

THE PERILS OF LIMITED HUMANITARIAN INTERVENTION:

LESSONS FROM THE 1990S

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The 1990s have been called “the era of humanitarian intervention.”¹ Of course, humanitarian intervention long predates that decade, but the humanitarian missions of the nineties were considerably more frequent and much more likely to be carried out by means of military force than in any previous era. During that hopeful decade, the United States, often in collaboration with other nations, undertook major military humanitarian operations in Northern Iraq, Somalia, Haiti, Bosnia, and Kosovo. Foreign powers also conducted dozens of smaller scale humanitarian missions in troubled nations ranging from East Timor to Sierra Leone. Throughout the decade, public opinion polls in the United States and Europe registered strong support for the use of military force to protect victims of genocide and other atrocities around the world.²

Despite these seemingly promising developments, the efficacy, and therefore the future of humanitarian intervention, remains in doubt. Although humanitarian intervention became more frequent in the nineties than it had been in the past, the quality of these missions did not rise nearly as quickly as their quantity. Indeed, most major humanitarian interventions of the decade barely “intervened” at all. They arrived only after much of the killing was over. Many arrived without the military capabilities, financial resources, or political mandate to protect victims effectively. More importantly, the international community failed altogether to intervene with force to prevent the worst atrocities of the

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¹ Michael Ignatieff, Editorial, *Is the Human Rights Era Ending?*, N.Y. TIMES, Feb. 5, 2002, at A25.

² Steven Kull, *What the Public Knows and Washington Doesn't*, FOREIGN POLICY, Winter 1995, at 102, 113-4. See also Richard Sobel, *U.S. and European Attitudes Toward Intervention in the Former Yugoslavia: Mourir pour la Bosnie?*, in *THE WORLD IN YUGOSLAVIA'S WARS* 145 *passim* (Richard H. Ullman ed., 1996) (discussing American and European public support for intervention in the former Yugoslavia).

decade, including the 1994 genocide in Rwanda and the bloody civil wars in Angola, Sudan, and the Congo.

In this paper I endeavor to explain what went wrong. I argue that advocates of military humanitarian intervention in the nineties—both inside and outside of Western governments and international organizations—seriously underestimated the material and political costs and challenges of these kinds of missions. Ultimately, the well-intentioned optimism about military humanitarian intervention that characterized the early nineties backfired. Without adequate resources and political support, intervention seldom lived up to the high expectations that advocates had created for it. On the contrary, in some cases intervention actually seems to have made things worse. By the end of the decade, these ineffectual operations led to a growing disillusionment with the concept of humanitarian intervention. I argue that if humanitarian intervention is to be saved, its proponents now must be prepared to focus on its challenges and risks as much as its promise.

I. A NEW WORLD ORDER?

At the dawn of the post-Cold War era a spirit of optimism was in the air. Many people looked forward to a future in which the international community would unite to prevent large-scale abuses of human rights around the globe. The collapse of the Soviet Union meant that one of the most important constraints on the deployment of American troops abroad—the risk that such missions would meet with political or even military opposition by a superpower adversary—had been lifted. In addition, the astonishing success of the U.S. military in the first Gulf War convinced many people that America had finally kicked the “Vietnam syndrome,” which had proved a powerful argument against the use of force under virtually any circumstances in the last decade and a half of the Cold War.

Even President George H.W. Bush, a committed realist famous for his advocacy of “prudence” in foreign affairs, couldn’t help but dream a little. Speaking to Congress at the end of the Gulf War in March 1991, he said:

Until now, the world we’ve known has been a world divided, a world of barbed wire and concrete block, conflict and cold war. And now, we can see a new world coming into view. A world in which there is the very real prospect of a new world order. In the words of Winston Churchill, a “world order” in which “the principles of justice and fair

play . . . protect the weak against the strong.” A world where the United Nations, freed from cold war stalemate, is poised to fulfill the historic vision of its founders. A world in which freedom and respect for human rights find a home among all nations.³

A second cause for optimism about humanitarian intervention in the nineties was an important change in the understanding of the conflicts that produced human rights abuses, especially among Western scholars. During the Cold War, the focus on the possibility of large-scale war with the Soviet Union meant that few scholars or policy makers devoted substantial attention to understanding phenomena like civil war, ethnic conflict, or genocide. These kinds of intra-state violence were hardly new, but as the Cold War drew to a close, scholars began to study them more carefully. A rough indication of this trend is revealed in the results of a simple search of the Harvard University Library catalog. For the forty years from 1950 to 1990, the catalog contains 186 English language books that mention the word “genocide” in the title—less than 5 books a year. In the fifteen years from 1990 to 2005, however, the tally had grown to 503 books—more than 33 a year.

