

Transcript of Seminar Three  
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Discussion with Holly Burkhalter

Holly Burkhalter

I had some anxiety about appearing before such a sophisticated and expert group to talk about humanitarian intervention, particularly because my former boss and mentor, Aryeh Neier, might walk in the room with his heavy tread at any moment to point the dread finger and fire me and close down my organization. But after reading a transcript of some of the ruminations of the former senator Bill Bradley, who is running for the office of Presidency, I became less shy. Here's what the candidate had to say about humanitarian intervention in an address he gave at Tufts on the 29th of November: "I think we cannot give an open-ended humanitarian commitment to the world, it has to be made on a case by case basis. It is much better to deal with those situations in a multi-lateral context, while never saying never, at some point you might have to intervene if a situation truly merited it."

Now in light of that, I figured maybe I could offer some thoughts about humanitarian intervention and they won't be altogether ridiculous. They couldn't be as ridiculous as that, anyway.

In thinking about the seminar topic, I began by reflecting on one stab I took at trying to create a left-liberal's paradigm for what an appropriate humanitarian intervention might look like. It was an internal exercise that I drafted when I was at Human Rights Watch. It was in 1990 when Somalia was under siege from itself with no help from the outside world: many, many tens of thousands of people were dying; a time of warring factions and mass starvation. I was very much in favor of a humanitarian intervention in Somalia and that position was extremely controversial within my organization and within the policy community and the human rights community, generally.

I drew up the following tenets for humanitarian intervention, and I think you could say that if you are a left-liberal in favor of any use of force at all (and most of us are not) it should probably include these principles.

First, it must be consistent. The very exercise of coming up with a humanitarian intervention paradigm was aimed at trying to find a way that we could answer that unlovely and embarrassing question that dogs us to this day: if a humanitarian intervention in Kosovo, why not in Sierra Leone? The notion is that if you intervene somewhere you should be theoretically available to intervene elsewhere if you could only find a way to

make them look alike. So consistency was an important feature. We're not going to be willy-nilly about this, we're going to have this doctrine.

Second, military intervention must be a last resort after all the good options have failed and nothing else can possibly be done. Intervention with guns should only be contemplated when it is extremely late in the day.

And thirdly, the goals and the use of force must themselves be as minimally circumscribed as possible. So in the case of Somalia, for example, as I saw it, and as most of us saw it, the international community should only go in with guns to escort convoys and open the airports and ports, and get completely out of the way otherwise. In Bosnia, too, most of us who were in favor of use of force in the first couple of years of the Bosnian war, were largely in favor of not choosing sides, of staying completely neutral, and of using force only to deliver the goods to very needy people.

Fourth, this intervention must be UN sanctioned and U.N. sanitized. It must be multi-lateral and preferably done by someone other than Americans whose hands, none-too-clean, invariably inspire disgust in the left-liberal community. Thus, the United States can never be associated with any good cause if it has a gun associated with it because of our colorful and checkered past. At a minimum any humanitarian intervention must be UN sanctioned and preferably with no presence of the United States in any way, shape or form.

Finally, it is important for this liberal left paradigm that the actors must be disinterested. The motives must be pure, and there must be no gain other than the cessation of the abuse. It must be accomplished by actors who care about nothing but that.

And then there are a few flourishes and ruffles. Such as, if at all possible try to get a cease-fire. Insert unarmed international human rights monitors at a moment's notice and place them everywhere as a deterrent. And of course humanitarian law must be respected in all instances and in all its particulars.

At this point and particularly now that I find out this is going to be on a web site and journalist Lee Siegel is sitting at the table, I should make it belatedly clear that every word of these remarks are my personal views. Particularly because this is what David Rieff demands of one, I really tried to think outside the box about this subject. I am a human rights activist and advocate and I always have been and always will be, but on this occasion I attempted to go outside my institutional affiliation. So I must insist that these remarks are

mine alone. I am proud to work for an organization whose thinking and work on the great humanitarian disasters and complex emergencies of our day, I think is pretty advanced. But I wouldn't want to hold Physicians for Human Rights responsible for all these remarks because they're by design and decree aimed at creating some controversy and some brick throwing. Let it be at me, please, and not at Physicians for Human Rights.

