

When Duty Calls

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A Pragmatic Standard of Humanitarian Intervention

On March 18, 2011, President Barack Obama announced the U.S. government's commitment to an international military intervention in Libya, declaring, "We're protecting innocent civilians within Libya" from Muammar Qaddafi's forces to prevent "a humanitarian crisis."¹ Within days, an international coalition of Western and Arab states launched air strikes that halted the Libyan government forces' offensive against the rebel stronghold of Benghazi and the roughly 2 million people living in the eastern region of the country. Within weeks, major international economic resources began flowing to rebel-controlled areas to help strengthen their ability to remain independent from Qaddafi's control. Within months, Qaddafi's grip on the western portions of the country crumbled. Now, many policymakers and scholars recognize the Libyan mission as a significant success for international humanitarian intervention according to the main yardstick of saving many lives with no loss of life among the interveners.²

The success in Libya raises two important questions: Will the United States and other members of the international community be compelled to intervene in countless humanitarian crises in the future? If not, which humanitarian crises justify international moral action and which do not?

Since World War II, the most well-known standard for humanitarian intervention has been genocide—defined by the 1948 Convention on the Prevention and Punishment of Genocide as acts "committed with the intent to destroy, in whole or in part, a national ethnic, racial, or religious group." Ever since, nu-

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1. "Remarks by President Barack Obama: Libya," Federal News Service, March 18, 2011.

2. For positive assessments, including some by early critics, see Ivo Daalder and James Stavridis, "NATO's Success in Libya," *New York Times*, October 30, 2011; Marc Lynch, "What the Libyan Intervention Achieved," *Mark Lynch: Abu Aardvark's Middle East Blog, Foreign Policy*, blog, October 28, 2011, <http://lynch.foreignpolicy.com>; David Ignatius, "A Moment to Savor," *Washington Post*, October 21, 2011; and Mark Landler, "For Obama, Vindication of His Much-Criticized Approach to War," *New York Times*, October 21, 2011. For a negative assessment, see Benjamin Valentino, "The True Costs of Humanitarian Intervention," *Foreign Affairs*, Vol. 90, No. 6 (November/December 2011), pp. 60–73.

merous books and articles have advocated the “duty” of states to engage in humanitarian intervention on the presumption that the benchmark for action should be preventing the slaughter of peoples—often thought of in practical terms as preventing the deaths of hundreds of thousands of people at the hands of their government.³ Indeed, few would challenge the moral imperative of intervention to prevent the substantial extermination of an entire group, and the genocide standard has been important in holding perpetrators of this crime to account after the fact. Yet, over the past sixty years, the United States and the international community have made only modest progress in stopping genocide. Consider that no one came to the rescue of about 1 million Ibos killed in Biafra in the 1960s, 2 million Cambodians in the 1970s, 800,000 Rwandans in the 1990s, and 300,000 in Darfur in recent years—all commonly listed as among the worst genocides.⁴

Although politics surely matter, a significant reason why the international community has consistently failed to stop genocides is the norm itself. In general, by setting the bar for intervention so high—unmistakable evidence of clear intent to destroy a national, ethnic, racial, or religious group—the norm against genocide puts the international community in a catch-22: by the time it is clear that a genocide is occurring, it is often too late to stop the killing. Further, by leaving the acceptable costs of intervention undefined, the norm does not resolve the inevitable trade-off between the obligation to save lives of a foreign population and the obligation of potential interveners to defend and protect the welfare of their own populations.

3. For instance, Terry Nardin identifies “genocide and ethnic cleansing” as acts that justify armed intervention because they affect “the fate of entire communities.” Nardin, “The Moral Basis of Humanitarian Intervention,” *Ethics and International Affairs*, Vol. 16, No. 1 (March 2002), pp. 57–71, at p. 66. See also John Rawls, *The Law of Peoples: With “The Idea of Public Reason Revisited”* (Cambridge, Mass.: Harvard University Press, 1999), p. 79; and Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Basic Books, 2002), p. 512. Proponents of intervention mention other goals, such as the defense of democracy, but these are far more contested than the more common goal of preventing group harm. See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), pp. 101–108; and J.L. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2002).

4. In three cases—India in Bangladesh in 1971, Vietnam in Cambodia in 1979, and Tanzania in Uganda in 1979—a state did intervene during a genocide, but in each case, the decision was based on that state’s own security concerns (e.g., to stop large, incoming refugee flows or to halt territorial expansion by the target government), not for the purpose of saving lives. As I explain, mixed motive cases exist, but interventions driven by self-interest are not humanitarian actions because they produce moral side effects; no one calls the Allied conquest of Nazi Germany a humanitarian action to save the Jews even though defeating Adolf Hitler stopped the killing. On the three cases from the 1970s, see Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (New York: Oxford University Press, 2000). On the politics of accountability, see Gary J. Bass, *Stay the Hand of Vengeance: Politics of War Crimes Tribunals* (Princeton, N.J.: Princeton University Press, 2000).

In recent decades, there has been growing recognition that the norm against genocide has important shortcomings.⁵ Yet, the main alternative—the “responsibility to protect” (R2P) standard—is wrong for the opposite reasons. R2P sets the bar for intervention so low that virtually every instance of anarchy and tyranny—or indeed, every potential instance—represents an opportunity for the international community to violate the sovereignty of states. At the same time, R2P demands ambitious nation building to replace state institutions, which would create virtually unbounded obligations to help foreigners regardless of expense and encourage perceptions of imperialism.

To guide future decisions, the international community should consider a new standard for international military humanitarian intervention. This standard, which I call “pragmatic humanitarian intervention,” has three requirements: (1) an ongoing campaign of mass homicide sponsored by the local government in which thousands have died and thousands more are likely to die; (2) a viable plan for intervention with reasonable estimates of casualties not significantly higher than in peacetime operations and near zero for the intervening forces during the main phase of the operation; and (3) a workable strategy for creating lasting local security, so that saving lives in the short term does not lead to open-ended chaos in which many more are killed in the long term.

The pragmatic humanitarian intervention standard has four important advantages over the genocide and R2P norms. First, the international community would not need to wait for irrefutable evidence of genocide before intervening. Thus, the new standard would likely do more to stop genocide than the norm against genocide itself. Second, states would not need to fear that a declaration of a “mass homicide campaign” would necessarily create open-ended obligations for intervention that would come at the expense of the security of their own citizens, encouraging early development of intervention plans. Third, the international community would violate state sovereignty only to restore sufficient security to allow self-determination for the target population; removing the offending government from power would not be a mission objective. Accordingly, the new standard would minimize the prospect of humanitarian intervention becoming a pretext for foreign imperialism. Finally, four cases of reasonably successful humanitarian intervention demonstrate when and how the new standard could be effectively applied: the Kurds in

5. See Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, Conn.: Yale University Press, 1990); Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca, N.Y.: Cornell University Press, 2002); and Benjamin A. Valentino, “Still Standing By: Why America and the International Community Fail to Prevent Genocide and Mass Killing,” *Perspective on Politics*, Vol. 1, No. 3 (September 2003), pp. 565–578.

northern Iraq, as well as Bosnia and Kosovo in the 1990s,⁶ and Libya today. All of these interventions occurred in response to a government-sponsored mass homicide campaign, and each saved thousands of lives at little cost to the interveners and provided lasting security to the target populations. Importantly, none could become a genocide because intervention stopped the killing at an earlier stage.

The remainder of this article presents the case for the pragmatic standard of humanitarian intervention in seven sections. The first section explains the logic and weaknesses of the genocide and R2P norms. The second section lays out the logic and observable conditions that characterize the pragmatic standard of humanitarian intervention. The third applies the new standard to the successful 2011 Libyan intervention. The fourth explains why, as of mid-2012, the situation in Syria does not meet this standard. The fifth considers objections to the adoption of the new standard. The sixth section outlines empirical implications of the new standard. The conclusion offers an explanation of the value of codifying the new standard in international law.

Existing Standards of Humanitarian Intervention

Proponents of humanitarian intervention are engaged in normative theory, but they are also keenly interested in employing their logic as positive theory—to articulate compelling grounds for action. To achieve this double purpose, proponents must identify the standard for action, because the standard governs how to turn normative principles into practical action. As such, this section defines humanitarian intervention, identifies the threshold for action according to existing norms, and explains their limits for effective policy.

DEFINING HUMANITARIAN INTERVENTION

Humanitarian intervention is the use of military force by one or more states within the jurisdiction of another, without its permission, to protect innocent people from violence by the target state's government.⁷ In this situation, the

6. For excellent overviews, see Gordon W. Rudd, *Humanitarian Intervention: Assisting the Iraqi Kurds in Operation Provide Comfort, 1991* (Washington, D.C.: U.S. Army Center of Military History, 2004); Richard C. Holbrooke, *To End a War* (New York: Random House, 1998); and Barry R. Posen, "The War for Kosovo: Serbia's Political-Military Strategy," *International Security*, Vol. 24, No. 4 (Spring 2000), pp. 39–84.

7. This classic definition of "humanitarian intervention" stresses that it is an extraordinary military remedy that temporarily sets aside norms of state sovereignty to prevent the imminent death and permanent impairment of people resulting from deliberate actions by their government. See Holzgrefe and Keohane, *Humanitarian Intervention*, pp. 1, 18; Terry Nardin, "Introduction," in Nardin and Melissa S. Williams, eds., *Humanitarian Intervention: Nomos XLVII* (New York: New York University Press, 2006), p. 1; Richard B. Lillich, ed., *Humanitarian Intervention and the United Nations* (Charlottesville: University Press of Virginia, 1973), p. 198; and Ulrich Beyerlin, "Humani-

meaning of “innocent” is normally understood as “morally innocent—that is, people who themselves are not engaged in unjust violence.”⁸ Thus, it commonly applies to unarmed protesters, noncombatants in internal wars, and virtually all those called “civilians” in popular language (i.e., people who have done nothing to lose their right to life).⁹ As such, humanitarian intervention is a distinct category of international moral action; the defining feature is that it advances a moral principle rather than a selfish interest (e.g., the intervening state’s wealth or power).¹⁰

A common feature of theories of humanitarian intervention is that the principled ideas animating action are based on a Kantian moral ethic—the idea that human beings inherently have equal moral value and that the moral duties of one person to another arise from membership in the community of humankind.¹¹ Accordingly, states that violate human rights do not deserve sovereign immunity from outside interference in their internal affairs, at least under certain conditions.¹²

tarian Intervention,” in Rudolf Bernhardt, ed., *Encyclopedia of International Law* (Amsterdam: North-Holland, 1982), pp. 211–212. One could expand the concept to include acts of omission—where the local government is unwilling or unable to protect its population from all manner of harm (including natural disasters, disease, and collateral violence in civil wars), but this is not the common practice, and it would confuse policymakers about what they most want to know: the standards for international military intervention to stop governments from killing their citizens. 8. Nardin, “The Moral Basis of Humanitarian Intervention,” p. 65. See also Walzer, *Just and Unjust Wars*, p. 146.

9. This definition of “innocent” is consistent with the distinction between combatants and non-combatants in the Geneva Conventions, where the boundary is whether an individual belongs to an organized military force with an identified command structure, and, in case of ambiguity, the burden of proof is on the killer to show that those targeted are combatants. See Protocol I, Articles 43 and 50, amended June 8, 1977.

10. On the meaning of international moral action, see Chaim D. Kaufmann and Robert A. Pape, “Explaining Costly International Moral Action,” *International Organization*, Vol. 53, No. 4 (Autumn 1999), pp. 633–634. In practice, many international moral actions involve mixed motives (such as advancing selfish interests related to wealth, security, or power as well as moral desires to help others); and successful international moral actions are likely to add to a state’s reputation for success. What distinguishes a moral side effect of the pursuit of self-interest from moral action, however, is that the action would not have occurred without the presence of the moral component, and achieving the moral aim is a crucial part of the operation. Hence, humanitarian intervention would not occur absent the goal of saving lives, and it normally involves military efforts beyond self-defense (e.g., border security against refugee flows) or imperialism (e.g., foreign-imposed regime change).

11. Although Immanuel Kant has little to say about humanitarian intervention, his ethics are widely invoked as justification for it. See Nardin, “The Moral Basis for Humanitarian Intervention”; Wheeler, *Saving Strangers*; Carla Bagnoli, “Humanitarian Intervention as a Perfect Duty: A Kantian Argument,” in Nardin and Williams, *Humanitarian Intervention*, pp. 117–40; Sean Murphy, *Humanitarian Intervention: The United Nations in an Evolving World Order* (Philadelphia: University of Pennsylvania Press, 1996); Brian D. Lepard, *Rethinking Humanitarian Intervention: A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions* (University Park: Pennsylvania State University Press, 2002); and Fernando Teson, *Humanitarian Intervention: An Inquiry into Law and Morality*, 3d ed. (Ardsley, N.Y.: Transnational, 1988).

