Post-Cold War Conflicts: Imperative for Armed Humanitarian Intervention

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Abstract - Contrary to the predictions that wars would become obsolete in the post-Cold War world, they rather shifted dramatically from inter-state to increasingly intra-state manifestations. The world since then has become racked by ethnic and nationalist violence. The tragedies and gruesome atrocities concomitant with these eruptions have pushed the imperative for humanitarian intervention to the fore of contemporary international politics and practice, provoking a shift on the international right and necessity of using military force to protect civilians within sovereign states. A novel acceptance has now made its foray into the international scene, which is of emblematic significance for the evolving international humanitarian regime, that a war against a sovereign state can be initiated and justified on humanitarian grounds. The task of situating the imperative for armed humanitarian intervention within the context of the compelling nature and character of the post-Cold War conflicts engages the concern of this study. The paper posits that notwithstanding the fluidity of the concept, chances of misuse and the abounding probabilities of abuse in its practice, humanitarian intervention have in this age, carved a niche for itself, given the bloodbaths and horrendous genocidal incidences that have both wrecked and defined the post-Cold War world.

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I. Introduction

International law has recently begun to fundamentally revise its traditional prohibition against military intervention in the wake of the recent wave of terrorism by states against their own people. The principles of sovereignty and non-intervention have long been bedrocks of the traditional Westphalian state system. Geared towards the maintenance of order and stability in the international system, these principles have frowned at foreign interference in the domestic affairs of states. But in today's world where many leaders, lacking popular sovereignty in their countries, have depended on coercion and intimidation of political opponents to stay in power, external intervention into domestic matters of sovereign states seems to have been a welcome development. The non-intervention norm of the Westphalian state system has therefore, meant the protection of the cruel and oppressive leaders at the face of massive human right abuses. Since the end of the cold war, the issues of human rights and state collapse have been brought to the center of international relations[1]. Starting from 1991 US-led operations to protect the Kurds of Northern Iraq and the Shi'a of Southern Iraq respectively from Saddam Hussein's intolerable repression, humanitarian intervention has emerged as a key policy option for international organizations, coalitions of states, regional organizations and big powers. For humanitarian purposes, the belief that governments have right, even obligation to intervene in the affairs of other states has won advocates, and today international law has defined military intervention as a right and duty to alleviate human suffering, stop genocide and ethnic cleansing, and prevent the repression by states of basic human rights and civil liberties[2]. Sovereignty no longer seemed sacrosanct. The world has made a choice on genocide, declaring organized savagery illegal. Against the Westphalia principle, what a state does within its own boundaries is no longer entirely its own business. The years since the post-cold war have seen the rise of universal endorsed principles of conduct, defining humanitarian intervention as a legal right to protect human rights by punishing acts of genocide and by interpreting intervention as "a spectrum of possible actions ranging from diplomatic protest to military invasion, even occupation"[3]. Given this backdrop, this paper argues that the nature of the post-Cold War world, and the character of the new kind of conflicts concomitant with it, fuels the imperative for armed humanitarian intervention in states where such gross abuse and violation of human rights that shocks the conscience of mankind, has become evident.

II. Humanitarian Intervention: A Conceptual Analysis

On the definition of humanitarian intervention, Keohane[4] wrote "Arguments burn fiercely…on the subject" And Welsh[5] added that "the issue of humanitarian intervention has generated one of the most heated discussions in international relations over the past decades among both theorists and practitioners" As defined by Brownlie, humanitarian intervention is the use of armed force by states or an international organization, with the objective of protecting humanitarian right[6]. It is to respond militarily or non-militarily where victims of conflict are calling out for help, where human beings are suffering and dying regardless of borders. Lang[7] captures it as the use of military forces to provide aid, ensure the protection of rights, and or enforce a peace settlement without the express permission of the political authority of the state in which

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the intervention occurs. Clearly, the whole basis for humanitarian intervention is provided by prior agreement about the existence of Universal Human Rights, International Bill of Human Rights as embodied in articles 55 and 56 of the United Nations charter. The Article 55(c) states that "The United Nations shall promote universal respect for, and observance of human rights and fundamental freedoms without distinction as to race, sex, language or religion" Article 56 states that "All members pledge themselves to take joint and separate action for the achievement of the purpose set for in Article 55."[8] Stemming from this view, Nick conceptualizes humanitarian intervention as a response to denial or violation of universal human rights. The widely accepted definition of humanitarian intervention is that provided by Verwey:

> The threat or use of force by a state or states abroad, for the sole purpose of preventing or putting a halt to a serious violation of fundamental human rights, in particular the right to life of persons, regardless of their nationality, such protection taking place neither upon authorization by relevant organs of United Nations nor with the permission by the legitimate government of the target state.[9]

Verwey stressed that the motive of humanitarian intervention should be solely humanitarian. This strict stipulation disqualifies any intervention as 'humanitarian' considering the political interests and processes that are also certain to be involved in practice. Other scholars like Wheeler and Teson[10] object to this strict emphasis on motive as they argue that this approach takes the intervening state as referent object for analysis rather than the victims who are rescued as a consequence of the use of force. This brings to the fore, the question of what counts as humanitarian, and the question of the universality of human rights. Despite the frequent use of the term, a consensus on its one and consistent definition seems to be difficult. Isaac[11] defines humanitarianism as a feeling of concern for and benevolence toward fellow human beings. He went further to say that it is a universal phenomenon manifested globally and throughout the ages. Ramsbotham and Woodhouse link humanitarianism with international humanitarian law of armed conflict, international human rights law and emergency aid[12]. But what level of humanitarian suffering requires outside intervention? Wheeler refers to what he called 'supreme humanitarian emergency'[13] to describe a situation of extreme human suffering wherein the only hope of saving lives depends on outsiders coming to the rescue. He admits however, that there is no objective criteria for determining what counts as a supreme humanitarian emergency. Kabia defines humanitarian emergency to mean a situation of excessive violation of human rights by a repressive government or cases of uncontrolled anarchy and mass murder caused by conflict and or state collapse[14].

Within the ambit of this conceptual discourse, another controversy throws itself open when reference is made to human rights. The controversial debate revolves mainly between those Kabia calls the *Universalists* and the *Cultural Relativists*[15]. Proponents of the universality of human rights argue that human rights norms and standards are applicable to all human beings in all human societies, whatever geographical or cultural circumstances and whatever local traditions and practices may exist. The main challenge to the notion of universality of human rights comes principally from Asia, Middle East and Africa. Advocates of cultural relativism claim that most or some of the rights and rules about morality are encoded in and thus depend on cultural context. Hence, notions of right and wrong and moral rules differ throughout the world because cultures in which they take root are different. To them, international human rights instruments and their pretensions to universality may suggest primarily the arrogance of cultural imperialism of the west. Practices considered violations of human rights in one part of the world may be viewed differently elsewhere. Be that as it may, while accepting the argument that human rights should be culturally sensitive, this study holds the view that there are minimum standards of human rights to be respected across the world. This includes the right to life, freedom of association, and movement etc.

Verwey's conceptualization of humanitarian intervention also rules out intervention by the UN and confines practice to action taken by individual states or groups of states without UN authorization[16]. While this form of intervention is still prevalent as evidenced by the recent US/British led intervention in Iraq, recent interpretation of the concept has expanded the agents to include regional organizations and action taken by the UN[17]. From its inception in 1945, the UN anticipated the involvement of such organizations in the maintenance of global peace. Chapter VIII of the UN Charter acknowledges the importance of such groupings and urges member states to seek pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council. Ramsbotham and Woodhouse further expanded the agencies to include NGOs and UN aid organizations like the UN High Commissioner for Refugees and UN Children's Fund, UNICEF [18] Though intervention undertaken with the consent of the state is ruled out in Verwey's conceptualization of humanitarian intervention, nevertheless, post-cold war understanding of the concept and practice includes both. In most of the missions there is hardly a government with effective authority extending beyond the capital city. The threat or use of force has been a qualifying element of humanitarian intervention. The post-cold war conceptualization of the practice extends to include non-forcible strategies aimed at alleviating the suffering of those caught up in the middle of cross-fire and

mechanisms to prevent a relapse into conflict[19]. This study adopts the definition of humanitarian intervention as an external involvement in a state, in deviation to the Westphalia tradition, on the excuse of humanitarian abuses, uncontrolled anarchy, and mass murder caused by conflict or repressive regime.