Now, let's look a couple of these tenets in light of the great tragedies of our time that have occurred since Somalia. The first, the notion of consistency, can be dispelled immediately. It is just not appropriate to say we will let the Kosovars die in extremely large numbers because we are fully prepared to let the Africans do so. No right thinking, decent-minded person will say something like that or should say something like that. But many did, I might add. Many of us say things like that all the time. The idea being not that we should intervene everywhere, but rather the reverse. That we should intervene nowhere because we are unprepared to intervene everywhere. Certainly it should be understood that military intervention for humanitarian purposes is a rare thing and it should be a rare thing. Use of the military inevitably implies death. And it is a difficult thing for human rights groups to take a position in favor of it.

We all know that it is not possible to intervene everywhere. For example, no one in their right mind is proposing that anybody intervene to save the Chechens, though the cause is a good one and the victims are innumerable, and if there ever was a place that cries out for it, it is that place. But no one is imagining it as an option so we're not talking about it. I for one do not feel immoral about that fact. There are places where humanitarian intervention is a possibility and where it is on the table and where it is needed. And there are places where it's just not but that fact does not mean that it never warranted anywhere.

A second issue - that of saving robust military action until the end -- was put to rest or to death in Bosnia. Bosnia is the graveyard for almost all my firmly held principles about humanitarian intervention. We'll see this in other places as well, but it was really the four year experience in Bosnia that turned me into something other than a left liberal on the question of minimal military goals. The notion of saving military action until everything else has been tried and failed--that has got to go. While indeed one must be serious about military force and potential large loss of life, to wait to use military intervention until the situation is so desperate that vast amounts of lives have already been lost seems very wrong-headed to me. Even the threat of force can save many lives and thus I don't think one should wait until a quarter million people have died, as they did in Bosnia, to bring it out and lay it on the table. It is precisely because military force is often seen as only the last resort that when there has been a complete cop-out on everything else the use of that force does indeed go badly, and offers so few options for saving lives.

In Kosovo the West intervened a lot faster than in Bosnia, indeed after only a year of significant abuse. Given Milosevic's history in Bosnia, we were seeing all we needed to know about his designs almost a year before the bomb started to fall, then followed empty threats and empty Security Council resolutions. A year is short compared to the agonies we put the Bosnians through, but it wasn't short for the Kosovar Albanians and in that period of time, the country was virtually denuded of its Albanian population.

Thus I think that using force at the very end is the wrong way to go about it. That doesn't mean that you spring in early. Frankly the intervention that did not occur is the most heart-breaking of all of them. In the Rwandan genocide there were a plethora of diplomatic, economic, political, all kind of things that could have done short of military force that weren't done. So in fact I'm not making the case to avoid all of the non-military things probably could have averted genocide in the case of Rwanda. But I am making the case that if it is clear that military force is required, or a show of it or the threat of it, don't mess around and wait for there to be piles and piles of bodies.

For example, a small use of a military force early on in Rwanda-- to have destroyed the weapons caches and disbanded some of the militias might well have averted the genocide. Whereas as by April 7, 8, or 20, there was so much blood in the street that that alone became a deterrent to intervention. I think I've made my point about not going in with force until it is too late.

I feel the same way about this notion of minimalism, also a feature of my Somalia paradigm. (Minimalism means that you only use force to obtain the most minimal objectives.) I think that this notion is an especially difficult one because basically all of us -- I come from a pacifist tradition in my own family -- in the human rights field are repulsed by the notion of dying and killing. And our government is repulsed by the notion of American soldiers dying. Thus human rights people who favor humanitarian intervention, like me, have this notion that you can somehow have a military force where nobody gets killed. You open a bridge, or you escort a convoy. And this is what we had for four years in Bosnia. You send your monitors forth and they watch and they take notes. They get out their pencils and their books.