12. See Nardin, “Introduction,” p. 7; and Teson, *Humanitarian Intervention*, pp. 57–96.

THE GENOCIDE STANDARD AND ITS LIMITS

The term “genocide” was invented by Raphael Lemkin in World War II to refer to the deliberate destruction of a nation or an ethnic group. Like many after him, Lemkin believed that genocide deserved focused attention according to the logic of preventing greatest harm; because genocide would cause the largest number of deaths and do the most severe long-term damage to targeted groups, stopping genocide should be given priority over other barbarous acts.¹³

In practice, the international community has done little to prevent genocide. The United States and the international community were effectively bystanders in all of the major instances of state-sponsored acts to destroy a nation or an ethnic group: the Holocaust in World War II; the killing of millions in Biafra, Bangladesh, Ethiopia, and Cambodia in the 1960s and 1970s; and the deaths of many hundreds of thousands in Rwanda and the Sudan in recent decades.¹⁴

What explains the gap between the norm against genocide and the practice of states to stop it? The gap is not the result of a lack of consensus that genocide is a crime. Nor does it result exclusively from the commonly overriding concerns of geopolitics and supposed impossibility of action, factors that are absent from important cases.

There are four reasons why the norm against genocide is a problematic standard of action for humanitarian intervention. First, it presupposes that potential interveners can agree that a government is targeting a national, ethnic, racial, or religious group for extermination in time for a meaningful international response. The idea that a state is engaged in group murder, however, is routinely met with disbelief. The problem is not that firsthand reports by refugees, journalists, and others on the scene about large-scale killings are discounted (although many are), but whether these reports amount to evidence of deliberate action to destroy a specified group. Before the fact and while it is happening, the extermination of a group is often beyond comprehension, not just to third parties, but also to the victims themselves. In the 1930s, most Jews

13. Although Raphael Lemkin coined the term “genocide” in the context of the Holocaust, his original definition includes any “coordinated plan . . . aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.” Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944), p. 79. On Lemkin, see Power, “A Problem from Hell,” pp. 31–60.

14. On the history of genocide, see Chalk and Jonassohn, *The History and Sociology of Genocide*; Power, “A Problem from Hell”; Brendan January, *Genocide: Modern Crimes against Humanity* (Minneapolis, Minn.: Twenty-First Century Books, 2007); and Samuel Totten and William S. Parsons, *Century of Genocide: Critical Essays and Eyewitness Accounts* (New York: Routledge, 2009).

believed that the Nazis would persecute and oppress them as a group, but the Holocaust remained beyond imagination; the first calls by Jewish groups for the bombing of Auschwitz occurred in July 1944.¹⁵ Precisely because genocide represents the greatest harm that humans can inflict on one another, there is almost always a reasonable doubt that such an extreme event is under way before it has largely already happened.

The skepticism inherent in the genocide standard can lead to a catch-22: by the time potential intervening actors reach a consensus that a group is being deliberately destroyed, much of the damage has already been done, and relatively few lives can be saved. The Rwanda genocide is a case in point. Alan Kuperman reconstructed the trajectory of the Hutu killing of Tutsi from April 7 to July 21, 1994, when 500,000 of the 650,000 Tutsi were killed. He found that, even if mobilization for an international response had begun as soon as the term “genocide” became common in the media—around April 20—by the time military action could have ended the killing—around May 26—only some 90,000 of the subsequent deaths could have been avoided. Hence, the genocide was impossible for outsiders to stop.¹⁶

Kuperman’s analysis, however, hinges not on the inability of international military intervention to stop the killing, which he fully credits as sufficiently capable, but on the presumption that the international community would not intervene until “genocide” was clearly under way. Indeed, changing this single assumption makes a significant difference even if the rest of his analysis remains the same. If the decision to intervene had been taken on April 10—when the mass homicide against the Tutsi and moderate Hutu was clearly under way and when United Nations Cmdr. Gen. Roméo Dallaire had requested intervention to stop it¹⁷—then, the killing would have ended around April 27—saving an estimated 200,000 people—hardly a trivial number. In other words, relying on the norm against genocide to trigger action entails vast numbers of

15. David S. Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941–1945* (New York: Free Press, 1984), p. 27; Deborah E. Lipstadt, *Beyond Belief: The American Press and the Coming of the Holocaust, 1933–1945* (New York: Free Press, 1986); and Michael C. Desch, “The Myth of Abandonment: The Use and Abuse of the Holocaust Analogy,” *Security Studies*, Vol. 15, No. 1 (January/March 2006), pp. 106–145.

16. Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, D.C.: Brookings Institution Press, 2001). For criticism that Kuperman underweighted the potential intervention, see Linda Melvern, “Review of Kuperman: The Limits of Humanitarian Intervention,” *H-Net Reviews: Humanities and Social Sciences Online*, April 2003, <http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=vx&list=h-west-africa&month=0307&week=b&msg=NDbocmHjDvGvvgVYK1NqNg&user=&pw=>; and Gregory H. Stanton, “Could the Rwandan Genocide Have Been Prevented?” *Journal of Genocide Research*, Vol. 6, No. 2 (June 2004), pp. 211–228.

17. Roméo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Carroll and Graf, 2003), pp. 263–290.

unnecessary deaths, dramatically reducing the value of action and perhaps rendering intervention almost meaningless.

The second problem with the genocide standard is its focus on the wrong operational goal—preserving the existence of groups—as if groups are more valuable than the collection of individuals who comprise them. To be sure, groups can strengthen and supplement individual welfare, and killing large numbers of a group is surely wrong.¹⁸ At bottom, however, attacking a group is immoral not because the group matters most, but because the individuals do.¹⁹ Further, it is virtually impossible to destroy a group without killing its members first. Political oppression is rarely sufficient for this extreme purpose. History is rife with examples of minorities and peoples who faced systematic oppression for generations and still practiced their customs and maintained their traditions either in private or in secrecy.²⁰ Accordingly, individual members matter most even when the goal is protecting groups.²¹

Third, the genocide standard does not sufficiently address the question of the long-term political consequences of humanitarian intervention. For proponents, the task of saving vast numbers of lives subsumes all other considerations. For example, an important proposal for intervention to stop the genocide in Nigeria in the late 1960s stated, “Our primary concern is stemming from the imminent death and permanent impairment of the Ibo population by securing the vital food and drugs needed for survival. We are not considering the range of integrative solutions that can be fashioned to secure a lasting peace within the region. . . . These challenges must be deferred. We concentrate attention on the saving of lives.”²² Saving even many lives in the short

18. Lemkin, *Axis Rule in Occupied Europe*, p. 79.

19. Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon, 1989); Michael Hartney, “Some Confusions Concerning Collective Rights,” *Canadian Journal of Law and Jurisprudence*, Vol. 4, No. 2 (August 1991), pp. 292–314; Vinit Haksar, “Collective Rights and the Value of Groups,” *Inquiry*, Vol. 41, No. 1 (Spring 1998), pp. 21–43; and Jan Narveson, “Collective Rights?” *Canadian Journal of Law and Jurisprudence*, Vol. 4, No. 2 (January 1991), pp. 329–345.

20. Ann E. Cudd, *Analyzing Oppression* (New York: Oxford University Press, 2006); Paul Marcus, *Autonomy in the Extreme Situation: Bruno Bettelheim, the Nazi Concentration Camps, and the Mass Society* (Westport, Conn.: Praeger, 1999); and Adam Podgorecki, *Social Oppression* (Westport, Conn.: Greenwood, 1993).

21. Indeed, if the reverse were true—if groups mattered more than human beings—this would tend to reinforce the logic of many perpetrators of genocide. Governments that have killed large numbers of people often claim that the destruction was necessary for the welfare of the nation as a whole, much the way a doctor may amputate an infected limb to save the patient. From the perspective of the perpetrators, genocide often appears as “a gardener’s job . . . there are weeds . . . and weeds are to be exterminated . . . so that an objectively better world—more efficient, more moral, more beautiful—could be established.” Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca, N.Y.: Cornell University Press, 1989), p. 92.

22. Michael Reisman, “Humanitarian Intervention to Protect the Ibos,” in Lillich, *Humanitarian Intervention and the United Nations*, pp. 167–195, at p. 167.

run, however, might not be worth it if the result is open-ended, ungovernable chaos.

Fourth, the genocide standard leaves undefined the level of cost that states should accept in responding to this moral crime. Neglecting costs weakens the case for humanitarian intervention and strengthens the idea that, in practice, even good theories of humanitarian intervention necessarily conflict with states' self-interest. Absent serious discussion of costs, opponents can more easily argue against any moral action for fear of creating a precedent for limitless obligations that would jeopardize the wealth, power, and security of the intervening state. Beyond potential conflict with states' self-interest, however, the neglect of costs goes to a deeper problem with the existing moral logic of humanitarian intervention.

As current theories typically begin, the basis for humanitarian intervention is a moral duty to protect human life, according to the Kantian idea that all individuals have equal moral worth and so "a transgression of rights in *one* place in the world is felt *everywhere*."²³ At first glance, this would seem to imply that states have an obligation not only to defend their own citizens, but to save any individuals at risk. This would be an incomplete reading of Kant, however.

Kant limits obligations to helping others in need in multiple ways. Most important is that fulfilling duties to others should not come at high cost. Contrary to utilitarian logic, Kant argues that human beings should be treated as ends rather than merely as a means, so it is intrinsically wrong to "use" the lives of some to make others better off.²⁴ Accordingly, standard interpretations of Kant's ethics emphasize that one does not have a duty to risk death to save others.²⁵ Further, Kant believed that the obligation to fulfill promises to safeguard the welfare of those in our lives is so great that it must be kept even at the expense of helping strangers, given that abandoning a prior obligation because of the emergence of a new situation would undermine the basis for any lasting duties.²⁶ Overall, these conflicting obligations do not rule out humani-

23. Immanuel Kant, *Perpetual Peace and Other Essays*, trans. Ted Humphrey (Indianapolis: Hackett, 1983), p. 119 (emphasis in original).

24. Also, if all individuals are equally valuable, and one risks death to save others, then someone else would be compelled to protect the person taking the high risk. As Kant says, "How far should one push the expenditure of his means in beneficence? Certainly not to the point where he would need the beneficence of others." Immanuel Kant, "Metaphysical Principles of Virtue," in Kant, *Ethical Philosophy* (Indianapolis: Hackett, 1983), p. 118.

25. Robert Johnson states that "when there is opportunity to help someone who needs it, there is no dramatic sacrifice required." Johnson, "Duties to and Regarding Others," in Lara Denis, ed., *Kant's Metaphysics of Morals: A Critical Guide* (Cambridge: Cambridge University Press, 2010), p. 206.

26. For Kant, if a person could break a promise because he believed he had a good reason, then he "could promise whatever he pleases with the intention of not keeping it [and] . . . no one would

tarian intervention, but they do mean that interveners should undertake such action only when they can expect the loss of lives among their ranks to be very low—a limit set not by the magnitude of the humanitarian emergency, but by the existence of obligations before the emergency.

Put differently, the key limit of humanitarian intervention is not self-interest, but a clash of moral duties. Although one might think that a government should risk the lives of some (say 10,000) of its own citizens to save many more (say 100,000), such utilitarian thinking violates the core of Kantian ethics. Just as a government has no right to sacrifice a healthy person to save the lives of multiple desperately ill patients and has no right to kill innocent people to improve the general welfare of the rest of society, so too a government has no right to compel some of its citizens, including those serving in the military (given their oath to defend their country, not foreigners), to sacrifice their lives for the purpose of saving others, even if the number saved is exceedingly large. As Harvard Law Professor Carol Steiker summarizes, for Kant (and many others), “When it comes to lives and bodies, individuals have rights against such use that trump the greater good” except to the extent that the individuals freely choose to benefit others.²⁷

Beyond Kant, another reason why governments should not rely on utilitarian logic to compel their citizens to die on humanitarian missions is that this would create contradictions in the international community’s understanding of justice in many cases. Leaders of governments that kill their citizens often claim that doing so will advance the general welfare. Pol Pot, for example, believed that intellectuals posed a threat to Cambodian society and that eliminating them would leave the country better off. Hence, it would seem incoherent that it was unjust for Pol Pot to kill some of his citizens to advance the greater good of all Cambodians, but that it was just for a foreign government to compel some of its citizens to die for the same goal.

