decision to contribute troops was in fact a rapid turnaround from its policy of opposing the use of force in Somalia for much of 1992. What, then, can explain this sudden support for humanitarian intervention within the US and the Bush Administration?

The most common explanation for the about turn in US policy is that heightened media attention led to moral pressure on Bush and his government finally to act. Warren Strobel has, however, demonstrated that the 'CNN effect' could not have been decisive in the case of Somalia as most of the media coverage (particularly television) occurred *after* the US decided to send in troops.⁷³ It is possible that the Bush administration was so affected by their own sources of information depicting how dire the situation had become, that they felt morally compelled to act. Indeed, Wheeler argues that Bush's personal 'humanitarian impulses' as well as those of his senior

⁷² George Bush, 'Address to the Nation, December 4 1992: Humanitarian Mission to Somalia', *US Department of State Dispatch*, Vol.3, No.49 (1992), pp.365-366

⁷³ See Jon Western, 'Sources of Humanitarian Intervention: Beliefs, Information, and Advocacy in the US Decision on Somalia and Bosnia', *International Security*, Vol.26, No.4 (2002), p.114

advisers contributed to his decision to intervene.⁷⁴ This view would suggest that Bush was a norm entrepreneur in that his personal moral stance on the issue led him to propose humanitarian intervention. Once again, this may not be entirely accurate.

The situation in Somalia was desperate throughout 1992. If Bush's humanitarian impulses had been decisive surely he would have decided to use force at an earlier date when the humanitarian situation was just as catastrophic. Instead, Jon Western argues that advocacy in the US put sufficient pressure on Bush and his senior military advisers for them to consider military involvement in Somalia after months of dismissing it as an option.⁷⁵ As both NGOs and 'liberal humanitarianists' in Washington began to collect more of their own information about the situation on the ground in Somalia in mid-1992, they began to lobby for the US to support military UN involvement in the country. For instance, a group of congressmen, led by senators Nancy Kassebaum and Paul Simon, went on a fact-finding mission to Somalia in June 1992 and returned to urge their colleagues to support a more forceful solution to the humanitarian disaster.⁷⁶ Relief agencies used grassroots campaigns as well as direct meetings with the administration to lobby the President.⁷⁷ Norm entrepreneurship was not limited to domestic pressure in the US. For instance, the Irish President Mary Robinson conducted a high-profile visit to the country highlighting the plight of hundreds of thousands of Somalis. All of these norm entrepreneurs, in one way or another, were appealing to existing values held by the US in their calls for the US to act. Through their advocacy, they made it untenable for the US, a country founded on liberal values and respect for human rights, to turn a blind eye to the severe and widespread suffering in Somalia. Indeed, writing in a *Guardian* article shortly after the US troops were deployed, Henry Kissinger declared: 'The new approach [in Somalia] claims an extension in the reach of morality... "Humanitarian intervention" asserts that moral and humane concerns are so much a part of American life that not only treasure but *lives* must be risked to vindicate them; in their absence, American life would have lost some meaning.'⁷⁸ Although the hasty withdrawal of US troops after the deaths of US Rangers showed that, in fact,

⁷⁴ Wheeler, *Saving Strangers*, p.180

⁷⁵ Western, 'Sources of Humanitarian Intervention', pp.124-136

⁷⁶ *ibid.*, p.124

⁷⁷ *ibid.* and Wheeler, *Saving Strangers*, p.180

⁷⁸ Henry Kissinger cited in Wheeler, *Saving Strangers*, p.202

Americans were not prepared to risk lives in defence of ‘moral and humane concerns’ in a faraway land like Somalia, the link drawn between humanitarian intervention and US values by norm proponents at the time of the decision is notable.

As well as framing humanitarian intervention in Somalia in terms of US and Western values, norm entrepreneurs engaged in moral shaming in their attempt to pressure Bush into action. Most notably, Secretary General Boutros-Ghali criticised Bush in November 1992 for focusing too much attention on the situation in Bosnia while ‘ignoring the more acute plight of millions of black Africans in Somalia’.⁷⁹ By effectively accusing Bush of racial prejudice in his approach to international crises, Boutros-Ghali was not only attempting to shame the president into action, but was also appealing to US domestic norms of racial equality in trying to demonstrate that engagement in Bosnia over Somalia would amount to racial bias, something publicly unacceptable in the US.

However, it was in fact the pressure for the US to act in the former Yugoslavia that may also have proved to be a catalyst for Bush’s decision to intervene in Somalia. As Brent Scowcroft, National Security Adviser to Bush at the time, recalled, ‘[Bosnia] probably did have a significant influence on us. We did not want to portray the administration as wholly flint-hearted real-politik, and an airlift in Somalia was a lot cheaper [than intervention in Bosnia] to demonstrate that we had a heart.’⁸⁰ In this way, the decision to intervene in Somalia should not necessarily be viewed as a wholehearted acceptance of the norm of humanitarian intervention by the US, but in part a pragmatic response to the cumulative pressure on Bush to act in Bosnia and Somalia. In reality, Bush seems to have been one of those wary of setting a precedent by using force in Somalia, indicated by his address to the nation: ‘To the people of Somalia I promise this: We do not plan to dictate political outcomes. We respect your sovereignty and independence... We come to your country for one reason only, to enable the starving to be fed.’⁸¹ This was clearly not just a message to the Somali people, but also to the rest of the world, that the US still very much stood by the norm of state sovereignty. Despite this reluctance to set a precedent, in agreeing to

⁷⁹ Boutros Boutros-Ghali cited in Western, ‘Sources of Humanitarian Intervention’, p.135

⁸⁰ Brent Scowcroft cited in Western, ‘Sources of Humanitarian Intervention’, p.130

⁸¹ Bush, ‘Address to the Nation, December 4 1992’, p.366

humanitarian intervention in this case, the US, like the Security Council, nevertheless created a benchmark for action in future cases.

Besides Security Council and US decision-making on the matter, it is worth briefly considering the regional response to the crisis in Somalia. Resolution 733, passed in January 1992, noted 'the appeals addressed to the parties by the Chairman of the Organization of Islamic Conference..., the Secretary-General of the Organization of African Unity...and the League of Arab States'.⁸² Yet, beyond mere rhetoric the regional response was minimal. Indeed, Jeffrey Clark berates the OAU for its inaction, saying it 'proved largely irrelevant as Somalia's tragedy unfolded a few hundred miles from its Addis Ababa headquarters'.⁸³ The only particularly notable response from an African nation was Eritrea's offer to intervene (after the US intervention), but this was rejected by the OAU on the basis that Eritrea was not a member. In this case the organisation may have been particularly wary about Eritrea's motives in proposing unilateral intervention, but more broadly African nations were among those most cautious about making it clear that the intervention sanctioned by Resolution 794 was an exceptional response to a unique situation.⁸⁴

To summarise, the status of the norm of humanitarian intervention at the point of intervention in Somalia in 1992 was very much one of an emergent norm. Despite the unanimous consent to Resolution 794 in the Security Council, such consent was very clearly not a collective acceptance of a *norm* of humanitarian intervention. It is also not clear whether those norm entrepreneurs advocating the use of force in response to the humanitarian disaster in Somalia were just arguing for something to be done about that particular situation and were not in fact promoting a lasting norm of humanitarian intervention which could be called on in future similar situations. Nevertheless, by supporting the intervention in Somalia, all actors, whether wittingly or not, were making humanitarian intervention a conceivable policy alternative for future cases where non-forceful peacekeeping failed to end serious human rights abuses. However, as much as Somalia clearly marked the emergence of a norm of humanitarian intervention in the post-Cold War era, the disastrous implementation of

⁸² UN Security Council Resolution 733, 23 January 1992

⁸³ Jeffrey Clark, 'Debacle in Somalia', *Foreign Affairs*, Vol.72, No.1 (1993/1994), p.117

⁸⁴ Berdal, 'Review', p.105

the intervention and its ultimate failure to resolve the crisis in Somalia had a lasting impact on the success of the norm, as the international response to the genocide in Rwanda demonstrates.

