

To R2P or not to R2P? That is the question

NATO's possibility and will to intervene militarily during a humanitarian crisis

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Abstract

The last decades has seen a development in the international arena towards new norms, designed to protect civilians during humanitarian crises. This notion became known as the Responsibility to Protect (R2P) and has established itself since the turn of the millennia. At the same time we can observe a change in the behavior during war by the western powers, where territorial conquest no longer is the main objective. Instead wars are fought for values, and are more humane in their nature. This study sets out to investigate the effect of these two developments on the North Atlantic Treaty Alliance. I chose three instances where the R2P norm can be applied, and where NATO has the possibility to intervene, namely the interventions during the breakup of Yugoslavia, the crisis in Darfur and the intervention in Libya. I make use of a theory examining humane warfare by Christopher Cocker, which anticipates a reduction in armed forces, advances in technology and a change in conflict behavior. The theory is applied on the three cases. The findings show that the theory has a strong explanatory value, and that NATO's warfare indeed has become more humane. It also shows that the reduction in the armed forces might have consequences for the alliance.

Keywords: R2P, NATO, Humanitarian Intervention, Humane Warfare, Coalition

Words: 9859

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1.1 Introduction

Since the end of the Cold War, major developments have occurred in the security sphere of the western world that has changed, and continues to change, the nature of military affairs.

Firstly, we have the existential dilemma that struck NATO when its main adversary dissolved, leaving the alliance without a clear purpose. The organization soon realized that reform was needed to justify its continued survival, and soon tried to adapt itself to the new challenges of the 1990's and the 21st century.

Secondly, there has been a major challenge to the century-old Westphalian notion regarding the sovereignty of states. A move towards an acceptance of a military intervention has occurred, as long as the goal is humanitarian. This can happen when the World Community agrees that the current regime has failed in its role of protecting the state's citizens. The definition of this argument is called the Responsibility to Protect (R2P), and follows an international development towards more established and global norms.

These processes has put the nations of NATO in a position where the need to change has become obvious. On one hand, there's a need to alter the own nation's security arrangements that has been in place for decades. On the other hand, we have a global development towards interventionism (even although it is highly contested) and the need for nations to develop the ability to mount a military strike/campaign over long distances. There seem to be a perfect correlation between these two goals, and that it's just a matter of time before both has been fulfilled. But is that truly the case?

The western way of fighting wars has also changed over the years, and there seems to be a movement towards risk-aversion. The western democracy wants to fight a war without the risks that it entails, while paradoxically at the same time being willing to use war as an instrument to promote universal human values, and protecting the same through interventions.

NATO's resources have been used several times during the last decade, with the last example being the operations in Libya during 2011. Many of these operations have however shown that the Treaty Organization's expeditionary strength mainly comes from the United States, and that the reform might not have achieved its stated goals yet. It is however still interesting to examine this phenomenon, since the call for a (constrained) ability to intervene is in demand, and currently only the nations of NATO have a realistic chance of mounting a successful intervention, a possibility argued by for example Pattison (2008). Arguably, the United States could do this on their own, but unilateral actions are frowned upon in today's world and a multilateral

solution, under the umbrella of R2P, would most likely be preferable by the majority of nations.

1.1.1 Statement of purpose

This study sets out to examine the use of force by NATO under the guise of humanitarian intervention. My hypothesis is that NATO's nations are constrained by the factors presented from Coker's theory, namely a will to avoid casualties, an tendency to rely more on technological weapons rather than soldiers in the field, a process towards reductions in the armed forces, a desire to minimize collateral damage and the notion that other non-western combatants has become less humane. These prevent them from successfully carrying out many of the missions that potentially could be launched under the Responsibility to Protect norm. The theories will be explained below.

This paper therefore aims to answer the following question:

How has NATO's ability to perform military interventions under the R2P norm manifested itself? Why is this the case?

1.1.2 Disposition

The thesis will be structured in the following way:

- Chapter 2 will present the theoretical foundation on which the paper rests. Two theories or principles will be used, although the analysis won't encompass the whole of them. Arguments for this decision will be presented in this chapter.
- Chapter 3 outlines the methodological approach and the empirical data which will be used. The limitations of the study will also be presented, for example the time-span and number of cases that I will study.
- Chapter 4 will contain the empirical data regarding NATO and situations where the R2P norm could be applied. Each case will feature a short historical context, a description of the debate surrounding it, and an analysis.
- Chapter 5 will summarize the study's conclusions.

2 Theory

2.1 Humane Warfare

This paper's theoretical approach will be based on the thoughts presented by Christopher Coker in his book *Humane Warfare* (2001), although this paper won't use some of the deeper philosophical arguments put forth by Coker. He in this book describes the transition within the western world from nations willing to fight wars, to nations in search of the "humanitarian war". These wars are fought without the glorification of past wars, and are aimed at being as humane as possible. This involves a marked contrast with the conflicts of old, where success was measured in territorial gains and victory was obtained through a war of attrition, with a great number of dead soldiers on both sides. Casualties on the own side should naturally be kept to a minimum, but substantial losses could be accepted. This was not only true for the leaders of the parties who waged the wars, but to also a great degree for the very men who actually fought the wars. Death in combat was, to a certain extent, acceptable.