THE “RESPONSIBILITY TO PROTECT” AND ITS LIMITS

In response to the shortcomings of the genocide standard, some policy advocates and scholars have argued for the adoption of the “responsibility to pro-

believe what was promised him and laugh at all such expressions as vain pretenses . . . [and so] make use of another human being merely as a means.” Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. and ed. Mary Gregor (New York: Cambridge University Press, 1998), pp. xix, 38. For discussion, see B. Sharon Byrd and Joachim Hruschka, “Kant on ‘Why Must I Keep My Promise?’” *Chicago-Kent Law Review*, Vol. 81, No. 1 (July 2011), pp. 47–74.

27. The morality of life-life trade-offs is a common element of debates on the death penalty and other public policy issues. See Carol Steiker, “No, Capital Punishment Is Not Morally Required: Deterrence, Deontology, and the Death Penalty,” *Stanford Law Review*, Vol. 58, No. 3 (December 2005), pp. 751–789, at p. 761; and Larry Alexander, “Deontology at the Threshold,” *San Diego Law Review*, Vol. 37, No. 4 (2000), pp. 893–912. On Kantian ethics regarding others, see Johnson, “Duties to and Regarding Others,” pp. 192–209.

tect” standard. R2P calls for the international community to intervene whenever “a population is suffering serious harm” and to assume the responsibility for achieving the following objectives: (1) stop genocide, war crimes, ethnic cleansing, and crimes against humanity; (2) prevent harm by helping states protect their populations before humanitarian crises occur; and (3) rebuild the society after intervention by creating new political, economic, legal, and other institutions. The only limit on pursuing these goals is the ability of states to act “effectively.”²⁸

The R2P movement reflects the idea that states have responsibilities to the welfare of their citizens that go beyond ensuring the protection of targeted groups. Ultimately, however, R2P does not offer clear criteria for what constitutes harm serious enough to justify humanitarian military action. Thus, it sets the bar for intervention so low that virtually any instance (real or perceived) of anarchy or tyranny could justify the violation of state sovereignty. This in turn creates three main problems with the movement as a new guide for humanitarian intervention.

First, R2P lacks a clear standard for the level of atrocities necessary to justify humanitarian military intervention. In the report dealing with “threshold criteria” for military intervention to stop atrocities, the standard is defined only as “large-scale loss of life, actual or apprehended,” with the disavowal that “we make no attempt to quantify ‘large-scale.’” This ill-defined standard is weakened further in other parts of the report that seek to provide “international protection” for a broad continuum of circumstances of anarchy and tyranny beyond safeguarding people in imminent danger, including preventive action designed to counteract a long list of potential “root causes” of internal strife such as failed or weak state capacity and local grievances stemming from constitutional status, political representation, economic discrimination, and repressed cultural identity.²⁹ As a result, R2P obligates the international community to intervene in almost any instance of human suffering, including natural disasters, disease, failed states, and collateral violence to civilians during civil wars. In so doing, it vastly expands international obligations without actually explaining when to intervene to stop a government from deliberately killing its citizens.

Second, R2P fails to identify the levels of casualties that interveners should

28. For R2P’s founding document, see the International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Center, 2001). For discussion, see Gareth Evans and Mohamed Sahnoun, “The Responsibility to Protect,” *Foreign Affairs*, Vol. 81, No. 6 (November/December 2002), pp. 99–110; Aidan Hehir, “The Responsibility to Protect: Sound and Fury Signifying Nothing,” *International Relations*, Vol. 24, No. 2 (June 2010), pp. 218–229; and Anne Orford, *International Authority and the Responsibility to Protect* (New York: Cambridge University Press, 2011).

29. ICISS, *The Responsibility to Protect*, pp. 32–33.

accept among their forces or even the principles on which potential interveners should make such calculations. Instead, the report acknowledges only that, in past cases of potential humanitarian intervention, “the real question, ultimately, was whether the West was willing to risk the lives of its soldiers in order to stop war crimes, human rights abuse, and forced migration.”³⁰ It offers no moral (or other) guidance for how states should adjudicate this issue, and so would effectively obligate them to commit vast resources to provide for the welfare of foreigners even if this came at the expense of obligations to their own citizens.

Third, R2P would obligate the international community to engage in ambitious nation building in the aftermath of an intervention. Specifically, the United Nations would need to take control of the target state to protect “all members of the population regardless of relation to the previous source of power in the territory”; to rebuild “new national armed forces and a functioning judicial system”; and to establish new political, economic, and social institutions that would “accustom the population to democratic institutions and processes.”³¹ As such, humanitarian intervention would become almost indistinguishable from foreign-imposed regime change—an internationally driven political and social transformation of the target country that could stimulate new forms of internal violence in its wake, possibly requiring a further commitment of international force to suppress local resistance.³² Although the report advises potential interveners to avoid the trappings of “neocolonialism,” R2P fails to explain how to achieve this objective, and the nature of its prescriptions would seem to make the problem intractable.

Absent clarity on these central issues of degree of harm, acceptable costs, and lasting security, the international community is unlikely to embrace the R2P movement.

A New Standard: Pragmatic Humanitarian Intervention

If genocide and R2P are the wrong standards to apply, then what acts should count as sufficiently harmful to innocents to justify international intervention? What costs should interveners routinely accept to prevent this harm? And what strategies should policymakers pursue to ensure long-lasting security?

30. *Ibid.*, p. 63.

31. *Ibid.*, pp. 40–41.

32. On the internal costs of foreign-imposed regime change, see Alexander Downes, “Catastrophic Success: Foreign-Imposed Regime Change and Civil War,” George Washington University, unpublished manuscript, July 2010.

MASS HOMICIDE CAMPAIGNS

To define a new standard for humanitarian intervention, this article relies on criteria of sufficient harm similar to the criteria that decisionmakers use to identify “sufficient threat.” The latter criteria are now widely accepted for a class of wars where the line between the legitimate and illegitimate first use of force is also of crucial importance—preemptive strikes. According to Michael Walzer, the threshold for engaging in a legitimate preemptive strike is not “at the point of imminent attack but at the point of sufficient threat meant to cover three things: a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting, or doing anything other than fighting, greatly magnifies the risk.”³³

In the context of humanitarian intervention, the case for sufficient harm to innocents justifies violations of sovereignty when a local government manifests intent to commit mass homicide against its own citizens by mobilizing armed forces for a campaign of “mass homicide”—that is, a coordinated, sustained series of attacks against civilians—when waiting would only magnify the risk of future mass homicide.³⁴ As in the case of preemptive war, it is the special mobilization for a campaign that makes it possible to predict specific actions in the near future. This standard goes further, however, in requiring that mass homicide has actually begun, thus removing any reasonable doubts regarding the government’s horrific intentions.

A government can be assumed to have crossed the threshold for mass homicide when it has killed several thousand of its citizens (i.e., 2,000 to 5,000 unarmed protesters, bystanders, or those commonly called “civilians”) in a concentrated period of time (i.e., one to two months), and it is likely to kill many times that number (i.e., 20,000 to 50,000) in the near future, an often credible likelihood when hundreds of thousands or more are fleeing for their lives. Identifying a number near this threshold for mass homicide makes good moral sense, because killing innocent citizens on this scale contradicts the principle that government exists to advance the welfare of the people.³⁵

The interventions to save the Kurds in northern Iraq and Muslims in Bosnia and Kosovo occurred after their governments had crossed this threshold. In April 1991, when the United Nations authorized armed intervention to protect

33. Walzer, *Just and Unjust Wars*, p. 81.

34. Paul Staniland argues that the intent to commit mass homicide can be discerned in government strategies of “urban annihilation.” See Staniland, “Cities on Fire: Social Mobilization, State Policy, and Urban Insurgency,” *Comparative Political Studies*, Vol. 43, No. 12 (June 2010), pp. 1623–1649.

35. On the logic of universal principles in Kantian ethics, see Christine M. Korsgaard, “Introduction,” in Kant, *Groundwork for the Metaphysics of Morals*, pp. xviii–xxi.

the Kurds in northern Iraq from Saddam Hussein's advancing army—whose commanders proclaimed, "Take the Kurds under your tanks and save your bullets for the Iranians"—thousands had already been killed, and nearly a million were fleeing the oncoming troops.³⁶ In March 1993, when the United Nations authorized military action to protect the Bosnian Muslims, thousands were almost surely dead, and hundreds of thousands had become refugees, numbers that rose dramatically thereafter. In April 1999, when NATO authorized military action to protect Kosovar civilians, again, thousands had been killed and hundreds of thousands were fleeing from the carnage. Subsequent investigation confirmed that mass homicide was occurring at the time of these interventions, and that international moral action saved many thousands of lives. The key point is that current conditions can be predictive of future harm.³⁷

Crossing the mass homicide threshold presents a compelling case to permit the violation of state sovereignty for two reasons. First, a government campaign of mass killing violates the idea that individuals are equally entitled to the most fundamental of all human rights—life—and the underlying principle of sovereignty that governments exist to defend the common life of the people. Because the right of self-preservation is the basis for the institution of sovereignty, a government has no right to sovereign immunity to wage campaigns of mass homicide that systematically destroy any part of its political community.³⁸

Second, this scale of mass homicide and concern that tens of thousands will likely be killed in the near future accords with the intuition that only "egregious" harm should justify violations of sovereignty. Although there are no authoritative counts of states killing their own civilians, extant studies support the conclusion that they rarely kill more than several thousand in a given period. For instance, only 12 percent of the belligerents in the 100 interstate wars from 1816 to 2003 killed 2,000 or more civilians, most of whom were not nationals, and the killing occurred over many years.³⁹ Similarly, a study of civilian victimization in civil war finds that, among the 153 states newly recognized by

36. Elizabeth Rubin, "The Cult of Rajavi," *New York Times*, July 13, 2003; and "Endless Torment: The 1991 Uprising in Iraq and Its Aftermath," *hrw.org*, June 1992, <http://www.hrw.org/reports/1992/Iraq926.htm>.

37. For example, the population of Srebrenica was recognized as highly vulnerable years before the massacre in July 1995. See John J. Mearsheimer and Robert A. Pape, "The Answer: A Three-Way Partition Plan for Bosnia and How the U.S. Can Enforce It," *New Republic*, June 14, 1993, pp. 22–28.

38. On self-preservation and traditional conceptions of sovereignty, see Nardin, "Moral Basis of Humanitarian Intervention," pp. 60–61.

39. Based on the data collected by Alexander B. Downes, 40 of 323 belligerents in the 100 interstate wars from 1816 to 2003 killed 2,000 or more civilians, according to the middle ground estimates for

the international community from 1900 to 2001, only 23 (15 percent) experienced more than 4,000 civilian deaths by the government or other government-sanctioned armed groups, most of which occurred over a span of years.⁴⁰ Other leading databases of internal conflict yield similar findings.⁴¹

LOW-COST MILITARY PLANS

If it is possible to identify mass homicide campaigns in which a state has already killed several thousand of its citizens and many times that number are at risk without outside action, then under what conditions should states intervene?

States should undertake humanitarian interventions only if military operations can be effective within the time required to save a significant number of lives. Further, an international coalition involving important states in the region should normally conduct these interventions, both to serve as an international check and balance on the assumptions guiding the intervention and to mitigate the possibility of it producing more regional problems than it solves. To resolve the clash of moral duties between prior obligations and those arising from the humanitarian emergency, states should engage in humanitarian intervention only when (1) the cost in lives according to reasonable estimates approaches the risks of complex peacetime and training operations and so is effectively near zero, or (2) when the individuals participating in the intervention volunteer (provided they can still intervene effectively without further assistance, which may be possible in only rare circumstances, for example, if they are on scene at the outset).⁴²

the cases. Downes, *Targeting Civilians in War* (Ithaca, N.Y.: Cornell University Press, 2008), pp. 45–47.

40. John Stevenson, “How International Recognition Causes Civilian Killing,” Ph.D. dissertation in progress, University of Chicago, 2012.

41. The UCDP/PRIO Armed Conflict Dataset counts incidents of more than 1,000 battle-related deaths in a given year for civil wars from 1946 to 2008, and finds 560 incidents in 1,957 conflict-years, or 29 percent. This threshold is far lower than that used in this article and includes combatant as well as noncombatant deaths. The Minorities at Risk dataset counts incidents of ethnic cleansing, unrestrained violence against protesters, and military massacres against rebel supporters each year for 231 groups from 1980 to 2004, and finds that 2 percent experienced ethnic cleansing (34 incidents in 2,305 observations), 3 percent military massacre (80 in 2,305), and 5 percent (109 in 2,305) unrestrained violence against protesters—with no threshold for deaths.