Genocide in Rwanda in 1994

The genocide in Rwanda in 1994 has gone down in history not only for the horrific killing of 800,000 Tutsis and moderate Hutus in just 100 days, but also for the equally unbelievable response of the international community to the unfolding disaster. A civil war had been fought between the Tutsi Rwandese Patriotic Front (RPF) and the Hutu government since 1990. In August 1993 the Arusha Accords were signed, establishing a ceasefire and setting out plans for the formation of a broad-based transitional government. Two months later the Security Council authorised the United Nations Assistance Mission for Rwanda (UNAMIR) to monitor the ceasefire.⁸⁵ Several months passed as the parties failed to establish the transitional government, punctuated by bouts of violence by both sides. However, in January 1994, the force commander of UNAMIR, Lieutenant General Roméo Dallaire, was given evidence of a more sinister development. An informant from the Interahamwe, the government militia protecting the president and the capital Kigali from the advancing RPF forces, told Dallaire that the militia was being organised and trained for the methodical killing of all Tutsis. As well as lists of Tutsis and weapons caches, the informant revealed the Interahamwe's plan to kill Belgian peacekeepers in order to provoke a UN withdrawal. This information was a chilling prediction of what was about to unfold. On 6 April, a plane carrying the moderate Hutu President Juvénal Habyarimana was shot down as it was about to land in Kigali. Within an hour roadblocks had been set up around the city and the systematic killing of Tutsis and moderate Hutus began. The following day ten Belgian peacekeepers were captured as they tried to protect the prime minister designate and were brutally tortured and killed. In 100 days 800,000 people had been killed, a rate of killing that reached 10,000 per day at its peak,⁸⁶ yet the response of the Security Council was initially the reduction of UNAMIR, the dithering over whether to label the situation a genocide, and ultimately the authorisation of an ill-equipped and under-mandated military

⁸⁵ UN Security Council Resolution 892, 5 October 1993

⁸⁶ Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda*, (Ithaca, Cornell University Press, 2002), p.131

intervention which did not arrive until after the RPF had declared victory and stopped the killings itself.

This chapter will not go over every aspect of the international community's failure to react to the killing, but will rather focus on why the norm of humanitarian intervention did not prevail in the response to the crisis. There are four significant factors that can help to explain the failure of the norm: the willingness and capability of states to risk soldiers' lives; competing norms of traditional, non-forceful peacekeeping; the role of potential norm entrepreneurs, particularly the UN Secretary-General and the US; and the organisational culture at the UN. As will be demonstrated, all of these factors were profoundly affected by the events in Somalia. Each will be discussed in turn to give a better understanding of the status of the evolution of the norm of humanitarian intervention and the reasons for its limited success. The final part of this section will analyse the eventual decision by the Security Council to intervene (led by France), in order to assess the implications of this change in policy on the analysis of the norm.

Just as Rwanda rose to prominence on the Security Council agenda, things started to go dramatically wrong in Somalia. Indeed, Resolution 892 authorising UNAMIR was agreed to only two days after the 18 US Rangers were killed in Somalia. As Barnett observed, the unfolding failure in Somalia coloured every aspect of the UN's approach to peacekeeping and intervention:

It is virtually impossible to exaggerate the impact of Somalia on the UN. *Somalia* was no longer a place name but was now a moment and a warning... *Somalia* could refer to what happens when good intentions are corrupted by unchecked ambitions, or 'mission creep'. *Somalia* could mean the need for the UN to get back to basics, to deploy peacekeepers only when there was a peace to keep and to decline the invitation to halt civil wars. What would later be dubbed the 'shadow of Somalia' was omnipresent, casting a dark cloud across the [UN] headquarters, limiting the sight lines, and directing its future practices.⁸⁷

We can identify various separate but connected aspects of the way in which Somalia affected the norm of humanitarian intervention.

Firstly, the loss of peacekeepers' lives in a humanitarian mission intended to be

⁸⁷ *ibid.*, p.39

straightforward and low-risk contributed to a risk-averse international community when Rwanda came on the agenda. Evidence for this can be found in the private discussions at the council about what should be done with UNAMIR after the killings had begun in April 1994. For example, the British ambassador, Sir David Hannay, opposed the reinforcement of UNAMIR, asking members to ‘think back to Somalia and think about what you would ask these troops to do’.⁸⁸ This reveals two things about the norm of humanitarian intervention. Firstly, like many norms, its evolution is highly sensitive to world events. Secondly, it highlights the fact that the norm is not only dependent on states’ acceptance of the principles at issue, but is also contingent on the willingness and ability of states to risk soldiers’ lives. The capability to contribute troops and materials will be discussed later in this section, but the fear of ‘another Somalia’ in Rwanda shows that in the case of humanitarian intervention there is a distinct difference between widespread acceptance of the norm and the enactment of the norm. According to Finnemore and Sikkink’s norm life cycle, this might represent the difference between the cascade of a norm and its internalisation, as the consistent application of the norm will not occur until it has been truly internalised and enacting it becomes habitualised. However, I would argue that something different is at play here. The fact that many states were unwilling to risk their soldiers’ lives in a repeat performance of Somalia, I suggest, does not tell us a great deal about their acceptance of the norm. Of course, genuine acceptance of the norm of humanitarian intervention involves states’ awareness that the norm involves the use of military force in the name of human rights, and therefore an awareness of the inherent risks to soldiers, but in an individual case of potential intervention, states might decide that the risks involved in that particular operation are unacceptably high. Therefore there are (among others) two factors determining whether states support a particular humanitarian intervention: whether they accept the norm or not, and whether they think the risk to their troops’ lives is acceptable. In other words, it is possible for states to accept the norm of humanitarian intervention whilst not accepting the risks to their soldiers’ lives in a particular case. There may be a threshold, which would of course be hard to measure, for what would count as acceptable risk, but as Somalia demonstrates such a threshold would likely be very sensitive to the prevailing international mood about the loss of life in combat. This all

⁸⁸ David Hannay cited in Wheeler, *Saving Strangers*, p.221

reminds us that humanitarian intervention is a foreign policy option. Widespread and genuine acceptance of the norm may never eliminate the high level of discussion and debate that always accompanies foreign policy decisions. This raises questions about whether the norm of humanitarian intervention can ever become internalised in the way Finnemore and Sikkink envisage, a point to which I will return in the concluding section.

The second but related way in which Somalia affected the norm of humanitarian intervention was the realisation that intervening in humanitarian disasters is a complex undertaking. Although this might seem an obvious observation, the decision by the US to intervene in Somalia was predicated on the fact that it could be a short, sharp (as well as low-risk) intervention. As things began to go dramatically wrong in Somalia, policymakers realised that advocacy for humanitarian intervention would involve the acceptance of a norm entailing an obligation to become involved in complicated and long-term military operations. This confirms the theory on the clarity of norms. As the decision to intervene in Somalia was made by Bush, the norm of humanitarian intervention was still very much emergent and vaguely defined, and the US administration was able to interpret it to suit its military agenda; humanitarian intervention could mean the brief deployment of military force to ensure the distribution of humanitarian assistance. What the disastrous outcome of Somalia showed the US and the wider international community was that humanitarian intervention was unlikely to succeed unless it addressed the root causes of severe human rights abuses, and unless states were prepared to endure complex and time-consuming operations. With its first application in the post-Cold War era, the norm was shown to be less straightforward than the US had interpreted it and its application suddenly seemed distinctly less likely,⁸⁹ as Rwanda demonstrated.

The third way in which Somalia had an impact on the norm of humanitarian intervention was that it provoked a return to more traditional interpretations of UN peacekeeping. The disaster in Somalia prompted both the UN Secretariat and member states to re-evaluate the conditions of peacekeeping, and their conclusions

⁸⁹ For a discussion on the flawed expectation that a brief intervention would be effective in Somalia, see Walter Clark and Jeffrey Herbst, 'Somalia and the Future of Humanitarian Intervention', *Foreign Affairs*, Vol.75, No.2 (1996), pp.70-85

were unanimously that peacekeeping should be ‘neutral’, ‘impartial’ and ‘based on consent’.⁹⁰ The former head of the Department of Humanitarian Affairs summarised the findings of a commission of inquiry into the deaths of UN peacekeepers in Somalia by saying that the UN must ‘adhere strictly to the guiding principles of humanity, neutrality, and impartiality. Once these principles are compromised, our legitimacy and utility are at risk.’⁹¹ In the wake of the deaths of peacekeepers in Somalia, the Security Council had been discussing a possible framework for future UN peacekeeping missions, to give the council clearer and more uniform guidelines for when to authorise peacekeeping. By the end of 1993, they had agreed that peacekeeping should only be authorised when the following criteria were met: ‘(1) when there is a genuine threat to peace and security, (2) when regional or sub-regional organizations can assist in resolving the situation, (3) when a ceasefire exists and the parties have committed themselves to a peace process, (4) when a clear political goal exists and is present in the mandate, (5) when a precise mandate can be formulated, and (6) when the safety of UN personnel can be reasonably assured.’⁹² Suddenly the norm of humanitarian intervention was no longer competing with the sovereignty norm (as it had been when the decision to intervene in Somalia was made), but it was competing with these rules which referred to established UN peacekeeping norms, embodying a very traditional view of the role of peacekeeping. As Barnett observed, ‘[peace] enforcement was out,’⁹³ making way for the resurgence of non-forceful peacekeeping. The impact of this normative shift was easily observed in Security Council debates about the fate of UNAMIR after the shooting down of Habyarima’s plane, as states including the US argued that the complete violation of the ceasefire by both parties should lead to the withdrawal of UNAMIR as there was no longer any peace to keep.⁹⁴