The result of all this attention was a much more accurate understanding of intra-state conflicts and large-scale human rights abuses. During the Cold War, conventional wisdom tended to portray ethnic conflict and genocide as the result of irrational “ancient hatreds” between ethnic groups.⁴ These wars frequently were depicted as bloody conflagrations in which neighbors simply rose up and slaughtered their neighbors. As a result, many observers concluded that there was little anyone could do to prevent them. After all, despite decades of concerted efforts to promote tolerance among ethnic groups, most Western nations continue to struggle to maintain ethnic harmony at home. What hope did they have of solving these problems in foreign societies? At best, foreign military intervention would be a band-aid solution to such conflicts since the same ethnic hatreds assumed to have sparked the conflict in the first place would reignite it as soon as the troops went home. This thinking was reflected in the initial reactions of Bush administration officials to the violence that erupted in the former Yugoslavia in the early nineties. As Acting Secretary of State Lawrence Eagleburger summed up the administration’s view of the conflict in

³ President George H.W. Bush, *After the War*, Address to the Joint Session of Congress on End of the Gulf War (Mar. 6, 1991), in *N.Y. TIMES*, Mar. 7, 1991, at A8.

⁴ For descriptions (and refutation) of the conventional wisdom in the early 1990s, see V.P. GAGNON JR., *THE MYTH OF ETHNIC WAR: SERBIA AND CROATIA IN THE 1990S* (2004); YAHYA SADOWSKI, *THE MYTH OF GLOBAL CHAOS* (1998).

1992, “[T]his war is not rational. There is no rationality at all about ethnic conflict. It is gut, it is hatred; it’s not for any set of values or purposes; it just goes on. And that kind of warfare is most difficult to bring to a halt.”⁵

For those who took the time to study ethnic conflict in the former Yugoslavia and elsewhere, however, a very different picture began to emerge. Far from a war of all against all, the violence appeared to have been perpetrated by relatively small military and paramilitary groups acting under orders from political elites intent on consolidating their own power.⁶ These elites were not simply reacting to the wishes of hate-filled or bloodthirsty publics. Rather they consciously set out to incite feelings of hatred and distrust among ethnic groups in an effort to undermine more moderate political challengers and rally support for their own nationalist agendas.

This new understanding of the origins of ethnic conflict provided greater hope that relatively small-scale international interventions could restore peace and stability to war-ravaged societies. By the mid-nineties, this perspective on ethnic conflict—not just in Yugoslavia—had largely supplanted the old conventional wisdom among educated observers. While both Bush and Clinton administration officials had resisted early calls for intervention in Bosnia on the grounds that outsiders could not heal the ancient hatreds assumed to cause these conflicts, by 1999 Clinton, making the case for intervention in Kosovo, painted a very different picture:

We do no favors to ourselves or to the rest of the world when we justify looking away from this kind of slaughter by oversimplifying and conveniently in our own way demonizing the whole Balkans by saying that these people are simply incapable of civilized behavior with one another. . . . As long as people have existed, there have been problems among people who were different from one another and there probably always will be. But you do not have systematic slaughter in an effort to eradicate the religion, the culture, the heritage, the very record of presence of the people in any area, unless some politician thinks it is in his interest to foment that sort of hatred. That’s how these things happen. People with organized, political and military power decide it is in their interest that they get something out of convincing the people they control or they influence to go kill

⁵ Transcript of Interview with Lawrence Eagleburger, Acting U.S. Secretary of State, on *The MacNeil/Lehrer Newshour*, Washington, D.C. (Aug. 28, 1992), in U.S. DEPT. STATE BUREAU PUB. AFF. DISPATCH SUPP., Sept. 1992, at 12.

⁶ On the changing views of the conflict in Yugoslavia see Jon Western, *Sources of Humanitarian Intervention*, INT’L SECURITY, Spring 2002, at 112, 126-27.

other people and uproot them and dehumanize them. . . . And if people make decisions to do these kinds of things, other people can make decisions to stop them, and if the resources are properly arrayed, it can be done. And that is exactly what we intend to do.⁷

During the Cold War, human rights advocates almost always opposed the use of military force, even for humanitarian purposes. In Cambodia in the late 1970s, where the Khmer Rouge regime perpetrated some of the worst atrocities of the Cold War, calls for intervention were met with almost universal skepticism and scorn, even from organizations such as Amnesty International.⁸ But together, the geopolitical and intellectual developments described above convinced many human rights advocates that the vast military capabilities assembled during the Cold War could now be put to use saving lives rather than destroying them. This emerging attitude was captured in a 1992 *New York Times* editorial, published in response to comments from the then chairman of the Joint Chiefs of Staff, Colin Powell, who was urging the United States to stay out of the conflict in Yugoslavia.

When Americans spend more than \$280 billion a year for defense, surely they ought to be getting more for their money than no-can-do. It is the prerogative of civilian leaders confronting this historic nightmare to ask the military for a range of options more sophisticated than off or on, stay out completely or go in all the way to total victory. With that in hand, President Bush could tell General Powell what President Lincoln once told General McClellan: "If you don't want to use the Army, I should like to borrow it for a while."⁹

These criticisms did not convince Bush to change his position on military intervention in Bosnia, but many observers believe that the decision to intervene in Somalia later that year was partially an effort to demonstrate that the administration was willing to use the military for humanitarian missions if conditions were favorable.¹⁰ The argument that low-risk, small-scale military operations could effectively prevent atrocities was forwarded by advocates of intervention in virtually every major episode of human rights abuse in the nineties. In Rwanda, General Romeo Dallaire famously claimed that he could have halted the genocide with a force of only five thousand troops. In the former Yugoslavia, the

⁷ President William J. Clinton, Crisis in the Balkans, Address to a Veteran's Group (May 13, 1999), in *N.Y. TIMES*, May 14, 1999, at A12.