42. To clarify, costly humanitarian interventions cause a clash between two sets of incommensurable duties for both states and individual soldiers. The state has a primary duty to protect its citizens—both soldiers and civilians—and, in certain circumstances, a duty to care for the civilians of other states. These two duties conflict during costly humanitarian interventions. The state’s efforts on behalf of another state’s civilians put its own citizens at risk—soldiers most directly, but also civilians, who bear the economic and social costs. This dilemma is not solved by “volunteer militaries,” which generally volunteer to defend their own community, not the communities of others. This conflict of duties thus restricts humanitarian intervention by the state to low-risk missions. Soldiers face a parallel conflict between their primary duty to defend their country (typically taken

The criterion of low costs is important for states as well as for individuals. States considering humanitarian intervention to protect the welfare of individuals who are not their citizens still have obligations to provide for the welfare of their own citizens. This obligation holds even during a period of high threat to others.

The level of risk associated with humanitarian interventions will depend on the military situation in a given case and other factors that influence the nature of war (e.g., military technology). Although the intervention may involve a variety of tools, including economic sanctions, military aid, and direct military action, the level of risk is related mainly to the nature of the conventional military campaign needed to achieve the primary mission—saving lives threatened by the local government security forces that enter and control populated areas with heavy military forces.

As a defensive mission on behalf of a threatened group, humanitarian intervention requires the international community to agree on the aggressor and on the threatened population and to intervene on the side of the latter. It does not require the use of military force to replace the government. Although the threatened population may subsequently seek to overthrow the government, the success of the international mission does not hinge on foreign-imposed regime change. Accordingly, if the humanitarian intervention remains focused on its principal goal, it need not become trapped in open-ended chaos.

Although any potential intervention would require its own risk assessment, the experiences in the 1990s in northern Iraq, Bosnia, and Kosovo, as well as in Libya in 2011, provide important “rules of thumb” for observable conditions of low-cost interventions.⁴³ In general, the cost of intervention to save lives turns heavily on the circumstances under which the threatened population would be killed. When a local government with a monopoly of violence undertakes a mass homicide campaign, harm can occur (1) directly by state-controlled security forces against the targeted population or (2) indirectly by the state either denying that population access to food, water, and other basic necessities or inciting others to attack it. Whether the intervention can save lives at low cost depends on the population balance between the sides, the local geography, and the organizational cohesion of the aggressor government (in addition to

as a special oath of service) and their human obligation to protect civilians of other countries when circumstances warrant. During a costly humanitarian intervention, defending civilians of other states puts soldiers at risk of neglecting their duty to their home state—unless they volunteer and the state releases them from their prior obligations. Otherwise, the only way to alleviate the clash of duties is to limit interventions to missions that pose relatively little risk to soldiers’ lives.

43. On “rules of thumb” in the analysis of military operations, see John J. Mearsheimer, “Assessing the Conventional Balance: The 3:1 Rule and Its Critics,” *International Security*, Vol. 13, No. 4 (Spring 1989), pp. 54–89.

any special features of a given case). These conditions are discussed in more detail below.

AN IDENTIFIABLE TARGET POPULATION. A key condition of low-cost intervention is the existence of an identifiable pool of people at grave risk of being killed quickly and in large numbers that can be saved by limited intervention, where "limited" means action well short of conquering the entire country. Although the pool could be defined by ethnic, religious, or cultural criteria, what matters is not the existence of the group as separate from others in the local society before the violence, but the characteristics used by the perpetrators to demarcate the targeted population during the mass homicide campaign, even if the people have little more in common than living in certain geographic areas.

A SEPARABLE TARGET POPULATION. The threatened population must also be readily separable from those not at risk. As in many interventions to resolve ethnic conflicts, the cost of humanitarian interventions will often depend on the ease of establishing a defensive perimeter to shield potential victims against attacks by government forces.⁴⁴ In practice, this means that those at risk would likely already be geographically concentrated or be in a position to move to more concentrated areas where limited external action can be effective, as was the case in northern Iraq, Bosnia, and Kosovo.

AN AVAILABLE LOCAL ALLY. The existence of a local ally able to assist in saving those at risk can significantly reduce the costs of the international intervention, particularly if the group is already in a position to control significant territory and is already opposed to the regime, often simply by virtue of being victims. The local ally may already exist, or it may emerge as a militia during the conflict. In either case, it must have the capacity to fight off modest light infantry assaults, so that government forces are compelled to mass for attacks. Because saving lives will normally involve the creation of a defensive perimeter to protect the victims, a local ally could reduce the costs of intervention by enabling the intervening forces to rely mainly on over-the-horizon military power that the local government's security forces cannot engage. As history shows, close cooperation with local allies has worked well to minimize the interveners' casualties.⁴⁵ The Kurdish Peshmerga in northern Iraq and the Croatian and Muslim forces in Bosnia are examples of local allies with sig-

44. On the value of defensive perimeters in ethnic conflicts, see Chaim Kaufmann "Possible and Impossible Solutions to Ethnic Civil Wars," *International Security*, Vol. 20, No. 4 (Spring 1996), pp. 164–166.

45. On precision air power and the value of local allies, see Robert A. Pape, *Bombing to Win: Air Power and Coercion in War* (Ithaca, N.Y.: Cornell University Press, 1996); Robert A. Pape, "The True Worth of Air Power," *Foreign Affairs*, Vol. 83, No. 2 (March/April 2004), pp. 116–130; and Richard Andres, Craig Wills, and Thomas Griffith, "Winning with Allies: The Strategic Value of the Afghan Model," *International Security*, Vol. 30, No. 3 (Winter 2005/06), pp. 124–160.

nificant ability to control territory when the interventions began, whereas the Kosovo Liberation Army is an example of an ally growing stronger with the benefit of military and economic assistance during the course of the intervention. As discussed below, significant opponents to the Libyan regime also existed in the early stages of the protests in 2011.

AN ORGANIZED INTERNATIONAL COALITION. Although, in principle, the intervention could be conducted by any coalition of willing states, major international and regional institutions should sanction the intervention for three reasons: (1) to clarify the focus on humanitarian goals; (2) to foster external economic and other assistance to the victims; and (3) to deter possible outside assistance to the government sponsoring the mass homicide campaign. The intervention in the Kurdish area of northern Iraq, as well as those in Bosnia and Kosovo, was carried out by a coalition sanctioned by major international and regional institutions, and all achieved their goals.

AN EXTREME IMBALANCE OF POWER. Aggregate power that greatly favors the international coalition over the local government limits the ability of the government to wage a successful protracted war of attrition against defensive perimeters established for the threatened population. It also makes it likely that the interveners will enjoy major advantages in military skill and technology.⁴⁶ As measured by gross national product, the aggregate power balance during three humanitarian interventions favored the United States over Serbia by 1,500 to 1, over Iraq by 164 to 1, and over Libya by 230 to 1, without counting other coalition partners.⁴⁷

LUCRATIVE TARGETS FOR OVER-THE-HORIZON POWER. A final condition of low-cost intervention is the existence of features that make the government's forces highly vulnerable to offshore air and naval power, such as massed combat forces over open terrain that are important to the government's mass homicide campaign, which can often easily be destroyed at low risk with precision technology. For instance, air strikes against bridges in Bosnia and against massed government forces on desert roads in Libya greatly hindered government forces at little risk to the interveners.

46. Advantages in military skill typically derive from the greater educational opportunities available in wealthy countries and are crucial in determining the number of casualties. See Stephen Biddle, *Military Power: Explaining Victory and Defeat in Modern Battle* (Princeton, N.J.: Princeton University Press, 2004).

47. These figures are based on GNP comparisons for the year prior to the intervention. The World Bank and OECD National Accounts Data for GNP counts the United States as 8 trillion and Serbia as 5.4 billion in 1994, the United States as 9 trillion and Serbia as 6.5 billion in 1998, and the United States as 11 trillion and Libya as 50 billion in 2010, all in constant 2000 U.S. dollars. World Bank, <http://data.worldbank.org>. The data for Iraq are from 1989, in which year the U.S. government data for GNP counts the United States as 6.1 trillion and Iraq as 37.4 billion. U.S. Arms Control and Disarmament Agency, *World Military Expenditures and Arms Transfers* (Washington, D.C.: U.S. Arms Control and Disarmament Agency, 1995).

The humanitarian interventions in the 1990s in northern Iraq, Bosnia, and Kosovo show that the above conditions can occur in a variety of other settings. For both Saddam's forces and the Serbs, the ability to kill civilians turned on concentrations of heavy weapons and cutting off supplies to civilian areas, which the international coalition had the capability to blunt without much risk to itself. Further, there was good reason to think that the targeted groups could defend themselves with the assistance of outside air power and supply. Although the mountainous terrain did make intervention more difficult in the Balkan cases, and the threat of a NATO ground invasion may have been necessary in Kosovo, both humanitarian interventions are among the lowest-risk actions undertaken by the United States and the West.

ENDURING SECURITY

Saving the lives of people in immediate danger would make little moral sense if the long-term consequence was to create a situation of open-ended, ungovernable chaos resulting in the deaths of these, and perhaps more, people. Humanitarian interveners must therefore have an exit strategy that provides enduring security to the threatened population, one that does not create more harm in its wake. Although potential interventions would require case-by-case analysis, important rules of thumb can guide assessments of the probability that the outcome of an intervention will lead to enduring security.

For the pragmatic standard of humanitarian intervention, enduring security means the long-term cessation of mass homicide and the establishment of local stability without the need for an indefinite outside military commitment. There are two ways to achieve these objectives. The first requires *de facto* territorial and political separation of the perpetrator and the victims, either an autonomous zone within the context of the existing regime or a new state carved out from the territory of the old state. The second involves a political settlement where the government and the threatened population provide credible assurances to refrain from further violence. In practice, this requires significant demilitarization of both parties, a rare occurrence.

Although the prospects of achieving enduring security will vary case by case, the larger and more concentrated the victim population, the more an intervener can expect that an enduring security solution can be reached. Large and highly concentrated demographic groups are more likely to have preexisting local economic, political, and security institutions, which can facilitate autonomy or, if necessary, the creation of a viable state, as well as grant the victim population greater leverage in brokering deals with the government.⁴⁸ Paradigmatic cases include the Kurds of northern Iraq and the Kosovar Albanians.

48. On the importance of concentration, see Carter Johnson, "Partitioning to Peace: Sovereignty,

Alternatively, the more dispersed the victim population, the less likely the intervener can expect an enduring solution unless the conflict has the effect of concentrating the victims. At the start of the conflict in Bosnia in 1992, the Bosniaks were distributed among so many separate enclaves that an enduring solution would have been unlikely. Over time, the war encouraged Bosniaks (as well as Croats and Serbs) to consolidate into larger and more homogeneous areas, improving the prospects of both successful intervention in the short term and an enduring solution.

The creation of multiple, independent autonomous zones is not always possible, especially when the victims are few. In such cases, the only remaining solution is a negotiated political settlement, which may require a third party to coerce the perpetrator by threatening near-total defeat.⁴⁹ The humanitarian intervention in Sierra Leone in 2000 is a case in point. The British defeat of the Revolutionary United Front in Sierra Leone produced an agreement whereby the RUF agreed to disarm, demobilize, and reintegrate into the existing regime. It should be noted that the government was not the perpetrator of mass homicide in this case, but the logic remains the same.

Although often viewed as a lasting solution, foreign-imposed regime change—where the interveners topple the local government and install a new regime⁵⁰—is rarely the best option for two reasons. First, foreign-imposed regime change is likely to create a power vacuum, unleashing local rivalries and leading to intense civil conflict or forcing the interveners to commit large-scale military forces for widespread suppression, or both.⁵¹ Second, foreign-imposed regime change is likely to provoke significant internal resistance, increasing the costs and risks to the interveners. In the aftermath of military operations, members of the local population may view the installation of a new government with suspicion. Absent strong countervailing conditions (such as a third-party threat), rebellion poses a serious danger.⁵²

Demography, and Ethnic Civil Wars," *International Security*, Vol. 32, No. 4 (Spring 2008), pp. 140–170; and Thomas Chapman and Philip G. Roeder, "Partition as a Solution to Wars of Nationalism," *American Political Science Review*, Vol. 101, No. 4 (November 2007), pp. 677–691.

49. On negotiated settlements to civil wars, see Barbara Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton N.J.: Princeton University Press, 2001); and Monica Duffy Toft, "Ending Civil Wars: A Case for Rebel Victory?" *International Security*, Vol. 34, No. 4 (Spring 2010), pp. 7–36.

50. On the attractions of regime change to defeat perpetrators, see Taylor Seybolt, *Humanitarian Intervention: The Conditions for Success or Failure* (New York: Oxford University Press, 2007), pp. 222–269.

51. Downes, "Foreign-Imposed Regime Change and Civil War."

52. David M. Edelstein, *Occupational Hazards: Success and Failure of Military Occupation* (Ithaca, N.Y.: Cornell University Press, 2008); and Richard K. Betts, "The Delusion of Impartial Intervention," *Foreign Affairs*, Vol. 73, No. 6 (November/December 1994), pp. 20–33.