The "new wars", however, are aimed at minimizing casualties on the battlefield. This not only applies to the own troops, but also those of the enemy. In fact, the very notion of an "enemy", which you should hate with passion and not hesitate to wound or kill, has changed and been weakened over time (Coker, 2001:67f, 148f). Newer conflict should be fought without unnecessary suffering and preferably (and perhaps ironically) without casualties. The west is "trying to make it [war] more humane, to put humanity back in the picture. The West even fights war for humanity - not as an abstraction as in the past but as individuals and peoples." (Coker, 2001:111) Victory is no longer measured in how many square kilometers that your men have conquered or how many enemy soldiers you have killed, but rather if one has upheld and promoted the values that make up humanity (Coker, 2001:56f).

This stance within the western military forces is however not a global one. While the western way of war might have become more humane, the adversaries in conflicts around the world have become more inhumane. Cruelty and death are ubiquitous in the wars outside the western world, a world where wars are no longer fought. Coker's theory is therefore that the very humanitarian values that we westerners are trying to observe are in fact quite useless, as any potential adversary probably won't play by the same rules (2001:115f). This has sometime led to the perception among western

soldiers that the opponents that they encounter are barbarians, dehumanized warriors that live to kill (Coker, 2001:121ff). A fact, which is also important to mention, is that there appears to be a lack of a “call” in the wars of today. As Coker himself puts it:

The trouble is that humanitarianism does not seem to convey the same moral urgency and moral strength of the old *mission civilisatrice*. Without an imperial ethos (or something very like it) it is difficult to justify casualties, and more difficult still to keep the peace in the way that imperial armies once did.

(2001:125)

There was previously a feeling that duty outweighed the costs of promoting peace through force, a feeling which have now vanished (Coker, 2001:125). The subject of cost brings us to another aspect of the new humanitarian wars. Contemporary western nations waging wars are not only trying to minimize the loss of life, but also the monetary cost. The total wars of the past are shrugged upon not only for their savagery, but also because of their enormous costs. The preparations for the anticipated apocalyptic war between the east and the west built up enormous arsenals of both men and material, but the end of the Cold War meant that these have diminished. As a result the means in material, monetary and manpower resources to perform a costly war has all but disappeared. Instead, the preferred way to fight a war has become the “siege option”, a long attrition campaign where the own casualties are minimized.

The reason for this is the previously mentioned lack of recourses, especially manpower, and a will to avoid the massive cost in money and potentially lives that a decisive attack would bring with it (Coker, 2001:58). This is further complicated by the multilateral wars undertaken today, and echoes the political and military maze that existed during the eighteenth century: too many political cooks spoil the broth. Technological advances have also given an alternative to the “old” and, in the contemporary world, unwanted war. Modern weaponry, including cruise missiles and unmanned aerial vehicles, enables an attacker to strike from great distances with little or no danger to his or hers life.

2.1.1 Limitations

Coker examines the changed attitude in the western world from a philosophical standpoint, which this paper won't adapt. Using e.g. Hegelian arguments to explain the research question is beyond the scope of this study, as it aims to explain the symptoms and the direct causes of them, not underlying additional reasons. I therefore find it unnecessary to go to the same psychological and philosophical depths as Coker does.

2.2 The Responsibility to Protect

To further limit the focus of Cokers theory this study will adapt a definition on humanitarian interventions, developed from the now established norm of *Responsibility to Protect* (R2P). My intention is that this definition will serve as a criterion for assessing if a military intervention has been humanitarian. Several actors claim that their military intervention ranks under the umbrella of humanitarianism, and the hope is that this will make the vague concept more tangible. This is not totally free from problems, as Ramesh Thakur states:

R2P seeks to do three principal things: change the conceptual language from ‘humanitarian intervention’ to ‘responsibility to protect’, pin the responsibility on state authorities at the national and the UNSC at the international level, and ensure that interventions, when they do take place, are done properly. Because R2P is not an interveners’ charter (any more than the UN Charter is a shield behind which tyrants may torture and kill their own people with impunity), it does not provide a checklist against which decisions can be made with precision. Political contingencies cannot be fully anticipated in all their glorious complexity and, in the real world, policy choices will always be made on a case-by-case basis.

(2006:247)

It does however provide the best available checklist according to me, in spite of the issues mentioned above. Let us briefly explain the background and components of R2P before presenting how the two theories will interact with the empirical data.

During the beginning of the 1990’s there was a widespread belief that we, as a world, were heading towards a bright future in the wake of the Soviet collapse. This belief is perhaps best illustrated by Francis Fukuyama and his book *The End of History and the Last Man* (1992), where he presents the idea that western liberalism is the final stage of the ideological evolution which mankind has endured (Thakur, 2006:203).

History would however prove otherwise, as the decade featured several horrible events that alarmed the world community. The arguably most notable were the civil war in Somalia, the genocide in Rwanda and the break-up of Yugoslavia. Yugoslavia brought with it, among other things, the massacre in Srebrenica (Thakur, 2006:203). The inability of the world community to prevent these horrible acts was striking, and they were followed by NATO’s unauthorized attack on Kosovo, further undermining

the role and apparent function of the United Nations when preventing humanitarian catastrophes. In response to this, and on the urging of the Secretary-General Kofi Annan, the International Commission on Intervention and State Sovereignty (ICISS) was set up. The commission was multi-cultural and represented a broad range of interests, which gave it legitimate foundation within the international community (Thakur, 2006:246ff).

Firstly the report, as previously stated, aimed at changing the conceptual language from ‘humanitarian intervention’ to ‘responsibility to protect’ in order to avoid fear from smaller countries that an eventual intervention is just an excuse for neo-colonialism. R2P incorporated the fact that any use of force would be subject to the rules and regulations put forward by the United Nations Charter (Thakur, 2006:250f, 255). It would therefore need to have a mandate from the Security Council authorizing the intervention in order to obtain legitimacy.

