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# The Lessons of Comprehensive Emergency Management Theory for International Humanitarian Intervention

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THE LESSONS OF DOMESTIC COMPREHENSIVE EMERGENCY MANAGEMENT THEORY FOR INTERNATIONAL HUMANITARIAN INTERVENTION

by

MATTHEW L. MARIETTA

Under the Direction of John Duffield

ABSTRACT

This project seeks to expand the dialogue about international humanitarian intervention in a complex emergency or mass atrocity situation by asserting that post-intervention political reconstruction is as essential to the intervention as is the provision of material humanitarian aid and even the ostensive goal of protecting the aid regimes. As a result of this assertion, consideration of humanitarian intervention has, to this point, been too focused on the legal, ethical, and theoretical implications of war and hegemony. The current dialogue centers on its security studies aspects, owing largely to its Cold War precedent. However, a full consideration of the subject of humanitarian intervention must also consider the broader implications of the inter-

vention, including recovery and mitigation of future events. When this is considered at all, the literature to this point largely treats post-intervention establishment of political and social infrastructure as a secondary consideration to the military intervention.

The primary approach to address this needed expansion includes drawing a comparison between humanitarian intervention and a similar domestic concept: comprehensive emergency management theory. While there are several dissimilarities between emergency management and its putative international correlate, the theoretical framework it establishes—including not only the response found in the usual literature, but also the well-defined concepts of recovery, mitigation, and preparedness—can expand our understanding of the implications and requirements of humanitarian intervention. It also provides an important lesson in its mirror example for the prescribed evolution of humanitarian intervention scholarship away from its Cold War genesis. This is because domestic emergency management also has a foundation in security studies concerns, but has since evolved into an all-hazards philosophy that embraces prevention and recovery as much as simple response to a human crisis. This parallel will provide a framework for approaching humanitarian intervention that goes significantly beyond the literature to this point and provides a much more encompassing approach to the subject than there has been to this point.

**INDEX WORDS:** Humanitarian intervention, Comprehensive emergency management, Disaster, NIMS, Responsibility to Protect, Mass atrocity

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NATIONAL HUMANITARIAN INTERVENTION

by

MATTHEW L. MARIETTA

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Georgia State University

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## DEDICATION

This dissertation is dedicate to Jennifer Marietta for all the patience and support over the past ten years, my children Maddie and William for putting up with hours squirreled away in the office instead of playing, to my Mother, Linda Marietta, for setting me on this path, and to my Father, Lou Marietta, for giving me the tenacity to follow it through to the end.

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## LIST OF ABBREVIATIONS

EMS.....	Emergency Medical Services
ESF.....	Emergency Support Function
FEMA.....	Federal Emergency Management Agency
FIRESCOPE.....	Firefighting Resources of California Organized for Potential Emergencies
ICC.....	International Criminal Court
ICISS.....	International Commission on Intervention and State Sovereignty
ICS.....	Incident Command System
ICTR.....	International Criminal Tribunal for Rwanda
ICTY.....	International Criminal Tribunal for the former Yugoslavia
NATO.....	North Atlantic Treaty Organization
NFIP.....	National Flood Insurance Program
NGO.....	Non-Governmental Organization
NIMS.....	National Incident Management System
NRP.....	National Response Plan
R2P.....	Responsibility to Protect
UNAMIR.....	United Nations Assistance Mission for Rwanda
UN.....	United Nations
USSR.....	Union of Soviet Socialist Republics

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## 1 INTRODUCTION: THE MYOPIA OF THE HUMANITARIAN INTERVENTION DEBATE

### 1.1 The Current Milieu of Humanitarian Intervention Dialogue

For most of the second half of the 20<sup>th</sup> Century, the practical aspects of international security (and general international relations) were dominated by the preoccupations of the Cold War. Concepts as different as national security, third-world development, political ideology, and even humanitarian ethics were most often viewed through the unifocal lens of US-Soviet relations. In this sense, much of the international relations activity during this era was defined in terms of the *spread of or resistance to* communism (or the encroachment of Western capitalism, depending on your perspective). Humanitarian actions also tended to be subsumed by this bifurcated world-view. For example, the New York Times drew connections between Soviet arms funding and the complex humanitarian emergency in mid-1980's Ethiopia, describing the nation as "an important and strategic foothold in Africa" (Rule, 1988), thus coloring the human catastrophe of famine, internal displacement, and a shaky political system as simply another proxy conflict of the Cold War. Similarly, one scholarly article from the same period explores "the outlines of Soviet politics on three central issues of strategy toward the West in the *dé-tente* era: economic relations, arms control negotiations, and competition in the third world," then describes the action to mitigate the crisis in Afghanistan that resulted from the Soviet invasion and ongoing military action (and presumably the resulting refugee/humanitarian crisis in the surrounding regions) as an "intervention" (Bjorkman & Zamostny, 1984). That an "intervention" in a humanitarian crisis is presupposed as a "strategy toward the West" is indicative of the loaded relationship the Cold War placed on any activity—including economic development,

democratization, and even decolonization—in the developing world. Any casual perusal of the literature and political rhetoric of the period will bear out this assertion.

With the end of the Cold War, there was a need to redefine much of our international relations terminology, although to a degree some practical aspects of the complex interrelationships remained the same. An important concern of international relations in the two decades to follow has been what responsibility the developed world should take for the suffering of those in developing nations, especially where catastrophic events impact large segments of a population. At its most extreme this suffering resulted in internal displacement, mass atrocity, starvation, or other human calamity at the hands of a government, natural forces, or (usually) some combination of the two. However, the developed world and academic literature's consideration of the subject has been more oriented toward the just war aspects of intervention in the worst of these situations, and fails to take in the broader implications and requirements that any ethical mandate to intervention would include. As such, the topic of humanitarian intervention has become an important topic without sufficient breadth to adequately address the issue.

While the political and military preoccupations associated with the Cold War set the stage for conversations about what is known in humanitarian circles as “complex emergencies” in Ethiopia, Cambodia and the like, the post-Cold War era fostered something of a shift in the ideological paradigm. It disengaged the developed world's interest in the developing world from the bi-polar politics of US-Soviet relations. An example of this shift in thinking is found in Jeffrey Clark's description of the apparent unconcern of the world community for the deteriorating situation in early 1990's Somalia. He asserts “no longer a strategic flashpoint with the

end of the Cold War, Somalia simply could not garner the political attention required for the scale of sustained and complex humanitarian assistance it needed to avert catastrophe (Clark, 1992/3, p. 112).” In other words, the use of military force in developing nations could no longer be so easily couched in terms of a clear bipolar international relations paradigm.

One of the potential offshoots of this shift is an apparent rise in what has been euphemistically dubbed “humanitarian intervention,” where military might is deployed in support of a largely humanitarian mission. Without the context of Cold War proxy action (e.g., stopping the spread of communism), the strategic benefit of expending lives and treasure in small, far-flung states was suddenly greatly reduced. Thus, Third World humanitarian intervention, now removed from its Cold War context, takes on a different ideological frame. In this shift, such intervention could conceivably be cast in terms of human rights and humanitarian solidarity instead of strategic necessity.

In the wake of this “transition,” we have seen military-based humanitarian action in Iraq (1991), Somalia (1992), Haiti (1994), Bosnia (1995), Kosovo (1999), Libya (2011), and in numerous other peacekeeping missions. While there are examples of what could be classified as military intervention for humanitarian purposes prior to the fall of the Berlin Wall, The underwhelming UNAMIR response to the Rwanda crisis in 1994 also serves as the premier negative example of humanitarian intervention. All of these actions were born (to varying extents) from a liberal concept of human rights and the role of a legitimate government in securing them. Similarly, the Bush administration made liberal human rights based assertions as part of the broader justification for invading Iraq in 2003, as the Obama White House did in regard to the limited action in Libya. While the 2003 Iraq example is not consistent with the other examples

of non-strategic, *humanitarian-based* interventions into a distinct complex emergency, it does conform to the model to the extent that we have found the same issues of political stabilization, long-term reconstruction, and internecine reconciliation in Iraq as were present in the explicitly humanitarian actions listed above. However, the recent Iraq action, while similar in some of its long-term implications, was more decidedly a strategic war at its core and is not a direct example of humanitarian intervention. Following a decade defined more in terms of the “War on Terror” than strict humanitarian action, the international action in Libya represents something of a return to the less strategic perspective of the 1990s (if it is possible to disentangle a war from strategic concerns entirely). However, the editorials on the “kinetic military action” in 2011’s quasi-intervention into Libya show that same concerns of threading the narrow pathway between strategic military action (in keeping with the Cold War mindset) and the exigency of humanitarian catastrophe voiced in the 1990s still remain today.