Fortunately, foreign-imposed regime change is rarely necessary for creating the conditions needed for the enduring security of targeted populations as outlined by the standard of pragmatic humanitarian intervention. Pragmatic humanitarian intervention recognizes that these populations must provide for their own security with only moderate additional international support. Accordingly, once the military operation establishes defensible regions, the interveners may need to provide additional economic and military assistance to help the protected area become secure and prosperous independent of direct international military action. Hence, the speed of exit depends on the ease with which the protected population can become self-reliant, not on changing the government of the whole country.⁵³ Of course, it is possible that threatened populations with the capacity for enduring security may seek regime change on their own accord.

Evidence from northern Iraq, Bosnia, and Kosovo supports the claim that the international community can foster enduring security for threatened populations without resorting to foreign-imposed regime change. In all three cases, the interveners assisted in the development of regional and local institutions that fostered a capacity for self-reliance among these populations, which in turn increased their security. In every case, enduring security was achieved without foreign military pressure to replace the regime.⁵⁴

Libya

Libya in 2011 met the standard of pragmatic humanitarian intervention. Starting in March, the intervention likely saved tens of thousands of lives and vast numbers from harsh retribution for opposing the government. Authorized by the United Nations, the intervention was initially led by the United States, and soon involved an international coalition of Western and other states using air and naval power in combination with economic and military assistance to secure major population centers that broke away from Qaddafi's rule in support of antigovernment protesters, largely thwarting the regime's ongoing mass homicide campaign to reassert control. By June, the rebels controlled nearly every important population area with the exception of Qaddafi's

53. Kaufmann "Possible and Impossible Solutions to Ethnic Civil Wars"; and Alexander Downes, "The Holy Land Divided: Defending Partition as a Solution to Ethnic Wars," *Security Studies*, Vol. 10, No. 4 (Summer 2001), pp. 58–116.

54. Serbian President Slobodan Milošević did ultimately fall, but in June 2000 (five years after the main intervention in Bosnia and a year after the one in Kosovo), and as a result of an internal rebellion in Serbia, not international military pressure. Saddam Hussein was toppled by international forces in 2003, but this foreign-imposed regime change was little related to protection for Iraq's Kurds, who were not in serious danger at the time.

stronghold, Tripoli, which had fallen by September, while the intervention forces suffered no military losses, either in lives or serious casualties.

Although mixed motives cannot be ruled out, international intervention in Libya would likely not have occurred without the moral purpose of saving lives, particularly for the United States. Prior to the mass demonstrations that began in February, the United States' main interests in Libya had been strategic (cooperation on counterterrorism) and economic (access to Libya's oil), both seen by the George W. Bush and Barack Obama administrations as best fostered by a stable relationship with the existing regime and both put at risk by armed intervention in support of the protesters.⁵⁵

Importantly, the Libyan case meets the three requirements of pragmatic humanitarian intervention outlined above—a mass homicide campaign, low-cost intervention plans, and an enduring security strategy.

QADDAFI'S MASS HOMICIDE CAMPAIGN

From mid-February to early March 2011, the government lost control of about 75 percent of the main population centers of Libya—virtually the entire eastern part of the country and about half of the west. In response, Qaddafi's government began a campaign of killing protesters to suppress the revolt, relying on tanks, military aircraft, and other heavy weapons for shelling and bombing urban areas, and on soldiers going from house to house, killing their inhabitants.⁵⁶

The government actions were triggered by mass demonstrations that began in the city of Benghazi on February 16 and quickly spread. Following the arrest of a prominent human rights lawyer in the city, thousands crowded near local government buildings to voice their opposition.⁵⁷ Local security forces used tear gas and rubber bullets to disperse the protesters. The next day, larger demonstrations took place, not only in Benghazi, but also in most major Libyan cities (e.g., al-Bayda, Darnah, Tobruk, Misrata, Tajurah, and Tripoli, the capital). The protesters were met with increasingly heavy force.⁵⁸

55. On U.S.-Libyan relations, see Dirk J. Vandewalle, *A History of Modern Libya* (New York: Cambridge University Press, 2006); Ronald Bruce St. John, *Libya: Continuity and Change* (New York: Routledge, 2011); and C. David Welch, U.S. Department of State, "Libya, Special Briefing on Relations with Country," *Africa News*, September 5, 2008. On the costs of lost oil supplies, see "Oil Reserves Are Tapped to Offset Libyan Losses," *New York Times*, June 24, 2011.

56. Scholars such as Juan Cole put the figure at 80 to 90 percent of the population. Cole, "Top Ten Ways That Libya 2011 Is Not Iraq 2003," *Informed Comment: Thoughts on the Middle East, History, and Religion*, blog, March 22, 2011, <http://www.juancole.com/>.

57. See "Protests Take Aim at Leader of Libya," *New York Times*, February 17, 2011.

58. See "Gaddafi Unleashes Gunships in Deadly Attack on His People," *Daily Telegraph* (London), February 18, 2011; "Libya Troops Shoot 23 Dead as Protestors March in Five Cities," *Evening Standard* (London), February 18, 2011; "Libya: Protesters Met by Regime's Bullets and Loyalists," *Guardian* (London), February 18, 2011; and "20 Reported Dead after 'Day of Rage' Conflicts," *Independent* (London), February 18, 2011.

As the demonstrations grew, the mass homicide campaign began in earnest. The government issued numerous statements of intent, effectively to shoot protesters on sight. On February 19, *Al-Zahf Al-Akhdar*, the leading government newspaper, declared that anyone who opposed the regime would be “committing suicide.”⁵⁹ On February 21, Qaddafi’s son Saif al-Islam Qaddafi stated on national television, “We will fight to the last man and woman and bullet.”⁶⁰ On February 22, Colonel Qaddafi announced that he would “purge Libya inch by inch, house by house, household by household, alley by alley, and individual by individual until I purify this land,” labeling the demonstrators “rats” and “cockroaches” to be wiped out.⁶¹ At the same time, the government mobilized national military units and special militias controlled by two of Qaddafi’s other sons, using tanks, antiaircraft weapons, and fighter jets against the crowds.⁶² Many eyewitness reports identified the victims as unarmed protesters, bystanders, and, simply, “civilians”; none were identified as members of armed groups with a command structure (i.e., combatants).⁶³

Credible reports of the killing increased rapidly. On February 20, human rights groups estimated that 233 persons had been killed, while the Libyan government put the number at 98.⁶⁴ On February 23, the Italian government estimated that the death toll was likely more than 1,000. On March 3, the Libyan government admitted to killing 374, but knowledgeable estimates by the World Health Organization and others put the death toll at 2,000 or more.⁶⁵

59. See “Opposition to Gaddafi Is Suicide, Activists Warned,” *Times* (London), February 19, 2011.

60. See “Son of Qaddafi Says Libya Faces Civil War Peril,” *New York Times*, February 21, 2011; and “Death Toll Passes 200 in Libya; Kadafi’s Son Says the Regime Will Fight ‘To the Last Bullet’ to Put Down the Unrest. Protests Continue Elsewhere,” *Los Angeles Times*, February 21, 2011.

61. “Opposition to Qaddafi Is Suicide,” *Times* (London); “Snipers and Roaming Gunman Bring Death to Tripoli as Regime Is Routed in the East,” *Times* (London), February 22, 2011; and “Libya: The Brutal Truth,” *Times* (London), February 23, 2011.

62. See “Libya: Mercenaries: Reports of Foreign Killers Hired to Crush Dissent,” *Guardian* (London), February 23, 2011; “Libya Regime Launches Brutal Crackdown,” *Washington Post*, February 22, 2011; and “Qaddafi’s Forces Strike with Fury as Unrest Grows,” *New York Times*, February 21, 2011.

63. “Libyan Forces Gun Down Mourners after Funeral,” *Toronto Star*, February 20, 2011; “Libya: Defections: Pilots Told to Bomb Protesters,” *Guardian* (London), February 22, 2011; “Gunman Fire into Crowds,” *Daily Telegraph* (London), February 26, 2011; “Protesters Hit by Hail of Gunfire,” *New Zealand Herald*, February 26, 2011; “Qaddafi Son’s Tanks Massacre 30 Civilians,” *Sunday Mirror* (London), March 6, 2011; “Libya: Civilians Flee Air Strikes,” *Africa News*, March 9, 2011; and “Qaddafi Troops Fire Cluster Bombs into Civilian Areas,” *New York Times*, April 15, 2011.

64. “Qaddafi’s Son in Civil War Warning,” *aljazeera.net*, February 21, 2011, <http://www.aljazeera.com/news/africa/2011/02/2011220232725966251.html>.

65. “Report of the International Commission of Inquiry to Investigate All Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya,” United Nations Human Rights Council (UNHRC), June 1, 2011; and “Death Toll Up to at Least 233 over Four Days,” Human Rights Watch, February 20, 2011. Numerous reports of deaths at specific places and times confirmed the extent of the violence against unarmed protesters reported in the aggregate numbers. See “Libya: Commanders Should Face Justice for Killings: Reports of ‘Random’ Fire in Tri-

As the death toll mounted, so too did the number of refugees fleeing the violence. By March 9, the UN Refugee Agency reported that 225,000 had fled into Tunisia, Egypt, or elsewhere. These numbers had risen to 320,000 by March 20, amounting to 5 percent of Libya's population.⁶⁶ Later assessments confirm these contemporaneous accounts.⁶⁷

By the time the United Nations voted to authorize intervention, Qaddafi's forces had begun targeting the heart of the rebellion—the nearly 700,000 living in the rebel stronghold of Benghazi and more than a million others living in the east.⁶⁸ As his forces approached, Qaddafi vowed to “show no mercy.”⁶⁹ According to Obama administration sources, about 100,000 would likely die without international intervention, either from direct military action or indirectly as Qaddafi's forces cut off food, water, and other basic necessities.⁷⁰ The governments of Australia, France, Great Britain, and Italy, as well as the European Council and UN Secretary-General Ban Ki-moon all agreed that, absent foreign military intervention, tens of thousands of Libyans would soon die in Benghazi and other Libyan cities; numerous independent observers from policy institutions and the media predicted a bloodbath of major proportions.⁷¹

poli, at Least 62 Dead,” *hrw.org*, February 22, 2011, <http://www.hrw.org/news/2011/02/22/libya-commanders-should-face-justice-killings>.

66. “Humanitarian Situation in Libya and Neighboring Countries, Update No. 5,” *UNHRC.org*, March 9, 2011, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&query=libya&x=0&y=0>; and “Humanitarian Situation in Libya and Neighboring Countries, Update No. 12,” *UNHRC.org*, March 22, 2011, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&query=libya&x=0&y=0>.

67. On May 4, 2011, the prosecutor of the International Criminal Court reported credible evidence that 500 to 700 persons died as a result of shootings in February alone. This range likely represents a lower bound given that Qaddafi's security forces took steps to cover up such killings by seizing victims from hospitals and preventing doctors from issuing death certificates. The report also confirms that 327,000 Libyans were in the process of fleeing as of mid-April, which is only modestly lower than earlier estimates. See Luis Moreno-Ocampo, prosecutor of the International Criminal Court, statement to the United Nations Security Council on the Situation in Libyan Arab Jamahiriya, New York, May 4, 2011. See also Amnesty International, *The Battle for Libya: Killings, Disappearances, and Torture* (London: Amnesty International, 2011); and Kathy Close and Richard Sollow, “Witness to War Crimes: Evidence from Misrata, Libya” (Cambridge, Mass.: Physicians for Human Rights, 2011).

68. To regain control over the country, the regime initially focused on Tripoli and the west, which by mid-March had largely been brought back under Qaddafi's rule. Accordingly, when the UN vote occurred, the regime's heavy combat forces had just begun to advance against the east.

69. “We Are Coming . . . and There'll Be No Mercy,” *Mirror*, March 18, 2011.

70. Laura Rosen, “Averting Srebrenica on Steroids,” *Envoy*, March 23, 2011.

71. “As Libyan Plans Unfold, NTC Chairman Offers Thanks,” *CNNWorld.com*, September 1, 2011, http://articles.cnn.com/2011-09-01/world/libya.paris.meeting_1_mustafa-abdul-jalil-national-transitional-council-libyan-leader-moammar-gadhafi?_s=PM:WORLD; “Libyan Despot Must Quit,” *Express* (Scotland), April 13, 2011; “Position on Libya,” *Europolitics*, March 28, 2011; “Clegg Vows to Avoid Iraq Errors,” *Independent* (London), August 22, 2011; “Quitting Early Would Be Folly,” *Agence-France Presse*, June 21, 2011; “Security Council Resolutions Must Remain Basis for

THE INTERVENTION'S LOW-COST PLAN

The Qaddafi regime's threat to innocent Libyans rested primarily on the ability of loyalist forces to attack population centers directly with concentrations of heavy weapons and indirectly by cutting them off from access to supplies and basic necessities. An international coalition involving the United States, major European states, and other countries in the region could reasonably expect to largely blunt this threat at low risk to themselves for four main reasons: geography, government defections, loss of tribal support, and large rebel-controlled areas.