Fourth, Somalia affected previous norm advocates, notably the Secretary-General and the US, both of whose advocacy of humanitarian intervention had been decisive in the case of Somalia. Just a few days before the killing began in April, Secretary-General Boutros-Ghali, who had been a significant norm entrepreneur during UN Security

⁹⁰ See Barnett, *Eyewitness to a Genocide*

⁹¹ Quoted in *ibid.*, pp.44-45

⁹² *ibid.*, p.45

⁹³ *ibid.*, p.43

⁹⁴ *ibid.*, p.101. See also UN Security Council, 3368th Meeting, 21 April 1994

Council deliberations on intervention in Somalia, talked about a new ‘UN mentality’ in an interview. He said, ‘Our whole philosophy is based on talk-negotiate-and then talk again. To use force is an expression of failure. Our job is diplomacy, the peaceful resolution of disputes...If you read the UN Charter...the whole philosophy of the charter is to avoid military force.’⁹⁵ One of the most significant and influential advocates of humanitarian intervention during Somalia was now publicly expressing his disagreement with the use of force in response to humanitarian crises, just days before the killing began in Rwanda. As Somalia demonstrated, the Secretary-General is a significant norm entrepreneur. This is because legitimate humanitarian intervention, in its most widely accepted form, has to include UN authorisation, and therefore the Secretary-General is tasked with presenting information and recommendations for action to the Security Council. In doing so, the Secretary-General is at liberty to frame information and policy options according to his preferences. Barnett argues that this fact was significant in the case of Rwanda:

In the case of Somalia, Boutros-Ghali passionately and persistently demanded an intervention on the grounds that only concerted international involvement could avert a famine, a famine that could claim upwards of a million people, which in turn could destabilize the region. For good measure, he accused the council of caring for the rich man’s war in Bosnia but abandoning indigent Africa. No single statement by Boutros-Ghali on Rwanda came close to his appeal on Somalia.⁹⁶

Barnett’s central argument is that because of the Secretariat’s view on the use of force in Rwanda, information about the nature of the killing in Rwanda – that it was systematic ethnic cleansing and not just a by-product of the civil war – was not relayed to the Security Council, including the explicit information from Dallaire’s informant warning of the impending genocide.⁹⁷ Although many states in the council were against humanitarian intervention for other reasons, one wonders if they would have adopted the same policy had they known exactly what they were dealing with in Rwanda and had the Secretary-General advocated a plan for forceful intervention at an earlier stage. In such speculation, it is worth remembering that many states were wary of the norm in the case of Somalia, and yet intervention was authorised unanimously once the backing of the Secretary-General and the US had been

⁹⁵ Boutros Boutros-Ghali cited in Barnett, *Eyewitness to a Genocide*, p.116

⁹⁶ *ibid.*, p.119

⁹⁷ Dallaire recalled his exasperation at finding out that many of his situation reports were not even reaching General Maurice Baril, the head of the military component of the UN Department of Peacekeeping Operations, let alone the Security Council. See Roméo Dallaire, *Shake Hands With the Devil: The Failure of Humanity in Rwanda*, (United Kingdom, Arrow Books, 2004), p.208

established.

This brings us to the role of the US as a norm entrepreneur. In the case of Somalia, the US was identified as a significant entrepreneur, not only because of its position of power, but more importantly because of its capability to contribute troops. As noted above, the willingness and *ability* of states to dedicate troops is a decisive factor in the application of the humanitarian intervention norm. UNAMIR Force Commander Dallaire argues that:

There was only a small list of peacekeeping nations who were capable of deploying units with all of the equipment and materials...needed... These nations were primarily Western and First World. The slowly growing list of countries who were prepared to commit to a Rwandan mission came from a new generation of troop-contributing nations, who had large and untapped pools of soldiers but who were nearly completely deficient in *matériel*, sustainability and training specific to complex conflicts and vast humanitarian catastrophes.⁹⁸

Clearly, successful humanitarian intervention in Rwanda was reliant on Western countries, the most capable of which was the US, contributing troops and equipment. Yet the US was unquestionably unwilling to do so after Somalia. Wheeler notes, 'As a result [of Somalia], when it came to decisions on Rwanda, it was the spectre of more body bags that haunted the [US] administration. Indeed an important indicator of this was its opposition to the rapid deployment of UNAMIR II, because it did not want to land US transports into Kigali airport under fire.'⁹⁹ The administration was under significant domestic pressure not to intervene in Rwanda. After the loss of life in Somalia, President Clinton would struggle to defend to the public another similar operation in another African country of little strategic importance, regardless of whether the risk to peacekeepers lives was the same. Barnett recalls, 'There were few letters or phone calls to the US Mission to the UN or to the White House to urge that something be done, and these few signs of compassion were overwhelmed by the sheer number that urged the administration to resist the intervention temptation.'¹⁰⁰ The former norm proponent (in the case of Somalia) became a norm opponent, and a significant one at that. The US both threatened to use its veto on the deployment of UNAMIR II and also argued vehemently against the Security Council labelling the killing in Rwanda as genocide. All of this supports Florini's argument that powerful

⁹⁸ *ibid.*, pp.90-91

⁹⁹ Wheeler, *Saving Strangers*, p.240

¹⁰⁰ Barnett, *Eyewitness to a Genocide*, p.140

states serve as crucial norm entrepreneurs, although not only because of their prominence in the international community, as she argues,¹⁰¹ but also, in the case of humanitarian intervention, because of their unique position to enact the norm.

It should be noted that there were states supporting intervention. New Zealand and Czechoslovakia tried to use moral persuasion, especially once it was clear that a genocide was taking place, to shame the council into action, including an emotional appeal by the Czech ambassador, whose family had been victims in the Holocaust.¹⁰² Once again, however, capability was decisive, as the fact that such states had little capacity to contribute troops to an intervention meant that their advocacy of the norm was relatively ineffectual.

Finally, Somalia had a significant impact on the organisational culture at the UN. Finnemore and Sikkink talk about organisational platforms from which norms can be advanced, and point out that the institutional cultures of such organisations can have a significant impact on the sorts of norms that succeed.¹⁰³ As the body authorising humanitarian intervention, the UN is the most significant organisational platform for the norm of humanitarian intervention. In the case of Somalia, the bias towards sovereignty and non-intervention in the UN Charter may have contributed to the wariness states had of endorsing a norm of humanitarian intervention. However, in the case of Rwanda, it was not just the prevailing norms of the UN (both sovereignty and, more significantly in this case, traditional peacekeeping) that hindered the success of the norm, but the bureaucratic culture that prevailed after the failure of Somalia. Many in the international community had suggested that the UN's disastrous handling of the crisis and intervention in Somalia showed the organisation was incapable of fulfilling its peacekeeping role, one of its most significant duties in the post-Cold War era. As a result, bureaucrats in the Secretariat went into self-preservation mode; the view was that the UN might not withstand another failed intervention in Rwanda. As Human Rights Watch criticised, 'Most of the staff at the UN were fixated on averting another failure in peacekeeping operations, even at the

¹⁰¹ Florini, 'The Evolution of International Norms', p.375

¹⁰² Wheeler, *Saving Strangers*, pp.225-226

¹⁰³ Finnemore & Sikkink, 'International Norm Dynamics and Political Change', p.899

cost of Rwandan lives.’¹⁰⁴ As the administration under the Secretary-General, the Secretariat is in an equally influential position in terms of the information it provides to the Security Council and the way in which it frames such information. Anything that might have led to Security Council authorisation of intervention was considered a threat to the UN, and information and possible military strategies were filtered according to this principle. It is hard to speculate whether the Secretariat’s position proved decisive for the norm of humanitarian intervention in Rwanda, but Barnett argues that it had significant power to influence the Security Council, due to its ability to frame the council’s discussions and the weight given to its observations because of its perceived impartiality.¹⁰⁵ This confirms Finnemore and Sikkink’s contention that organisational platforms are significant determinants of norm evolution.