Secondly it would still, to a great degree, respect the sovereignty of the nations as defined in the Westphalian idea. The novel idea is that the sovereign now however has a responsibility towards the nation’s citizens. This responsibility “rests primarily with the state concerned. Only if the state is unable or unwilling to fulfil this responsibility, or is itself the perpetrator, does it become the responsibility of others to act in its place” (Thakur, 2006:251). The idea of state sovereignty is strongly linked with the notion of non-intervention, in other word the established norm that force should not be used against another state. This is written in the UN Charter (UN: Charter), and even although it has been, and probably will be, breached on numerous occasions since its signing the norm itself has been vigorously defended by states (Thakur, 2006:251ff).

In conclusion, R2P legitimizes an intervention in extreme cases, respecting the non-intervention principle *until all other options has been exhausted and support to solve the problem internally has been given to the affected state*. It is also stressed that any intervention should be limited in scope, both in time and space (Thakur, 2006:256). The report was put forward and accepted by the UN at the World Summit in 2005 (UN: World Summit), and further established when it was unanimously adopted by the Security Council in 2006, however in a less ambitious version (UN: Resolution 1674).

2.2.1 Limitations

The thesis will focus on cases where there either has been a military intervention by NATO (and it has been argued that it was humanitarian), or when a humanitarian crisis has occurred and there has been strong arguments regarding the need to use military force. I will therefore not investigate the early actions that the R2P norm dictates shall be used during a humanitarian crisis, such as sanctions or support with law enforcement and security, nor the peace building process following an intervention. The essential parts are therefore only those directly regarding the final

option, in other words a military intervention tasked with peace enforcement. It has been stressed by several scholars that R2P isn't a checklist for humanitarian interventions. My intention to use it anyway is based on two points: it is the best available according to me, and the thesis aims to investigate NATO's operations in relation to R2P. A normative discussion can be undertaken regarding the practicality of R2P, but that is not the object of this study.

2.3 Summary

To summarize, I will use the following components of the thoughts presented above. From Coker we adapt the following:

- Western nations have developed a tendency to be more risk-averse during wars, and are less eager to fight wars in which they might get “bogged down” and risk losing popular support.
- The same nations come together, forming coalitions for these wars, in order to act multilaterally. The positive effect of this is legitimacy, but it comes at the cost of compromises.
- They tend to fight wars using advanced technology and weaponry, in order to avoid casualties and minimize costs.
- They have, related to the above, reduced their armed forces, if not in absolute monetary terms then at least shifted their focus from manpower to technology.
- The way that they fight wars is more humane, and includes trying to minimize the casualties that are inflicted upon the enemy, while also limiting general destruction and suffering.
- Conflicts around the world have become more inhumane, also creating differences between the western soldier and his or her opponent. This might deter from intervention or lead to a disrespectful and damaging behavior during an intervention, making the intervention itself more inhumane.

The responsibility to protect on the other hand gives us a framework that allows us to define the nature of a humanitarian intervention. I therefore choose to narrow down the R2P principle into the following points:

The crisis must fulfill some of the following criteria to “qualify” for an intervention:

- “large-scale loss of life due to deliberate state action, neglect or inability to act, or a failed state situation; or
- large-scale ethnic cleansing, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape” (Thakur 2006:258).

- “The scale, duration and intensity should be the minimum necessary to secure the defined human protection objective” (Thakur 2006:258).
- “And there must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequence of action not likely to be worse than the consequences of inaction” (Thakur 2006:258).
- A military humanitarian intervention must have the authorization of the United Nations Security Council in order to gain legitimacy (Thakur 2006:259).

3 Method and empirical data

3.1 Method

The method used will be a textual analysis, aimed at determining and describing the official communications put forward by the relevant actors and analyst. The purpose of this is to uncover trends in the empirical material by comparing different statements and empirical data to each other and the theory.

3.2 Material

The thesis will make use of some official reports and statements from the relevant actors outlined below. It will focus on analytical texts presented by scholars, predominantly active on defense colleges or the political science institutions on other universities, shall also be use to broaden the perspectives so that the debate concerning an intervention is not overlooked. Additionally, news articles will be used to get a measure of the debate and as filters for reports from the cases. The relatively contemporary nature of the studied cases will probably make new agencies useful when locating empirical data. I will during the study mainly use two major news organizations, the CNN and BBC, but others may become relevant.

3.2.1 Limitations

Some restrictions will be made in order to limit the scope of this study and avoid an overwhelming amount of empirical material.

Firstly, the number of main actors will be one, namely NATO. Should further depth be required in a certain case, then the United States, France and the United Kingdom will be investigated. NATO itself is self explanatory, since the organization is the object of this study. This paper has thereafter chosen 3 of the 28 members of NATO as arguably representative, in spite of the need for a unanimous decision on the use of force. I base this choice on two criteria: they are the largest contributors

within the alliance based on expenditure (SIPRI: Military Expenditure), and they are all permanent members of the UN Security Council, thus wielding veto powers to any resolution regarding R2P. These factors should give them weight in negotiations within NATO, enabling them to be potential policy creators. These will be examined if an increased depth is needed.

Secondly, there exists a need for a chronological boundary. Although the R2P norm wasn't established within the United Nations system until 2006, the events which triggered the discussion regarding the need for guidelines concerning atrocities and their prevention started earlier. The study will therefore start from the war in Kosovo, which effectively paved the way for NATO's military humanitarian efforts. The end of the examined period will be the contemporary period (fall/winter 2011) and the situation in Libya.