GEOGRAPHY. Libya is a large country, approximately twice the size of Texas. Because much of it is uninhabitable, the vast majority of Libyans live in about a dozen cities along the Mediterranean coast. Since World War II, major battles to control the country have focused on the single road that runs along the coast, largely because this flat strip of land, bounded by mountains and desert to the south, is the main habitable area for large groups of people other than nomads.⁷² Accordingly, once a population area breaks away, the regime's tanks and other heavy forces would need to expose themselves along easily identifiable routes in open desert terrain if they are to reestablish control. Further, this coastal roadway is within range of international air power that could be stationed on naval ships at sea or on land bases in Europe, well beyond the ability of Libyan forces to attack offensively and even to seriously challenge defensively, given the technological advantages of a Western-led intervention using modern precision air power against Libya's older generation air defenses.

GOVERNMENT DEFECTIONS. Starting in the first weeks of the regime's mass homicide campaign, large portions of the Libyan government publicly broke from the regime. Diplomats overseas, government ministers, and, most important, significant parts of the armed forces and local security apparatus announced that they would not support the brutal policies of the regime for regaining control of the country or that they were now allying with the rebels.⁷³ The fragmentation of the government and security forces meant that Qaddafi could not count on Libya's military forces to operate on behalf of the

Action on Libya," UN News Service, May 5, 2011, <http://www.un.org/apps/news/story.asp?NewsID=38287&Cr=libya&Cr1>; "Military Aid in Libya Saved Lives," *Canberra Times*, May 26, 2011; "Lessons of the Libya Intervention," *Atlantic.com*, August 22, 2011, <http://www.theatlantic.com/international/archive/2011/08/lessons-of-the-libya-intervention/243922/>; and Kemal Dervis, "The Obama Administration and the Arab Spring" (Washington, D.C.: Brookings Institution, April 1, 2011), http://www.brookings.edu/opinions/2011/0401_obama_arab_spring_dervis.aspx.
72. See J.R.M. Butler, *The Mediterranean and the Middle East, History of the Second World War, United Kingdom Military Series*, 6 Vols. (London: Her Majesty's Stationery Office, 1954–1988).

73. See "Gaddafi Planes Bomb Protesters, Pilots, and Diplomats Defect, Hundreds Die as Regime Crumbles," *Times* (London), February 22, 2011; and "Libya's U.N. Diplomats Break with Qaddafi," *New York Times*, February 22, 2011.

regime. Although exact numbers of loyalist forces would remain difficult to calculate, by March knowledgeable estimates had counted approximately 8,000 troops (including several thousand mercenaries) with hundreds (but not thousands) of armed vehicles.⁷⁴ With so few loyal troops, the regime would have great difficulty imposing and maintaining control over widely dispersed population centers (e.g., the distance from Tripoli to Benghazi is more than 400 miles and to Tobruk more than 600 miles). Each was large enough to warrant the entire force (the U.S. Army typically allocates a division of 20,000 per city of several hundred thousand), even with only small numbers and ragged cohesion among rebel fighters. Of course, over time rebels seeking to defend their home towns would be expected to become more cohesive and more skilled, traits that international assistance could foster.

LOSS OF TRIBAL SUPPORT. In Libya, tribes enjoy the highest level of communal loyalty. The country's population of 6.5 million is divided not mainly along ideological or class lines, but across tribal boundaries, where eleven large groupings of clans and sub-clans connected by kinship ties inhabit specific areas of the country.⁷⁵ In late February 2011, several important tribes began to abandon the regime publicly. Among these was Libya's largest tribe, the Warfalla, with more than a million members who live mostly in the west.⁷⁶ Although some members of the defecting tribes may have been among Qaddafi's loyalist forces—including two militias controlled by Qaddafi's sons—the loss of significant tribal support indicated that Qaddafi could not easily maintain control even in the west without consistently heavy repression. It also cast serious doubt on the ability of the regime to mobilize new sources of support—provided tribal leaders continued to see the regime's aggressive behavior as more threatening than outside intervention. More than any other factor, the

74. Specifically, 5,000 to 8,000 soldiers, up to 40 operational jets, an indeterminate number of helicopters, up to 160 heavy armored tanks, 160 plus light personnel carriers (70 to 80 percent operational), 2 submarines, 1 frigate, and 4 patrol boats. These figures are estimated by the International Institute for Strategic Studies in "Qaddafi and Libya's Rebels: The Weapons They Wield," Deutsche Presse-Agentur, March 20, 2011.

75. The importance of tribal loyalty in Libya is also why Qaddafi's claim that the mass protests were driven by al-Qaida and other ideological terrorist groups was incredible from the start. Of course, there could be dozens or even hundreds who support al-Qaida in Libya, but these numbers are too small to account for the mass behavior in February. "Libyan Tribal Map," *Asharq Alawsat*, February 22, 2011; "Libya Crisis: What Role Do Tribal Loyalties Play," BBC, February 21, 2011; and "Libya's Tribal Revolt," *Bloomberg Businessweek*, June 29, 2011, <http://www.youtube.com/watch?v=oSWNdmj0Rps>.

76. On March 15, 2011, Akram al-Warfalli, a leader of the Warfalla tribe, said in an interview with al-Jazeera, "We tell the brother Qaddafi, well, he is no longer a brother." He went on, "We tell him to leave the country." Quoted in "Tribal Ties, Long Qaddafi's Strength, May Be His Undoing," *New York Times*, March 15, 2011. For details on the Warfalla tribe, see "Libya's Tribal Dynamics," Strategic Forecasting, Incorporated, February 25, 2011, <http://www.stratfor.com/sample/analysis/special-report-libyas-tribal-dynamics/>.

loss of tribal support meant that it was reasonable to expect the regime to face serious resistance over the long term, provided the international coalition refrained from policies that could be viewed as foreign-imposed regime change.

LARGE REBEL-CONTROLLED AREAS. Given that virtually the entire eastern region of Libya—from Benghazi to Tobruk—had broken from the regime, it was reasonable to assume that there would be significant local allies to work in conjunction with the intervention. Within weeks, rebel leaders called for the international community to blunt the regime's ability to use heavy combat forces (particularly military aircraft and mechanized weapons) to suppress break-away regions. In addition, groups of Libyans from a wide variety of professional backgrounds and with various close and distant previous ties to the regime began to meet with international leaders. With the large number of Libyans willing to defend themselves in the contiguous area of the east, this region had the wherewithal to secure itself, not just in the short term with the benefit of outside military intervention, but also for the long haul with the re-establishment of preexisting lines of economic shipments to the area—a crucial part of the intervention. Hence, the existence of large rebel areas would enable an exit strategy that emphasized not escalating military involvement, but provision of resources that would enable the rebels to decide their own fate. Whether they would ultimately choose to cut a deal with Qaddafi or seek their own state, the future would likely see less U.S. and international military intervention, not more.

With these advantages of geography, government and tribal defections, and large areas under rebel control, intervention forces could rely on offshore air and naval power along with onshore military and economic assistance to local allies and expect to succeed in defending large areas from the regime's mass homicide campaign at low risk. Indeed, with significant opposition to Qaddafi on the ground, the interveners could reduce their risk to near zero by relying on cruise missiles, unmanned aerial vehicles, and other over-the-horizon measures.

Perhaps the most important concern beyond the military operation was that Qaddafi would seek to attack a large number of citizens from the intervening states by sponsoring terrorist attacks. Yet, four factors mitigated this risk. First, many of the intervening states were Western countries that have adopted particularly stringent immigration controls and other intensive monitoring methods since the terrorist attacks of September 11, 2001, to detect and prevent terrorist attacks. Countries from northern Africa, including Libya, have long been a primary focus. Second, the international coalition included support from the African Union. Its twenty-one members further augment the ability of the international community to detect and prevent Libyan terrorism. Third,

the most likely source of an increased risk of terrorism, particularly suicide terrorism, was that the intervention could foster a sense of foreign occupation, but this fear could also be greatly reduced. Indeed, President Obama sought to distance the intervention from the goal of foreign-imposed regime change, not only through repeated public statements, but also by making clear that intervention would not involve the presence of foreign combat troops on Libyan soil. The fourth factor is deterrence. Precisely because an act of terrorism by Libya under these conditions would likely be tied to the regime, Qaddafi and his inner circle would have to expect heavy punishment in retaliation for such an act. Even if Qaddafi ignored these costs and risks, many in his inner circle may not have, possibly provoking either internal paralysis or crippling defections before such a plot evolved beyond the planning stage.

HOPES FOR ENDURING SECURITY

From the beginning, the United States and the international coalition against Qaddafi disavowed regime change, invasion, or seizure of Libyan oil. Instead, they focused on providing major Libyan rebel areas the wherewithal to become militarily and economically self-reliant, so that Libyans and not foreign powers would decide Qaddafi's fate.

This strategy had three main components. First, air and naval power drew an effective "line in the sand" protecting Benghazi and other cities farther east and destroying military vehicles and troops preparing to attack the city. Second, the international coalition organized large economic shipments to Benghazi and other secure coastal cities to bolster the capacity of citizens in eastern Libya to resist any coercive pressure Qaddafi could bring to bear. Third, the coalition continued sustained operations to prevent Libyan government military strikes against rebel-controlled areas and commercial shipments from Europe and elsewhere, shifting the line of defense as more and more areas rose up against Qaddafi, defected from his regime, or fell to rebel attacks.⁷⁷

As the rebels grew more self-reliant, they also became more politically cohesive and militarily effective, progressively shrinking the area controlled by Qaddafi loyalists in the west. Fighting continued for approximately

77. For overviews, see Christopher M. Blanchard, "Libya: Unrest and U.S. Policy," Congressional Research Service (CRS) report for Congress (Washington, D.C.: CRS, March 29, 2011); Jeremiah Gertler, "Operation Odyssey Dawn (Libya)," CRS report for Congress (Washington, D.C.: CRS, March 30, 2011); Claire Taylor, "Military Operations in Libya" (London: House of Commons Library, October 24, 2011); Katie Pritchard, "Shipment of Soft Commodities to Libya," *Commodities Bulletin*, July 2011, <http://www.hfw.com/publications/bulletins/commodities-bulletin-july-2011/commodities-bulletin-july-2011-shipment-of-soft-commodities-to-libya>; and Ben Gilbert, "Turkish Aid Efforts in Libya," *TheWorld.org*, April 4, 2011, <http://www.theworld.org/2011/04/turkey-libya-aid-gaddafi/>.

seven months until Tripoli fell and Qaddafi was killed. The newly formed National Transitional Council officially declared that Libya had been liberated on October 23, 2011.

As the intervention progressed, the Obama administration and its allies did not object to the rebels seeking regime change and surely would have understood this as a likely outcome, if only because protecting civilians targeted by the regime creates opportunities for rebels to organize their own attacks to topple the local government. There is little evidence, however, of the kind of large-scale, dedicated efforts at imposing regime change, independent of rebel efforts, that the United States has waged historically. As part of the intervention to protect civilians, the United States and its allies did bomb communication nodes, some of which were in Qaddafi's compounds, but at no point was there a comprehensive, systematic effort to decapitate the Libyan regime. By contrast, the 1991 Persian Gulf War opened with a major effort to decapitate Saddam Hussein's government by launching a three-day air campaign against 257 strategic targets in Baghdad and elsewhere in Iraq, including 29 of Saddam's leadership facilities and 27 other communication targets related to the regime. Hundreds of strikes against these and other similar targets occurred over subsequent weeks⁷⁸—a pattern of comprehensive decapitation efforts that the United States repeated in the opening weeks of the 2003 Iraq war as well as against the Taliban in the initial weeks of the 2001 Afghanistan war. When compared to past concentrated U.S. efforts, the intervention in Libya did not constitute a serious program of foreign-imposed regime change, which is probably why both the rebels and critics of the intervention called for more dedicated operations for this goal throughout.