Such efforts are fine, theoretically, but if they're not saving lives, deterring abuse, or punishing perpetrators they are not a humanitarian intervention. In the case of Bosnia they could be dramatically counter-productive, as when the unarmed good guys become themselves the reason for not intervening for fear of putting them at risk. Then you have the most appalling Catch-22 of all time, one that all of us need to feel very uncomfortable with

when we reach into our bag of tricks and inevitably pull forth the human rights monitor.

You saw this minimalism issue finally in Kosovo, where the constraining concern was twofold. First was the fear of inflicting mass death on Serbs. I actually think that the Kosovo intervention gets something of a bum rap from the human rights community generally and from the left of the political spectrum in particular. In fact, great care was taken particularly in the early weeks of the bombardment to avoid civilian casualties. Of course, greater care was taken to avoid military casualties. This doesn't need to be regaled to this group, I know, but you had this odd, odd thing. All the great military powers of the world engaging in the daintiest of military operations for purposes of avoiding a single scratch, bruise, and much less a death among a single soldier in the alliance. And there wasn't a single one.

To that end, you had planes flying from fifteen thousand to fifty thousand feet, and thus only able, as I understand it from my military friends, to go after fixed targets. Thus you could bridges, you could get electrical plants, you could get buildings and you could get transformers, but you could not get tanks on the move. That's for sure. Someone told me, who I think has reason to know, that unpublished and unofficial CIA estimates are that the entire bombing operation took out approximately 15-20 tanks, which were a very important means by the Serb military of destroying Albanian civilian infrastructure. Now that is, of course, a complete scandal and it reflects the fact that that war wasn't a war aimed at protecting people. It was aimed at something else, and the methods used protected no one. It has been said (not by me but by many) that in fact the methods used put people at much greater risk. I'm talking about the Kosovar Albanians generally because it offered an opportunity for Milosevic to use the cover of bombing to simply throw half a million people out of the country in approximately a month. But it also put Serb civilians at unnecessary risk because of the difficulty in targeting from such heights. Thus that minimalist use of force is problematic on at least three counts.

This is just an aside, but I had an interesting conversation with Human Rights Watch's military advisor, Bill Arken, about the use of force in Kosovo when I was trying to educate myself about the issue of targeting. Bill is ex-military and he's an extremely able, smart guy who thought the use of force was inappropriate in Kosovo and he generally thinks use of force is inappropriate in all such situations. But he is canny and he is moral, so I asked him what he thought of PHR's position [in favor of sending ground troops to Kosovo to protect the Albanians from Milosevic's forces.] And he said he thought it was bullshit. He said: "I only would respect a human rights group that favored sending forces to Belgrade to get Milosevic, clap him in arms and take him to the Hague for trial. And the day one human rights group says that's what they're in favor of, that's a humanitarian intervention I respect." I respect him for that remark. It's a ludicrous notion of course, but it's interesting

that it is ludicrous, that none of us would ever imagine advocating such a thing.

Going on, probably the most serious criticism from the left over the Kosovo action was that it was not multi-lateral. I have no use for such things. After four years in Bosnia, after watching how the United Nations and its great patrons mishandled Rwanda, I have not one shred of interest in multi-lateralism unless it actually works. I don't know how it can particularly well. Its important to take it on, because in fact there was a drumbeat of criticism of the Kosovo military campaign from the very people that are our, my, traditional allies from the grassroots in other great campaigns of the day. I'm talking particularly of the faith community and of the left generally. (I have my own criticism of the Kosovo campaign, but not on these grounds.) I think it matters that the progressive faith community in the U.S. was firmly opposed to the intervention in Kosovo on grounds that it was not a U.N.-sanctioned action, even though I think that this position is terrible. I think it's important that we grapple with it. A big part of the left's criticism was this fact: that the Kosovo operation was not a UN operation, and not UN sanctioned. For now, what I have to say to that is the day that China and Russia embrace my kind of politics is the day I will endorse Security Council control of humanitarian intervention.