As this analysis shows, Somalia shaped the international response to the genocide in Rwanda in many ways. The comparison between policies adopted in response to Somalia and Rwanda have also revealed the most significant factors that have determined the level of success of the norm of humanitarian intervention, notably norm entrepreneurship and the willingness to contribute troops. It is important to remember, however, that the UN did (eventually) authorise a military intervention in Rwanda, initially undertaken by France, and later replaced by UNAMIR II. Although many have questioned the moral legitimacy, methods and effectiveness of the intervention, for the purposes of this analysis it is worth considering why the Security Council changed its policy and finally agreed to the application of the norm.

As awareness of the genocide unfolding in Rwanda increased, the pressure on the Security Council to act quickly escalated. In this context, the reluctance of the council to name the violence genocide for fear of an international expectation that the UN should intervene demonstrates two facts about the norm. Firstly, it may have been more widely accepted than the actions of the council suggest. As the British ambassador argued, if the council declared genocide was taking place and then did not intervene, it would be a ‘laughing stock’.¹⁰⁶ The normative expectation of intervention in response to genocide existed. Secondly, this expectation suggests that

¹⁰⁴ Quoted in Barnett, *Eyewitness to a Genocide*, p.123

¹⁰⁵ *ibid.*, pp.124-125

¹⁰⁶ Wheeler, *Saving Strangers*, p.226

there was a higher level of acceptance of humanitarian intervention as a response to genocide than there was of it as a response to widespread and serious human rights abuses in the context of civil war (as the violence in Rwanda was portrayed initially). This points to the fact that the evolution of the norm of humanitarian intervention is not a unitary process: one form of the norm clearly gained more widespread acceptance than another.

However, when the council did finally call the violence genocide, intervention was not immediately forthcoming. The eventual authorisation of intervention in Resolution 929 was in large part due to the offer of an intermediary force from France. The change in policy by the Security Council, although undoubtedly affected by international pressure in the wake of acknowledgement of the genocide, was triggered by the offer of troops, as had been the case in Somalia. Once again, capability was a decisive factor.

What led the French to intervene? Alongside the rest of the council, France had earlier voted to reduce UNAMIR in the face of increasing violence in Rwanda, so to what extent was a norm of humanitarian intervention a factor in its later decision to lead the intervention? French policymakers used moral justifications, which essentially referred to a duty of humanitarian intervention, in public explanations of their decision. For instance, French foreign minister, Alain Juppé, said that France had ‘a real duty to intervene in Rwanda...to put an end to the massacres and protect the populations threatened with extermination’.¹⁰⁷ Furthermore, Wheeler argues that the French had the benefit of domestic public support for intervention: ‘Thanks to the efforts of Médecins Sans Frontières and high-profile figures in the French humanitarian movement like Bernard Kouchner, there is strong public support in France for *Le Devoir d’Ingérence*. This is the idea that individuals in distress have a right to humanitarian assistance and that this creates a correlative duty on the part of the international community to deliver it.’¹⁰⁸ Although this fact and the public statements in France about the offer of intervention represent significant references to a norm of humanitarian intervention, they do not explain the timing of the decision. Wheeler argues that in fact France’s intervention may have been cover for support of its

¹⁰⁷ Quoted in *ibid.*, p.231

¹⁰⁸ *ibid.*, pp.235-236

‘failing ally’, the Hutu Rwandan government, which was fast losing to the RPF forces taking control of much of the country during the genocide.¹⁰⁹ He also argues that ‘French policy-makers were determined to stop the triumph of the “Anglophones” in what they viewed as their part of Africa’.¹¹⁰ The evidence supports these realist justifications of a belated policy of intervention, as the French refused the entry of RPF soldiers in the ‘safe humanitarian zone’ set up in south-western Rwanda, while the very same area became a sanctuary for retreating Rwandan government forces, along with the refusal by the French to arrest suspected war criminals, or to shut down the radio station broadcasting anti-Tutsi hate propaganda.¹¹¹ The conduct of the French in their supposed humanitarian intervention suggests that they were not in fact driven by a humanitarian impulse: the normative power of humanitarianism did not motivate French intervention, yet it did provide a convenient justification for a policy driven by *realpolitik*. Although this suggests that the norm of humanitarian intervention was not as established as French justifications implied, the reference to the norm by French policymakers is nevertheless significant in the evolution of the norm. As in the case of US involvement in Somalia, although France was not necessarily intending to create a precedent of humanitarian intervention, by justifying its actions in terms of the norm, it was further embedding the expectation that it (or the international community) would – and should – act in a similar way in similar circumstances.

The overwhelming impression given by the Rwanda case, and the half-hearted and after-the-fact intervention, is that the norm of humanitarian intervention was not sufficiently evolved and established to prompt timely action in response to the genocide in Rwanda. Capability was crucial, as those states supporting the norm were unable to put their words into action without the support of more powerful and well-resourced states. However, capability is not the end of the story. *Willingness* to contribute troops and resources was in fact the root cause of international inaction in Rwanda. Some governments, including the US, had the capability to rapidly deploy a force sufficient to halt the genocide, but none of these were willing to do so. This can

¹⁰⁹ *ibid.*, p.233. There was a precedent for this: France had intervened in Rwanda in 1990 to support Habyarimana’s government against the RPF.

¹¹⁰ *ibid.*

¹¹¹ *ibid.*, p.234 See also Dallaire, *Shake Hands with the Devil*, p.459 for further evidence questioning France’s neutrality.

lead us to the conclusion that *which* states support the norm is crucial to its success, not necessarily the number, as Finnemore and Sikkink suggest in their theory of tipping points. What is hard to determine in this case, however, is whether the support of the norm by a state able and willing to commit enough troops would have led to the widespread acceptance of the norm by other states. All the factors discussed above, including the nervousness of states and UN bureaucrats after Somalia, and the lack of norm entrepreneurship from the Secretary-General, prevent us from determining whether the reluctance to create a permanent norm of humanitarian intervention expressed by states when dealing with Somalia would have persisted; there were too many other factors working against the norm.

However, as much as Rwanda marked a low-point for the norm of humanitarian intervention, the very failure of the international community to stop the twentieth-century's second holocaust arguably led to the norm's revival. As Somalia had created international scepticism of humanitarian intervention, so Rwanda prompted the realisation that the international community needed to create the normative framework necessary to prevent a similar tragedy. In the years following Rwanda, humanitarian intervention has been heavily debated, both among academics and by policymakers. Rwanda also contributed to the normative shift led by the International Commission on Intervention and State Sovereignty, transforming a notion of humanitarian intervention into one of a responsibility to protect. It was into this normative environment that an ethnic conflict of a different nature in Darfur came onto the international agenda.

The international response to the crisis in Darfur

The civil war in the Darfur region of Sudan has been raging since 2003. In April 2008 two UN officials placed the death toll at 300,000,¹¹² but others suggest this number of people had been killed by 2005.¹¹³ Although not characterised by the level of inaction that defined the international response to Rwanda, the increased support

¹¹² CBC News, 'Darfur death toll could be as high as 300,000:UN official', 22 April 2008, available at <http://www.cbc.ca/world/story/2008/04/22/darfur-un.html>

¹¹³ House of Commons International Development Committee, *Darfur, Sudan: The Responsibility to Protect*, fifth report of session 2004–05, vol. 1 (HC 67-1), March 30, 2005, available at www.publications.parliament.uk/pa/cm200405/cmselect/cmintdev/67/67i.pdf, p.3

for the norm of humanitarian intervention after 1994 has not materialised in the policies adopted by states towards the ethnic cleansing, or genocide (as some have labelled it), in Darfur. Currently, the UN-AU Mission in Darfur (UNAMID) 'is doing all in its power and with limited resources to provide protection to civilians in Darfur, facilitate the humanitarian aid operation, and help provide an environment in which peace can take root'.¹¹⁴ Crucially, however, UNAMID was not agreed to by the Security Council until consent had been elicited from the Sudanese government (a protracted process that caused significant delays): UNAMID is not a humanitarian intervention, although it is authorised to use all means necessary to protect its own personnel and civilians. This chapter will address why the norm of humanitarian intervention, despite apparently universal support for it in principle, indicated by the unanimous acceptance of the UN World Summit Outcome document in 2005, which made an explicit reference to the responsibility to protect, proved to have little impact on international approaches to the conflict in Darfur. A number of issues arise, each of which will be addressed in turn: the ongoing dominance of the sovereignty norm, indicated by the need to get Sudan's consent for the deployment of not only UNAMID, but also its predecessor, the African Union Mission in Sudan (AMIS); the effect of the change in the language of the norm, brought about by the responsibility to protect doctrine; the prevailing international circumstances, which led key actors to prioritise other factors, including the fragile North/South peace process and the global war on terror; the perceived legitimacy of Western norm entrepreneurs; and finally, the capability of states, both Western and African, to enact the norm.