During this time-span, the following events will be examined:

- The campaigns in Bosnia and Kosovo, since these were NATO's first military endeavor.
- The crisis in Darfur, due to the fact that this often has been used as an argument where R2P should either be used, or admit its defeat. There have been reports of "large-scale loss of life due to deliberate state action, neglect or inability to act, or a failed state situation" (Thakur 2006:258) and voices arguing for a humanitarian intervention are in abundance.
- The Arab Spring and especially Libya, because it has been another instance where NATO used force to prevent human suffering. The other countries affected by the revolutionary fervor could also be included, but to further restrict the number of actors I will limit the study to Libya.

I will not include Syria despite the ongoing crackdown on anti-governmental protests, and the widespread condemnation from the international community. This because the event is still unfolding, which would force the study to be more speculative than I wish for. The war in Afghanistan will also not be investigated, although it might be referred to, in spite of it being the largest operation undertaken by the alliance. The reason for this is that it was primarily initiated under the right of self-defense, and arguments referring to civilian suffering were not used as the primary legitimizing factor.

Thirdly, the two news agencies have been chosen because I consider them to be global in their readership, and they are based in countries which are members of NATO and should therefore report quite extensively on issue regarding NATO since it would be considered domestic. CNN is also based in the militarily most powerful member state, and the BBC is based in the second largest military spender which also has a European connection. French, German and other news agencies could probably contribute, but much is naturally presented in French or another language (which I don't master), and that which is presented in English should hopefully be covered in one of the other agencies as well. It is for example unlikely that a French standpoint

or action wouldn't be covered by the other agencies if it affects NATO due to the country's military might and political power.

4 Empirical Data and Analysis

4.1 Bosnia and Kosovo

4.1.1 Background

The conflict in Kosovo had its origins in the ethnic violence that thrived after the breakup of Yugoslavia. Tito's death left the federation without a capable leader and successors were unable or unwilling to stem the nationalistic and ethnical tension which arose.

The war or wars fought by NATO in former Yugoslavia can be divided into two parts. First there was the conflict in Bosnia-Herzegovina, formally fought between 1992 and 1995. The war became notorious because of the "ethnic cleansing" that defined the conflict (Kaldor 1999: 41ff, 62f). Several factions made use of these tactics, both the Serbs and Croats, and it became apparent that the war was mainly directed against civilian opponents, not military. Large numbers of people were forced to flee and either leave the country or move on to other regions (Kaldor 1999: 61, 65). The violence against civilians created further problems for the international response, which was hampered by two things especially: an inability to realize that the main problem was the violence against civilians and not between the military or paramilitary groups, and a peace force on station that was unable to fulfill mandates due to lack of resources and strict rules of engagements (Kaldor 1999: 70, 74-77; Ramsbotham et.al, 2005: 190).

During the war the United Nations created "safe zones" or "protected areas", where peacekeepers protected civilians. These were however not respected by the belligerent parties, and several safe zones were overrun, the arguably most infamous being Srebrenica in 1995. In response to this, airstrikes were authorized by the United Nations in order to protect civilians and these were carried out by NATO from the 30th of August 1995. The alliance had previously upheld a no-fly zone over Bosnia and a naval blockade in the Adriatic in accordance with UN resolutions and this had resulted in some minor combat, such as a number of downed aircraft (Kaldor 1999: 74).

The bombings succeeded in bringing a halt to the most extensive violence and brought the Serbs back to the negotiation table, eventually leading up to the Dayton Peace Agreement, and a NATO led force was established to monitor the peace (IFOR, later SFOR), although the efficiency of the bombing campaign has been discussed (Kaldor 1999: 72, 78). This represented the first time that NATO used deadly force in a humanitarian context.

The second time occurred four years later in another Yugoslavian region, namely Kosovo. The province had up until the 1990's been controlled by the indigenous Kosovars, but the rise of Milosevic in Serbia favored the up until then discriminated Serbian minority, which now gained positions of power. The now discriminated Kosovars protested, first peacefully, then violently as they regarded themselves as overlooked in the Dayton Peace Agreement. A full-scale conflict emerged in early 1998 and a Serbian counter-offensive created a flood of refugees, although both sides committed atrocities (Ignatieff 2000: 14f). Once again the western world reacted with condemnation, but the violence continued. The United States was determined to not repeat the debacle in Bosnia, and its resolve to use airstrikes had been strengthened, as well as the belief in the efficiency of a bombing campaign, believing that it would bring Milosevic to the negotiating table quickly. NATO got tired of Milosevic's political game, with false promises in abundance, and Milosevic probably underestimated NATO's will to go to war, also basing this on the events in Bosnia (Ignatieff 2000: 17, 53; Kaldor 1999: 178).

Without clearance from the Security Council and a legal resolution supporting it, NATO initiated an aerial bombing campaign on the 24th of March 1999. This lasted for 79 days and in the end the Serbian army retreated, to be replaced by the NATO-led contingent KFOR. The statistics for the war were however discouraging, as most parts of the Serbian army remained intact after the withdrawal (Ignatieff 2000: 33; Kaldor 1999: ; Nationalencyklopedin, *jugoslaviska krigen*).