As was apparent in most of the post-Cold War cases, humanitarian intervention in the popular sense refers—briefly—to the use or threat of military force by a third party state (or coalition of states) to support a response to some manner of humanitarian crisis. While the concept of using our remaining Cold War military might for the sake of human rights has a certain ring that resonates with our democratic ideology and our sense of ethical responsibility to the unfortunates of the world, there has been considerable debate as to how this humanitarian motive should play itself out in the international community.

Despite the sea change in the geo-strategic situation between the middle and end of the 20<sup>th</sup> Century, the terms and arguments of the humanitarian debate are not always clearly delineated from their Cold War roots. While the ethical arguments have often proceeded from a



solidarist perspective, the tactical considerations are still dominated by humanitarian intervention's ideological predecessor: the Cold War. At its heart, the subject of intervention is still owes much to the East-West security studies paradigm established during this period. This is especially true of the tendency for the same questions of hegemony (strategic or economic) to be raised in the case of humanitarian intervention. It is also evident in the centrality of the ethics, legality, and practical issues surrounding the military aspects of the intervention, to the detriment of the broader implications of humanitarian crisis. While strategic considerations may ultimately play an important—in fact, essential—role in the pragmatic application of an interventionist policy decision, limiting consideration of the broader practical requirements and ethical ramifications to the security-related aspects of the operations does not adequately address this multifaceted issue.

Like the differences surrounding humanitarian intervention in the political and popular dialogue (mentioned above), similar disagreements about its scope and requirements are present in the academic world as well. It is the liberal ideology that clearly dominates the rhetoric, however. More specifically for the purposes of this project, the Kantian liberal-internationalist perspective gives us a justification for overriding the Westphalian norm—enshrined in positivist international law—in the name of human rights. Proponents of the liberal peace and similar ideologues would see humanitarian intervention in the case of extreme human rights abuses or other complex emergencies as consistent with their ideological perspective. In fact, this tendency toward encouraging human rights will even extend to the idea that the spread of democracy is a valid reason for intervention in a corrupt and recalcitrant state because it would tend toward the long term peace of the world community and the “freedom” of the victim popula-

tion. While intervention absent the humanitarian catastrophe of a complex emergency is—for the most part—beyond the scope of this project, some actions described as interventions have a tendency to become blurred with this more internationalist perspective (e.g., the recurring example of Iraq in 2002).

As is apparent in the cases mentioned above (and dwelled on extensively in the literature), the definition of what truly constitutes a “humanitarian intervention” and what does not is quite open to debate. Equally open to debate is whether or not a militarized human rights action is valid or moral under international law and norms. From a more classical international relations perspective, a realist may argue that following the Cold War, nations were no longer constrained by the same bipolar balance of power/threat relationship, and that the self-help paradigm was redefining itself in the wake of a newly multipolar (or—at least for a time—unipolar) world. Indeed, the subject is open to debate from multiple angles. Empirically speaking, one might question whether much of what is identified as an intervention is not simply hegemony or profiteering. Oil has figured prominently in the objections to actions in the Middle East, including most notably the marginally humanitarian case of 1990 Kuwait. Similarly, NATO’s action in the former Yugoslavia may be seen as an attempt to decrease Russian influence in its former vassals, and thereby increase the presence of pro-Western government in the eastern European community of nations. Several of the more prominent arguments against intervention focus on the potential self-interested benefits/motivations the intervening nation may have. Other authors have taken a positivist legal approach, reviewing the development of international law and tracing its elements to support or preclude the legality of military action for humanitarian ends. As it is drawn directly from the evolution of international legal norms out

of the Cold War era, these types of reasoning (and even similar normative—non legal—considerations that focus on the development of social ethical norms as they relate to warfare) are a solid example of the limited perspective offered by the current research on the subject of humanitarian intervention. Most of the popular debate has been subsumed by these types of arguments.

Such lines of thinking lead to numerous questions that stem largely from the assumption that humanitarian intervention is focused primarily on its military aspects. Perhaps the inclination to intervention is merely representative of power interests and the realignment of balances in a newly unipolar world. We could perhaps assert—in some permutation of neorealism—that the United States was remaking the world in its own image to secure its position, or more strictly, that it was merely using a humanitarian pretext to secure some complex strategic-economic interest. Or perhaps the rhetoric of democratic peace promulgated by the Clinton and Bush administrations was the true motive (and, hopefully, the outcome) of the interventions of the post-Cold War decades. Or maybe, in accordance with the constructivist approach, the issue is much more complex. Perhaps both on the part of the intervening nations' motives as well as the expectations/acceptance of the victim nation (which by definition lacks a certain amount of internal social cohesion), the entire proposition of humanitarian intervention is dependent upon various levels of interrelated social identity. The possibility that third party humanitarian intervention is even within the realm of political discourse, let alone validly employed as a justification for military action, has led some to argue that this trend represents a relaxing of the notion of state sovereignty in favor of the more ethereal ideal of human rights. If this is true, the foundation of international relations has seen a potential shift from collective

self-determinism featuring the preeminence of the nation-state, to placing the nurture of the individual as the central ethic.

In a similar vein, detractors of humanitarian intervention tend to ascribe realist motives to intervening nations as a kind of pejorative, arguing that the apparent “shift” in international norms is merely diplomatic cover for an ulterior motive. For example, Cold War nations may have needed a use for their bloated military and coercive capabilities, and absent their philosophical animus of the patriotic struggle against encroaching communism, found the catch phrase of “human rights” sufficient justification for international adventuring. This may be exemplified in the “no war for oil” position on the Iraq actions in both 1990 and 2003. Contrarily, and in support of the pro-interventionist position, the dissolution of the proxy controls asserted by the USSR and NATO may have allowed a vacuum that minor Machiavellian politicians have rushed to fill, trampling their respective proletariats in the process. Such a relaxing of the bipolar system would increase the prevalence of human rights abuses and, concurrently, increase the need for coercive humanitarian action. In his article “Military/NGO Interaction,” Major General Timothy Cross makes the second assertion, stating that “The demise of the Soviet Union, and with it, ironically, the relative safety of the Cold War, has certainly liberated those who had previously been constrained by superpower politics, and the results have been catastrophic (Cross, 2003).”

If one accepts Cross’ premise, it may give some legitimacy to the increase in coercive interventions, establishing them not in some bourgeois ennui, but in the actual proliferation of human rights abuses. In this case, coercion in the worst of humanitarian catastrophes may be the best response. Accepting this view does not answer, however, if it is legitimately the UN or

the developed world's concern to direct the internal politics of cultures and peoples who are attempting to define themselves (to say nothing of the possibility that such direction is even possible in the long-term). After all, the US and France underwent popular upheaval in the late 18<sup>th</sup> century, as did Russia and China in the early and middle part of the last century. These nations were allowed to define their own progress toward nationhood and their place in the international arena. Why, then, have things changed? Is recent democracy-building in the name of human rights in Somalia, the former Yugoslavia, Iraq and other lesser interventions simply a return to Modernist Imperialism with "human rights" serving as a justification? Several authors have asserted just that. Regardless, the tendency to couch the academic discussions in the perspective of Cold War-style strategic studies further conflates consideration of humanitarian intervention with the hegemonic outlines of the US-Russia proxy actions of the 1950 through 1980 era. This approach further complicates an already complex subject.

Each of these permutations of the discussion covered in the past several paragraphs approaches the subject of humanitarian intervention from the same basic assumption. That assumption is that the central consideration in the field revolves around the moral, strategic, political, legal or ethical validity of committing military force for humanitarian purposes. It is a pointed and specific consideration. True, the humanitarian aspects of intervention have always been evident to a degree in the conversation about certain military actions. Gary J Bass has traced the history of humanitarian intervention through Lord Byron's Greeks in the 1820's through the Ottomans and the Armenians in the early 20<sup>th</sup> Century (Bass, 2008), and several other authors have looked at the long-term history of "non-strategic" military action for humanitarian purposes. However, as the modern approaches to the subject are traced through

Chapter Two, the subject owes much of its foundation to the Cold War security studies conversation, which was necessarily focused on the act of committing troops and winning a (comparatively) simple objective. That is not to say there is an explicit connection between pure security studies and humanitarian intervention literature. Instead, the assertion here is that the military aspects of intervention flow easily from war theory and law just as the use of the West's militaries in the developing world flowed so easily from its Cold War application to a the more explicitly humanitarian action of the 1990s and beyond.