The doctrine of humanitarian of humanitarian intervention owes its origin to the just war tradition. The doctrine as it is known today, has been shaped through the ages by contributions of lawyers, philosophers, theologians and politicians, dating back to Roman times[20]. However, Christian conception of just war theory forms the core of just war theory, and had great influence on the present day conception of humanitarian intervention. Early Christians were predominantly pacifists. The increasing political and social influence of the church led Christian theologians to work on justifications for the use of force. This eventually developed over time in the form of just war theory. Modern and secular conception of humanitarian intervention dates back to the seventeenth century, and has been credited to the Dutch international lawyer, Hugo Grotious. In *De Jure Belli est Pacis,* Grotious put forward the proposition that outside countries can legitimately intervene to stop human rights abuses in a neighbouring state[21]. This proposition unleashed a heated debate among international lawyers of the eighteenth century. The first recorded case of humanitarian intervention came in 1827 when Britain, France and Russia intervened to protect the Greek Christians in the Ottoman Empire. Again, in 1860, France was authorized by other European powers to intervene in the Ottoman Empire to save the Maronite Christians in Syria against suppression in practicing their traditional religion. Other nineteenth century cases include Russia in Bosnia-Herzegovnia and Bulgaria (1877), and the United States in Cuba in 1898[22]. The cold war era witnessed several instances of humanitarian intervention. The most cited cases are Tanzania in Uganda, in 1979 to oust the despotic and tyrannical regime of the dreaded Idi Amin. Vietnam also intervened in Cambodia in the same year. India intervened in East Pakistan to in 1971 to rescue its population from the intolerable repression of West Pakistan. Although the humanitarian outcomes of these interventions are apparent, the inteveners were hesitant to declare them humanitarian interventions. This reflected the international uneasiness with the practice then. However, at the end of the cold war, there appears to be an international consensus in support of humanitarian intervention as evidenced by the unprecedented support to rescue the Kurds and Shiites in Iraq in 1991. Besides rescuing civilians from repressive regimes, the demands of the post-cold war era have also drawn humanitarian interveners into situations that has been dubbed complex political emergencies, where conflict of multidimensional nature combines overwhelming violence with large scale displacement of people, mass famine, fragile and failing economic, political and social institutions, as has been the experience in Kosovo, Rwanda, Sudan, East Timor, Bosnia and other parts of Africa, Asia and Europe, where the cases have been breakdown of government authority and massive human rights abuses.

III. Nature And Character Of The Post-Cold War World

The post Cold War world is unarguably a world of wars and conflicts. The defining characteristic of the post-cold war era is unarguably that of increased civil wars and intra-state conflicts. Observing that the era of big wars between states in the world system seems to have been over, Shaw stated "A defining feature of world politics since the late 20th Century is the decline in frequency of warfare between states in the international system"[23]. This observation is particularly striking given the long history of warfare between and among states in Europe, East Asia and the North Atlantic regions in the centuries prior to the 21st[24]. In the 15 years period between 1990 and 2005, only four of the active conflicts were fought between states: Eritrea-Ethiopia (1998-2000); India-Pakistan (1990-1992, and 1996-2003); Iraq-Kuwait (1991), and UK-Australia (2003)[25]. The remaining conflicts, 172 in number were fought within states. It makes sense to assert from the strength of the above observation that intra-state conflicts and internal wars increasingly define the post-cold war global landscape. The end of the cold war has been characterized by a wave of violent civil wars and armed conflicts that have produced unprecedented human catastrophe and suffering. Although mostly intra-state, these conflicts have spread across borders and threatened international peace and security through mass refugee flow, proliferation of light arms and the rise of local mercenary groups. However beneficial the end of the cold war has been in other respects, it has far reaching negative implications on conflicts. Inter-alia, it has let lose a global deluge of surplus weapons into a setting in which the risk of local conflict appears to have grown markedly. Since the end of cold war, from the Balkans to East-Timor, and throughout Africa, the world has witnessed an outbreak of ethnic, religious, and sectarian conflicts characterized by routine massacre of civilians. More than 100 conflicts erupted between 1990 and 2000, about twice the number for previous decades[26]. These wars have killed people in tens of millions, devastated entire geographic regions, and left many more millions of refugees and orphans. Little of the destruction was inflicted by the tanks, artillery or aircraft