Sixth, the issue of disinterestedness: This characteristic I think is probably fading from the scene because it is so hard to come by, but it is worth talking about for a minute.

Disinterestedness is the notion that if you have a reason other than altruism for going into a struggle, then it is inevitably wrong and we certainly aren't going to endorse it or do anything but shudder and avert our eyes. But if you look at the interventions that did bring to an end, and in relatively short order, some of the greatest crimes against humanity that we've ever seen, they were distinctly "interested." Look, for example, at the Indian invasion of South Pakistan in March of 1971. Distinctly interested, of course. India went in on behalf of Bangladeshi insurgents and Bangladeshi independence movement against Pakistan, and brought the thing to a close in about eight months. I don't know that it was done without a single human rights violation, but people who are expert in this area have informed me that the Indians did a very professional job. They were coming in on the side of the civilian population. They were going against regular forces not irregular ones. They mopped up and ended literally hundreds of thousands of killings. As you remember, mass rape was a signal feature of that most horrible of conflicts.

A very similar intervention occurred in Africa, of course, four years later when Tanzania invaded Uganda. The Tanzanians were widely regarded by the Ugandan people as liberators and Idi Amin was deposed. Again not at all disinterested. Tanzania had its own border disputes with Uganda, but its aim was to knock Idi Amin out and knock him out they did. Now it did not, of course, usher in a era of peace and sanguinity. But I really want to talk about the actions themselves that ended horrendous killing in both instances. If those interventions had not been motivated by self-interest in those two cases, they would not have occurred. And I don't like to think about the future of either Bangladesh or Uganda if

they had not.

Some would say, and I agree, that the Vietnamese invasion of Cambodia fits into this category. The ECOMOG intervention in Liberia in the early nineties and two years ago in Sierra Leone was also distinctly interested. The Nigerians, who played the principle role within the alliance, were very definitely interested in the outcome in terms of Nigeria's interest in being a leader in West Africa and needing something for its frisky military to do. These were flawed, flawed operations with many abuses by the Nigerians, but they were the only ones willing to go in. The intervention that in my mind deserves special attention is the US invasion of Haiti, which was most definitely motivated by the fact that the United States does not care to have black refugees coming upon the high seas or to its shores. Thus all of us who were happy to see the military ousted and Aristide restored are somewhat uneasy with the invasion of Haiti because we know it was for racist reasons. But the fact of the matter is that there was interestedness. Thus the job got done and it got done pretty well. So this notion that it doesn't work unless you're disinterested is precisely wrong.

Finally I'll say a word about humanitarian law. This is one of my original notions that I won't give up. All military operations, for any purpose, must be conducted with absolute and strict fidelity to international humanitarian law. However, just among us in this room, it is important to know that if international humanitarian law is your only guidepost and your only measuring stick for morality, you're going to get into some very queer contradictions. For me the Kosovo exercise is a very good case in point. I, for one, favored and promoted the forcible introduction of ground forces, without Milosevic's consent, for purposes of going into Kosovo to save the Albanians from getting murdered at the hands of his forces. Now if such a military operation had been conducted with strict adherence to the laws of war (the Geneva Conventions) there could have nonetheless have been massive loss of life. The laws of war of course do not prohibit loss of civilian life, and there might well have been and probably would have been significant loss of innocent life that would have perfectly legal under my invasion scenario. The NATO forces did not do that, of course. What the Allied forces did do was turn the lights out in Belgrade which was perfectly not legal under the Geneva Conventions, but that killed no one, and, arguably, ended the war and its attendant miseries much more quickly than would have otherwise been the case.