4.1.2 Debate

Bosnia was a relatively uncomplicated matter from a debate perspective, at least legally. The bombings were authorized by the UN, and were initiated due to a deteriorating situation for the UN forces on the ground. There had however been a call for a more decisive action earlier on, and the problem of realizing that the civilian population was the target aggravated the situation. The ground force already on station was seriously undermanned and had little possibility to prevent the ethnic genocide, even if their rules of engagement had allowed them to make use of more force. The force, UNProfor, had just above 10 percent (3500 soldiers) of the recommended strength and this was an effect of the Security Council's reluctance to grant the funds or mandate for more troops. This may have been an effect of a fear of risking a larger involvement in an upcoming conventional war (Andreatta 1997: 16f; Kaldor 1999: 70), but the Council's actions, home to three NATO members on a

permanent basis, might have actually made the airstrikes inevitable as a last resort. This due to the fact that the existing show of force by the international community was inadequate when functioning as a deterrence. When a need for the use of military force to stop the humanitarian became apparent, the use of airpower was strongly advocated by the United States as an alternative to a ground force. In spite of repeated instances of Serbian aggression and a shaky diplomatic process, additional troops weren't sent, and only the threat of airstrikes was seriously considered by the United States, though the French and British had a Rapid Reaction Force nearby with ground forces (Kaldor 1999: 76f). There was however a rather strong international opposition over the NATO campaign which led by Russia, and also discussions among the NATO allies regarding the depth of involvement and the tactics being used. The European countries were especially concerned over airstrikes since they had troops on the ground as part of UNProfor, and these would be the target of a Serb retaliation (Andreatta 1997: 13f, 23; CNN: Russian Opposition).

And although the Serbian forces withdrew from Bosnia and ceased their assault on the safe zones, it is hard to base this solely to the aerial attacks, as three other factors contributed to the Serbian withdraw. The Croatians launched an attack that pushed back Serbian forces and which was more or less simultaneous with the bombings, the Rapid Reaction Force was used and the ethnic cleansing had generally been completed (CNN: Croatian offensive, CNN: Airstrikes begin, Kaldor 1999: 72).

The Americans seemed to draw a different conclusion: that a strong diplomatic effort backed up by credible threats of airstrikes could promote a successful peace process (Ignatieff 2000: 17). This view of a successful air campaign was however not fully shared by the Western European Union's Institute for Strategic Studies (ISS) who stated that it was a too late response to the ethnic cleansing, also arguing that the western nations reluctance to deploy a credible force earlier stemmed from a hesitation to get deeply involved . The institute also gave credit to the Croatian offensive when it came to bringing the conflict to a halt (Andreatta 1997: 12).

The bombing campaign in Kosovo was seriously opposed by several other countries, most important among these Russia. Russian support was however considered vital, in spite of the circumvention of the Security Council, and support from the Kremlin was eventually secured despite public Russian opinion. It is however important to notice that the U.S. would have continued with the same policy regardless of the Russian answer (CNN: Russian Opposition 2). The operation had the support of all the nations of NATO due to the principle of consensus being used by the organization (NATO: decision-making), but there was a strong debate among the members considering the means. The strongest supporter for another aerial campaign was undoubtedly the United States, while the United Kingdom took a stance supporting an additional ground incursion. This was however consistently ruled out by Washington (Brookings: U.S Diplomacy).

The intervention naturally faced the strongest opposition on the issue of legitimacy, as the Security Council was overlooked. NATO decided to move without

a mandate, acting unilaterally with the US at the helm (Ignatieff 2000: 53). A storm of protests broke out internationally, among fears that there would be serious consequences on the rules and norms of the international arena. In the center of this particular debate was the issue of national sovereignty, which has been mentioned. Contrasting this was the matter of humanitarian values, and how these were being violated in Kosovo.

If a power, and especially the world's only superpower, could act without limitations as long as they cited humanitarian needs then the civilized or restrained war that had developed on the international arena could be at risk. Adding to this problem was the technological level of the Kosovo intervention, where the war seemed clinical and limited. Reliance on high-tech weapons might distance the intervener from the horrors of war, making them more prone to launch an intervention (Ignatieff 2000: 21, 127, 142). In Kosovo, the share of precision guided munitions being used was ca 35%, while it only eight years earlier in Iraq had been less than 10%, a war where the use of such weapons defined the war (Ignatieff 2000: 131, Coker 2001: 20).

There was however another development: the governments in western democracies seemed to be less willing to fight wars, in spite of the fact that it was they who possessed the technological edge. The political will to use ground forces was generally not there, and those who supported it realized that it couldn't be done without the mighty U.S. military machine, who provided 65-80% of the forces and most of the intelligence infrastructure (Ignatieff 2000: 74). The western powers had also reduced their armed forces after the end of the Cold War, and the expeditionary ability within NATO had primarily rested with the U.S. and not with the European members, who had focused their armed forces for a fight on the continental soil or the north Atlantic seas, facing a Soviet onslaught. Estimates also showed that a supplementary ground force would entail a massive force and great costs (Brookings: NATO Options).

The risk-aversion also led to a use of safer tactics by NATO which decreased the efficiency of the bombings: strike aircrafts flew high, usually above 15,000 feet, to avoid casualties and this had a negative effect on their efficiency (Ignatieff 2000: 21, 54f, 78). A political war was also fought, as the consequences of eventual friendly, civilian and enemy losses were weighted against the benefits of a more unrestricted campaign, restraining and hampering the military effort. The surviving Serbian units showed that the campaign perhaps hadn't been as successful as previously thought, and even during the bombings doubts had been raised about the strategy's efficiency (Kaldor 1999: 179).

4.1.3 Analysis

Let us first look on the correlation between these conflicts and Coker's theory. Since he has the Kosovo war as the foundation of his theory, this particular conflict will serve to confirm his findings.