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usually associated with modern warfare rather most was carried out with pistols, machine guns and grenades. During the cold war period, International Relations theorists and Strategic Studies analysts were preoccupied with inter-state wars and the bipolar confrontation between the East and West. However, the post-cold war period witnessed the eruption of new forms of conflicts, which do not fit into the traditional classifications. Terminologies to describe such conflicts include "Protracted social conflict"[27], "International social conflicts"[28], and "Complex political emergencies"[29]. These' new wars' according to Kaldor, "involve a blurring of the distinctions between wars…organized crime…and large-scale violations of human rights."[30] However, Smith[31] dismisses 'the new' war thesis and posit that vicious civil wars sustained by identity politics, supported by diasporas and waged by paramilitary gangs, have rumbled on from one decade to the next. He went on to argue that post-cold war interest in civil wars amongst international relations theorists was a product of cold war displacement. While we accept that Smith's argument makes sense, in that intra-state war is not a new phenomenon, however, significant changes can easily be seen in the goals of, and tactics used by warring groups in many parts of the world where intra-state conflict has been the experience. Most intra-state conflicts during the cold war period were either liberation struggles or proxy wars. But at the end of the cold war we saw the emergence of new forms of struggles and warlord*ism*. The post-cold war conflicts are characterized by unspeakable acts of violence and brutality. The rape, mass burial of living humans in a single grave, torture, widespread burning and destruction of property as was seen in Kosovo, Bosnia, Sudan etc, represents examples of what takes place in the post-cold war conflicts. In explaining the violence that gripped the post-cold war world, Robert Kaplan, interpreted it as new barbarism, an expression of senseless and irrational convulsions of violence, and a return to medieval forms of tribal war and warlordism[32]. Despite their seemingly internal nature, they have regional and international dimensions and ramifications evidenced by the destabilizing effects of small arms proliferation, mass refugee flow and cross border conflagrations.

The explanation for these conflicts, their character, and their frequency is *wombed* in the character and nature of the post-cold war world. The cold war, for all its risks and costs, and despite the reality of proxy wars and the potential for global holocaust, was not without its stabilizing aspects. Bipolarity or system based upon two poles, are arguably simpler and easier to manage than is the case in multi-polarity, a system with multiple decision-making centers[33]. Also the cold war was unique in that the fear of escalation to global nuclear war was an inhibiting

factor for both super powers. Rules of the road evolved, that limited the direct use of force by both countries, not only in Europe, but also in regional conflicts anywhere, lest they create circumstances where direct confrontation between them could arise. These rules also placed limits on what either super power could safely do in situations where the other had clear stakes. In the US-Soviet relationship, competition was structured and circumscribed, formally in the case of arms control, informally in the case of regional competition[34]. But the end of the cold war altered much of this. First, the splitting up of blocs has resulted in a loss of political control. Decentralized decision-making and the diffusion of political authority increase rather than decrease the potential for international challenges and crises. Second, with the relaxation of external threats and alliance systems, and the erosion of both empires and multinational states, nationalism entered a new phase. Movements are defined more by ethnicity than by political ideology as warring groups turn their energies inward, against populations within their borders. Such struggles have fast become commonplace. The end of Europe's division and the demise of the Warsaw Pact provided an opportunity for Yugoslavs to redress long-held grievances. Similar sorting out of ethnic, political, and geographic questions can be seen in the former Soviet empire. The consequence is conflicts, especially of the kind within former states, frequently resulting in massive flows of refugees and human suffering on a major scale. The end of the cold war saw an era of intensification of international linkages, made possible by revolution in information technology. Since then, there has been a relative weakening of the state. Technology: television, computers, telephones, fax machines etc, increase the scope and impact of communications across state borders, making it much more difficult for governments to control what their citizens know and others know about them. These trends contribute to the difficulty and at times inability of existing governments to contend with challenges to their authority.

The end of the cold war saw a triumph of democracy and liberalization philosophy[35]. Research and scholarship in International Relations has produced abounding evidence that there is a link between democracy, liberalization and conflict. In the statements of government policy makers and the writings of academics, especially in the 1990s, market democracy took on the qualities of a universal antidote to misery and conflict. Writing in 1995 for example, Larry Diamond posited that "Democratic governments do not ethnically cleanse their own populations, and they are much less likely to face ethnic insurgency."[36] Reiterating this position, Boutros Ghali in his *Agenda for Peace* expressed that "The practice of democracy is increasingly regarded as essential to progress on a wide

range of human concerns and to the protection of human rights."[37] These human rights, he explained include "interstate and intra-state peace…" However, there are reasons to doubt that liberalization fosters peace. Although most liberal peace scholars tend to ignore this issue, a few have not, and their findings suggest that transitional countries may be prone to internal conflict [38]. During the 1990s the world celebrated a series of democratic transitions in post-communist and developing nations, and the resultant effect was that the new, weak democracies proved more likely to fall into conflict under pressures of ethnic rivalries, demagogue politics, and the hardships of simultaneous political and economic transitions[39]. There is a pool of evidence in which states between autocracy and democracy are more prone to war[40]. Such states have a mix of democratic and autocratic features in a single political system, a condition that Lacina calls *anocracy*[41], i.e those that are passing through eras of political instability and transformation, and those that are simply weak states where would-be authoritarians cannot quite destroy the opposition. It makes sense therefore, to say that the spread of democratic transitions worldwide since the end of the cold war is the explanation for the prevalence of conflicts that painted the image of the era. The end of the cold war paved way for the dramatic changes in the world. A world hitherto driven by the divisions of ideology was to be integrated by markets and technology. Structural adjustment and the logic of the market, debt crisis and marginalization have all been intensified by the globalization process[42]. The current phase of globalization is accompanied by intensification of the structural adjustment programme and other economic reforms dictated by the IMF and the World Bank. These reforms aggravated the poor economic conditions of the people, causing impoverishment and desperation, which become a major cause of conflict in many countries. Against the Liberal bourgeois theoretical contentions, globalization has deepened economic underdevelopment, resulting to the emasculation of its provisioning power. Systemic frustration on its own ordinarily engenders aggression on the part of the frustrated. Problem thus arises for the political system when the disgruntled and the frustrated members of the polity are able to establish a linkage between their material depravity and the political system[42].