I don't mean to say this means that the law is useless. I as a human rights activist will always insist that if you go down the slippery slope of pinching a civilian population to try to influence their government, you're in trouble. However I think that if we want to be honest with ourselves, at least for me as one who called for humanitarian intervention of a certain type, the contradictions are worth talking about.

I talked to David Rieff about the paradox of what was legal in Kosovo under humanitarian law, and what was not. I said, David, am I an ass? And he said, no, the law is an ass. Now I don't know if law is an ass or not, but I am telling you that the law alone is not the only factor to be considered, because frankly I think that turning the lights out in Belgrade is a better option in terms of saving the lives of Kosovar Serbs and Albanians than my particular favorite which was to marching in there with many hundreds of thousands of troops to station each one by some Albanian family. I don't give up humanitarian law, I simply want to note its contradictions.

So where does that leave us, now that I've demolished all my best thinking of the last ten years? I don't have a new prescription or paradigm because I think that's a recipe for not using it, and I favor humanitarian intervention. I favor it, and start with two cautionary notes. One is that if you get into a situation where you believe that the ends justify the means, you're getting into Elliot Abrams' [the Assistant Secretary of State for Human Rights under President Reagan] neighborhood, and you'd better be careful. I had many arguments with my friend Fred Hiatt at The Washington Post who actually does believe that end - of liberating Kosovo from Milosevic - justified the means, particularly because the means weren't too horrendous. But this worries me... well I don't need to do my Elliot Abrams imitation, it's just too sick-making. You all remember it, we all lived through it was the worst years of our lives. We cannot go there. So when I talk about how you do a humanitarian intervention right, it is not the case that anything goes, even though, as seen in the case of Kosovo, humanitarian law alone is not the only measure of morality or justice.

The other cautionary word I would have for new left hawks, which is what I suppose I am, is that one should be careful about choosing sides. We in the human rights community, the minute we choose sides, are going to find ourselves compromised about telling the truth about what our side is doing and has done.

No one knows better about how compromising that can be than David Rieff, who publicly and maturely and with thought and vigor chose sides in the Congo. He chose the wrong side, or he chose a bad side and signed with Laurent Kabila. That was a defensible position at the time, maybe, though I didn't like it. But it certainly wasn't defensible a few months later when Laurent Kabila turned out to be one of the great tyrants of his day and switched sides himself and went after the Tutsi minority in the Congo, hammer and tongs. Then it became very embarrassing to have chosen sides. These things can happen. Having said that however, there are places where we should have chosen sides. I am speaking again, personally, not from my organization. Who among us doesn't think that the world should have chosen sides in Bosnia? Instead of choosing sides, we did something that is also another tactic from the playbook of the left liberal, which is get the weapons out of there and impose an arms embargo, which of course was death for the Bosnians. It amounted to

choosing sides, the wrong side of course.

I happen to think we should have chosen sides in Sierra Leone. I think it is one of the great tragedies and scandals of our day that our government and our allies did nothing when an elected democratic government was under siege by one of the most ferociously insane and brutal forces to have ever emerged and then its own army defected to join them, and where the salient features of that conflict were ubiquitous sexual assault, degradation and deployment of kids, young kids as soldiers, massive amputation, and mass butchery. Where were we? The side to have chosen of course, was with the Kabbah government and the regional military force (ECOMOG) aiding it -- largely Nigerians. We should have supported ECOMOG. No one was asking the United States to send Iowans to Sierra Leone, for God's sake. ECOMOG was there. Their record was not terrible, though when Nigeria ran out of money and ECOMOG didn't pay its troops for six months, they became predatory, predictably.

In a situation like that to have not sided with the Kabbah government, to say we stand with you-was wrong. We should have said, we will help the Nigerian force. We will pay them, we'll train them. We'll give them communications gear. We'll give them transportation. To have not done that and to have committed Freetown to falling to the RUF (Revolutionary United Front)-AFRC (former army of Sierra Leone) alliance, and then to essentially watch while Kabbah was forced into a government with the RUF-AFRC is shockingly immoral. None of us can defend it and I don't defend myself for having been absent as an advocate during that terrible time.