⁸ SAMANTHA POWER, A PROBLEM FROM HELL: AMERICA AND THE AGE OF GENOCIDE 111-114 (2002).

⁹ Editorial, *At Least Slow the Slaughter*, *N.Y. TIMES*, Oct. 4, 1992, § 4, at 16.

¹⁰ Western, *supra* note 6, at 134-38.

Clinton administration eventually deployed air power—scrupulously avoiding the use of ground forces—in Bosnia in 1995 and in Kosovo in 1999.

Although military humanitarian intervention in places like Somalia and Yugoslavia has undoubtedly saved lives, the high hopes that motivated intervention in the nineties have not been borne out. On the contrary, the record of humanitarian intervention reveals at least three major challenges that most advocates of intervention have yet to confront fully. An appreciation of these challenges need not lead to the abandonment of humanitarian intervention, but it does mean that intervention will rarely be as easy or as uncomplicated as some imagined it could be in the early years of the post-Cold War era.

II. MISSING MORAL CLARITY

Perhaps the most important challenge revealed by military humanitarian intervention in the nineties was that the moral clarity that advocates of human rights associated with the ends of intervention—saving innocent lives—was almost always blurred by a much more complicated reality on the ground. This challenge arose in at least two distinct ways.

First, although advocates of military humanitarian intervention frequently compared the atrocities of the nineties to the Holocaust, the moral calculus of intervention in these conflicts was inevitably more problematic. The Tutsi victims of Hutu *génocidaires* in Rwanda or the Bosnian Muslim and Kosovar Albanian victims of Serb paramilitaries in the former Yugoslavia were just as innocent as were the Jewish victims of the Nazis during the Second World War. Unlike the Holocaust, however, most instances of humanitarian intervention in the nineties aided not just defenseless civilians but also could not avoid providing direct or indirect support to armed factions claiming to represent victim groups. These armed factions were frequently responsible for major human rights abuses of their own.

In Bosnia, for example, the international community eventually backed Croatian and Bosnian Muslim forces in an effort to prevent atrocities by Serbs. While these forces were far less brutal than the Serbs, they were implicated in a number of large-scale atrocities. Most infamously, in August 1995 Croatian forces drove more than one hundred thousand Serbs in the Krajina region from their homes, killing

hundreds of civilians in what *The New York Times* described as “the largest single ‘ethnic cleansing’ of the war.”¹¹ Even UN peacekeepers in the region came under fire from Croatian troops. Three Croatian military leaders in charge of the campaign are currently being tried for crimes against humanity at The Hague.¹² The Clinton Administration had been aware of the attack well in advance. Indeed, a year earlier, the U.S. State Department had explicitly approved a deal that allowed private American military consultants to provide training and advice to the Croatian army in preparation for the offensive.¹³ When NATO began air strikes against the Serbs a few weeks after the Krajina offensive began, one reporter concluded that “NATO planes had in effect become the Croatian and Bosnian air force.”¹⁴

Similarly, after the NATO bombing campaign in 1999 helped evict Serb forces from Kosovo,¹⁵ the Kosovo Liberation Army turned on Serb civilians remaining in Kosovo and neighboring Macedonia, killing hundreds and forcing thousands to flee.¹⁶ In Rwanda, although there was no major international military intervention, independent scholars estimate that the Tutsi-dominated Rwandan Patriotic Front was responsible for killing tens of thousands of Hutu civilians during and in the immediate aftermath of the genocide in 1994.¹⁷ Later, the Rwandan government became a major participant in the war in the neighboring Congo, a conflict that may have killed close to four million people between 1998 and 2004.¹⁸

A second set of moral challenges was presented, not by the unsavory behavior of those we sought to protect, but by the unavoidable consequences of our own actions. Proponents of armed humanitarian intervention soon realized that even if the ends of military intervention

¹¹ Raymond Bonner, *War Crimes Panel Finds Croat Troops ‘Cleansed’ the Serbs*, N.Y. TIMES, Mar. 21, 1999, § 1, at 1.

¹² Marlise Simons, *In The Hague, Ex-Croatian General Pleads Not Guilty to War Crimes*, N.Y. TIMES, Dec. 13, 2005, at A6.

¹³ Mark Danner, *Operation Storm*, N.Y. REV. OF BOOKS, Oct. 22, 1998, at 74.

¹⁴ *Id.* at 78.

¹⁵ Anne Swardson, *A Year Later: Kosovo Wounds Still Fester; In Serbia, Milosevic and People Make Survival Their Business*, WASH. POST, Mar. 24, 2000, at A1.

¹⁶ Peter Ford, *In Balkans, Shifting ‘Bad Guy’ Role*, CHRISTIAN SCI. MONITOR, June 27, 2001, at World 1.

¹⁷ Philip Verwimp, *Testing the Double-Genocide Thesis for Central and Southern Rwanda*, 47 J. OF CONFLICT RESOL. 423, 423 (2003).