In the wake of a popular revolution against a long-standing repressive government, it is unsurprising that Libya faces numerous challenges. In the power vacuum left by the regime's collapse, militias have refused to disarm, and some regions have been reluctant to cede authority to the National Transitional Council.⁷⁹ Although the road to long-term security and stability in Libya is uncertain, the available evidence suggests that the country is not descending into the kind of chaos and violence that would fundamentally undermine the goals of the intervention.⁸⁰

78. Pape, *Bombing to Win*, p. 229.

79. Rebel militias have clashed with one another and with the National Transitional Council, resulting in a small number of individuals being killed. The two largest incidents were unrelated gun battles, one in January with 65 deaths in Sirte (Qaddafi's hometown) and one in February with 30 deaths in al-Kufra (in the remote southeast). Amnesty International, "Militias Threaten Hopes for New Libya" (London: Amnesty International, January 2012); and "Truce Holding in Southeastern Libya," United Press International, February 27, 2012.

80. For assessments of security in Libya, see George Grant, "Libya's Transition to Democracy"

Syria

The humanitarian intervention in Libya occurred at roughly the same time as other uprisings in numerous Muslim countries in Africa and the Middle East. Therefore, it is useful to analyze cases of nonintervention to determine how they do or do not fit with the standard of pragmatic humanitarian intervention. Of these cases, Syria is the most important because, similar to Libya, its sustained mass protests met with repeated use of force by the local government. At present, Syria is a case of a state-sponsored mass homicide campaign that almost surely would not meet the new standard's requirements of a viable, low-cost intervention plan and an enduring security strategy for the threatened population.

ASSAD'S MASS HOMICIDE CAMPAIGN

Mass demonstrations against the Syrian government began in March 2011, initially with crowds of fewer than 500 gathering in Damascus mainly to show solidarity with uprisings in Tunisia, Egypt, and Libya, and, after mid-March, spreading to Daraa and numerous other communities. Over time, these protests increased in size, with total protesters across the country eventually numbering from ten to several hundred thousand on a given day. From almost the beginning, Bashar al-Assad's government has responded violently to the protests, although with less ferocity than the Qaddafi campaign in Libya.⁸¹ In the thirteen months from March 2011 to April 2012, human rights groups estimate that Syrian security forces killed 8,000 civilians,⁸² compared with about 2,000 dead in Libya in one month from mid-February to mid-March 2011. In short, the most reasonable assessment is that the Syrian government is engaging in a "slow-motion" mass homicide campaign, which could easily lead to more deaths, albeit on a smaller scale than in Libya.

NO LOW-RISK OPTION

In Syria, there is no viable plan for military action with low risks for the interveners because of two factors—geography and demography. Although pro-

(London: Henry Jackson Society, December 2011); "Holding Libya Together: Security Challenges after Qadhafi," Middle East/North Africa Report, No. 115 (Brussels: International Crisis Group, December 2011); and Christopher M. Blanchard, "Libya: Transition and U.S. Policy," CRS report for Congress (Washington, D.C.: CRS, December 8, 2011).

81. "The Syrian People's Slow-Motion Revolution," Middle East/North Africa Report, No. 108 (Brussels: International Crisis Group, July 2011); and "Thousands Rally in Syria," *New York Times*, December 30, 2011.

82. Syrian Observatory for Human Rights estimates that, as of April 2012, 7,972 civilians and 3,145 armed fighters (about 2,500 from the Syrian security forces) had been killed, numbers comparable to the United Nations tally of 9,000 over the same period, which does not break out civilian deaths. "Syria: More Than 11,000 Killed in 13 Months," *Telegraph*, April 16, 2012.

tests have occurred in numerous places around the country, the overall fraction of the Syrian population challenging the regime is relatively small. Unlike Libya, where about 75 percent of the main population areas broke away from the regime and fell quickly under rebel control, the opposition in Syria has been unable to sustain control of a single major population area, and the largest protests have numbered in the hundreds of thousands, or probably 1 percent of Syria's population of 22 million. Further, vast portions of Syrian society reportedly either still support Assad or have deliberately stood on the sidelines of the protests. Specifically, Assad appears to retain strong support from Alawites and the Christian community, which make up 12 and 10 percent of the population, respectively, while the large Sunni merchant class and business community located in major cities such as Damascus and Aleppo are fearful of the power vacuum that would accompany the collapse of the government.⁸³ Under these circumstances, air power alone would probably be insufficient to blunt the Syrian security forces against the protests, because the Syrian security forces would be able to operate with significant advantages in urban areas with still significant support for the regime, while heavy ground options to wrest control of populated areas from Assad's forces would probably face stiff resistance.⁸⁴

ENDURING SECURITY STRATEGY?

Absent viable military options to safeguard Syrian protesters from the Assad government in the short term, it is hardly surprising that there have been no credible proposals to provide lasting security for them beyond international calls for a new government, more sanctions on the regime to change its behavior, and a cease-fire by government security forces. Although the Assad regime may make modest accommodations in response to these international pressures, there is little reason to think that the government will accept a major political settlement that would credibly restrain its security forces from suppressing uprisings on the scale that has thus far occurred.

What would have to change in Syria to justify humanitarian intervention according to the new standard? Despite the slow-motion mass homicide campaign that is under way, there is at present no means to stop it without unacceptable loss of life among the interveners and with viable prospects of

83. Aram Nerguizian, "Assad's Hidden Strength in Syria," *Los Angeles Times*, March 2, 2012.

84. As State Department spokeswoman Victoria Nuland explained, "What we're facing here is different than what we faced in Libya, which were long stretches of desert and columns of tanks pulling into cities. What we have in Syria are government forces entrenched in towns and villages, in stationary positions, with tanks now facing houses and buildings . . . [so] what a no-fly zone does in a situation like that is not particularly clear." State Department daily press briefing, November 7, 2011. See also "Report Details Syria's Fragmented Opposition," *BBC Monitoring Middle East*, November 10, 2011; and Liz Sly, "Syrian Leaders Foresee Victory," *Washington Post*, October 29, 2011.

enduring security for the targeted population. The main obstacles to intervention in Syria are rooted not only in the regime's military power but, more importantly, in the absence of significant areas of rebel control. If a large region broke away from the regime en masse, international humanitarian intervention could become a viable option.

Objections and Responses

Important objections have been raised against humanitarian intervention, particularly involving a variety of unintended consequences. Accordingly, it is helpful to discuss how the most well-known of these would or would not apply if the pragmatic standard of humanitarian intervention were adopted by the international community.

MORAL HAZARD

One might argue that if the prospect of humanitarian intervention encouraged populations to rebel against their governments, the number of humanitarian emergencies could increase and exacerbate harm to those seeking help.⁸⁵ This is a concern for humanitarian intervention, in general, but not for the pragmatic standard proposed here for two reasons. First, the new standard calls for intervention only after a government-sponsored mass homicide campaign has begun, so only rebels already willing to risk substantial losses would benefit. Second, the new standard presumes that the threatened population will join forces with a local ally as part of the international intervention strategy. Doing so would vastly lower the risk to the victims but does not absolve them of the need to contribute to their own security. Thus, the new standard is excellent insurance against the risk of moral hazard, effectively deterring would-be rebels from escalating tensions on the presumption that they can pass costs of rebellion they otherwise would not accept onto the international community.

SMART TYRANTS?

One might also claim that if the new standard clarifies the conditions necessary for humanitarian intervention, smart tyrants could work around them, either learning to be more discrete about their efforts to kill their own citizens or planning to deter intervention by making it more costly. Indeed, future tyrants may modify their behavior if the international community adopted the new

85. For worries that humanitarian intervention generally produces a moral hazard dynamic, see Kuperman, *The Limits of Humanitarian Intervention*, pp. 117–118. For earlier arguments that international intervention in ethnic conflicts would rarely encourage states to splinter, see Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," p. 170.

standard, but this would likely do more good than harm. Learning to be more discrete in this regard would almost surely reduce the ferocity of potential mass homicide campaigns, both because government security forces would be more restrained and because regime leaders would avoid public hate speech that has been important in past mass homicide campaigns spiraling out of control.⁸⁶ The parallel problem—that smart tyrants will devise better methods for killing foreign soldiers—is already taken into account in the new standard; it envisions that humanitarian interventions would normally rely on a local ally working in conjunction with international air power so that foreign troops are outside the reach of the offending government’s security forces. Precisely because the new standard may encourage self-restraint, but does not depend on it, there are few incentives for smart tyrants to do more harm than they otherwise would.

“SAVING” VICTIMS DOES MORE HARM THAN GOOD?

Another objection might be that if humanitarian intervention prolonged an internal struggle, more civilians might die than if the existing government had been allowed to suppress the rebellion.⁸⁷ This charge would, however, likely be inaccurate on the facts for the interventions fitting the new standard and also misassigns blame for postintervention casualties when they do occur. Libya is a case in point. Although 2,000 to 25,000 Libyans died after international intervention, credible government and other estimates expected Qaddafi to do far worse. Further, most of those killed between April and October 2011 were exercising their right to self-determination by fighting to remove a leader they viewed as illegitimate. Just as the French are not held responsible for the 4,435 colonists who died fighting against the British during the American Revolution, international intervention is not responsible for the decisions of newly self-reliant Libyans to risk their lives for their own goals.⁸⁸

WHY DEMOCRACY IS NOT A SUFFICIENT SOLUTION

One might argue that if humanitarian intervention is often undertaken by democracies and democracy is commonly associated with peace, it may seem

86. On the importance of government hate speech inciting ordinary Hutus to join in the massacre of hundreds of thousands of Tutsi in Rwanda, see Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, N.Y.: Cornell University Press, 2008).

87. Edward Luttwak, “Give War a Chance,” *Foreign Affairs*, Vol. 78, No. 4 (July/August 1999), pp. 36–44.

88. For a discussion of low casualties, see Rod Norland, “Libya Counts More Martyrs Than Bodies,” *New York Times*, September 16, 2011. The National Transition Council places the casualties at 25,000, half of which being pro-Qaddafi forces. See “Residents Flee Gaddafi Hometown,” *Sydney Morning Herald*, October 3, 2011. For numbers of colonists killed during the American Revolution, see Howard H. Peckham, ed., *The Toll of Independence: Engagements and Battle Casualties of the American Revolution* (Chicago: University of Chicago Press, 1974), p. xii.

natural for humanitarian interveners to establish democratic institutions as an enduring solution to protect threatened populations. Democracy is an important value, but stable democracies associated with peace do not arise instantly, and they commonly rest on the painstaking process of developing civic institutions and traditions over generations. This is likely to be especially true in states that have experienced a mass homicide campaign, where overarching civic identities and traditions of peaceful political processes are either nonexistent or badly damaged. In such cases, democracy should remain a long-term aspiration, but the need in the medium term is stability. Indeed, social scientists have documented how efforts to shortcut the process through reliance on the mechanics of democracy—including elections, electoral alliances, and unfettered media—can abruptly backfire, producing new rounds of violence in their wake. Accordingly, the best way forward is to encourage the growth of political, economic, and civil institutions at the local and regional levels that, over time, could reinforce each other.⁸⁹

Empirical Implications

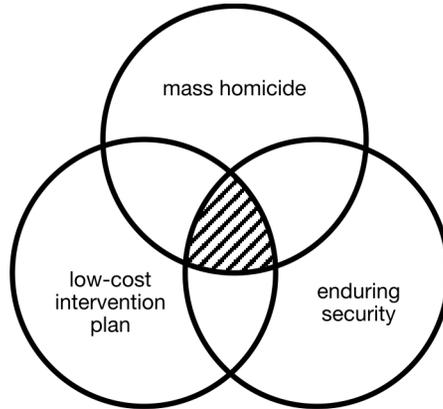
This article began by asking: Which humanitarian crises do and do not justify international military intervention? To answer this question, it proposes a pragmatic standard for humanitarian intervention that balances the moral obligation to save the imperiled lives of foreigners with the obligation of potential intervening states to protect the lives of their own citizens. An important strength of this standard is that there are observable conditions that meet its three requirements: (1) the existence of a mass homicide campaign, (2) the availability of a low-cost intervention plan, and (3) reasonable prospects for enduring security. Accordingly, it is important to identify how often the new standard would compel intervention, both on its own terms and compared to the main alternatives of the norms against genocide and the “responsibility to protect.”

THE INTERACTIVE ELEMENTS OF THE NEW STANDARD

The new standard calls for shifting the moral obligation of states to intervene away from the impossibly high standard against genocide to the reasonably low benchmark against mass homicide. Some might worry that the new standard would compel intervention in an expanding number of cases of rebellion

89. See Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: W.W. Norton, 2000); Samuel Huntington, *The Third Wave: Democratization in the Late 20th Century* (Norman: University of Oklahoma Press, 1993); and Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, Md.: Johns Hopkins University Press, 1996).

Figure 1. The Universe of Pragmatic Humanitarian Interventions



and internal instability where ordinary citizens' lives are at risk. These worries are unfounded, however, largely because the new standard involves restrictive criteria as well.