The wars in former Yugoslavia proved to be a turning point in the warfare of the western world. NATO and its members went to war to protect humanitarian values instead of conquering territory during both conflicts, in accordance with the theoretical base. They also relied more on the use of advanced weaponry, in an effort to limit collateral damage and their own casualties, increasing the use since the last major conflict in the gulf. There was however a debate regarding the means, as some nations argued for a ground force, while others supported the "airstrike only" option. This debate was true for both wars, and in the end it appeared that the side with the resources won the day: the side with the United States. During the bombing campaign in Kosovo the U.S. provided the bulk of the forces and supporting units, and a ground campaign without American support would have been unrealistic.

So even although the aspect of coalition warfare holds true, it is in need of some scrutiny when regarding NATO. There existed a need for consensus, if nothing else than simply due to the rules of NATO. But the power structure within the alliance is unbalanced, as the United States has most of the military resources. This situation is further aggravated by the composition of the different members' armed forces, a heritage from the Cold War. The ability to start or engage in a modern war seemed to rest with the Americans, and their superiority also meant that they in effect decided the method of fighting. The downsizing of the western European armies is also consistent with Coker's theory, and that there has been a shift towards technology instead, leaving the European nations with little choice but to follow Washington's lead.

We can also see that the humanitarian way of looking at warfare differed greatly between the westerners and that of the opponent, as the latter had little trouble targeting civilians. In fact, the Bosnian conflict indicated that the west had trouble understanding that civilians were the target and not bystanders in the conflict.

So how do the two conflicts correspond to the norm of Responsibility to Protect? In both cases there was a large-scale loss of life or ethnic cleansing due to state action, thus fulfilling the first two criteria. We can however discuss if the "scale, duration and intensity" was the required minimum, as the action in Bosnia was a response to a failed and deteriorating situation while the one in Kosovo failed to destroy many parts of the Serb army, arguably because the safety for the own troops came first. A ground offensive, and therefore a more intensive strategy, may have saved more lives, but this is only speculation.

We can however be clearer on the second to last point when examining Bosnia. In Kosovo the effect of the bombings on the Serb campaign is harder to determine, but the fall of the safe zones in Bosnia clearly shows that inaction led to further deaths, and a greater number of refugees as part of the ethnic cleansing.

The NATO action Bosnia had a UN mandate which made it legitimate, but the strikes in Kosovo had none, making it impossible to fall under the R2P norm since it

failed to get the approval of the United Nations Security Council, thus making it illegal according to international norms.

4.2 Darfur

4.2.1 Background

Darfur is a province in western Sudan, struck by armed conflict since the early 2000's when rebel forces, from several groups, within Darfur attacked government positions. Violence had increased steadily during the 20th century's last decades, but erupted into a full-scale rebellion first after the start of the new millennia. The starting date is, as with many internal conflicts, hard to determine as the underlying causes have been there for a long time, especially the question regarding resources. As with the conflict in the south, which recently led to the creation of South Sudan, the principle issue was that Khartoum sized the revenues from the resource-rich parts of the countries (el-Battahani, 2006: 12f).

During 2003 the rebels managed to score several important victories against the governmental army, forcing the regime in Khartoum to rethink its strategy. Instead of relying on the regular army, the government started supporting various Arabic groups, collectively known as the Janjaweed (Arabic: 'ghostly riders' or 'evil horsemen'), equipping them and giving them a relatively free rein in Darfur. It is important to note here however that both the rebels in Darfur and the Janjaweed are heterogeneous groups, consisting of several factions that are allied to one another or in conflict depending on the circumstances.

This tactic succeeded in halting the rebel advance towards the east, but also resulted in a major humanitarian crisis as the Janjaweed pillaged and forced people to flee, creating vast numbers of internally displaced persons (IDP's) (Simmons and Dixon, 2006: Hottinger, 2006: 46). The escalating violence eventually led to a peace process, and despite several setbacks an accord was signed in may 2006, partly inspired by the agreement between the Sudanese government and the southern fractions(Hottinger, 2006: 47f). Violence continued however, and the situation continued to be dire for the civilian population as the peace agreement had little effect (Prunier, 2006).

The humanitarian situation has been further aggravated due to food shortages caused by the conflict, and there have been reports that the Sudanese government relocated Arab populations to areas and settlements previously occupied by other groups. The former residents had been driven away by government forces and/or the Janjaweed and become IDP's. An African Union (AU) force has existed in Darfur

since 2005 (logistically supported by the U.S. and NATO) but it was severely constrained by a limited mandate and could do little to change the overall situation.

During 2006 and 2007 there were attempts to stem the violence, but ceasefires were not respected. An effort by the United Nations to establish a peace force to replace the AU force on station was rejected by the Sudanese government, whose approval is needed. Additional suggestions on a composite force, consisting of both UN and AU troops were also dismissed by Khartoum. It wasn't until the summer of 2007 that a UN force was allowed to enter Darfur, but violence continued in spite of this (Prunier, 2006).

A governmental offensive pushed back the rebels towards the western Sudanese border during 2008, but the rebels managed to (unsuccessfully) assault Khartoum. The different fortunes of war might have led up to renewed talks during 2010, and 2009 was a rather calm year. The new peace talks do not equal peace however, and the situation is still dire even although it might have improved.

4.2.2 Debate

The UN called the Darfur conflict the world's worst humanitarian crisis in 2004, and several organizations working in the area has been under attack by militias, and some has even ended their humanitarian work since they can't guarantee the safety of their workers in the area (BBC: Charity Leaves).

