

Aidan Hehir, *Humanitarian Intervention: An Introduction* Palgrave Macmillan (2010) ISBN-10: 9780230220300 ISBN-13: 978-023022030

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Aidan Hehir's book is an important, comprehensive addition to the existing literature on humanitarian intervention. Although over the years humanitarian intervention has come to be seen as part of the 'duty to react' component of the wider 'responsibility to protect' doctrine, issues relating to when and how to intervene militarily in order to stop mass atrocities remain quite popular. This book provides an accessible and engaging introduction to the key issues involved in the vivid humanitarian intervention debate. It is clearly structured and suitable for use as a textbook for courses prepared for students of law, political science or international relations. Through its information boxes containing concise data on key journals and authors on humanitarian intervention, definitions of humanitarian intervention and so on, the book provides a wealth of sources on different aspects of humanitarian intervention.¹ Its bibliography contains a detailed overview of the literature on this topic.² At the end of each chapter, there is a detailed list of further key readings and a number of questions for checking the reader's understanding of the issues discussed. While debates over this highly controversial subject are not likely to end, the book helps put them in the right perspective by dealing thoroughly with salient political and legal issues.

As stated above, the book offers a broad introduction to the theory, practice and politics of humanitarian intervention. This broad introduction is supplemented by detailed discussions of the experiences in Rwanda, Kosovo, Darfur and Iraq.

The book has a total of 15 chapters. These chapters are divided into an introduction, a conclusion, and three major topical sections. The first major section deals with concepts and conceptions. This section is divided into four chapters, dealing respectively with the following topics: the definition humanitarian intervention; the just war tradition; the sovereign state; and theoretical perspectives. Chapter four of the book addresses different theoretical perspectives on the issue of humanitarian intervention. In this chapter, the author highlights broad trends and key perspectives from theories of international relations that have the most to say about humanitarian intervention: realism, Marxism, liberalism, the English School, cosmopolitanism, and post-structuralism.³ Although the categorizations are rather broad, these international relations theories provide a framework for understanding why States behave in certain ways.

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1 A Hehir, *Humanitarian Intervention: An Introduction* (Palgrave Macmillan 2010) List of Boxes, xii.

2 Hehir, Bibliography, 267-293.

3 *ibid* 61.

The second major section of the book is entitled ‘controversies’ and its four chapters deal respectively with the controversial issues of the legality and the legitimacy of humanitarian intervention, the coining and rise of the principle of sovereignty as responsibility, the issue of who decides on when and where to intervene, and the motives and means of military interventions. Issues relating to the legality and legitimacy of humanitarian intervention are discussed at length in chapter five. Those issues include the use of force, the legal status of humanitarian intervention, and the analysis of whether there is a need for legal reform to reconcile the tension between legality and legitimacy. Tracking the evolution of international law, Hehir provides a detailed discussion of relevant legal aspects, and in Box 5.1 provides the key articles of the UN Charter related to humanitarian intervention.⁴ He concludes that there is no codified international law explicitly sanctioning humanitarian intervention.⁵ Later in this chapter, Hehir adds that State power and interest, not international law, have been the key variables influencing the decisions on whether to intervene.⁶

The issue of responsibility to protect (RtoP) is dealt with in chapter six, as part of the ‘sovereignty as responsibility’ theme. Hehir analyses the idea of responsibility to protect as proposed by the International Commission on Intervention and State Sovereignty (ICISS) in 2001 and the main critiques of this doctrine.⁷ Reconceptualizing sovereignty as responsibility has a threefold significance: first, it implies that the State authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare; second, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN; and third, it means that the agents of States are responsible for their actions.⁸ So, according to the responsibility to protect doctrine, primary responsibility for protecting populations from genocide, war crimes, ethnic cleansing, and crimes against humanity remains with individual States. Only when they fail, can responsibility pass to the international community.

The 2005 World Summit Outcome Document included in its paragraphs 138 and 139 a broad acceptance of the responsibility to protect, though in carefully worded terms.⁹ Neither the RtoP, nor the World Summit Outcome Document proscribes external intervention, but they do not create a duty to undertake such action.¹⁰ To put it briefly, although the development of international law and the rise of human rights in the 20th century have clearly established that a State has an obligation to protect its population from mass atrocity crimes, the question of how this responsibility can be actualized remains as elusive as ever before. As Hehir notes, the reaction by the international community of States to RtoP and the nature of the 2005 World Summit Outcome Document testifies to the power of States to reject change that substantially undermines their autonomy.¹¹ That said, the RtoP doctrine has firmly introduced the subsidiary responsibility of the international community to take steps to address gross human rights violations.