¹⁸ INT’L RESCUE COMM., MORTALITY IN THE DEMOCRATIC REPUBLIC OF CONGO: RESULTS OF A NATIONWIDE SURVEY iii (2004), available at http://www.theirc.org/resources/drc_mortality_iii_report_1.pdf.

could be unambiguously humanitarian, the means could not. The interventions of the nineties confirmed that it is nearly impossible to employ military force without simultaneously violating important humanitarian and legal norms. The ongoing debate over the legality of military intervention in the affairs of other states to prevent domestic human rights abuses has been addressed at length elsewhere.¹⁹ Here, it should suffice to say that while proponents of humanitarian intervention usually accept that intervention to prevent crimes against humanity can be justified under international law, there is no agreement on which states or international bodies have the authority to determine whether the use of force is justified in any specific case. This dilemma was felt especially keenly by the many individuals who supported NATO intervention in Kosovo in 1999—despite its lack of UN authorization—only to find themselves arguing against U.S. intervention in Iraq in 2003, at least in part, on the grounds that the Bush administration had failed to obtain UN endorsement.

Even more difficult to come to terms with than these legal dilemmas was the inevitable reality that using force to save lives frequently involves taking lives, including innocent lives. The interventions of the nineties demonstrated that even the most advanced precision-guided weapons could not eliminate “collateral damage” altogether. In Somalia during the infamous battle depicted in the book and movie *Black Hawk Down* in 1993, U.S. forces killed at least five hundred Somalis, including many civilians.²⁰ In Kosovo, in addition to between seven hundred and several thousand Serb military deaths, Human Rights Watch estimates that NATO air strikes killed more than five hundred civilians.²¹ Many of the dead were actually Kosovar Albanian refugees who were mistakenly bombed while attempting to flee. These and other incidents led Human Rights Watch to conclude that NATO had violated international humanitarian law in its conduct of the war. Amnesty International specifically accused NATO of

¹⁹ See generally INT’L COMM’N ON INTERVENTION AND STATE SOVEREIGNTY, THE RESPONSIBILITY TO PROTECT (Dec. 2001), available at <http://www.iciss.ca/pdf/Commission-Report.pdf>; HUMANITARIAN INTERVENTION: ETHICAL, LEGAL AND POLITICAL DILEMMAS (J.L. Holzgrefe & Robert O. Keohane eds., 2003); FERNANDO TESÓN, HUMANITARIAN INTERVENTION: AN INQUIRY INTO LAW AND MORALITY (1988).

²⁰ MARK BOWDEN, *BLACK HAWK DOWN* 333 (1999).

²¹ Human Rights Watch, *Civilian Deaths in the NATO Air Campaign*, 12 HUMAN RIGHTS WATCH REPORT, Feb. 2000, <http://www.hrw.org/reports/2000/nato/index.htm>.

committing war crimes.²² Although the number of lives lost due to intervention was surely small compared to the (unknowable) number of lives that were saved, they are perhaps the most important reminder that there is no such thing as a clean war—even a humanitarian one.

III. SAVING LIVES ON THE CHEAP

The second optimistic assumption regarding military humanitarian intervention that was challenged by the experience of intervention in the nineties was the notion that relatively small-scale, short-term operations could be effective in restoring peace and stability. Although Americans strongly supported the idea of humanitarian intervention in principle, in practice it appeared that few were willing to pay substantial costs in the service of saving lives abroad. At the outset of the U.S.-led intervention in Somalia in 1992, for example, polls showed that between 73 and 81 percent of Americans supported the intervention.²³ Yet, a few days after eighteen American soldiers died in a fierce firefight in Mogadishu in October 1993, 60 percent of Americans polled agreed with the statement that “nothing the U.S. could accomplish in Somalia is worth the death of even one more soldier.”²⁴

Scholars who studied intra-state conflict in the early nineties had been correct in maintaining that ethnic conflict was not a war of all against all and, therefore, that there were greater opportunities for humanitarian intervention. But this recognition only made intervention possible, while Americans wanted it to be virtually bloodless. The United States may have conquered its Vietnam-era aversion to intervention with its decisive victory over Iraq in the first Gulf War, but the experience in Somalia less than two years later demonstrated that our tolerance for American casualties in humanitarian missions was lower than even our much-vaunted military could promise.

As a result, after Somalia, the United States participated in humanitarian interventions only if the risks to U.S. forces could be kept to an absolute minimum. This meant that the United States would stay out of many of the worst humanitarian conflicts altogether, as it did in

²² Steven Erlanger, *Rights Group Says NATO Bombing in Yugoslavia Violated Law*, N.Y. TIMES, June 8, 2000, at A7.

²³ ERIC V. LARSON, CASUALTIES AND CONSENSUS: THE HISTORICAL ROLE OF CASUALTIES IN DOMESTIC SUPPORT FOR U.S. MILITARY OPERATIONS 118, tbl. A.10 (1996).

²⁴ *Id.* at 47, n.100.

Rwanda and Sudan, among other places. It also meant that when the United States did intervene with force, as it did in Bosnia in 1995 and in Kosovo in 1999, the operation would be limited to the use of airpower until most of the violence was over and both warring parties had agreed to accept international peacekeeping troops on the ground. Advocates of humanitarian intervention have frequently pointed to interventions like Bosnia and Kosovo as examples of what even limited military force can do to save lives.²⁵ But upon closer examination, there is little evidence that either of these missions was highly effective.