Many scholars have demanded a stronger response by the world community in response to the situation, some even going so far as to argue that the R2P norm should be implemented regardless of Khartoum's objections, since the Sudanese government repeatedly resisted the deployment of the UN force (O'Niell, 2006). Susan E. Rice called for a repetition of Kosovo by the United States, where a humanitarian intervention should be launched even if a mandate can't be obtained via the Security Council. A mandate should prove unlikely, since especially China has invested heavily in Sudan's oil assets, and can veto any resolution (BBC: All talk and no action in Darfur, BBC: China 'is fuelling war in Darfur'). The action Rice supports should however preferably be multilateral, with support from NATO and the African Union if possible. She addresses a couple of concerns with her recommendation, other than the legitimacy issues that would arise: U.S. troops are spread thin, with major commitments in Afghanistan and Iraq. This situation has changed due to the recent withdrawal of American forces from Iraq, but even if ground forces couldn't be deployed, the relatively unused U.S. Air Force and Navy could prove sufficient units for a bombing campaign and a credible deterrent to further actions by the Janjaweed and Sudanese Government. The biggest obstacle is however a lack of commitment from Washington, thought to stem from the fact that the Americans does not want to risk their work in the settlement between southern Sudan and Khartoum. This means that Darfur has a lower priority in the American foreign policy towards Sudan.

One point which she raises concern about is however still relevant. An action by the United States against another country, and especially a pre-dominantly Muslim country, might face serious opposition globally due to their wars in Iraq and Afghanistan (Rice 2007). Multilateralism might as an effect of this be hard to achieve in the case of Darfur.

There are however also voices claiming that a military intervention would do more damage than good. Gérard Prunier argues in a 2006 article that a NATO led operation might lead to another Iraq or Somalia, where coalition forces would be bogged down for a long time with unsure chances of success. According to him there is no quick-fix to the problem as Sudan has a complex conflict which can be traced back a long time (Prunier 2006).

The general debate regarding Darfur is therefore not if there is a state-sanctioned humanitarian catastrophe taking place, as that has been established by most observers. It is rather a question about the method of choice by the international community in preventing this situation from continuing, with current practical support for a military intervention, other than peacekeeping forces, being low.

4.2.3 Analysis

Since there hasn't been an intervention, the analysis of Darfur won't have the same depth as the ones in Bosnia, Kosovo and Libya, where actual military operations were conducted. It can however still be enlightening to investigate the situation since many are arguing for an intervention under the R2P norm.

Let us therefore first see if some parts of Cocker's theory can be applied. There appears to be, with the reluctance of the United States to act more forcefully, a tendency to avoid a potential conflict where the forces might get involved for a long time. This risk-aversion corresponds with the theoretical base of this study. We can also see that the same inhumanity that was true for the wars in the former Yugoslavia can be found in Darfur. Large groups of people have been killed and the number of IDP's is far greater.

The correlation between Darfur and the R2P norm is easier to make, as it determines if there exists a basis for a humanitarian intervention. In Sudan, the state has deliberately supported mass deportations and been responsible for the deaths of thousands of people. The need for an intervention should be clear for people arguing in support of R2P.

NATO has however no practical way of mounting a realistic intervention. First, there is the obvious risk and probability that China, of no one else, will veto a resolution that supports a military intervention without Sudanese consent. There is because of this a low chance that a NATO led offensive, no matter its extent, would get legitimacy from the Security Council. Secondly, as Prunier points out, it would be difficult to assess the contra-factual effect of an intervention due to the complex history of Sudan, and the fact that many coalitions among both the rebels and

Janjaweed are temporary, making the identification of “enemies” harder. It is for that reason hard to determine if the consequences of an intervention won’t be worse than inaction.

Lastly, it is hard to imagine that there presently exists the practical ability to mount a credible intervention. The regional actor, the African Union, needed the logistical support from western powers to deploy their relatively small force in 2005, which should leave the U.S. and NATO as the only realistic actors to launch an intervention due to their logistical and expeditionary capabilities. These rests mainly with the U.S. and Washington’s inactivity prevents these from being used. The consensus criteria within NATO serve as a practical veto for the U.S. to use should they oppose an intervention.

I therefore find it unlikely that there can be massed enough “scale, duration and intensity” to successfully perform a humanitarian intervention.

4.3 Libya

4.3.1 Background

The Arab Spring struck Libya with all its force in the middle of February 2011. Protests against the decade-long rule of Col Muammar Gaddafi erupted on the Libyan streets, but were met with violence from the regime. The protests soon evolved into a civil war, and the better equipped governmental forces, armed with tanks and aircrafts, were pitted against poorly armed rebels. Gaddafi’s troops used extensive force when suppressing the rebellion, spurring a storm of protests from the international community.

In response to this, the United Nations presented a resolution aimed at protecting the civilian population, Resolution 1973. This resolution authorized the establishment of a no-fly zone over Libya and permitted the use of all necessary measures to protect civilians. The resolution was voted through by 10 members, with 5 abstentions, namely Brazil, China, Germany, India and Russia. Even although the use of military force was permitted the resolution forbade the insertion of ground forces.

Instead the coalition used drones and aircraft, halting the advancing pro-Gaddafi forces before they could overrun the rebel positions. This coalition consisted of several NATO members and other European nations, together with a few Arabic nations. Within a few months, the airstrikes even supported rebel forces as they advanced towards Tripoli, turning the tide in their favor. This move was controversial, and for example Russia voiced objections against this interpretation of

the resolution (BBC: Russian Concerns). Tripoli itself fell during August, and Gaddafi was soon thereafter killed by rebels.