As a consequence of this focus, in the areas of social, political, and physical (e.g., infrastructure) reconstruction, one finds a notable absence in the dialogue surrounding humanitarian intervention. As a result, to this point the discussion has largely revolved either around the superficial legal-normative aspects, the inspection of the associated social travesty (e.g., a UN High Commissioner for Refugees and non-governmental organization approach), or a review of the practical aspects of the intervention (how to dig pit-latrines, properly deploy peacekeepers, and the like). The intervention dialogue is myopically focused on the security studies aspects of the intervention, albeit with the strategic implications of more traditional war theory downplayed or eliminated (this coincides nicely with the arguments of intervention's skeptics, who assert selfish motives for the action). In a sense the concept of "humanitarian" may simply supplant the motivations of the Cold War (or any other strategic realist considerations for that matter). Several authors who are suspicious of Western (especially American) motives have made this assertion.

In keeping with this tendency toward myopia on the subject of humanitarian intervention, a common objection to intervention—and a practical boondoggle for the intervening na-

tions—is the recurring failure to establish an end-game scenario for the intervention. As we have discovered in each of these cases where our long term interests in the victim-population are more than simply “winning the war” (even in Iraq of 2002), humanitarian intervention encompasses so much more than the act of intervening. The myopia of the dialogue on the subject tends to impact its broader application. We cannot simply advocate engaging in enforced social-political engineering (e.g., regime change or stabilization)—even when it is justified—without understanding and establishing what such a commitment necessitates. In a complex emergency, the government is either the causal factor in the disaster, or it is so ineffectual that, when combined with a natural/technological disaster, its weakness prevents a normal response by the traditional international organizations. This realization complicates the easy solidarist ethical impetus toward intervention. If the intervening nation simply invades, enforces a curfew, distributes food, then pulls out precipitously, the situation will return to its previous state of internecine warfare in short order. If the problem is the government, then the prospective intervener should go into the situation knowing full well that the intention is to create a new government (or to solidify the one that was there, depending upon the circumstances). Similarly, if the problem is significant social upheaval with an ineffectual government, a similar commitment must be made. Otherwise, the justification for the intervention is nullified because failure to rectify the security problem contradicts the reason for intervention on its face (that is, we cannot justify intervention based on the complete lack of a government and then not do anything about that lack). Pursuing an interventionist agenda from the same myopic strategic paradigm the literature (as well as most military training and doctrine) is based on represents a failure to appreciate the significantly different project humanitarian intervention proposes.

Any ethical imperative to intervention has much broader ramifications that are often cut short by intervention's strategic foundation (an assertion that will be more specifically defended in the next chapter). Thus, traditional *jus ad bellum* (or just engagement in war) considerations are strained by this admission of the broader nature of humanitarian intervention beyond a mere military action.

This expanded consideration of the topic makes the simple moral imperative behind military intervention much more difficult to assert, and thereby restricts its viability. In doing so—especially in considering the subject from the framework of comprehensive emergency management as suggested in the last chapter—this expansion provides a more realistic picture of the circumstances we are faced with in complex emergency, and hopefully allows an assessment of the possible responses with more clarity. It also introduces the idea that the subject of intervention should be considered in conjunction with other international relations concepts that may have an impact on limiting the potential occurrence of interventions. Such concepts will later be addressed more thoroughly as part of the move away from myopic consideration of the topic.

## **1.2 The Broader Implications of Humanitarian Intervention**

As I have outlined briefly, the need clearly exists to consider humanitarian intervention beyond the mere security related aspects bequeathed to it by the Cold War scholarship model. For example, if part of the ethical mandate to intervene includes supporting recovery in the victim nation (as I will argue in this project), one must ask what the requirements are for addressing the problem at the root of the emergency? In one way of looking at the issue, Martha Finnimore and Kathryn Sikkink provide a constructivist look at norm development that illustrate



the breadth and difficulties of the project of establishing a new social norm in acceptance of a change of government, at least from a theoretical perspective. They posit a staged embrace of a new norm within a social group. These stages begin with the emergence of a new norm. In the case of humanitarian intervention, what has been termed as a “norm entrepreneur” will be embodied both in the non-governmental organizations (NGOs) and in the third party government forces leading the intervention (as well as some progressive elements within the victim nation). As this new social-political norm is spread through the victim-nation, it begins to gain adherence at greater and greater levels, until a preponderance of the populace accepts the new norm (norm cascade). This new ideology then becomes a part of the social group’s self-identity (Finnemore & Sikkink, 1998). I point this out not necessarily to draw Finnemore and Sikkink into the debate, but instead, to provide an example of the greater breadth of the mission required by any ethical imperative to intervene in a complex emergency. Specifically, a humanitarian intervention has broader social-civil requirements that should drive the discussion, with the military-strategic considerations serving as an important—though not uniquely central—role.

Following this line of thinking in a humanitarian intervention where the social-political system is an integral cause of the catastrophe, ultimately the intervening nation is asking the subject-nation to embrace a new political norm (other than the one that resulted in the humanitarian crisis). Looking at the post-intervention project in this way may be a helpful means of drawing a broad outline of the commitment the interventionist power is making. Regardless of one’s ideological perspective, to succeed in the basic humanitarian goal of the intervention, the people in the victim-nation need to recognize a more human-rights based form of cooperation

as an inherent good that will benefit them before they will embrace its imposition by a foreign power. Often, this takes the guise of a new *more democratic norm*, though democracy *per se* should not necessarily be the goal of the intervention. Given the level of political degradation in a nation that would warrant intervention, simply establishing a human rights respecting government is sufficient for the purported purposes of the humanitarian action.

Post-military reconstruction is fraught with its own difficulties, even when it is predicated on a more traditional—strategic—justification. The difficulty of reconstruction has been clear in strategic actions such as Iraq and Afghanistan in the first decade of the 21<sup>st</sup> Century, and the depth of required commitment can be seen in the fact that substantial commitment to Japan and Germany continued for several decades after the cessation of hostilities in World War II. How much more difficult, then, is reconstruction in the case of a complex emergency where military forces are generally more squeamish about collateral damage (and rightly so, based on the humanitarian justification) than in strategic operations. Fully functional, human rights fostering political institutions—and their popular embrace by the citizens of a failed state—are not *a priori* impulses of human nature, especially when that nature is beset by illiberal economic, social/tribal, and infrastructure-related issues (to say nothing of disruptive outside influences). New institutions and ideologies will not be quickly assimilated by those populations when they are handed out by benevolent Western fiat.

As a consequence, the intervening nation must see not only to establishing control and security, but must also simultaneously (and knowingly) work toward establishing a stable social-political infrastructure while fostering a type of internal “norm cascade” in favor of the new (often assumed to be democratic) system. In other words, the intervener must foster a holistic

long-term recovery plan which consistently bears in mind the need to mitigate a recurrence of the disaster. This need is inherent in the imperative to intervene in cases of massive human rights abuse. In making this a centerpiece of intervention scholarship (rather than just the secondary role it holds in the traditional humanitarian intervention dialogue), the conversation is moved beyond the basic strategic formulation of the topic. While some humanitarian intervention works consider the need for post-intervention reconstruction (Keohane and Ignatieff have both written on this subject), it is largely addressed as one of the practical considerations *after* the imperative for intervention has been met.

The above prescription is a tall order and is fraught with difficulties, as is any theoretical perspective on post-intervention reconstruction. The multiple difficulties and sheer complexity of this type of intervention make it a fairly undesirable option and should lead the world community to more aggressively identify and address the issues in failing states before an intervention and all that it entails becomes essential. While international development, democratization, and similar topics are an important topic of international relations as a whole, the implications of such are not often considered as a seamless part of the humanitarian intervention literature. It also must be recognized that, despite the best efforts of the international community at mitigation, and while it may be undesirable (especially given the potential difficulties raised in this section), an intervention may ultimately be necessary. In order to address these factors, a much broader perspective on humanitarian intervention is called for. This perspective must be one that considers the subject beyond its largely military heritage and the legal/ethical ramifications of the intervention act itself. Put simply, we need to expand the consideration of intervention into complex emergencies and mass atrocity to include the idea that

norms of good government need to be inculcated before there is a breakdown in society. Additionally, in the event an intervention becomes necessary, post-intervention recovery and, similarly but distinctly, mitigation of a future occurrence are essential to the ethical and practical considerations of intervention. This prescription invites a much broader involvement of the international community in the developing world, and points out the myopia of the current approach to the subject.

This is not primarily a security studies project. Instead, the subject of humanitarian intervention involves a much broader approach than that bequeathed to the academic community from the Cold War thinkers. The involvement must emphasize the grassroots level and deemphasize the overt realist politics that sees the arms trade subsuming a good portion of the international aid program. However, to do this, the developed world needs to recognize that norm encouragement means engaging failed and failing states on a much more visceral level. This is more than simply weighing the legalities, moral justification, and strategic implications of committing troops to an ongoing complex emergency. In many cases, the concept of a “light footprint” may be contrary to the ethical imperative for humanitarian intervention. Unless prepared to make such a holistic commitment, it may be much better to stick to the sovereignty mantra and allow these nations to work out their preferred social contract for themselves.