In Bosnia, the Serbs were finally driven to the negotiating table, not by the air strikes, which focused mainly on air-defense targets and empty buildings, but by the combined Croatian-Bosnian ground offensive which had already captured large swaths of Serb-held territory and threatened to take even more. Indeed, Slobodan Milosevic had actually agreed to pressure his Bosnian Serb allies to accept a negotiated settlement more than ten days before the bombing began.²⁶ As Paul Forage concludes, "The most important lesson of Deliberate Force [the codename of the NATO bombing mission in Bosnia] . . . was that air power alone does not work. . . . [O]ne of the key fictions that emerged following Deliberate Force was that air power was the decisive factor in bringing the Bosnian Serbs to the negotiating table."²⁷

Unfortunately, many policymakers and human rights advocates simply assumed that the bombing had worked—an assumption that led many people to argue that a similarly short, limited bombing campaign would work again in Kosovo in 1999.²⁸ Scholars continue to debate what role the air strikes—which lasted seventy-eight days—played in Milosevic's decision to back down in the conflict over Kosovo.²⁹ The air

²⁵ POWER, *supra* note 8, at 472-73.

²⁶ IVO H. DAALDER & MICHAEL O'HANLON, WINNING UGLY: NATO'S WAR TO SAVE KOSOVO 93 (2000).

²⁷ Paul Forage, *Bombs for Peace: A Comparative Study of the Use of Air Power in the Balkans*, 28 ARMED FORCES & SOC'Y 211, 222-23 (2002).

²⁸ DAALDER & O'HANLON, *supra* note 26, at 93.

²⁹ However, most analysts agree that the decision was motivated at least in part by Milosevic's fear of an imminent NATO ground invasion, and some suggest this was his primary concern. For arguments pointing to the combined impact of air power, the fear of a ground invasion and other pressures, see DAALDER & O'HANLON, *supra* note 26, at 199-206; STEPHEN T. HOSMER, THE CONFLICT OVER KOSOVO: WHY MILOSEVIC DECIDED TO SETTLE WHEN HE DID (2001); BENJAMIN S. LAMBETH, NATO'S AIR WAR FOR KOSOVO: A STRATEGIC AND OPERATIONAL ASSESSMENT 67-86 (2001); Daniel L. Byman & Matthew C. Waxman, *Kosovo and the Great Air Power Debate*, INT'L SECURITY, Spring 2000, at 5-38. For reports stressing Milosevic's fear of a ground invasion, see Steve Erlanger, *NATO was Closer to Ground War in Kosovo than is Widely*

strikes may have contributed to the Serbian withdrawal, but they cannot be credited with preventing genocide, as many have suggested. After all, the air strikes did not stop the Serbs from killing between five and eleven thousand Kosovar Albanians, forcing over a million more from their homes and destroying more than one hundred thousand dwellings.³⁰ If the Serbs had wished to kill even more, NATO planes could not have stopped them.

Perhaps even more disheartening than the failure of these examples of “low-cost” humanitarian intervention is the realization that the costs were, in fact, not really so low after all. It has been estimated that the costs of military intervention, refugee assistance, and economic development aid to Somalia, a country of about 8.5 million people, totaled over seven billion dollars.³¹ The intervention probably saved between 10,000 and 25,000 lives.³² To put it in the crudest possible terms, this meant the intervention cost between 280,000 and 700,000 dollars per life saved. International expenditures on the four million people of Bosnia came to almost fifty-four billion dollars from 1992-1998.³³ The international community has spent billions more since then, easily bringing the total above sixty billion dollars—more than twice Bosnia’s annual GDP. There are no estimates of how many lives the intervention in Bosnia may have saved, but even if we assume that without intervention fully half of the two million Muslims living in Bosnia would have been killed, the intervention would have cost 60,000 dollars per life saved. In Kosovo, U.S. expenditures from the Department of Defense budget alone approached ten billion dollars from 1999 to 2005.³⁴ Including economic aid and the costs incurred by other states would easily bring the total cost to well over fifteen billion dollars. Again, using the extremely unrealistic assumption that half of the 1.6 million Kosovar Albanians would have been killed without the NATO intervention, this comes to just under 20,000 dollars per life.

Realized, N.Y. TIMES, Nov. 7, 1999, at A6; Michael Hirsh, et al., *NATO’s Game of Chicken*, NEWSWEEK, July 26, 1999, at 58-61.

³⁰ DAALDER & O’HANLON, *supra* note 26, at 109-10.

³¹ Mike Blakley, *Somalia*, in THE COSTS OF CONFLICT: PREVENTION AND CURE IN THE GLOBAL ARENA 75, 85 tbl.4.2 (Michael E. Brown & Richard N. Rosecrance eds., 1999).

³² REFUGEE POLICY GROUP, LIVES LOST, LIVES SAVED: EXCESS MORTALITY AND THE IMPACT OF HEALTH INTERVENTIONS IN THE SOMALI EMERGENCY (1994).

³³ Andrea Kathryn Talentino, *Bosnia*, in THE COSTS OF CONFLICT: PREVENTION AND CURE IN THE GLOBAL ARENA *supra* note 31, at 25, 27.

³⁴ NINA M. SERAFINO, CONG. RES. SERV., PEACEKEEPING AND RELATED STABILITY OPERATIONS: ISSUES OF U.S. MILITARY INVOLVEMENT (Jan. 30, 2006), at 16, available at <http://fpc.state.gov/documents/organization/64961.pdf>.