During the intervention, French and British special forces were inserted into Libya to train the rebel soldiers, and the French had previously dropped arms to groups in the west (The Guardian: No Nato ground troops).

4.3.2 Debate

The violence against the rebels created support for a resolution relatively quick, and even although some member of the Security Council didn't vote in favor of it, they at least didn't veto it. Support from several Arab countries also gave the intervention legitimacy, and the possible appliance of R2P didn't go unnoticed although there was a few countries such as for example South Africa opposed a military intervention. The question however was who would carry out an intervention (BBC: South African Opposition, Pollack 2011, The Guardian: Libya and R2P).

The Americans were among the first to launch strikes in accordance with the resolution, but domestic support for the action was low, and although Obama supported it the opposition in Congress was strong (BBC: Congressional Opposition). After neutralizing large parts of Libya's air defense systems, the U.S. wanted to withdraw and hand over the leadership of the operation. The available options were either NATO, or a coalition of the nations taking part in the actual operations. France supported the latter alternative, as a NATO leadership would require consensus among NATO's 28 members. Those nations that took part in the operation but weren't members would have little say. Especially Turkey supported the first option as that would give the country a say on the operations, and most other members rallied behind Ankara against France (BBC: Leadership Trouble). It was in the end decided that NATO would assume responsibility for the military operations over Libya.

Concerns were however raised as to whether the non-American members could provide the resources needed without U.S. support, and Washington even warned the Europeans about the negative effect that their cutbacks might have, in effect threatening with a US hypothetical withdrawal from the alliance (BBC: NATO takes command, BBC: U.S. criticism).

The British effort was under high pressure due to budget constraints and a lack of available forces. Deployments in Afghanistan had already drained the UK's resources, and they struggled to divert aircrafts to Libya. NATO itself showed weaknesses, as it theoretically should be able to perform 300 sorties a day, but barely managed 150, and concerns were raised that the conflict would come to a standstill. France and Britain did however decide to deploy Tiger and Apache attack helicopters in addition to the airstrikes. These were based on ships of the coast, among them the aircraft carrier Charles de Gaulle. The hope was that this would be more efficient and

enable a swifter end to the conflict. (BBC: 100 days later, BBC: UK forces stretched, The Guardian: Attack helicopters deploy).

This showed several shortcomings in the alliance, especially the crucial need to use U.S. logistical and intelligence assets, but the as the operations ended NATO claimed it to be a success. The operation's long duration was claimed to be the result of a need to avoid civilian casualties with precision guided munitions. The use of advanced weaponry was heralded as a new form of warfare, with barely any troops needed on the ground, other than special forces. The offensive was otherwise conducted with the use of strike aircraft, cruise missiles and UAV's (The Guardian: End of NATO operations).

4.3.3 Analysis

The actions against Libya fulfilled most parts of the Responsibility to Protect norm, although it can be argued that there wasn't a large-scale loss of life since this is a subjective term. Members of the civilian population did however get killed, and that it was as a result of state action was hard to deny. The size and length of the intervention was also, as shown, enough to fulfill the resolution's objective: to protect the civilian population. There can however be arguments regarding the approval from the Security Council, as the authorization to use of force arguably was overstretched.

The case also correlates well with Cocker's theory. The risk-aversion can be seen in the U.S. withdrawal from combat operations and the alliance's choice to use airstrikes. It is however important to remember that the resolution didn't allow ground troops, so they acted in accordance with it. The use of special forces should nevertheless be considered a breach of this. A move which works against risk-aversion though is the deployment of attack helicopters. They flew low when attacking, gaining an advantage while being exposed to greater risks. It can however be argued that this decision was to avoid being "bogged down".

The modern coalition warfare did however show itself clearly. The strong debates within the alliance when deciding whether to assume command or not is proof of this, and compromises had to be made.

A reduction in armed forces and reliance on high-tech weaponry became obvious, also resulting in debate within NATO between the U.S. and other members. Precision-guided munitions might however have led to fewer casualties both among the enemy and civilians, as stated by NATO itself.

The inhumanity was however arguably not as severe as during previous conflicts, probably since it didn't have time to evolve to that stage. Attacking civilians deliberately will however always be considered an inhumane act by a western nation.

5 Conclusion

In conclusion this study finds that the theory Coker's theory proves to have a high explanatory value in the investigated humanitarian crises. NATO has also proven to have both the capacity and will to perform humanitarian interventions if certain conditions are met. The dependency on Washington has however proven to be both a burden and a practicality. The American ability to veto resolutions and withhold military might gives them a key role in NATO, as shown in all three cases.

And even although the rest of NATO proved that they could mount a regional humanitarian intervention in Libya, the dependency on U.S. resources became even more obvious. The logistical part is important enough, but one must bear in mind that a majority of the Libyan air defense network was neutralized by the United States early in the conflict, making the "European" job much easier.

Further cuts in European defense budgets might aggravate this situation, giving the United States even more political and military power within the alliance and perhaps even making it obsolete, encouraging Washington to act unilaterally in future humanitarian crises, or with other actors than NATO. Hopefully that will result in another Kosovo and not an Iraq. The worsening current financial crisis in Europe does not however encourage European powers to spend more on armed forces.

Humanitarian crises falling under the umbrella of R2P will most likely continue to exist in the world, and the biggest obstacle appears to be the Security Council and the veto powers. Hopefully the benefits of legitimacy outweigh the risk of a resolution being vetoed. The possibility to successfully enforce a resolution is of equal importance, and a NATO with the will (occasionally) to act but with a declining military capability could prove disastrous for the norm, as NATO so far appears to have been the best option available.

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