I end by leaving you with this question about where we go from here. There is this funny paradox that I don't quite know what to do with. It emerges from having mused a bit about these various interventions that haven't worked over the last nine years or those that worked but are flawed as in the case of Kosovo and Haiti. And here it is: the initiatives there that are themselves billed as a humanitarian intervention, and Kosovo is the principle one among them, are not going to be malnourished financially or politically or militarily because the salvation of humanity is not actually considered to be an important interest. Such initiatives are going to be either underfunded or they're going to be politically or militarily strangled. Thus in Kosovo because the interest of saving people was not considered to be important enough to lose one American soldier's life for, we didn't. And we didn't save the Albanians, either. There was another interest and purpose in moving against Serbia, and it was to get Milosevic to leave Kosovo. I like that interest very much. But I wish that the tactic used had been the one that would have made him leave before he destroyed Albanian civilian infrastructure, and many lives.

There are many other examples of places where a humanitarian job is malnourished. Somalia is the case in point. We lost a dozen or eighteen soldiers and we pulled out almost immediately. We cut and run because we were not willing to pay any price whatsoever. Precisely because it was not an important interest. We would go in, but we wouldn't do the job. The flip side is that in these military initiatives where the interest is far greater, then no expense is spared, but you don't necessarily get a humanitarian outcome. Look for example at what the French did at the end of the Rwandan genocide. As the genocide unfolded, no one in the world would lift a finger. But once the RPF had largely ended the genocide, the French managed to get their troops into the country in about two days when it was clear that their client and their ally, the Hutu army and rump government was going to lose and going to get their clock cleaned. France went in quick, fast, and in a hurry and quickly sealed off the Southwest provinces so that they could usher the genocidal forces out of the country with their skins intact in their armored vehicles, carrying their heavy weapons. There was a very serious interest there - a terrible one -- and the French were able to dispatch all the resources necessary to accomplish it.

By definition it seems that a humanitarian intervention that is purely so is going to be underresourced and must be absolutely cost-free, and if it is not, we will leave. Probably the most explicit example of that is the Belgians leaving Rwanda at the height of the genocide when they lost their eight or ten peacekeepers. Once the Belgian contingent left, there was no way we could keep the momentum going in New York and in Washington. The Belgians left because they lost their guys to the "genocidaire," and they lost them guys in a horrific way that was insupportable to the Belgian people. But they were soldiers. I am sorry about how they died and why they died, but they were soldiers. For Belgium to take out the best fighters from UNAMIR doomed the force. You can almost be sympathetic when Kofi Annan said we've got nothing left here. The Bangladeshi peacekeepers in UNAMIR were hiding under their beds when the Belgians cut and run. The Belgians, once they had evacuated their nationals, left Rwanda. Unlike the French they didn't have something other than suppression of genocide in mind, and it wasn't enough to keep them there.

It seems to me that the case of Haiti comes the closest to getting a humanitarian intervention right, though Anne Fuller may really knock me down here--I'm glad we have a Haiti expert in the room. Kosovo is second best even with all the caveats and flaws I've described. Basically humanitarian intervention isn't going to be done right unless the intervention's design and purpose is to deter abuse, to save lives, to stop the perpetrators, and punish them. These four objectives must be seen as an overwhelming necessity to the countries in question, whoever they might be: to us, to Nigeria, to the Australians in the case of East Timor. These goals must be overwhelming necessity and the intervening countries will deploy the resources necessary to achieve them. Victory will not be defined as saving the NATO alliance, as in Kosovo, or even permitting people to return home. Victory must be

defined as deterring abuse, saving lives, stopping the perpetrators. If our government is involved in something called humanitarian intervention, then that must be the definition of it. And while we're at it, we will not compound the tragedy by committing abuses ourselves.

I'm happy to take your questions.