These costs may seem low in absolute terms, but in comparison to other ways these scarce resources might have been spent to save lives abroad, military humanitarian intervention begins to look almost extravagant. International public health programs, for example, have the potential to save many more lives at a fraction of the cost. Three million people die each year from vaccine-preventable diseases.³⁵ Measles alone killed approximately 870,000 people in 1999, almost all of them children. This is more people than died in the Rwandan genocide, between three and fifteen times as many people as died in Bosnia, and almost ninety times more than the number of people who died in Kosovo. The cost to immunize a child from measles is less than one dollar.³⁶ Since not every vaccinated child would have died from measles without the vaccine, however, the cost per life saved comes to 244 dollars.³⁷ Even using the generous estimates above of the number of lives saved by humanitarian intervention, this means that on a per-life basis measles vaccination would be two thousand times more cost effective than military intervention in Somalia, two hundred fifty times more effective than Bosnia, and eighty times more effective than Kosovo. These figures actually underestimate the cost effectiveness of vaccinations, since preventive public health expenditures such as these often more than pay for themselves in averted medical costs and increased productivity.³⁸ And, of course, vaccinating children for measles did not require killing anyone or violating any international laws.

The lesson that many human rights advocates have drawn from these considerations is not that relatively low-cost military intervention cannot succeed but rather that post-factum intervention is no substitute for prevention. A careful study commissioned by the Carnegie Corporation, for example, concluded that early but robust efforts at conflict prevention were almost always more cost effective than reactive interventions.³⁹ Unfortunately, this study, like most arguments for conflict prevention, seriously underestimated the real costs of preventive

³⁵ CENTER FOR GLOBAL DEVELOPMENT, MAKING MARKETS FOR VACCINES: IDEAS TO ACTION 2 (2005), available at <http://www.cgdev.org/doc/books/vaccine/MakingMarkets-complete.pdf>.

³⁶ M. Otten, et al., *Public-Health Impact of Accelerated Measles Control in the WHO African Region 2000-03*, 366 THE LANCET 832, 839 (2005).

³⁷ *Id.* See also John Donnelly, 'Measles is Going Away' *International Vaccination Effort Takes Hold*, BOSTON GLOBE, Oct. 26, 2004, at C1.

³⁸ David E. Bloom, David Canning & Mark Weston, *The Value of Vaccination*, WORLD ECON., July-Sept. 2005, at 16-17.

³⁹ See Talentino, *supra* note 33, at 51.

efforts by assuming that the international community can correctly identify the most serious humanitarian catastrophes long before they occur and by comparing the costs of prevention to the costs of intervention rather than to the costs and benefits of devoting the resources to other humanitarian efforts, like the public health programs described above.

In reality, identifying the most violent conflicts before they actually occur is extremely difficult. The international community was taken by surprise by many of the worst human rights abuses of the nineties. As UN Secretary-General Boutros Boutros-Ghali famously told reporters in Sarajevo in 1992, although the situation there seemed dire, his job was to think about all of the conflicts around the world that might benefit from intervention. “‘I understand your frustration,’ he said, ‘but you have a situation that is better than ten other places in the world. . . . I can give you a list.’”⁴⁰ Thus, although the costs of prevention in any given conflict are surely much less than the costs of a purely reactive intervention, as with measles vaccinations, these costs must be multiplied many times over because intervention will likely be applied to many crises that never would have resulted in the massive loss of life.

If the costs of preventive intervention were very low, these considerations would not present a major problem. Unfortunately, the record of low-cost preventive missions in the nineties was at least as bad as the record of low-cost interventions after the fact. One of the most tragic aspects of the genocides in Bosnia and Rwanda was that UN peacekeepers were present during some of the worst episodes of violence. The problem in these cases was not the failure to attempt to prevent the violence. The problem was that the forces that were deployed were not provided with the resources or the political mandates to stop the violence breaking out around them.⁴¹ As a result, peacekeepers could do little more than stand by and watch the slaughter. Indeed, peacekeepers were attacked and killed in Somalia, Bosnia, and Rwanda, suggesting that they lacked even the resources needed to fully protect themselves, let alone millions of civilians.

It is possible that more robust preventive deployments would have been more effective, but they would not have been cheap. The Carnegie Corporation study estimated that robust preventive military missions in Bosnia would have cost ten to thirty-three billion dollars, and

⁴⁰ John F. Burns, *Sarajevans Jeer As U.N. Leader Urges Restraint*, N.Y. TIMES, Jan. 1, 1993, at A12.

⁴¹ BRUCE D. JONES, PEACEMAKING IN RWANDA 6 (2001).

1.3 billion in Rwanda.⁴² Since there were dozens of crises during the nineties that might have been judged to be at risk of large-scale human rights abuses, the combined costs of highly capable prevention in all these places would almost certainly have been much higher than the costs of the relatively few reactive interventions that the international community actually carried out.