In keeping with this perceived myopic perspective, much of the conversation on humanitarian intervention has centered on questions of “whether or not.” That is, should (or shouldn’t) the West intervene with military force in an ostensive humanitarian emergency based on international law, true human solidarity, mere social expectation or even strategic realist power balances? Regardless of one’s ideological perspective on this issue, it is clear that

the general focus of the discussion has concentrated on the more superficial concept of the societal preconditions, the presence of a humanitarian emergency, the local government's political impotence or unwillingness to rectify the problem, and the legal/ethical implications of the situation. This is evident by the discussion of law and norms in the international community and the legality and/or the social acceptability of intervention. These discussions are important to the debate, but as such, they are something of a "gateway" concern for the broader issue of humanitarian intervention. The process/substance of the intervention itself—beyond traditional concepts of *jus in bello*—must also play a role in any discussion of ethical international relations theory, as well as the tactical issues of a decidedly non-Cold War formulated police action. Even more important (and even less often addressed in the humanitarian intervention debate) are the issues of reconstruction and mitigation, which are often treated as ancillary to the military response to the humanitarian emergency.

Consideration of post-intervention political reconstruction is as essential to any evaluation of the utility and ethics of intervention as are the provision of material humanitarian aid and even the ostensive goal of protecting the aid regimes. This consideration should include the hegemonic overtones inherent in the concept of Western nations (or even the UN) establishing a new, stable, and moderately human rights-oriented government in the failing state. No matter how benevolent the intentions behind the action, such nation-building will easily be cast as unwarranted external intrusion on internal affairs of a nation state, especially after the immediate threat (e.g., genocide) has been quelled and the paternalistic mission drags on in the following years and decades. Whether the intervening force is the US alone, a coalition, or a UN sanctioned mission, the fundamental ideal of popular embrace of the new governmental

system (in the Lockean sense of social contract) is stymied when it does not come from the people themselves, but is instead given (at gun-point) by some affluent international neighbor. By hegemonic, then, I mean the opposite of self-determinative.

As a result of this assertion, practical consideration of humanitarian intervention must also consider the long-term likelihood of success of such an external imposition of a system of government. This project seeks to establish that these issues are not secondary, but in fact essential to the intervention, and therefore essential to any consideration of intervention. As a result of this broader perspective, it may be asserted that a military humanitarian intervention only partially considered in the abstract—in the scholarly writings which undergird the intervention—will also be incomplete in application. By not fully considering the whole of the complex emergency, I would argue that intervention would be more likely to (and often does) either create more problems than it helps, or simply prolong the dissolute state of the subject nation. Both of these outcomes run contrary to the basic ethical argument supporting intervention and therefore make its utility in attaining the desired humanitarian end much less likely.

### **1.3 Comprehensive Humanitarian Intervention**

The preceding pages have briefly outlined the importance of the humanitarian intervention debate and touched on some of the possible concerns that it raises. This review has highlighted some of the difficulties of the limited perspective of humanitarian intervention as it flows from the scholarship of Cold War security studies. This project seeks to expand the scope of the scholarship on international military intervention in a complex emergency by asserting that, to date, the approach has been myopic in focus. Largely, the debate has centered on a

security studies paradigm with humanitarian exigency replacing Cold War strategic considerations. This is insufficient. Human rights-based military action is an entirely different—much more holistic—enterprise. As a consequence, upon outlining the difficulties in the current scholarship, I will then propose an alternative framework for consideration founded in domestic emergency management theory.

While there are significant differences between the response to domestic catastrophic humanitarian events and response to complex international emergencies, there are also too many similarities between the two operations to discount the “lessons learned” on the domestic front. This is especially true at the level of strategic analysis, where the literature is concentrating on broad categories of response to a breakdown of infrastructure, social cohesion, ineffective local governments, security operations, and the continuing effects of natural disaster. American domestic political, financial, and emergency management capacities are not nearly as security driven as the humanitarian intervention. While there is a police parallel in a domestic event to the military in an international crisis, in the domestic situation, the Posse Comitatus Act relegates military to a secondary (though often critical) support role. It could be said, though, that the role of “intervention” is most often limited to police from outside the region of the disaster (especially federal and state law enforcement agencies). However, there is a breadth of scope in domestic theory that is lacking in the international scholarship. This breadth comes from regular application of the before, during, and after aspects of response to domestic catastrophic emergencies, which occur with a much higher frequency than international responses. Because of the broader availability of case studies, the resulting scholarship produces a much more sophisticated understanding of emergency management than is availa-

ble from the limited experience of international humanitarian intervention. Due to this increased dataset, the scholarship on domestic emergency management has been able to expand beyond consideration of mere response to, and management of, an active humanitarian event to engage the broader problem.

In the United States, emergency management theory underwent its own evolution out of a Cold Warrior mindset, shedding its myopic focus on nuclear preparedness, bomb shelters, and invasion, and incorporating broader concerns such as long-term community planning, storm water engineering, and even terrorism. When the Civil Defense programs evolved into their modern incarnations of the Federal Emergency Management Agency (FEMA) and its state subsidiaries in the late 1970's, domestic "humanitarian intervention" began to incorporate concepts far beyond its genesis in bipolar strategic considerations. Emergency management no longer served as a Pollyanna home-front support brigade for the international struggle against the Communists, but instead, was recognized for the much broader benefit civil defense can truly provide. This expansion did not eliminate its understanding of the central mission (it still incorporates aspects of "homeland security"), but broadened the notion of emergency management beyond the civil defense paradigm. The scholarship developed and often drove these changes. As a fitting example of this transition, the document "Comprehensive Emergency Management: A Governor's Guide" was published in 1979 (Hilary Whittaker, 1979), around the time that the Defense Civil Preparedness Agency and several other far flung response-and-recovery programs were blended into what is now known as FEMA.

Through this project, I do not want to delve deeply into the efficacy of FEMA as an organization, or dwell on the operational successes and failures of domestic emergency manage-



ment. Instead, I am interested in how the broad lessons of humanitarian response on the domestic front may inform the framework of the humanitarian intervention discussion. When domestic state humanitarian action made its transition to “comprehensive emergency management,” aspects of long-term recovery from the incident were specifically incorporated as a distinct after-incident phase (as I am advocating for in the case of international humanitarian intervention). However, in addition to post-incident recovery activities, planning for recovery, mitigation, and even demobilization were also considered concurrent to the actual response and figure conspicuously into the overall humanitarian response strategy.

Similarly, in addition to the pre-planning for recovery/rebuilding from such incidents, “comprehensive emergency management” has incorporated considerations such as planning and zoning (regarding long-term recovery), infrastructure hardening, and hazard specific building code developments into this “comprehensive” approach, making mitigation of a repeat of the same type of incident an essential feature of the dialogue and professional practice of domestic humanitarian response. In the domestic realm, this approach has had an impact on how we approach disaster, especially in the frame of regionalized approaches to recovery, like not rebuilding certain types of homes in flood plains in anticipation of future flooding. It has also had a significant impact in the area of disaster mitigation, where vulnerabilities are identified prior to an event and addressed to the extent possible. The advantages of a more sophisticated approach to disaster response, recovery and mitigation are evident in the much smaller likelihood for loss of life in the United States than in similar situations in countries with a less sophisticated approach. Such an approach to humanitarian intervention could have an important impact. It can provide a greater understanding of—and connection to—how mitigation can im-

pact intervention can reduce the likelihood of having to engage in a militarized intervention (for which long-term success is often an elusive goal). Should the worst occur and a humanitarian intervention be considered, it would also provide a broader understanding of the specialized response and recovery requirements of a human crisis (beyond dominance by a hastily re-tasked military which is traditionally focused on domination through force to the detriment of the softer aspects so central to an intervention).

While domestic emergency management is different in substance from its international counterpart [which I will address further in Chapters Five and Six], in many ways the form of this shift to comprehensive emergency management mirrors the broadening of scope I am advocating in the humanitarian intervention literature. In a sense, the scholarly community and the practitioners need to begin to think of military intervention into complex emergencies as “comprehensive humanitarian intervention” to be able to fully appreciate the implications and requirements of such an enterprise.

#### **1.4 A Brief Outline of the Project**

In the previous pages, I have attempted to set the stage of humanitarian intervention, tracing its normative development over the past few decades and outlining a few of the tensions that the research and practice in the area have yielded. In addition to introducing (very basically) some of the more prominent empirical examples that will be referred to throughout the rest of the project, the myopia of the current scholarship in the area was also reviewed. The literature is heavily indebted to its security studies background, but the subject of humanitarian intervention is not entirely cut from the same ideological cloth as traditional strategic

concerns. As a consequence, the scope of the scholarship needs to be broadened to readily embrace a more comprehensive approach to this multifaceted issue.