IV. DEFINING CHARACTERISTICS OF POST-COLD WAR CONFLICTS AND THE IMPERATIVE FOR HUMANITARIAN INTERVENTION

These conflicts and internal wars of the post-cold war era, have many other defining characteristics, centering on salient issues of ethnic groups seeking greater autonomy or striving to create an independent state for themselves, such as the Kurds in Turkey, Chechens in Russia; religious conflicts involving especially intra-religious armed disputes between two or more sects of the same religion; failed states, where the authority of a national government has collapsed and armed struggle has broken out between the competing ethnic militias, warlords, or criminal organizations seeking to obtain power and establish control of the state; impoverished states, where there exists a situation of individual hardship or severe dissatisfaction with one's current situation, as the World Bank describes the syndrome, "Low-income countries, where about a billion people live, face greatest risk of civil war, about 15 times that of high income countries."[44] The post-cold war intra-state conflicts have the tendency for countries that have experienced one armed conflict to undergo two or more subsequent eruptions. The eruptions are with seemingly endless repetition. Moreover, the average duration of internal armed conflicts increased, once they erupt. As Hironaka noted, intra-state conflicts dominate the global terrain because they start and re-ignite at a higher rate than they end, and they last longer[45]. The examples of long-lasting civil wars in Burundi, Liberia, Ivory Coast, Sudan, Uganda, Rwanda, and Kosovo, bear this out. Unlike classical conception of war which is fought between armies, a shocking feature of the post-cold war armed conflicts is that warring factions often deliberately target vulnerable groups of civilians and humanitarian aid workers. Another noteworthy characteristic of the post-cold war wars and conflicts is their severity. The number of lives lost in intra-state violence has always been very high, and casualties from conflicts since the post-cold war era have increased at alarming rates. As Kegley put it, "The most lethal civil wars in history have erupted recently."[46] He went further to contain that "The cliché that the most savage conflicts occur in the home, captures the ugly reality as genocide and mass slaughter aimed at depopulating entire regions have become commonplace in recent civil wars". That grim reality was illustrated by the Rwandan genocidal conflict, where the Hutu government orchestrated a genocidal slaughter resulting in the murder of about one million predominantly Tutsi and moderate Hutu people in a matter of months[47]. Sudan provides another horrifying example of the mass slaughter of civilians that often occurs when governments seek to keep power by destroying minority opposition groups. The Arab-controlled Sudanese government, and government-backed *Janjaweed*, which seized power in 1989, suspended democracy, and undertook a divide-and-destroy campaign of state-sponsored terrorism against the black Christian peoples living in southern Darfur region. By 2006, at least about 3 million people were slaughtered and another 4 million became displaced refugees[48]. As Scott would say, Darfur reveals the hollowness of the post-Holocaust promise of "never again."[49]

The conflicts of the post-cold war times have yet another characteristic: resistance to negotiated settlement. Study by Kegley[50], reveals that making peace is difficult among rival factions that are struggling for power, driven by hatred and poisoned by the inertia of prolonged killing that has become a way of life. Few domestic enemies fighting in a civil conflict have succeeded in ending the combat through negotiated compromise at the bargaining table. Most intra-state wars end on the battlefield, but rarely with a decisive victory of one faction over another[51]. For this, fighting often resumes after a temporary cease-fire.