The international community's emphasis on the need for consent from Sudan and the cautious respect for its sovereignty can be found in almost all official deliberations on peacekeeping in Darfur. The preambles to all the Security Council resolutions on Darfur include a standard reaffirmation of the council's 'commitment to the sovereignty, unity, independence and territorial integrity of Sudan'.¹¹⁵ Not only have states like China and Russia expressed the 'overriding need' for the consent of the government of Sudan, but strong advocates of the norm of humanitarian intervention like the UK have stressed the importance of the consent of the Sudanese government

¹¹⁴ UN, UNAMID Background, <http://www.un.org/Depts/dpko/missions/unamid/background.html>, accessed November 2009

¹¹⁵ See, for example, UN Security Council Resolution 1547, 11 June 2004

to the deployment of a UN peacekeeping force to Darfur.¹¹⁶ Even the African Union, which has one of the most explicit provisions for humanitarian intervention of all regional organisations, in Article 4(h) of the Constitutive Act of the AU,¹¹⁷ refused to act without the consent of the government in Khartoum. Evidence for this can be found in a communiqué from an AU ‘mini-summit’ in October 2004, in which members reaffirmed their commitment to Sudan’s sovereignty and rejected the possibility of ‘any foreign intervention by any country, whatsoever’.¹¹⁸ In its statement following the adoption of Security Council Resolution 1706 authorising the expansion of the United Nations Mission in Sudan (UNMIS – at the time already operating in southern Sudan) to include peacekeeping activities in Darfur (on condition of Sudan’s consent), Ghana was the only state to suggest that Sudan’s consent should not be the ultimate concern of the council, and explicitly referred to Article 4(h):

In adopting [Article 4(h)], the AU member states set themselves the highest standards of accountability in governance. But, more importantly, they assumed the responsibility to protect the victims of war on the continent. Clearly, the situation in the Sudan merits some form of international engagement that is timely, meaningful, well-coordinated and effective. It is for those reasons that we have reservations about the inclusion in the draft text of explicit language that the Government of the Sudan can take all the time it wants before allowing the United Nations to deploy in Darfur, or even to refuse to do so, regardless of the cost in human lives.¹¹⁹

Nevertheless, Ghana was alone in highlighting the apparent lack of willingness among other Security Council members to contemplate humanitarian intervention, even in the event of Sudanese refusal to UN peacekeeping in Darfur.

What emerges is a picture of an ever-dominant norm of state sovereignty, which seemed to take unconditional precedence over humanitarian concerns in the international response to the crisis in Darfur. I would contend, therefore, that the unanimous acceptance of the humanitarian intervention norm in the World Summit

¹¹⁶ See statement by Ms Pierce, representative of the UK to the Security Council, at the 5519th meeting of the UN Security Council on 31 August 2006

¹¹⁷ See Constitutive Act of the African Union, available at http://www.au2002.gov.za/docs/key_oau/au_act.htm (2002). Article 4(h) asserts ‘the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity’.

¹¹⁸ Cited in Paul D. Williams & Alex J. Bellamy, ‘The Responsibility to Protect and the Crisis in Darfur’, *Security Dialogue*, Vol.36, No.1 (2005), p.43

¹¹⁹ Mr Nana Effah-Apenteng of Ghana, UN Security Council 5519th Meeting, 31 August 2006

Outcome Document (in the form of the responsibility to protect doctrine) may not, in fact, represent norm cascade, the second stage on Finnemore and Sikkink's framework for norm evolution. The norm of humanitarian intervention was still very much competing with the established norms of sovereignty and non-interference during the Darfur deliberations. This exposes a point not found in the existing literature on norm evolution – that adoption or acceptance of the norm, even in the formal institutional context of the UN, will not always translate into the automatic enactment of the norm. This is an issue I will return to in more detail in the concluding section.

For now, within the context of the Darfur case, it is worth considering why, despite all the international pontificating about sovereignty as responsibility, did the pledged support for the responsibility to protect fail to manifest itself during the Darfur deliberations, to be trumped by the sovereignty norm? Clearly part of the explanation lies in the fact that state sovereignty is one of the most well-established and closely guarded international norms, so humanitarian intervention is competing against a tough opposition in its bid for a place in the current international normative framework. However, Alex Bellamy argues that the rhetorical shift from humanitarian intervention to a responsibility to protect also played a role. Despite apparently encouraging an improved consensus on the norm of humanitarian intervention, Bellamy argues that the responsibility to protect, in its emphasis on the primary responsibility of states to protect their own citizens, gave states an excuse for inaction. The sovereignty of Sudan came high up in discussions because the responsibility to protect advocates an approach which uses state sovereignty as a starting point, perhaps one of the reasons why such an approach found more approval than traditional notions of humanitarian intervention had. However, by reinforcing the fact that Sudan holds the primary responsibility for the welfare of its citizens, the responsibility to protect doctrine in fact lent normative weight to arguments against intervention. For instance, the UK, despite being a key norm advocate, tried to justify its rejection of the possibility of forceful intervention with reference to the ICISS responsibility to protect framework: 'the best way to deliver security to the people of Darfur is to get those with primary responsibility for it to do it...the government of

Sudan.’¹²⁰ It was not only states who endorsed the view that Sudan held the primary responsibility to halt the atrocities in Darfur: high-profile UN special representatives in Sudan, Jan Pronk and Francis Deng also voiced their support for this view. As Bellamy notes, ‘Paradoxically, Deng argues that although the government “probably” lacked the will and capacity to disarm the Janjaweed, it retained the primary responsibility for doing so... He concluded that international intervention would “complicate and aggravate” the crisis by increasing the level of violence and causing the government to withdraw its cooperation.’¹²¹

However, as Deng’s view suggests, there was considerable evidence that Sudan was not showing the willingness or ability to protect its own citizens, the point referred to in the ICISS report at which the international community should assume the responsibility to protect, meaning any calls for humanitarian intervention would have been legitimate. Indeed, there was considerable evidence publicly available indicating Khartoum’s complicity in the mass atrocities being committed in Darfur. This suggests then, that arguments stating that the responsibility to protect rested primarily with the Sudanese government were in fact used to legitimate a decision against humanitarian intervention that was made for other reasons.

In looking at alternative explanations for the international community’s reluctance to embrace the possibility of humanitarian intervention, it is hard to avoid the conclusion that the immediate historical context – both within Sudan and internationally – was a factor in the failure of the norm. Firstly, the international community, particularly the US, UK and Norway (all significant norm advocates), had been engaged in the delicate peace process unfolding in the south of Sudan, a process that was finally providing an end in sight for Africa’s longest running civil war. Paul Williams, among others, has argued that the decision to prioritise the Comprehensive Peace Agreement between the government of Sudan and the Sudanese People’s Liberation Movement/Army (SPLM/A) in the south of the country

¹²⁰ Francis Deng cited in Alex J. Bellamy, ‘Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq’, *Ethics & International Affairs*, Vol.19, No.2 (2005), p.45

¹²¹ Bellamy, ‘Responsibility to Protect’, p.46

can in part explain the ‘limp response’ by the US to the crisis in Darfur.¹²² For instance, US Secretary of State Colin Powell said, ‘There is a concern that we don’t want to put so much pressure on the Sudanese government that causes internal problems that might make the situation [in the south] worse.’¹²³ Others, including some of the most ardent advocates of humanitarian intervention, such as Ramesh Thakur, one of the ICISS commissioners, argued that advocating humanitarian intervention, let alone carrying it out, would have seriously undermined the delicate diplomacy involved in the North/South peace process. This tells us two important things about the norm. Firstly, the principles underlying the norm, namely the protection of fundamental human rights, may not always be best served by the norm. Even if the norm enjoyed unbridled success and was universally (and genuinely) accepted, it would not necessarily be appropriate to use it to stop every case of mass human rights violations. Humanitarian intervention comes at the extreme end of a continuum of peacekeeping and conflict resolution policies, and as such will not always be resorted to, regardless of the stage of evolution the norm has reached. Secondly, the fact that exercising the norm in Darfur was constrained by the North/South peace process supports Florini’s argument that ‘environmental factors’ affect the successful evolution of a new norm.¹²⁴