This project seeks to explore the concept of shifting the approach to humanitarian intervention by first establishing the need for such a reconsideration of the current approach. As a consequence, the second chapter will primarily serve as a broad literature review, establishing not only the general outlines of the current scholarship, but also pointing out deficiencies in how the normative issue has been addressed to this point. The case for broadening the conversation will be based on the fact that the literature—to date—focuses mainly on the act of intervening (e.g., committing troops). It is less concerned with its effectiveness, moral or legal legitimacy, and the ethical imperative that drives or inhibits it. Thus, in addition to reviewing the “ins and outs” of the topic of humanitarian intervention, it will also draw important threads from the dialogue which will later be spun into the broader argument.

Following the literature review, the third chapter will establish the actual scope of humanitarian intervention. Stemming from this, it will seek to establish that reconstruction of not only the infrastructure, economy, and functional systems of the society in question are essential to intervention, but also that the rebuilding (or guided evolution) of its political and social ideology are an essential element of humanitarian intervention. This increased emphasis on reconstruction represents a shift from the traditional approach and should force reconsideration of the argument while still allowing some small ethical space for the pro-intervention position. Additionally, this chapter will argue that the subject of mitigating the conditions that gave rise to the incident in the first place should be an active part of the humanitarian intervention debate.

The fourth chapter will involve a more thorough presentation of the concept of comprehensive emergency management, including a review of its operationalization, its historical development from a military/security-related foundation, and the various theoretical positions supporting it. While the issue of humanitarian intervention will be established as distinct in substance from domestic humanitarian action in catastrophic emergencies, the parallels with the international intervention scholarship will be traced.

In the fifth chapter, the example of comprehensive emergency management in the domestic setting will be applied to the international context. A broadening of the humanitarian intervention debate will be asserted, following the four phase understanding of emergency management wherein the actual response to the crisis (the main focus of the literature heretofore) is but one piece of a holistic approach. This will provide the basis for a broader academic discussion on the subject as well as a better template to guide the development of the more practical elements of intervention.

The project will conclude with a summation of the arguments and sketch a rudimentary outline of what this new approach to understanding and assessing humanitarian intervention will look like. This project is intended to broaden the dialogue about humanitarian intervention. While I do not wholly discount the impact and importance of the humanitarian intervention scholarship to this point, it has been myopic in its focus on the security studies aspects. While this aspect should indeed be a driving force behind the exploration of the subject, there are many other aspects that would impact not only the tactical-level considerations (e.g., the “how to” aspects), but also the more normative considerations of ethical imperative, human solidarity, and sovereignty.

## 2 LITERATURE REVIEW: A GAP IN THE APPROACH TO HUMANITARIAN INTERVENTION

### 2.1 Introduction to the Literature

In the preceding chapter, I began to lay out the idea that third-party international humanitarian intervention into what has come to be known as a “complex emergency” (which I will define more thoroughly later) has stretched the traditional bounds of international aid beyond the mere provision of food, medical and infrastructure related aid. In several circumstances, this putative moral imperative has now come to include the deployment of military assets for ostensibly altruistic purposes. Usually, the humanitarian justification for military action is only asserted in the worst cases of social and environmental crisis. Indeed, the very definition of “complex emergency” includes the assumption that government infrastructure and processes are at least complicit in—if not the direct cause of—the crisis.

To this point, the focus of scholarship has been centered on the question of whether or not the use of force in pursuit of a humanitarian action is justified. In the previous chapter, the scholarship’s Cold War inclinations were given as a prominent source of this myopic perspective. It is described as myopic, because, to this point, the debate has been largely superficial. It is concerned with the legal, ethical, and normative aspects of the specific act of intervening. The debate has paid less attention—to its detriment—to the pre and post-intervention requirements implicit in any ethical imperative to intervene.

The purpose of this chapter is to support earlier assertions that the literature to this point has been largely myopic. Although the humanitarian intervention literature wanders among various security studies traditions, for simplicity of argument, this review is broadly divided into brief consideration of the basic strategic (realist) perspective, and then moves into

the more legal-positivist literature, followed by a consideration of the more normative aspects. Realism is included mainly as a presentation of the negative counter-argument in the sphere of humanitarian intervention scholarship, for it is realist motives with a humanitarian veneer that serves as a significant objection to intervention. By its very nature, this position is securely rooted in the myopia of strategic motive and does not recognize the broader, non-martial aspects of the humanitarian enterprise that must be considered. Because of the inherently legal aspects of “use of force,” the realist perspective has a tendency to inform a portion of the legal argument, which tries to consider international norms, treaties, the UN, and other sources of international law on inter-state use of force, with concerns over individuals within those states falling as a secondary consideration. Finally—and perhaps most academically tantalizing—the theoretical/normative implications of humanitarian intervention are also addressed. In this vein, a similar myopic focus can be found because of its foundation in just war theory, and the tension between the axiomatic principles of self-determination and human rights. This also has a tendency to allow the military aspects of the intervention to set the terms of the debate, and considers if human rights can trump the long held norms of national sovereignty and rights to self-determination within the Westphalian confines.

This review will assert that most of these approaches bear the tinge of the Cold War tradition and the subsequent rush to redefine military commitment with the onset of the “new world order.” It will end with a sketch of the holes in this debate as it currently stands, focusing on the need to expand the discussion beyond the “whether or not” military aspects of intervention if any meaningful discussion is to take place. Consideration of the methodology of the humanitarian project, especially the recovery and mitigation aspects of the intervention need to

be included in the discussion as well. The a full understanding of these “how” aspects—not merely *jus in bello*, but also the categorical approach to the topic—of humanitarian intervention will be key to the argument. With this goal in mind, over the next several pages, the myopic tendency in the literature will be described.

## **2.2 The Strategic Overtones of Humanitarian Intervention**

Since this project is seeking to expand the humanitarian intervention dialogue beyond a simple security studies perspective, too much focus on strict neorealist theory will unnecessarily limit the discussion (the justification for intervention is the rights of the individuals within states) to what has been loosely identified as the “Cold War” perspective. In this vein, then, neorealist authors are not looking at humanitarian interventions, *per se*, but instead at instances of military action (whether the strategic implications are perceived, threatened, or literal), regardless of the popular justification. As such, contemplation of humanitarian intervention from this perspective is contrary to the assertion that it is more than a security studies debate. Given the premise of this project, the neorealist line of thinking will only serve to return the conversation to a purely security studies debate (I will address this concern to a greater extent in the next chapter).

This is not to say that authors of the realist persuasion do not have a perspective on the subject of humanitarian intervention. However, their consideration tends to support the assertion that humanitarian intervention is merely a slippery slope to a traditional security studies debate. Since the major premise of this argument is that intervention is decidedly not a traditional security studies issue, this discussion is predicated on a certain amount of skepticism toward absolute realism. As an example of traditional neorealists weighing in on the subject of

humanitarian intervention, one of the mainstays of modern realism, Hans Morgenthau, begins his aptly named article "To Intervene or Not to Intervene" with the assertion "some states have found it advantageous to intervene in the affairs of other states on behalf of their own interests and against the latter's will (Morgenthau, 1967)." He then goes on to outline ostensibly humanitarian interventions in the light of Cold War proxy actions. In doing so, he asserts that the tension between the international legal framework and the ideological arguments for intervention exists so that the US and USSR can justify their interference in the affairs of decolonizing nations. Consequently, he points out that both of the great Cold War powers can use the same set of justifications for military commitment in the broader security arrangement of the bipolar era. This argument is a clear example of the Cold War perspective dominating humanitarian intervention. Similarly, the strategic foundation in ostensibly humanitarian actions was quite prominent during the Cold War, especially in places such as Somalia (Clark, 1992/1993), where the humanitarian enterprise was tied closely with strategic goals. The difficulties of such strategic entanglement concerns for humanitarian crises can also be seen in post-Soviet situations such as the Rwandan genocide, where the concern was not only a direct interest in one of the involved parties (Barnett, 2002, p. 148), but also the "banality of bureaucratic indifference" to stymie any meaningful moral action (Barnett, 2002, p. 165).

In considering the validity of the UN as the instrument of international humanitarian intervention, in *Foreign Affairs*, Max Boot asserts that the only somewhat successful examples of such action are situations where unilateral action was taken in accordance with great-power politics and balance of power calculations (Boot, 2000). Boot argues that successful examples of intervention such as the NATO action in the Former Yugoslavia would not have occurred with



the multinational forces of dubious martial alacrity that the UN often fields and their tendency to think that diplomacy can reconcile even the most intractable of conflicts. Boot calls the results of such actions “pathetic” and comments that “Just as the US Marine Corps breeds warriors, the UN’s culture breeds conciliators (Boot, 2000).” This argument involves a kind of admission of a broader context for intervention. Indeed, he states that interventions such as those in Somalia and Haiti in the early 1990’s “addressed the symptom but not the cause” and resulted in a quick return to a Hobbesian state after a precipitous withdrawal of western interests. To an extent, while admitting the broader implications of humanitarian intervention, this argument still has its roots in the neorealist position on the humanitarian intervention, describing the UN as useful as a “humanitarian relief organization , and an occasionally useful adjunct to great-power diplomacy.” To that end, he approvingly quotes William Kristol and Robert Kagan who call on the US to serve in a role of “benevolent global hegemony” edging out the hapless UN (Boot, 2000).