In the light of the raging nature and character of the post-cold war conflicts, this study maintains that armed humanitarian intervention is imperative. Sovereignty no longer seemed sacrosanct. Sacrosanct legal principles can be trumped in the name of necessity. Among other things, developments since the 1990s, and the character of the post-Cold War world order which is that of incessant and internecine killings and bloodbath resulting from un-numbered intra-state squabbles and rancorous ethnic contestations, have contributed to the new sense of when and how to intervene. Crucially, it created a new precedent in international sovereignty[52]. Doyle argues that some civil wars become so protracted that a common sense of sympathy for the suffering of the noncombatant population calls for an outside intervention to halt the fighting in order to see if some negotiated solution might be achieved under the aegis of sovereign arms[53]. Looking at such instances in most of the post-cold war conflict in which massacres become commonplace, it will be immoral for states not to intervene. The Rwandan genocidal conflict featured an estimated 43,000 Tutsis killed in Karama Gikoongoro, 100,000 massacred in Butare, over 16,000 people killed around Cyangugu; 4,000 in Kibeho; 5,500 in Cyahinda; 2,500 in Kibungo. In Taba, the Hutu militia group, *Interahamwe*, killed all male Tutsis, forced the women to dig graves to bury the men, and then threw the children in the graves. One woman survivor recalled "I will never forget the sight of my son pleading with me not to bury him alive. He kept trying to come out and was beaten back. And we had to keep covering the pit with earth until there was no movement left."[54]. Hundreds of bloated and mutilated body floated on, and passed down the rivers on daily basis. Within the three short months of genocidal madness that took over Rwanda, a total of one million Tutsis and moderate Hutus were killed. As the Liberian conflict surged, Monrovia witnessed the worst death and destruction ever in that annals of that country. The streets became littered with corpses. The civilian survivors could not come out of their houses to even look for food. Those who wished to escape at that stage could not because the sea, air and land routes were closed. Everything in the country came to a halt. Only gun fighters ruled. It would have been indeed bad for the helpless and hapless Liberian and Rwandan population entrapped in such humanitarian emergencies to be denied intervention based on the sacrosanct observation of charter provisions that tend to limit intervention.

Justification for humanitarian intervention is also predicated on the obvious fact of the United Nations incapacitation to handle the conflicts alone, given their increased frequency and nature. Referring to the compounded and multiple global conflicts of the post cold war era, which limited the United Nations' interventions into African conflicts, Jinmi Adisa wrote, "The international community…is faced with broad array of conflicts… the intensity of those problems and the demand that they impose on the global system, threaten to overwhelm the institutional capacity of the United Nations."[55] Should others standby and look, many of the states embroiled in intra-state conflicts would have been exterminated from the political map of the world. Beyond this, the complex challenges of these conflicts do adversely affect the regional neighbours of the affected states and equally threaten global security. Referring to the Liberian case in West Africa, Babangida of Nigeria stated that

"…chances are that such instability would spread into other neighbouring countries in the West African region. We the West African leaders said we were not going to allow such a thing to happen…Something has got to be done and this is what motivated everybody to get into Liberia."[56].

At the regional level, neighbouring states suffer from the devastating effect of massive refugee flow, spread of light weapons, local mercenaries and economic dislocation. Armed groups and local mercenaries use refugees as a cover to launch cross border attacks. At the global level, neglected internal conflicts even in the remote parts of the world can have negative impact on world peace and security. Reports have linked conflicts within states to the growing problem of international terrorism. Kabia contains that there existed a relationship between the RUF, an insurgency group in the Sierra-Leone conflict and Al Qaida[57]. This underscores the need for humanitarian intervention in the growing dangers of internal conflicts. The obvious threats posed by internal conflicts to both regional and international stability suggests that they can no longer be regarded the internal affairs of the states in conflict. It should also be called to mind that most of the target states of humanitarian intervention are failed states lacking governments worthy of the protection of sovereignty. A government that is unable to offer protection to its citizens does not deserve the privileges and international recognition that comes with sovereignty.

V.   A Critique Of Post-Cold War Humanitarian Intervention

One possible objection to humanitarian intervention is that it makes intervention easier to undertake, and certainly easier to justify. There is an obvious danger here. Big countries like the United States can use humanitarianism as a pretext to justify aggressive actions that serve to advance its economic and geo-strategic position in the world. Great powers have long justified their self-interested acts in terms of a higher moral purpose[58].