These environmental factors also included the international context in which Darfur came onto the international agenda. Just as Somalia fundamentally influenced the international response to Rwanda, and, in turn, Rwanda inspired a new push towards consensus on humanitarian intervention, 9/11 and the war on terror had a significant impact on international, and particularly US, policies on Darfur. These events may help to explain why, as everybody marked the tenth anniversary of the genocide in Rwanda with utterances of ‘never again’, the international remorse shown after Rwanda did not galvanise states into decisive action in Darfur. Eric Heinze points out that the Sudanese government has emerged as a particularly useful partner and source of intelligence in the US war against terrorism.¹²⁵ ‘Given the high priority placed on terrorism in Washington, it is no surprise that a forceful response to

¹²² Paul D. Williams, ‘Military Responses to Mass Killing: The African Union Mission in Sudan’, *International Peacekeeping*, Vol.13, No.2 (2006), p.173

¹²³ Quoted in Williams & Bellamy, ‘The Responsibility to Protect and the Crisis in Darfur’, p.38

¹²⁴ Florini, ‘The Evolution of International Norms’, p.377

¹²⁵ Eric A. Heinze, ‘The Rhetoric of Genocide in US Foreign Policy: Rwanda and Darfur Compared’, *Political Science Quarterly*, Vol.122, No.3 (2007), pp.378-379

“genocide” in Darfur would have to be weighed against the increasing need to befriend regimes like the one in Khartoum for purposes of anti-terrorism, despite its miserable human rights record.’¹²⁶ Moreover, it is not surprising that the US and other Western states engaged in military operations in Iraq and Afghanistan would have wanted to avoid war in another Islamic country. Williams and Bellamy note the challenge faced by Western states ‘to find ways of responding to Darfur’s crisis that emphasised their commitment to the idea of “sovereignty as responsibility” but which did not fuel Islamic radicalism and encourage Sudan to become a haven for anti-Western terrorist groups as it had been in the early 1990s’.¹²⁷

Other than creating an environment inhospitable to the enactment of the humanitarian intervention norm in Darfur, the war on terror, and particularly the war in Iraq, had another effect on the norm. The use of humanitarian justifications for the war in Iraq, which many argued were only invoked when other reasons (such as Iraq’s alleged possession of weapons of mass destruction) were found to be based on poor factual information, damaged both the legitimacy of the norm and of those states engaged in Iraq that advocated it. It led states to suspect that Western advocacy of the humanitarian intervention norm ‘masked neo-imperial ambitions’.¹²⁸ Indeed, Sudan itself expressed its concern about Western motives when it asked whether the Security Council’s ‘lofty humanitarian objective’ in Darfur was a ‘Trojan horse...embraced by other people who are advocating a different agenda’.¹²⁹ Moreover, Cheryl Igiri and Princeton Lyman note that Sudan lobbied Arab and African governments, warning them that pressure from the US on the issue of Darfur was part of an attack on Islam.¹³⁰ Other motives for Western concern about Darfur were speculated about in the press in various Arab countries, motives including the US wanting to increase leverage on Egypt, the desired overthrow of Sudan’s Islamic government, keeping Sudan dependent on American food aid and the US aim to gain

¹²⁶ *ibid.*

¹²⁷ Williams & Bellamy, ‘The Responsibility to Protect and the Crisis in Darfur’, p.38. Also see Touko Piiparinen, ‘The Lessons of Darfur for the Future of Humanitarian Intervention’, *Global Governance*, Vol.13, No.3 (2007), p.367

¹²⁸ Williams & Bellamy, ‘The Responsibility to Protect and the Crisis in Darfur’, p.36

¹²⁹ Quoted in *ibid.*

¹³⁰ Cheryl O. Igiri & Princeton M. Lyman, ‘Giving Meaning to “Never Again”: Seeking an Effective Response to the Crisis in Darfur and Beyond’, Council on Foreign Relations, CSR No.5 (2004), pp.21-22

access to Sudan's oil reserves.¹³¹ Clearly, the war in Iraq, and the US's broader campaign against terrorism and Islamic extremism, had a huge impact on the ability of the US and its Western allies to act as norm entrepreneurs in the case of Darfur, despite such states leading norm advocacy efforts in the wake of Rwanda. Furthermore, Bellamy suggests that there is evidence that the war in Iraq has not only had an effect on those states that were already suspicious of humanitarian intervention as an infringement of sovereignty, but also on states that previously supported the norm. Soon after the beginning of the Iraq war, a group of social-democratic leaders rejected Prime Minister Blair's insertion of the idea of a 'responsibility to protect' into a draft communiqué. One of the states that rejected Blair's advocacy of the norm was Germany, which had previously supported the ICISS agenda. Bellamy argues that Germany, as a vocal critic of the unauthorised intervention in Iraq, was concerned that the US and UK would use the doctrine of humanitarian intervention to legitimate the war in Iraq.¹³² Thus, not only did the Iraq war bring 'humanitarian intervention into disrepute',¹³³ but it fundamentally undermined the legitimacy of the US and the UK as norm entrepreneurs. This provides some evidence for the hypothesis that the perceived legitimacy of norm entrepreneurs is crucial to their success in advancing the norm.

However, although the perceived legitimacy of such norm advocates would have made any US/UK proposal for intervention deeply unpopular, no such intervention was proposed by these states. Was this a form of self-censorship, as they realised that advocacy of humanitarian intervention would have been politically unworkable? This may be partly true – the US and the UK would have realised the implications of the war in Iraq on any proposed future interventions (humanitarian or not). However, I would suggest that another factor played a more significant role in the West's reluctance to propose humanitarian intervention, and was perhaps decisive in the failure of the humanitarian norm in the case of Darfur. This is the capability factor. Although not quite the same as in the Rwanda case, where most states were *unwilling* to contribute troops, military overstretch as a result of large-scale operations in both Iraq and Afghanistan may have eliminated any ideas of Western intervention in

¹³¹ *ibid.*

¹³² Bellamy, 'Responsibility to Protect or Trojan Horse?', p.39

¹³³ Ian Williams cited in *ibid.*, pp.38-39

Darfur before they got off the ground. Thomas Weiss argues that despite the fact that US power is such that it could serve as a significant advocate of the norm, we may be facing the ‘sunset of humanitarian intervention’ because ‘its inclination to commit significant political and military resources has waned’ in the wake of Iraq and the war on terror.¹³⁴ Whether or not we are truly confronted by the sunset of humanitarian intervention – although I would suggest that the future progress of the norm is not necessarily irrevocably damaged by the present international environment – in the case of Darfur there was no question that the US, UK or NATO would be leading intervention or even troop contributions to a UN force. This genuine lack of capability has manifested itself in the poor material and logistical support for first AMIS and then UNAMID. For example, a report by the Save Darfur Coalition on helicopter support to airlift UNAMID troops to Darfur acknowledged that ‘demands for helicopters from the leading contributing nations and NATO members to support peacekeeping missions will have to compete with demands from other quarters... [For instance], in November 2007, NATO Secretary General Jaap de Hoop Scheffer asked alliance members to increase the number of helicopters based in Afghanistan.’¹³⁵ The inability of Western advocates of the norm to contribute troops or materials to existing peacekeeping efforts in Darfur also has an impact on their likely success as norm entrepreneurs: ‘It has become harder for these states to persuade others to act decisively in humanitarian emergencies at precisely the moment when those states themselves are less able to bear the costs of acting outside the world’s institutional framework.’¹³⁶ The crisis in Darfur has also demonstrated that even if African states had the will to enact their commitment to humanitarian intervention (which, as argued above, it seems they did not), they do not currently have the capacity to do so, as their request for a UN support for the floundering AMIS shows. For instance, in late September 2004, only 300 AU peacekeepers were on the ground, a tenth of the envisaged 3,000, and President Obasanjo of Nigeria bemoaned the fact that the AU, despite its willingness to deploy more troops, was unable to do so without international assistance.¹³⁷ Therefore, even in a situation where the US and other Western states had abdicated responsibility for leading any

¹³⁴ Thomas Weiss, ‘The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era’, *Security Dialogue*, Vol.35, No.2 (2004), pp.135-136

¹³⁵ Save Darfur Coalition, ‘Grounded: The International Community’s Betrayal of UNAMID’, (July 2008), available at http://darfur.3cdn.net/b5b2056f1398299ffe_x9m6bt7cu.pdf, p.16

¹³⁶ Bellamy, ‘Responsibility to Protect or Trojan Horse?’, p.33

¹³⁷ *ibid.*, p.44

peacekeeping efforts, the alternative African initiative required significant levels of outside logistical and financial support, and would have even more so had forcible intervention taken place; humanitarian intervention in Darfur required Western capability and willingness to contribute in one way or another.