As figure 1 shows, the key to the new standard is the intersection of the obligations to stop mass homicide, to keep the cost of intervention low, and to act only in cases with promising conditions for lasting security. While the genocide standard would apply only to a small fraction of the mass homicide set, and the R2P standard would encompass the entire set, neither would limit the decision to intervene on cost alone and would provide little practical guidance on achieving lasting security. Opponents of humanitarian intervention, on the other hand, emphasize only the problem of immediate cost and uncertainty of lasting success at the expense of any concern for the lives of foreigners.

ESTIMATING THE MAGNITUDE OF THE INTERSECTION

How many cases are likely to be within the intersection of the standard's three main elements? An examination of frequently cited cases of mass atrocity since 1990 (the advent of modern precision air power) provides a useful pool of data to assess how often the new standard would compel humanitarian intervention and to compare the probable outcomes with the main competing standards.

Table 1 is derived from the list of mass atrocities compiled by one of the chief proponents of the R2P standard. As the table shows, there are twenty-three candidates for humanitarian intervention. R2P would intervene in all, although precisely how is unclear. The genocide standard would demand inter-

Table 1. Competing Standards Applied to Commonly Cited Potential Cases since 1990

	Requirement 1	Requirement 2	Requirement 3	Intervene?		Right to Protect
	Mass Homicide Campaign	Low-Cost Plan	Enduring Security	The New Standard	Genocide Standard	
Afghanistan 1998	yes	yes	yes	yes		yes**
Algeria 1992-2002	no					yes**
Angola 1998-2002	no					yes**
Bosnia 1992-95	yes	yes	yes	yes	yes	yes**
Burundi 1993-	yes	no				yes**
Congo-Brazzaville 1997-99	no					yes**
Democratic Republic of Congo 1997-2003	yes	no				yes**
Iraq 1991 (Shiites)	yes	no				yes**
Iraq (Kurds) 1988-91	yes	yes	yes	yes		yes**
Liberia 2002-03	no					yes**
Libya 2011	yes	yes	yes	yes		yes**
Nigeria 2001-04	no					yes**
North Korea 1995-98	no					yes**
Rwanda 1994-95	yes	yes	yes	yes	yes	yes**
Russia (Chechnya) 1994-96	yes	no				yes**
Russia (Chechnya) 1999-	yes	no				yes**
Somalia 1991-93	no					yes**
Somalia 2005-	no					yes**
Sierra Leone 1991-2002	yes*	yes	yes	yes		yes**
Sudan (Darfur) 2003-	yes	no				yes**
Syria 2011-	yes	no				yes**
Yugoslavia 1991 (Croatia)	no					yes**
Yugoslavia 1998-99 (Kosovo)	yes	yes	yes	yes	yes	yes**

NOTE: This table is derived from Alex J. Bellamy's list of mass atrocities and armed conflicts from 1945 to 2010. See Bellamy, "Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications" (Muscatine, Iowa: Stanley Foundation, February 2011), app. 1, <http://www.stanleyfoundation.org/policyanalysis.cfm?id=445>. Included are cases that began after 1990, excluding interstate conflicts and cases with a high estimate of 10,000 casualties or fewer, and including Iraq (Kurds) 1988-91. The two Rwanda cases are consolidated and Libya and Syria are not included in Bellamy's list.

*Mass homicide campaign by nongovernmental agent.

**Unclear what conditions merit the use of force.

vention in three. By contrast, the new standard of pragmatic humanitarian intervention would call for intervention in seven: one genocide case (Rwanda), one mass homicide case (Afghanistan 1998), and all five of the cases in which the international community successfully intervened (northern Iraq, Bosnia, Kosovo, Libya, and Sierra Leone). It would refrain from intervention in the most famous failure (Somalia). At this rate, it would compel intervention in about one case every three years.

Further, the new standard would recommend intervening in some cases where there was substantial political pressure against intervention and not intervening in others where there was political pressure for intervention. It also recommends intervention in some cases that would have been different and arguably smarter than what actually occurred. Representative examples are discussed below.

RWANDA. The most controversial “yes” is Rwanda, where about 500,000 Tutsi and large numbers of moderate Hutu were killed from April 7 to July 21, 1994. As discussed above, waiting until the genocide was clearly under way in late April would have delayed meaningful military intervention until nearly all of the potential victims were already dead. Although a detailed assessment is beyond this article’s scope, there is a reasonable case that intervention according to the new standard would have saved hundreds of thousands of lives.

The key issue concerns the timing and nature of the intervention plan. Ironically, the best existing analysis is by the leading opponent of intervention, Alan Kuperman. His study includes a scenario for the use of air power to protect the major roads so as to allow vast numbers of Tutsi to flee into safer areas.⁹⁰ The basic concept is solid, and one could likely have saved 125,000 Tutsis had the decision been made to go on April 10 when mass homicide was clearly under way instead of weeks later when genocide became apparent.⁹¹ The plan could have been redesigned, however, to better coordinate with the Rwandan Patriotic Front (i.e., the Tutsi army, or RPF) entering Rwanda from the northeast after April 8 so that Hutu could escape from the RPF and the RPF could protect Tutsi. Such a plan would have allowed vast numbers of potential victims to move to increasingly homogeneous and thus safer areas, with little risk to the intervention forces and good prospects for enduring security if the international community helped the newly homogeneous zones become self-

90. Kuperman, *The Limits of Humanitarian Intervention*, pp. 73–76.

91. On April 10, the commander of the UN force in Kigali, Canadian Gen. Roméo Dallaire, cabled his superiors for permission to intervene to stop the killings, expecting that approximately 50,000 might be killed without intervention. Dallaire, *Shake Hands with the Devil*, pp. 263–290; and Power, “A Problem from Hell,” pp. 329–390.

reliant. If that decision had been made on April 10, then perhaps a total of 250,000 Tutsis may have been saved, not to mention the moderate Hutu who were killed by the Hutu militias and those killed in reprisals by the RPF.⁹²

DARFUR. Perhaps the most controversial “no” is Darfur, which experienced ferocious mass homicide leading to 300,000 civilian deaths from 2003 to 2007. This case almost certainly would not have met the new standard’s conditions on a viable low-cost intervention plan and an enduring security strategy for the threatened population.

Darfur is a province in western Sudan about the size of Spain with an estimated population of more than 6 million in 2003 when the killing began. The Janjaweed, a militia organized by the Sudanese government, began an offensive using scorched earth tactics against villages in Darfur thought to support various armed rebel groups using force against the government. About 3,000 villages were destroyed, over large swaths of the southwestern quadrant, mostly in 2003 and 2004. Although specific villages were targeted for their alleged association with Darfur’s rebel groups, these villages were thoroughly intermixed among other villages, making it impossible to identify a separate pool of victims or create a defensive perimeter protecting them short of occupying the entire area. Especially during the height of the killing, foreign occupation would likely have been opposed not only by the 60,000 armed troops of the Sudanese national army, but even by the armed rebels in Darfur, who rejected international intervention and also frequently fought among themselves.⁹³ Accordingly, there was no viable local ally to work in conjunction with international forces, and humanitarian intervention would almost surely have been costly and an enduring solution unlikely.

kosovo. The new standard also suggests that some actual interventions

92. This is likely the lower bound on lives saved. As Scott Straus has shown, the killers were mainly motivated not by the preexisting plans of armed Hutu militias, but by “obligation”—social pressure among ordinary Hutu to carry out the perceived mandate of the Hutu government to kill the “enemy,” the opportunity to do so at little cost, and the fear that not participating could be punished by death. Hence, early international intervention could have short-circuited the social processes driving the killing and would have had a “major impact and saved probably hundreds of thousands of lives.” Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, N.Y.: Cornell University Press, 2006), pp. 10–11, 239.

93. Gérard Prunier, *Darfur: The Ambiguous Genocide* (Ithaca, N.Y.: Cornell University Press, 2005); Julie Flint, “Darfur’s Armed Movements,” in Alex de Waal, ed., *War in Darfur and the Search for Peace* (Cambridge, Mass.: Global Equity Initiative, Harvard University, 2007), pp. 140–160; Antonio Cassese, Mohamed Fayek, Hina Jilani, Dumisa Ntsezebe, and Therese Stringger-Scott, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General* (Geneva: United Nations, 2005); Olivier Degomme and Debarati Guha-Sapir, “Patterns of Mortality Rates in Darfur Conflict,” *Lancet*, No. 375 (January 2010), pp. 294–300; and “Darfur, Sudan: Confirmed Damaged and Destroyed Villages, February 2003–December 2009,” U.S. Department of State Humanitarian Information Unit, https://hiu.state.gov/Products/ChadSudan_DamagedandDestroyedVillages_2010Aug06_HIU_U180_11x17.pdf.

might have been approached more effectively. Kosovo is a prime example. This case began as an instance of military coercion. On March 24, 1999, the United States, Britain, and France began what was initially planned as a three-day air campaign against fifty-one targets in and around Belgrade, Serbia. Their goal was to compel the government of Slobodan Milošević to negotiate a new set of autonomy arrangements for Kosovo, thereby hoping to end the cycle of guerrilla and counter guerrilla violence that had plagued the province for years. The plan failed. It also would not have met any of the conditions for the new standard, because (1) there was no ongoing mass homicide campaign prior to intervention; (2) the intervention plan had no viable provisions to physically protect the population of Kosovo, and (3) the plan would have left Kosovo more vulnerable than before to heavy retaliation by the Serbs. As it was, 40,000 troops from the Serbian army did retaliate by initiating “Operation Horseshoe,” which killed thousands of Kosovars and expelled nearly 900,000 to Albania.

After Operation Horseshoe commenced, however, NATO adjusted to a strategy that approximates the new standard, and this strategy ultimately worked. In April 1999, NATO shifted large numbers of ground attack aircraft and tens of thousands of ground forces to Italy and neighboring Albania to put the Serbian army in Kosovo on the horns of a “hammer and anvil” dilemma: concentrate to defend against a possible NATO ground invasion, and precision air power would smash the Serbian ground forces to bits, or disperse to avoid the precision air hammer, and the ground forces would roll forward at low cost. Simultaneously, NATO coordinated closely with Serbia’s main ally, Russia, whose representative explained NATO’s intervention plan to Milošević and warned that Russia would abandon Serbia if such an attack occurred. The combination of military and diplomatic pressure compelled Belgrade to allow the return of the Kosovars under the active protection of NATO ground forces, ending Serbia’s mass homicide campaign and providing enduring security for the Kosovars at no loss of lives to the interveners.⁹⁴

Conclusion

For decades, there has been growing recognition that the international community needs a new standard for humanitarian intervention beyond the existing norm against genocide. Thus far, the only emergent standard has been the

94. See Pape, “The True Worth of Air Power”; and Ivo H. Daalder and Michael E. O’Hanlon, *Winning Ugly: NATO’s War to Save Kosovo* (Washington, D.C.: Brookings Institution Press, 2000), pp. 137–181.

“responsibility to protect.” R2P, however, would obligate states to intervene in far more cases than would ever be practical, and it would generate costs that would compromise the moral duties of those states to the welfare of their own citizens. The standard advanced in this article, pragmatic humanitarian intervention, seeks to provide a framework that is both morally reasonable and likely to save more lives than either alternative.

Perhaps the most important avenue for productive humanitarian intervention is the development of a new international treaty to codify the proposed new standard. The purpose would not be to encourage states to take costs and risks they otherwise would not, but to help coordinate low-cost actions to eliminate a commonly accepted evil when conditions permit, similar to the international community’s efforts to eradicate smallpox in the 1960s, which saved countless lives in subsequent decades.

Codification of the standard of pragmatic humanitarian intervention would help to coordinate low-cost moral action in three ways. First, international recognition that mass homicide is the main threshold for armed intervention would underscore that the international community is not simply in the business of punishing atrocities after the fact, but actually stopping ongoing mass homicide campaigns—with all the benefits (lower transaction costs for cooperation, higher value for deterrence, etc.) that normally attend greater transparency.

Second, international recognition that low-cost plans are a normal expectation for humanitarian intervention would free states from the fear that defining a lower threshold for intervention would obligate them to open-ended commitments in numerous civil wars and other internal conflicts that would undermine prior obligations to their own citizens. It would also place the burden on the proponents to develop pragmatic policies for intervention in specific cases that could not be easily rejected by opponents as too risky.

Finally, international recognition that an established organization such as the UN Security Council should authorize humanitarian interventions in cooperation with states from the region of the proposed intervention would lower the risk that the new standard could become a pretext for the selfish motives of one or a handful of states.

Overall, a new treaty against mass homicide would reinforce the proposed new standard and its guiding intuition: humanitarian intervention can have an important place in international foreign policy without creating moral obligations beyond the capacity of states to fulfill. The pragmatic standard does not imply that the United States and other members of the international community should be compelled to intervene in countless humanitarian crises—but it would help to save more lives in the future than many have thought possible.