The third major section of the book deals with specific cases of intervention. The first chapter of this part (chapter nine) addresses cases of humanitarian intervention throughout history. Several cases of such intervention by individual States are mentioned, including India in East Pakistan (1971), Vietnam in Cambodia (1978), and Tanzania in Uganda (1979). According to Hehir, the record of humanitarian intervention evidences two trends: first, the presence of a large degree of national interest whenever States have launched a supposedly humanitarian intervention; and second, a marked unwillingness

4 ibid 87.

5 ibid 89. It should be noted here that while citing the 1949 Corfu Channel and the Nicaragua cases by the International Court of Justice, Hehir does not refer to the original source, but to a study on humanitarian intervention by the Danish Institute of International Affairs.

6 ibid 102.

7 ibid 113-125.

8 ibid 114, quoting ICISS *The Responsibility to Protect* (Report) (International Development Research Centre 2001) 13.

9 These paragraphs read as follows: ‘138. *Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.* This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. 139. The international community, through the *United Nations*, also *has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter*, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take *collective action*, in a timely and decisive manner, *through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate*, should peaceful means be inadequate and national authorities are *manifestly failing* to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to *helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.*’ (emphasis added).

10 ibid 123.

11 ibid 125.

amongst States to intervene when national interests are not at stake regardless of the humanitarian suffering taking place.¹² This part deals with selected cases that have had a significant effect on the debate about humanitarian intervention, such as Rwanda in chapter ten, Kosovo in chapter 11, Iraq in chapter 12, and Darfur in chapter 13.

Having dealt in quite some detail with the history of the unfolding of mass atrocities in Rwanda, Hehir goes on to argue that Rwanda shattered any tentative conviction that the post-Cold War era had catalyzed an attitudinal sea-change amongst Western States.¹³ NATO's intervention in Kosovo constituted the high water mark of the discussion on military intervention, since the support for the Operation Allied Force was unprecedented and constitutes the most widely acclaimed act of military humanitarian intervention in the contemporary era.¹⁴ In contrast, the invasion of Iraq has proved to be the most divisive issue of the post-Cold War era, plunging the UN into a crisis of confidence and deeply dividing the international community.¹⁵ Hehir points out that Iraq, much like Vietnam, is destined to be utilized by critics of humanitarian intervention and US foreign policy for the foreseeable future.¹⁶ Although Darfur (Sudan) is the last case dealt with, its importance in the humanitarian intervention / responsibility to protect debate cannot be overemphasized. In his concluding remarks in this chapter, Hehir notes that Darfur has seemingly exposed in tragic clarity the selective approach to humanitarian crises and the continuing dominance of national interests.¹⁷ Whether a military intervention was the way to deal with the crisis in Darfur is debatable, but clearly more should have been done by the international community in this case. These four case studies highlight the main controversial issues and the challenges involved in engaging in a military intervention for humanitarian purposes.

The book's conclusions provide Hehir's thoughts on the future of humanitarian intervention. The focus of this last chapter is on the status of unilateral humanitarian intervention, that is, intervention not explicitly sanctioned by the UN Security Council. The author assesses the pros and cons of three approaches, beginning with the argument for the maintenance of the status quo, the perspective which argues in favor of legal and political reform, and the most radical one, the argument that the current foundational norms and practices of international law are no longer apposite and should be disregarded.¹⁸ Humanitarian intervention could therefore conceivably be excused as an extraordinary remedy to a great wrong.¹⁹ Since violence and armed conflicts are unlikely to come to an end in a world of limited resources and uneven distribution, the issue of humanitarian intervention will keep coming up. Therefore, in the coming years, this book is likely to keep its value as a solid introduction to an interesting, though largely depressing, and controversial topic. ■

12 ibid 177.

13 ibid 199.

14 ibid 218.

15 ibid 239.

16 ibid.

17 ibid 255-6.

18 ibid 259.

19 ibid 260, quoting Bruno Simma (footnote omitted).