Darfur is a highly complex conflict and the reasons for the reluctance of the international community to invoke the norm of humanitarian intervention in response to it are equally complex. There was some advocacy for humanitarian intervention during Security Council discussions by the Philippines, Romania and, as mentioned above, Ghana. However, the demands of these states, unable as they were to lead any intervention themselves, were drowned out by calls - both by traditional advocates and by sceptics of the norm - to reject its application in the case of Darfur. The sceptics of the norm, if they had endorsed the responsibility to protect framework when it was presented to the UN in the World Summit Outcome document in 2005, may have done so only because it reinforced their view of the primacy of sovereignty and of the notion that each state should retain its responsibility for the welfare of its own citizens. Certainly this view, and their unfailing support for the sovereignty norm, meant that humanitarian intervention sceptics were not about to agree to the application of the norm in light of the atrocities in Darfur. For their part, the advocates of the norm were hamstrung by their existing military commitments and by their reduced ability to advocate a norm that they had arguably abused in order to justify intervention in Iraq.

The events of 11 September 2001 undoubtedly changed the international environment in many significant ways, and the lasting effects on the norm of humanitarian intervention are still uncertain. However, Darfur, in its role as a test case for the norm, supposedly strengthened after the universal recognition of international failure in Rwanda, shows that the short-term effects of the post-9/11 environment on the norm were considerable. Bellamy argues that 'the level of consensus about humanitarian intervention has not perceptively shifted' in the post-9/11 era, and therefore what emerges from the international response to Darfur is the fact that such a consensus does not guarantee enactment of the norm. However, this does not necessarily mean that the norm is still at square one in its evolution. The widespread support for the responsibility to protect *has* had a positive impact on state behaviour.

Although many would argue the response to Darfur has been seriously lacking, it has not been defined by the same indifference experienced in the case of Rwanda, and I would argue that this is a result of the growing influence of the norm since 1994. As much as the post-9/11 environment may have meant that humanitarian intervention was never seriously considered, for pragmatic as well as ideological reasons, I would suggest that the international community has been compelled to act in other ways (something it failed to do in Rwanda) because of the progress made by the humanitarian intervention and responsibility to protect norms. This may be an interesting intermediate step in the life cycle of a norm, not adequately considered by the existing literature on norm evolution, whereby the cascade of a norm may not immediately bring about the policy intended by the norm, but instead brings international behaviour closer to such a policy. Ironically, Darfur may show that the unwillingness and inability of states to conduct humanitarian intervention, combined with their acceptance of the norm in principle, has led them more actively to support alternative solutions to the crisis. Of course, the international response to Darfur is not beyond criticism, but it has shown that some normative progress has been made since Rwanda: inaction is no longer a policy option when the world is faced with a monumental case of human suffering.

Conclusion

Using the findings from the case studies, I can return to assess my original hypotheses, beginning with *H1*, which asserts that actors perceived as morally legitimate, and not just powerful states, will make the best norm entrepreneurs. The Darfur case suggests this may be true, as Western states involved in Iraq and Afghanistan, particularly the US and the UK, were less able to advance the cause of the norm, due to international scepticism about their motives. However, I would argue that in the case of the humanitarian intervention norm, the power (in the traditional, realist sense) of norm entrepreneurs is still highly important. This is because to experience the highest level of success as a norm entrepreneur – i.e. to get other states to agree to humanitarian intervention – the state (or group of states) has to be in the position to lead an intervention, or at least contribute a significant number of troops and other material support. As was shown in all three cases, advocacy of the norm by states without the military might to lead an intervention was relatively

ineffective, as it was only when countries like the US and France (in Somalia and Rwanda respectively) offered troops that humanitarian intervention actually went ahead. This is not to say military power will always be decisive in norm entrepreneurship for all norms, but in the case of humanitarian intervention, a norm requiring the use of armed force, military prowess will be highly relevant to any successful advocacy of the norm. This highlights the fact that any attempt to find a one-size-fits-all theoretical framework for the evolution of norms may be futile: individual characteristics of the norm may have a big impact on what leads to its success or not.

My second hypothesis (*H2*), which was based on Finnemore and Sikkink's assertion that the tipping point will not occur until a third of all states have adopted the norm, is much harder to draw firm conclusions on. From the three cases analysed, it is not entirely clear when the tipping point occurred. We can perhaps narrow it down to occurring some time between Rwanda, when there was very little acceptance of the norm, and the unanimous acceptance of the World Summit Outcome Document in 2005. Maybe at some point during the ICISS consultations during 2000 and 2001, enough states voiced their support for the norm that others followed suit when the commission's findings were presented to the General Assembly. However, it is hard to tell, as the vast majority of those who participated in the ICISS roundtables were not government representatives and so it is difficult to get an accurate picture of states' perceptions at the time.¹³⁸ This exposes a conceptual difficulty with the 'tipping point': it may be true that once a certain number of states have adopted and advocated a norm, a sort of domino effect occurs and increasing numbers of states follow suit, for reasons of conformity, but this threshold will always be incredibly hard to measure. As conceded by Finnemore and Sikkink, an estimate of the number of states accepting a norm required for norm cascade will never be absolute, as which states, as well as how many, will be important. In the case of humanitarian intervention, it may have been that significant states from the developing world had to adopt the norm before others would follow suit. This is because it has historically been those states emerging from colonialism and the Soviet bloc that have most

¹³⁸ See report of the International Commission on Intervention and State Sovereignty, Part III: Background, available at <http://www.iciss.ca/pdf/Supplementary%20Volume,%20Background.pdf>, for a list of participants and for a summary of discussions at each of the roundtables.

closely guarded the sovereignty norm, and which have been most suspicious of Western attempts to weaken it. Clearly more research on the notion of norm tipping points is needed.

H3 – that a clear norm will be more successful – might be a little easier to draw some conclusions on, though it is also not entirely straightforward. The case of Somalia showed that in its emergent, undefined state, the norm of humanitarian intervention was embraced by the US, because it could be what the Bush administration wanted it to be: they could conduct a short sharp armed response to a humanitarian crisis in order to assuage calls for a more protracted intervention in the former Yugoslavia. However, the eventual failure in Somalia clarified the norm to some extent, demonstrating that any humanitarian intervention would have to address political and socio-economic causes of a crisis, and may be a prolonged commitment. Suddenly, the norm was less appealing to those likely to shoulder its burden. Although this evidence appears to disprove *H3*, I would argue that this is not necessarily the case. The international community's rejection of the humanitarian intervention norm in the case of Rwanda was not determined by the clarity of the norm, but rather was a result of a disapproval of what the norm entailed. Indeed, the later unanimous acceptance of the responsibility to protect framework provides convincing evidence to support hypothesis *H3*, as states were clearly more willing to agree to the norm once they knew exactly what they were agreeing to. Of course, there are other factors that can explain the success (at least in principle) of the responsibility to protect doctrine, but the fact that states knew without doubt what would constitute legitimate intervention in the future must have allayed some of their fears about the abuse of the norm.

Overall, the difference between the acceptance of the norm in the early Somalia case (while the norm was still emergent), and the acceptance of it (at least in theory) at the point of norm cascade, when the norm in the form of the responsibility to protect had become more established, confirms one of the assertions made in the theoretical framework. This is that vague norms are more successful in the early stages of norm evolution, but that the more established a norm becomes, the more necessary it is for

its terms to be clarified in order that it achieve more widespread acceptance.¹³⁹ This also supports the broader theory that it is likely that different factors will determine the success of a norm at different stages in its life cycle.

Finally, my fourth hypothesis, *H4*, that a norm that competes with established norms will be less successful, is strongly supported by the evidence from all three cases. Of course, this will come as no surprise to humanitarian intervention theorists, who have long discussed its conflict with the well-established state sovereignty norm. However, in this respect, the Rwanda case revealed the interesting evidence that in fact competition with the sovereignty norm was not decisive. It instead showed that more recent, but still comparatively well-established peacekeeping norms, which emphasised the inherently neutral and non-forceful characteristics of traditional UN peacekeeping, were more of an obstacle to the application of the humanitarian intervention norm in Rwanda. Nevertheless, this still supports the hypothesis that competition with existing norms will hamper a new norm's progress. Furthermore, the dominance of the sovereignty norm and the barrier it posed to decisive action in Darfur, showed that the way towards success for the humanitarian intervention norm is still very much impeded by the established norms of sovereignty and non-interference. It is perhaps only going to be attempts like those made by the ICISS to graft the humanitarian intervention norm onto these existing norms that will contribute to any progress for norm.