Other authors have opined in the strategic vein (though not necessarily a neorealist argument) that the cause of the proliferation of failed states (and hence the need for intervention) is the result of the end of the Cold War. In this perspective, we have seen an increase in small, internecine incidents since the fall of the Berlin Wall, thus thrusting the consideration of purely humanitarian military action to the forefront of the debate. In his article “Military/NGO Interaction,” Major General Timothy Cross makes this assertion: “The demise of the Soviet Union, and with it, ironically, the relative safety of the Cold War, has certainly liberated those who had previously been constrained by superpower politics, and the results have been catastrophic (Cross, 2003).” While this causal approach doesn’t have the same “homogenizing” impact on

the broader humanitarian intervention argument that Morgenthau and Walt might, it does focus the argument on the myopic Cold War source identified as the main limiting tendency in accurate consideration of the topic.

In perusing the relationship of international law to the post 9/11 concept of humanitarian intervention, Tom Farer argues “Centers of order cannot isolate themselves from the centers of disorder.” This assertion, though, is balanced by the more socially conscious idea that the imposition of order in these fractured societies should not be seen as a Colonial-style order from the era of Western hegemony (my phraseology). Instead, the modern nation-building associated with intervention should take the guise of “Empowering indigenous figures to replace kleptocracy with political systems that with reasonable impartiality enforce rational laws and produce essential public goods (Farer, 2003, p. 88).” Failed states are notorious breeding grounds of terrorism and other causes of international disorder. In the post 9/11 world, this connection of dissolute socio-political systems with terrorism has transformed the 1990s sputtering attempts at altruistic humanitarian intervention into intervention with a realist benefit (e.g., 2003 Iraq). Farer draws a connection from this admission of state interest in humanitarian intervention to the potential for a legal norm in favor of humanitarian intervention wherein Bin Laden has “[Stiffened] humanitarianism with the iron of national security (Farer, 2003, p. 89).

### **2.3 Neoliberal and Legal Approaches to Humanitarian Intervention**

Much of the humanitarian intervention literature focuses on competing liberal axioms of state sovereignty, a people’s right to self-determination, and the enshrinement of the concept of human rights. These axioms come into direct conflict in a complex emergency, and

most often the academics (and practitioners) base a large portion of their discourse on the explicit or implicit legal ramifications of these competing basic principles. The next few pages will look at some of the more liberal and legal approaches to humanitarian intervention.

In keeping with the legal perspective on the ethical question surrounding humanitarian intervention, while I agree with Holzgrefe that “any attempt to separate legal questions from moral ones is doomed to failure (Holzgrefe, 2003),” this assertion still allows the debate to hinge on act of intervention as if it were a purely military consideration, and assumes that the debate will continue to do so. The military focus is now simply admitting the ethical aspects that a more neorealist perspective would not. It does not expand significantly beyond the myopic perspective other than to allow ethics to inform the argument. Thus, we find the legal arguments having a similar focus as the neorealists. For the purposes of this paper, the existence of Security Council authorization under Chapter VII of the UN Charter—while relevant to the overall question—only serves to focus the conversation back into the myopic realm of war law and just war theory. Like Holzgrefe in this article, there are authors who assert that the subject must be bigger than a mere debate of legalities regarding the commission of troops (e.g., that it is a bigger subject than a mere Cold War strategic debate). However, as in this case, the question still centers on the security studies debate, but allows into the conversation the ethical and socio-economic factors that the more parsimonious traditions want to exclude.

This perspective is anticipated in a broader context by Walzer, who seeks a reconciliation of the legal issues of sovereignty and just war with an ethical imperative to intervene in the worst of crises. But, as he is writing in the Cold War era, it seems to set an academic groundwork for the current iterations of the subject:

The principle that states should never intervene in domestic affairs of other states follows readily from the legalist paradigm, and less readily and more ambiguously, from those conceptions of life and liberty that underlie the paradigm and make it plausible (Walzer, 1977, p. 86).

In deference to these competing principles, Walzer draws upon the classic Liberal John Stuart Mill in positing three circumstances in which the inviolable law of self-determination can be rightly violated militarily by a third party. In this schema, forcible intervention is acceptable 1) when one territory contains two or more distinct political communities where one is actively engaged in trying to separate itself, 2) a counter-intervention (thus taking the Liberal's side in the Cold War example identified earlier by Morgenthau), and 3) where "the violation of human rights...is so terrible that it makes talk of community or self-determination...seem irrelevant (Walzer, 1977, p. 90)." Again, like Holzgrefe, this allows for the imposition of a liberal sense of moral responsibility on the debate, but does not expand sufficiently beyond the warfare aspect of the issue to fully address it.

The legal approach to humanitarian intervention includes some attempts to carve out a pragmatic and positivist interrelationship between intervention and sovereignty. This results in an argument that says sovereignty will triumph in most cases, but that there may be some very specific exceptions. This concept can be traced back to Mill, Kant and other mainstays of Classical Liberal theory and has informed many more modern treatments of the subject. When asserted, these exceptions were intended to maintain the ideal of political self-determination within the Westphalian system while admitting the triumph of human rights on an international

level. However, like in Walzer, this approach fails to sufficiently expound on the subject much beyond a treatment of Just War theory.

Locke and similar Enlightenment thinkers seem to view human rights and self-determination from an *intranational* perspective. The smaller the world has become though—the more democratized the preponderance of nations have become and the more the international community has taken on a Kantian-Liberal hue—the more the ideology of human rights must be addressed from the *international* perspective. Fernando Teson deliberately imports Kantian notions of international community into the debate, arguing that a deontological respect for the individual should be the driving ethic in the international community: “The Kantian conception of the state is the liberal solution to the dilemmas of anarchy and tyranny (Teson, 2003).” Teson’s perspective overrides the absolute notion of self-determination and embraces a more cosmopolitan approach to international relations. However, the literature is unidirectional in its consideration of indigenous populations in this matter. In this perspective, humanitarian intervention is a matter of international relations theory, which is driven by “the state as a unitary actor” ideology. In this case, First and Second Image considerations are secondary at best, or at worst, leave the failed state in the position of a benevolently considered “Other.” The broader issues of the acceptance of the new tangible infrastructure and the requirements of an externally (e.g., internationally) stabilized political system must also be considered from the perspective of the intervened if humanitarian intervention is to have the fuller consideration advocated.

Some modern liberal theorists (such as Keohane, and Lloyd N Cutler) have posited that international regimes form the means of regulating action between states, or at least hold out

the hope that the dictates of Liberal reasoning will inform the interrelationship of states. The question of humanitarian intervention is thus a matter of proper application of the foundational principles. This creates a framework for positivist consideration of the issues similar to—and in conjunction with—the legal arguments above. This approach focuses on balancing the competing moral concepts of self-determination/sovereignty with human rights. Again, this is largely done from a Just War perspective. In this methodology, a regime of international cooperative bodies outlines regulations or establishes/codifies emerging international norms (which are somewhat different areas of scholarship, but provide the same positivist approach to the issue at hand). In such a frame of reference, scholars from the Neoliberal tradition focus on logically establishing derivative legal or ethical precedent for/against intervention based on concepts such as concrete customary international law, treaties/regimes, and even more esoteric theoretical concepts such as rights to self-determination or Enlightenment conceptions of human rights. More often than not, such considerations focus on *jus ad bellum* concepts distinct from *jus in bello* (or justice in the context of war), where the latter rarely has any impact on the narrative, let alone any broader consideration of the implications of the whole humanitarian intervention project. In one case, Cutler crafts a legal “clarification” in the competing precedents that closely mirror Walzer’s justifications, including supporting an ongoing insurgency by pro-democratic forces, and a right to counter-intervention.