"Perhaps the doctrine of humanitarian intervention is merely a way of excusing US aggression, and it should be viewed with the same cynicism that we now view Britain's 'white man's burden', France' 'Mission *civilisatrice*', the Soviet Union's 'defense of the Afghan people', or other great power rationalizations from previous eras."[59]

The 2003 US invasion of Iraq and the extended war that followed has proven a vexing issue for the interventionist intellectuals. Some pro-interventionist figures have supported the Iraq war, since it was conducted against an obvious tyrant with a murderous record, Saddam Hussein. Long-standing neoconservative supporters of humanitarian intervention played a key role in organizing the Iraq war from within the Bush administration. And several Left-leaning figures supported the war, on the grounds that this was an authentic humanitarian action in defense of the Iraq people[60]. Other interventionists however, opposed this particular intervention, particularly because they distrusted the motives of the Bush administration. And needless to say, the Iraq intervention occurred in a region, the Persian Gulf that was of obvious strategic and economic importance. The earlier arguments that humanitarian interventions do not involve selfish motive, great power interests are obscured by the Iraq case. As the Iraq war dragged on, and has produced negative effects from a humanitarian standpoint, the whole operation became more controversial for the general public and also for intellectual advocates of intervention. As Gibbs put it, the argument in favour of humanitarian intervention has been weakened by the Iraq experience[61].

One of the requirements of the just war theory upon which humanitarian intervention is predicated is that of Right Intention. The requirement of right intention emphasizes that the intervener must have right and proper motivation which is to secure just cause and rescue those whose human rights are being massively violated. It has been contended that the reason for ECOWAS intervention into the Liberian conflict was beyond mere humanitarian factors[62]. Leaders like Babangida and Abacha were demonstrably accused of having vested personal interests in Liberia that sparked their intervention interests, not necessarily the humanitarian debate[63]. The just war demand of right intention is further than the simple restatement of the just cause criterion. According to St. Augustine, the intellectual grandfather of the just war thesis, the craving to hurt people, the cruel thirst for revenge, the unappeased and unrelenting spirit, savageness of fighting on, the lust to dominate and suchlike, are rightly condemned in wars[64]. The intervention in Kosovo by NATO in 1999, was not motivated by genuine humanitarian objective, neither did it achieve an indubitable humanitarian ends. It exacerbated human rights abuses, spread the underlying conflict, and lowered the barriers to aggression everywhere[65]. The principle of right intention in humanitarian intervention warns interveners against several misleading motives. The other element of right intention as suggested by Kant is that the intervener must, prior to intervening, commit itself to upholding, to the best of its ability, the norm of right conduct during war among others. It is difficult to admit that self-interest did not mix in the intervention by NATO into Serbia. If not, why must leaders of NATO countries justify sending young men and women to suffer and to die where no national interest is involved? Thus it is contended that the real motivation was to prove NATO credibility, and to cement American control over the newly expanded alliance, and to rub it in the face of Russia[66]. As Hadjimichalis insists, "…humanitarian and ethical are well received and have a legitimate basis, they cannot convince us."[67] What was at stake in Kosovo was less the human rights of ethnic Albanians and much more geopolitical projects, and the project of USA global hegemony and the future political shape of Europe. Milosevic's policies provided an excellent opportunity to try out this new military dogma, the necessary companion of globalization. The long tradition of Marxist political economy and the notions like power, imperialism, barriers to capital accumulation and the like have been employed to situate NATO's presence and actions in Serbia. Thus Hadjimichalis concluded that the intervention was "…simply neo-imperialism which appeared clearly in the new NATO dogma signed by its…countries on the 50th NATO anniversary in Washington in May 1999 and practiced brutally in Yugoslavia."[68] We need to ask like Bideleux did what the relationship is between neo-liberal globalization and regional wars, since during the years of post-Cold War era, we have had more of such wars in all of which the USA was the leading actor?[69]. What is the role of global financial institutions like the IMF in these wars, and particularly in the destruction of the former Yugoslav Republic?[70] What, and for whom, are the geopolitical benefits of the economic dependency of all former Soviet-dominated countries on international banks?[71] In other to understand deeper things that border on the NATO's acclaimed humanitarian