Of course, at a time when the United States alone has the wherewithal to devote somewhere between one and two trillion dollars to the war in Iraq, it is hard to believe that the international community as a whole could not afford to spend substantially more on humanitarian endeavors, like global public health projects as well as conflict prevention.⁴³ But in light of the fact that the world already devotes far too few resources to either of these public goods—even before the Iraq War began to drain our coffers and dull our interest in foreign intervention—it seems unlikely that we will do so in the near future. Generating sustained political will for conflict prevention is especially difficult since if prevention succeeds, no one will appreciate how bad things would have been without intervention. Regardless of how many resources we can mobilize for conflict prevention in the future, however, if we are strictly concerned with saving the most lives in the most efficient ways possible, we will need to spend a great deal more on public health and humanitarian relief efforts before military intervention becomes cost effective in comparison.

IV. PERVERSE CONSEQUENCES

The final and perhaps least well-appreciated dilemma revealed by the military humanitarian interventions of the nineties is the possibility that intervention, especially intervention done on the cheap, may actually make matters worse for the victims of human rights abuses. There are several ways in which this perverse dynamic played itself out during the nineties.

Perhaps most importantly, limited military intervention like air strikes may succeed in increasing the costs of human rights abuses for perpetrators, but if perpetrators simply blame the victims for the setbacks and suffering inflicted by these policies, the incentives for perpetrators to

⁴² Talentino, *supra* note 33, at 51.

⁴³ Linda Bilmes & Joseph Stiglitz, Op-Ed., *War's Stunning Price Tag*, L.A. TIMES, Jan. 17, 2006, at B11.

engage in violence against victim groups, and possibly even popular support for such attacks, may rise. Indeed, foreign intervention on behalf of victim groups has the potential to transform perpetrators' perceptions of victims in ways that actually make violence more likely. Prior to international intervention, perpetrators usually see victim groups as hostile, which explains why perpetrators feel the need to target these groups for violence and repression. But perpetrators also tend to see victim groups as relatively weak. After all, victims' powerlessness is what explains how they became victims in the first place. Because of this perceived weakness, perpetrators frequently conclude that victim groups will be susceptible to comparatively limited coercion within existing political structures. Foreign military intervention, however, changes victims into powerful and traitorous enemies, potentially capable of exacting revenge, seizing power, or breaking away from the state. Under these conditions, even moderate elements within perpetrator groups are more likely to support harsh measures to meet such threats. Since limited intervention such as air strikes cannot physically protect potential victims, however, these policies can risk inciting a slaughter.

In Rwanda, for example, foreign aid cutbacks and diplomatic pressure on the Hutu-dominated regime to end human rights abuses and accept the lopsided terms of the Arusha Accords may have helped convince Hutu extremists, and even some moderates, that the Tutsi minority posed a grave threat.⁴⁴ Those Hutu who doubted the potential for such an outcome needed only to look across the border to Burundi where in 1993 extremist Tutsi army officers assassinated the newly elected Hutu president, Melchior Ndadaye, setting off a massive wave of ethnic violence, killing tens of thousands of people and leading to a return to Tutsi domination. When UN troops arrived to enforce the Arusha Accords, many Hutu saw the peacekeepers as allies of the Rwandan Patriotic Army, the Tutsi army that had invaded Rwanda in 1990. Unfortunately for the Tutsi population of Rwanda, these so-called allies proved unable to protect them when the killing began.

Likewise, the NATO bombing campaign in Kosovo appears to have hardened Serbian opinion against the Kosovar Albanians and rallied public support behind Milosevic, at least initially.⁴⁵ Many Serbs donned tee shirts with a bull's-eye target logo to express their solidarity against the West and for Milosevic's regime. One Serb told a reporter that

⁴⁴ Alan J. Kuperman, *The Other Lesson of Rwanda: Mediators Sometimes Do More Damage than Good*, S.A.I.S. REV., Winter-Spring 1996, at 221; JONES, *supra* note 41, at 61-64.

⁴⁵ HOSMER, *supra* note 29, at 50-52.

Milosevic was now seen as “defending his own people. Whoever was against Milosevic will now be for him.”⁴⁶ Still worse, some scholars have argued that the bombing actually provoked a major escalation in the violence or at least gave Milosevic the excuse he needed to implement a long-held plan to ethnically cleanse the region.⁴⁷ As noted above, NATO air power could do little to save the Kosovars on the ground from Serb paramilitaries. Indeed, in the effort to keep NATO casualties to an absolute minimum, NATO aircrafts were not permitted to fly below ten thousand feet. This policy kept the pilots out of range of Serbian anti-aircraft weapons but also made it difficult to distinguish between friends and foes on the ground, which in turn contributed to several incidents of mistaken attacks by NATO on Kosovar civilians.

In addition to encouraging perpetrators to crack down on victims, the prospect of foreign military intervention also may encourage victims to rise up—an extremely risky course of action if the intervening forces are incapable of protecting victims or if the potential intervention does not materialize in the end.⁴⁸ Perhaps the most clear-cut example of this perverse dynamic occurred in the aftermath of the first Gulf War. During the war, President Bush had encouraged the Iraqi people to “take matters into their own hands and force Saddam Hussein, the dictator, to step aside.”⁴⁹ Many Iraqi Kurds and Shiites responded to this call, believing that the United States would send military forces to assist them or at least protect them from retaliation by Saddam. It was not to be. Wishing to avoid being dragged into a quagmire in Iraq, Bush decided to end the war just one hundred hours after the ground invasion began. Saddam responded to the domestic uprisings with extreme brutality, killing perhaps twenty thousand Kurds and between thirty and sixty thousand Shiites, many of them civilians.⁵⁰ Close to two million Kurds fled their homes in the northern region of Iraq. Only after hundreds of thousands of Kurds had spilled across the border into Turkey, a NATO ally, did the United States, Britain, and France send troops to provide

⁴⁶ David J. Lynch, *Serbian People Enraged, Invigorated as Bombs Fall*, USA TODAY, Mar. 26, 1999, at A1.