The subject of reconstruction is not entirely ignored in the literature. Keohane addresses the requirements of post-intervention reconstruction on international humanitarian-military operations, and also asserts that this is a neglected consideration in the scholarship (Keohane, 2003, p. 275). However, in admitting this need, he proceeds to apply the same logical positivist

application of democratic principles to reconstruction efforts. In other words, as long as we can create a kind of “democratic space” (here I am thinking of a kind of reconstruction formulation of the concept of a “humanitarian space” devoid of illiberal internecine strife), then the institutions can be established that will form a stable society. Keohane admits that “decisions ‘before intervention’ should depend to some extent, on prospects for institution building ‘after intervention (p. 276),” thus seeing the same problem with conventional considerations of the moral-legal debate on humanitarian intervention that this project is proposing. However, this consideration is over-bounded by a neoliberal disposition, admitting (with Hobbes) that, “in the absence of an external authority, people in troubled societies may lack the capacity to act collectively, even if they start out to do so (p. 281).” Keohane thus goes on to demonstrate a faith in the ability of Western institutions to rectify the cultural issues that plague such broken societies. This assertion is not as bluntly normative as a Classical (Lockean) Liberal’s concept of humanity’s innate predisposition to social contract and the preeminence of Natural Law. It does assume that international institutions will allow nations to cooperatively regulate their collective self-interest. It is in this point that his consideration turns awry. While the formation of stable institutions is part of a reconstructive effort, there is the much more basic issue of cultural ideology. This faith in institutions and infrastructure belies a tacit belief that every society—no matter the cultural predispositions, the extent of cultural collapse, or the different internal and external factors precipitating the complex emergency (or heralding the next one when the interveners pull out)—will trend toward internal stability, given stable and efficient democratic institutions.

While much of the international law argument is derivative from axiomatic principles of liberal theory (that is, sovereignty, human rights, etc.), many contemporary authors have taken an even more pragmatic look at this tension through the lens of the law. In War Law, an exploration of the impact of international law on armed conflict, Michael Byers presents a detailed account of the evolution of legal justifications for *jus ad bellum* (or, the right to engage in war) in the consideration of unilateral humanitarian intervention. Byers argues against the notion that there is a developing international legal precedent supporting the right/requirement to intervention. He does this by qualitatively refuting the claims made by pro-intervention authors (e.g., Bellamy bluntly makes a mirror opposite assertion about state intervention for humanitarian purposes, arguing that there is a traceable legal precedent (Bellamy, 2003, p. 322)). In formulating this argument, Byers asserts that examples of state action to support an emerging pro-intervention legal norm are merely strategic decisions justified by weak legal obfuscation. This whole line of reasoning is telling in that it actually tends to support the assertion made earlier by Morgenthau, except in this case there is a tacit appreciation for the emergent international law rather than an uncanny manipulation purely for security interests. Regardless of the result, it still approaches the issue from the myopic Just War perspective (or at least a legal positivist derivative of the more normative concept).

Some pro-humanitarian intervention groups justify the military action by citing past legal precedent and state action as evidence of a shift in legal reasoning. Byers, however, stakes a significant amount of his counter-intervention argument on the refutation of the validity of this precedent; that is, that the enumerated nations did not intervene on the basis of “humanitarian intervention,” but on other distinct grounds, and asserts that current legal requirements



place the act of third-party peacemaking/enforcing squarely in the hands of the Security Council alone (Byers & Chesterman, 2003, p. 181). Such renderings of the humanitarian intervention argument take great pains to sort out the interrelationship of sovereignty and third-party human rights as it relates to the laws of warfare, which serves as the fulcrum of the entire discussion for authors like Byers. Weiss takes a similar approach and asserts that some “space” can be made in the legal culture of international relations to allow for a type of forcible humanitarian action. He addresses the same concerns raised by Byers but where Byers seems to admit the realist tendencies of nations and asserts that these tendencies should be stayed by controlling norms and legal prohibitions, Weiss allows that there is an emerging “responsibility to protect” outlined in the International Commission on Intervention and State Sovereignty (which will be addressed more extensively in Chapter 3) and from other sources as well.

Agreeing with Byers’ initial legal judgment, but allowing that the controlling international regimes may have some inherent flaws, Posner asserts that the 1999 Kosovo intervention was illegal by the strict standard of international law (Posner, 2006, p. 488). However, in keeping with the concept that international law is limited in its applicability—and that while following its dictates is important, it is ultimately subordinate to the greater ideals of human rights—he believes that it is a tool that is subordinate to national interest based on the logic of game theory. As a consequence, if violating that law thereby changes the norm that informs it and results in Pareto optimal increase of “global welfare,” the violation may be justifiable within certain parameters (Posner, 2006, p. 488). This is a clearly utilitarian concept of international law, and fits uncomfortably into the theoretical confines of the Kantian international relations ideology that informs concepts such as a “society of states” and the “liberal peace.”

Similarly, other authors have foundations in the same liberal theories and attempt to apply the same laws, coming to different conclusions. Byers' careful study notwithstanding, Allen Buchanan makes the argument that—while currently illegal—there is an emerging norm of violation of the law of sovereignty in favor of humanitarian intervention. Rather than take the position that a justification can be milked out of current international law, he argues that the violation itself is a potentially necessary means of “significant improvement in the international legal system (Buchanan, 2003, p. 133).” Such a change, he argues, may not be possible through purely legal means, and that moral reform in the international arena may require the violation of law within very strict guidelines. In a similar vein Franck argues that the Charter prescriptions (specifically Article 2(4)'s prohibition against non-sanctioned interference in other state's affairs) will stand despite some violation in the most extreme cases of necessity, for the jury of the international legal “system” (such as it is) is the political society of states. In other words, humanitarian intervention in some, but not all, cases can be justified by “invoking the law's margin of flexibility (Franck, 2003, p. 230).” However, arguments such as Posner's, Franck's, Buchanan's and Weiss' do little to expand the concept of humanitarian intervention beyond giving a justification to go against established legal-positivist restrictions to military action in cases of humanitarian exigency.

Bellamy looks at the emergent norm of humanitarian intervention in much the same manner as Posner, considering whether international law is evolving to encompass violation of sovereignty in the name of human rights. However, in addressing the Darfur crisis, he considers whether the legal norm entrepreneurs (crediting Finnemore and Sikkink here) in this situation—specifically, the US and Britain—have damaged this development because of the 2003

Iraq War. He also looks at the language of “responsibility to protect” and questions whether it may tend to discourage third-party intervention precisely because of the language that places the human rights onus on the sovereign nation itself (Bellamy, 2005).

Contrary to this broadly legal perspective, Fixdal and Smith consider that intervention “sits at the intersection of realist and idealist traditions of international relations (Fixdal & Smith, 1998)” and that the argument—which has largely been dominated by international law scholarship—is devoid of any in-depth ethical concepts, specifically Just War tradition. They consider the importance of both *jus ad bellum* and *jus in bello* and lay out a series of requirements to support each piece of a just war theory in humanitarian instance. In addition to questioning the validity of solidarist claims of the declining importance of the nation-state and a new cosmopolitan approach to international relations, they argue that this application will make nations much more careful to deploy force for humanitarian purposes, but will also free the debate from the mostly legally driven idea that the only just cause for war is self-defense (Fixdal & Smith, 1998).

Focusing more on the emerging concept of a “responsibility to protect,” Gareth Evans and Mohamed Sahnoun recognize that there is a shift in the approach to humanitarian intervention. When it came to the fore in the 1990s, humanitarian intervention was without a coherent set of regulating principles. Then, after 9/11, it got mixed up with preemptive war for security purposes. In keeping with this ideology, they assert that responsibility to protect lies primarily with the state and will only fall to the international community if the state fails to act (this concept is similarly found in the ICC Rome Statute). Balancing this ideological assertion, though, is the need to address the practical commitments of intervention. They present some

precautionary principles to guide interventions lest they continue to be “too little too late, mis-conceived, poorly resourced, poorly executed, or all of the above (Evans & Sahnoun, 2002).”

The practical precautions include having the right intention, that military action is a last resort, which the means are proportional, there is a reasonable prospect for success, and the action is taken under the right authority (including the assertion that an international coalition may supplant the Security Council if they refuse to act and the other requirements are met). Ultimately, for them, this sets the bar for justified intervention somewhere above mere complex emergency, restricting it to situations where there is a large scale loss of life or ethnic cleansing (Evans & Sahnoun, 2002). While they address the complexity of intervention, this article largely follows the same *jus ad bellum* and *jus in bello* argument, and the “prospect for success” stipulation is focused on stopping the “large scale loss of life” and not addressing the foundational issues in the crisis. They do argue for aid commitment, but this is more of an argument for prevention and general global economic justice, not a function of the intervention itself (while such a discussion may have merit, it is outside the scope of this work). This emerging conceptualization of responsibility to protect is a step in the direction of achieving a fuller understanding of humanitarian intervention in that it sets the stage for the comprehensive emergency management approach outlined in Chapter One. This will be further outlined in Chapter Three.