The variance in outcome in the case of Somalia – that although there were concerns about preserving the norm of sovereignty, intervention still went ahead – does not necessarily disprove *H4*. It is possible that the existing norms did not impede the norm of humanitarian intervention during deliberations over Somalia as much as they did in the other two cases because the norm was still in a very emergent phase of its evolution. States advocating humanitarian intervention in Somalia were able to gain support for the policy by asserting that it would be a one-off, exceptional response to a unique situation, and in fact many of them believed that this should be the case. The established norms of sovereignty and non-intervention were not such a barrier at this

¹³⁹ This is a distinction that Legro (in 'Which Norms Matter?') and Van Kersberg & Verbeek (in 'The Politics of International Norms') do not necessarily make clearly enough in their respective discussions on the clarity of norms.

stage of the norm because there was little recognition by states that the norm was being created at all. In contrast, in the cases of Rwanda and Darfur, it was clear that a norm of humanitarian intervention (however fragile) existed, and that those against it would have to refer to competing and more established norms in order to oppose it. Once again, we can see that the stage of the norm's evolution affects the extent to which different variables come into play.

Beyond the four hypotheses, this fact is worth exploring a little more, especially because there is variance between the cases – i.e. whether intervention occurred or not. Some factors were common to all three cases, for example, in all three cases the capability or willingness to contribute troops was crucial to the enactment of the norm, and the world context played a significant role in determining whether or not intervention occurred.

However, there are some features of the different cases that vary. First, in the case of Somalia, framing the norm in terms of domestically accepted norms was particularly crucial to the advocacy of the norm at the international level by the US. This was not as significant in the case of Darfur, perhaps because there was, by then, a broad acceptance of the underlying principles of the norm – it was no longer at an emergent stage – and discussion instead revolved around the application of the norm (how, when, and under what circumstances).

Second, geo-strategic interests seemed to play a bigger role in the latter two cases. It is hard to draw a definite conclusion from just these three cases about whether this factor was not at play in the case of Somalia because the norm was still emergent, or whether it was simply that the initial post-Cold War environment was one in which traditional concerns of security and power were less pressing for Western states than they had been (and arguably are now). There is clearly a need for further research on this interesting aspect of norm dynamics. To what extent are neo-realists right in asserting that norms aligned with the geo-strategic interests of states are more likely to be successful? Perhaps this fact is more pertinent in the case of a norm like humanitarian intervention which relies on the use of military force, making it harder to detach its application from traditional security concerns.

Thirdly, the legitimacy of norm entrepreneurs (*H1*) played a highly significant role in the case of Darfur, a factor which did not particularly feature in considerations about intervention in the Somalia case. However, I would suggest that this was in fact because of the changing international context, and not because the norm of humanitarian intervention was at a different stage in its evolution. In other words, the states which were most likely and able to advocate humanitarian intervention stayed the same across the cases (i.e. Western states with the requisite military capabilities), while their legitimacy as norm advocates did not. This, as opposed to the changing stage of norm evolution, can go some way to explaining the variance between the positive outcome in Somalia - one in which intervention did occur - and that in Darfur, where it did not.

Before a brief discussion on the future of the norm of humanitarian intervention, a few more inductive observations about the norm can be made in light of the cases. First, it becomes apparent that there has not been significant non-governmental norm entrepreneurship in the case of humanitarian intervention. Although some NGOs have campaigned for action in response to each of the crises, none of them were advocating humanitarian intervention *per se*. No high profile international NGO has adopted the cause of humanitarian intervention as a permanent international policy option, perhaps because most humanitarian NGOs typically shy away from the highly politicised issue of the use of armed force. Has this lack of civil society advocacy affected the norm detrimentally? Certainly transnational advocacy networks can add global legitimacy and prominence to an issue area – legitimacy (and perceived neutrality) that states may often lack - as they have done with the environment and the use of land mines, for example. However, in the case of humanitarian intervention, the use of armed force, as an intrinsically state-led action, may be less susceptible to civil society advocacy, and thus non-governmental norm entrepreneurship may be less significant in determining the norm's success than it is in the case of other norms. Nevertheless, global civil society has played a huge role in advancing the human rights norms that have been crucial to the success of humanitarian intervention thus far.

Second, what can be made of the universal acceptance of the responsibility to protect framework set out in the World Summit Outcome Document? Does it represent norm

cascade? Perhaps, but the adoption of this document might not represent a genuine acceptance by all states of the responsibility to protect norm, as suggested by the international response to Darfur. Some states may have agreed to the norm to conform with international expectations without actually accepting its moral validity. This represents part of the socialisation process involved in the norm cascade stage of norm evolution.¹⁴⁰ What is important here is the distinction between widespread rhetorical acceptance of the norm and its genuine acceptance which should lead to its enactment. Nevertheless, the agreement of states to the responsibility to protect in the outcome document, while it may not represent universal adoption of the norm, will create international and domestic expectations for behaviour consistent with the norm. In other words, although the acceptance of the outcome document did not translate into decisive action in the case of Darfur, I would argue that it does represent progress for the norm of humanitarian intervention.

Third, the discrepancy between the acceptance of the norm and its enactment highlights another distinctive feature of the humanitarian intervention norm. Unlike many of the norms talked about in the norm evolution literature, humanitarian intervention is a prescriptive norm, not a prohibitive norm. This makes its enactment distinctly less straightforward than a norm which merely constrains state behaviour. The capability of states to enact the norm is therefore crucial to its success, as was shown by the cases. An area for further research might be whether prohibitive norms are likely to be more successful than those prescribing action.

The final and related point to be made about the norm is that it is a foreign policy norm. Some international norms, such as human rights and democracy norms, operate at the domestic level. The process by which they become internalised is a domestic one, involving domestic institutionalisation and habitualisation. As a norm prescribing a certain sort of foreign policy, humanitarian intervention is unlikely to go through such processes. Although I am not necessarily questioning the potential for success of the norm, I would question whether it will ever become internalised in the way envisaged in Finnemore and Sikkink's model, whereby a norm becomes so *normal* that it no longer provokes debate. As a foreign policy option entailing the use

¹⁴⁰ See Risse and Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices'

of military force, humanitarian intervention will always prompt discussion, however far it has evolved. Moreover, advocates of the norm accept that it will always be an exceptional response following the failure of non-forceful preventive measures. Perhaps, at its most successful, we could expect that the most discussion around humanitarian intervention would not be about whether to employ it, but about how, when and by whom.

The future of humanitarian intervention

Darfur demonstrated that the events of 9/11 fundamentally changed the international normative environment in which humanitarian intervention was becoming established. The full effects of the global war on terror, and in particular the wars in Iraq and Afghanistan, are yet to be seen, but already there are indications of a war-weary West – both states and their domestic constituents. Not only is capability an issue (especially in light of the global financial crisis), but perceptions of military intervention in general – both among those states not intervening currently, and among voters in those states that are – will affect the future prospects of the norm as a form of intervention, however noble its motives. Moreover, as a result of concerns about their perceived international legitimacy, Western advocates of the norm engaged in Iraq and Afghanistan, particularly the US and the UK, may return to a more vocal support of state sovereignty. There may have already been evidence of this in international deliberations over Darfur, as the US and UK reaffirmed Sudan's sovereignty to show that they still held a fundamental respect for the prevailing norms of international society.

The future of humanitarian intervention is distinctly uncertain. Will state sovereignty experience a resurgence as more traditional economic and security concerns push peacekeeping and humanitarianism lower down the agenda? Perhaps, but increasing global interdependence and instant international communications have created a more permeable form of state sovereignty. As Williams and Bellamy have argued, 'There is an important paradox at the heart of the humanitarian intervention norm: it remains weak and contested, but its aspirations have had a profound impact on the way Western states, militaries and societies think about war.'¹⁴¹ The success of the

¹⁴¹ Williams & Bellamy, 'The Responsibility to Protect and the Crisis in Darfur', p.42

humanitarian intervention norm so far lies in the fact that the international community can no longer turn a blind eye to grave violations of human rights – they are no longer purely internal affairs; its future success will be dependent on whether it can provoke decisive action in response to such atrocities. Ironically, the stronger the humanitarian intervention norm becomes, the less likely it will need to be employed, as the very threat of forceful action should act as a deterrent to potential perpetrators of large-scale human rights abuse. Unfortunately, this is far from the reality we face today.

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