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intervention in Serbia in the acclaimed defense of the abused Kosovo Albanians, it is important to note that a particular characteristics of the former Yugoslavian Republic (especially Serbian part) is its non-alignment. There is strong belief in self-reliance and in independence from great powers, for which it has paid dearly since the Second World War when it broke away from the Soviet bloc. After 1989 and the defeat of Stalinist communism in Europe, all former socialist states became dependent ones, relying on foreign investors, on IMF, and the World Bank for their survival. This was less true of Yugoslavia, which managed to keep a relatively high standard of living, a strong cultural identity and a strong military presence in the Balkans. This was achieved via its policy of self-reliance, grounded partly in a developed industrial and agricultural base. In the neo-liberal globalized framework in which 'either you join or you will be wiped-out', the tendency became clear: the country turned a 'black hole' in the Balkans, a non-collaborating site of resistance among 'ready-to-give-all' neighbours. Human rights thus gave a cloak of legitimacy to more significant geopolitical reasons. Two points are in order: First, although Yugoslavia lacks important strategic resources, it possesses something more valuable for neo-imperialism: its strategic location in the middle of the historical road connecting Central Europe with the East and Black Sea. "This road is of a growing importance due to the future construction of new major oil and gas pipelines for the transportation of Russian resources from the Black Sea through the Belgrade plain to Central Europe and through Kosovo-Montenegro to the Adriatic sea."[72] Secondly, political forces in Yugoslavia, including the democratic opposition, still belong to the communist, left-wing tradition of the Yugoslav route to socialism, which managed albeit with many deficiencies in social and regional equality, to promote a successful balance between central planning and market forces. It should be remembered that during the 1970s and early 1980s, the Yugoslav model was infant-gate of western planners, who saw it as the alternative to the authoritarian Soviet model. This tradition permitted Yugoslavia to remain, until this war, the only country in Europe unwilling to accept the neo-liberal capitalist model imposed by globalization. It became clear, therefore, that the combination of strategic location with a non pro-West government, the non-alignment tradition of the country plus the cultural-religious sympathy with Russians, could turn to a situation in which a crucial strategic area in central Europe could remain beyond the control of the USA-EU-NATO globalized interests. This researcher believes that the parallel project of neo-imperialism provides us with a possible explanation of NATO's war of intervention in Serbia. It also answers the question of why civilian infrastructure was destroyed. The country is now forced to turn to western banks and financial institutions to rebuild what has been destroyed by NATO's bombs. Where neo-liberalism could not be imposed peacefully, it is now introduced by force, alongside the dependency of the country on Western interests. Even the involvement of Russia was due less to its cultural and religious links with Yugoslavia and more to its prime interest in the safeguarding of the oil route, the only valuable resource it can export. Russia is economically destroyed and totally dependent on the World Bank, while its army lacks the capacity of the past. So NATO and the USA, by playing the card of Yugoslavia's destruction, were also checking the various degrees of Russian resistance. The same is true of China. The bombs on the Chinese embassy in Belgrade were not an accident[73]. The bombing happened while there was a major peace effort in progress, after the German initiative and the G8 formula for the UN Security Council. And it was a sign to Asia as to who has the upper hand in the new millennium.

VI. Conclusion

The whole basis for humanitarian intervention is provided by prior agreement about the existence of universal human rights as embodied in Articles 55 and 56 of the United Nations Charter. Article 55(c) states "The United Nations shall promote universal respect for, and observance of human rights and fundamental freedoms without distinction as to race, sex, language or religion", article 56 states, "all members pledge themselves to take joint and separate action for the achievement of the purpose set for in article 55". While subscribing strongly to the abounding chances and possibilities of abuse and misuse of the concept and practice of humanitarian intervention, this paper *thesisizes* that given the reality of the global post Cold War era which featured a new pattern of conflicts, armed humanitarian intervention is imperative. Due mainly to the post Cold War disheartening situation of continued intra-state conflicts of internecine kinds with its concomitant devastating consequences on civilian population, especially women and children, the age long grasp of sovereignty as sacrosanct is being increasingly soft-pedaled. Compassion for the suffering of the helpless civilian population has evoked intervention and interference with the affairs of a state by another state, several states or a group of states. Where failed states exist, or genocide is threatened, outsiders should ignore sovereignty and assert a right to intervene to protect threatened people. Several responses to the question of humanitarian and recent states and international practice have indicated an emerging international consensus on humanitarian intervention. United Nations' response to India's invasion of East Pakistan in 1971, Vietnam's invasion of Cambodia in 1978, all reveal that the United Nations has been willing to acquiesce in unilateral and humanitarian intervention under certain

circumstances. The United Nations also acquiesced in military intervention by West African regional forces in Liberia in 1990 and in Sierra-Leone in 1997. NATO's intervention in Kosovo is adjudged not obviously illegal. Although the Security Council failed to endorse the action in advance, it did reject a resolution condemning it, and engaged in a form of retroactive endorsement through resolutions at the end of the conflict. The renewed global understanding on, and the perception of armed humanitarian intervention is well captured by the ex-Secretary General of U.N.O and ex-president of United States of America, Koffi Annan and Bill Clinton respectively: "Our job is to intervene: to prevent conflict where we can, to put a stop to it when it has broken out, or when neither of those things is possible, at least to contain it and prevent it from spreading." "…if somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background, or their religion, and it's within our power to stop it, we will stop it."[74]

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