⁴⁷ See Kelly M. Greenhill, *The Use of Refugees as Political and Military Weapons in the Kosovo Conflict*, in YUGOSLAVIA UNRAVELED 205 (Raju G.C. Thomas ed., 2003). See also Michael Mandelbaum, *A Perfect Failure: NATO's War Against Yugoslavia*, FOREIGN AFF., Sept.-Oct. 1999, at 2.

⁴⁸ See Alan Kuperman, *Transnational Causes of Genocide, or How the West Exacerbates Ethnic Conflict*, in YUGOSLAVIA UNRAVELED, *supra* note 47, at 55.

⁴⁹ Maureen Dowd, *Bush, Scorning Offer, Suggests Iraqis Topple Hussein*, N.Y. TIMES, Feb. 16, 1991, at A6.

⁵⁰ KENNETH POLLACK, *THE THREATENING STORM: THE CASE FOR INVADING IRAQ* 51 (2002).

humanitarian relief and establish a safe haven for the Kurds in Northern Iraq. The Shiites were not so fortunate. Although the United States eventually established a no-fly zone over southern Iraq, by this time much of the killing was already over and coalition aircraft did little to prevent Iraqi ground forces from continuing to repress Shiites.

A similar pattern emerged in the former Yugoslavia where Western diplomatic recognition of Bosnia and vocal criticism of Serb human rights abuses encouraged some Bosnian Muslims to push for independence from the militarily superior Serbs in the belief that international military intervention would protect them from Serb reprisals.⁵¹ As the UN secretary-general's special representative, Yasushi Akahi, warned after the United States opened a new embassy in Sarajevo in 1994, "[i]f anything emboldens the Muslim government to fight on, it's things like this. . . . They can point to that and say, 'See, the Americans are with us.'"⁵² The international community, however, was not willing to back up its rhetoric with military action until 1995, by which point between 60,000 and 250,000 people had been killed.

Likewise, in Kosovo, Western threats of intervention on behalf of persecuted Albanians appear to have emboldened Albanian rebels to confront the Serbs. As one Western diplomat concluded, "[i]nstead of calming things down and letting us figure out how to get everyone to the negotiation table, what we've done is give the Albanian fighters a feeling of euphoria. . . . This makes them bolder, and it also makes other Albanians want to join them."⁵³

V. CONCLUSIONS

In her review of America's repeated failures to intervene to prevent genocide in the twentieth century, Samantha Power documents how American policy makers who opposed humanitarian intervention intentionally "overemphasized the ambiguity of the facts. They played up the likely futility, perversity, and jeopardy of any proposed intervention."⁵⁴ Indeed, advocates of intervention frequently dismiss

⁵¹ See Kuperman, *supra* note 48, at 62.

⁵² Mark Danner, *Clinton, the UN and the Bosnian Disaster*, N.Y. REV. BOOKS, Dec. 18, 1997, at 75.

⁵³ Mike O'Connor, *Rebels Claim First Capture of a City in Kosovo*, N.Y. TIMES, July 20, 1998, at A3.

⁵⁴ See POWER, *supra* note 8, at 281-88.

concerns such as those raised above as nothing more than excuses or apologies for inaction. The fact that some people have sought to draw attention to the challenges of humanitarian intervention for cynical purposes, however, does not make these challenges any less real. On the contrary, we ignore them at our peril.

Proponents of military humanitarian intervention in the nineties often overlooked the simple truth that “humanitarian intervention” is nothing more than another name for war. The ends of humanitarian intervention may be different from those of traditional wars, but the means are much the same. And as human rights advocates understand better than most, war is never cheap or clean. It seldom makes anything better without making something else worse.

It is ironic that, in making the case for the limited interventions of the nineties, proponents of intervention often called upon the “lessons of the Holocaust.” The Holocaust offers many lessons, but one lesson it surely did not teach is that genocide can be prevented on the cheap or even that the effort to stop it with military force could be morally unambiguous. The effort to defeat Nazi Germany required the bloodiest war in human history. During that war even the “good guys” did terrible things.

This is not to say that war is never necessary or that its costs are never worth its benefits. But war is at best a necessary evil. The experience of humanitarian intervention in the nineties reminds us again, as William Tecumseh Sherman once warned, that “[e]very attempt to make war easy and safe will result in humiliation and disaster.”⁵⁵ The best way to minimize the unavoidable risks and costs of war is by devoting more rather than less resources to its prosecution. If the international community cannot muster the will to pay these costs or bear these risks, we would do better to find other ways to practice our humanitarianism abroad. There will always be more children in need of vaccinations.

⁵⁵ OWEN CONNOLLEY, ON WAR AND LEADERSHIP 30 (2002).