#### **2.4 A More Normative Consideration of Humanitarian Intervention**

Many of the limited perspectives mentioned above have been attempts to work though the competing legal axioms of sovereignty on one hand, and human rights and ethical responsibility of the developed world in the context of globalization on the other. However, as with the legal approach to the subject (which often has its own moral component), the more normative

approaches tend to take both sides of the debate from the same limited set of general facts. The field is dominated by questions of international military interference in nations, showing a certain respect for notions of self-determination, sovereignty, and a fear of appearing (or actually being) imperialistic. The considerations of humanitarian intervention are thus often hobbled by the limited perspective offered by this narrow scope. Even when a more normative approach to the subject is taken, a very limited focus on the sovereignty versus just war debate is still taken. This focus in the literature also runs somewhat contrary to the implications of humanitarian intervention that are beyond the mere act of intervention. In the following pages, I will trace some of the more normative perspectives on the subject. In this case I mean “normative” to encompass the literature that is not strictly positivist-legal or purely strategic in its approach. It should be noted that I do not mean this to be an exclusive category, as all the literature tends to cross legal-normative-strategic lines, but more of a loose organization of the more theoretical literature in the discourse.

In considering the pluralist-solidarist approach of Wheeler and Dunne, Bellamy argues for the primacy of the moral case over the legal, and asks “Can a concept of humanitarianism stand apart from interventionism? How does the idea of a supreme humanitarian emergency relate to death by structural violence? Which is more supreme? Which is more humanitarian (Bellamy, 2003, p. 340)?” In the case of the English School’s approach, Bellamy identifies that the supreme humanitarian emergency as “the exceptional cases that permits the temporary suspension of sovereignty.” However, in creating a hierarchy where suspension of sovereignty is temporary and limited to cases of solidarist exigency, this formulation limits the consideration of humanitarian intervention to the superficial question of the lawyers and does not

acknowledge the long-term commitment implicit in the moral language used to describe the issue.

Writing in the period between the Cold War and the War on Terror, some authors approach the subject from a similar form (though opposite) view on the subject. Rather than seeing an emerging norm in favor of intervention, an apparent lack of will to sufficiently engage the tragedy of complex emergency is drawn from the limited available empirical examples. Samantha Power asserts that national self-interest masked by the rhetoric of ‘fog of war’ and incomplete knowledge allows developed nations to shirk their moral responsibility when it would be uncomfortable for them to get involved (Power, 2002). Similarly, in regard to the precipitous withdrawal of the United States from Somalia in 1993, Jeffrey Clark asserts that “no longer a strategic flashpoint with the end of the Cold War, Somalia simply could not garner the political attention required for the scale of sustained and complex humanitarian assistance it needed to avert catastrophe (Clark, 1992/1993, p. 112).” Rieff and other authors have remarked, in a realist vein, that the purveyors of “human rights” will at no time soon engage China on its own dreadful record of abuses (Reiff, 1995/1996). While such analysis bemoans the strategic focus of nations in regard to humanitarian intervention, it does not provide a comprehensive approach to anything beyond the terms set by the Cold War.

Although the above arguments are not necessarily strategic, they focus on the national interest of the intervening nations wherein the erstwhile saviors of the suffering population are willing to tolerate only so much personal loss with nothing but human solidarity as a motivating factor. The question of the need for (and potential effectiveness of) a reconstructive effort—whether the nation is of strategic interest or not—is an essential intervening variable that is not

considered in these formulations of the debate. Simply considering that nations are failing to live up to their moral responsibility makes the same “limited focus error” of the legal and neo-realist authors.

In the quintessentially normative stance on the subject of international humanitarian engagement, in 1972 Peter Singer enjoins the developed world to heed its moral obligation to use its affluence to alleviate the causes of human suffering in the famine prone and underdeveloped portions of the world. In doing so, he poses the intriguing allegory of taking the fairly personal risk-free action of rescuing a drowning child from a shallow pond (Singer, 1971). This solidarist approach to international relations (to use Bull’s category ) infuses our popular dialogue and academic discourse alike, to the point that only the purest realist will discount the inclusion of its consideration. However, the broad moral argument asserted in this perspective fails to address that there is a much more complicated set of ethical considerations involved in the decision to use Western finance and technology to rectify international crises. This is especially true in a complex emergency, which is the subject of this investigation. Having the financial means and a myopic experience of empirical success does not necessarily translate into an ability to “save the drowning child,” so to speak. In this argument, he does not make the same fallacy of conflating humanitarian intervention and cold war strategic politics (in fact, he is making a deliberate effort to separate the two). However, this perspective also limits the discussion to a relatively simple moral calculus on par with the parsimony of the neorealist argument: ethical obligation of the “haves” to alleviate the immediate sufferings of the “have nots” is a humanitarian obligation.

This somewhat Pollyanna cosmopolitan approach often dominates the debate about international humanitarian crises and informs the moral argument surrounding third-party intervention. In a recent article in the disaster management literature surrounding 2010's Haitian earthquake, we see exhortations consistent with Singer's perspective:

Retired Lt General Russell Honore...was right to criticize the US aid response to the Haiti [2010] crisis. It was slow and uncoordinated....The criticism may strike many as unfair. After all, the devastation brought by Haiti's earthquake was multiplied because of poor construction, destroyed infrastructure an inadequate government, lack of security, escaped criminals and many other reasons. Haiti is not owned, managed or occupied by the United States. Haiti is not our responsibility...and yet it is. And that is the quandary. "Am I my brother's keeper?" Yes the answer comes back resoundingly. (Baron, 2010)

This same expectation is also echoed (by at least some) in the troubled country itself, where the Washington Post quotes numerous Haitian sources, making the public cry "The American government should take care of us. They're well organized, the United States is the richest country in the world. They can help (Slevin, 2010)." This language is, like Singer's, the language of moral imperative, and proffers rapid responses and pre-planning for intervention. Plentiful examples of this perspective can be found in Western editorials regarding many such crises—including 1990's Somalia, Rwanda, Haiti and the former Yugoslavia. Rieff is prominent in making a similar point against the backdrop of "quixotic" Western responses to humanitarian crises. He points out that there are blatantly racist and *realpolitik* considerations on whether or not to intervene. According to Rieff, there was the factor that a regional (and cultural) identification



with the people of the former Yugoslavia (where an intervention occurred) whereas there was little affinity or strategic interest with Angola or Sierra Leone (Rieff, *Kosovo's Humanitarian Crisis*, 2000). Similarly, McNeill refers to the Western interest in the former Yugoslavia as identifying with “our Slavs,” dating back to the pre-World War I political alignments (McNeill, 1997). In reviewing the 1992 crisis in Somalia in Foreign Affairs, Jeffrey Clark decries the UN as “grossly incompetent, undisciplined and unfocused,” the US as “schizophrenic,” and the OAU as “irrelevant (Clark, 1992/1993).” In doing so, he urges a more comprehensive response by the developed world, to avoid similar cases of “neglect, evasion of responsibility and local of political determination (Clark, 1992/1993, p. 123).” This idea that developed countries, the OAU, or other international institutions are expected to safeguard human rights (especially in the wake of the end of the Cold War) developed into a heady assumption that the ingenuity and money of the developed world could and should solve every breakdown of *intranational* governance (what Michael J. Smith terms “Dudley Do-Right euphoria”). There are also multiple less-prominent examples of regional conflicts which did not garner the same level of Western attention. However, these ethical arguments also point out that a much more thorough and systematic consideration of the concept of humanitarian intervention is essential (they either do so explicitly by calling for an expanded notion of our obligations, or tacitly by being overly simplified moral equations). They generally do not, however, provide a broader framework of consideration of the kind I am advocating.

David Rieff points out the difficulties in conflating non-governmental organization (NGO) humanitarian action with regime and state led human rights campaigns (of which forcible intervention is a facet). The conflation of humanitarian action with a human rights agenda has its

ascendency in globalization (termed the “new humanitarianism”). This perspective defines relief as a tool of social reconstruction in recalcitrant regimes in much the same manner as boots-on-the-ground intervention. Rieff does not support military’s assumption of NGO responsibilities (Rieff, 2000, p. 28) and worries that Kouchner and Bettati’s “droit d’ingerance” will further attach the relief organizations to the strategic whims of great powers. This is an attempt to draw a separation between the strategic interrelationship of military action and humanitarian causes, but despite admitting the breadth of the humanitarian need, it fails to acknowledge the limited areas of complex emergency where mere NGO action fails to confront the danger, and in doing so assumes that humanitarian intervention is nothing more than a strategic action. In a sense, this is falling to the same academic fallacy as the neorealists.

Samantha Power, on the other hand, takes the same basic set of normative and political considerations as Rieff, but arrives at a completely different prescription. Instead of seeing a strategic interests interrelationship of state authority and traditional humanitarian groups as a detriment to the humanitarian impulse, Power makes the argument that states should intervene in complex emergencies with greater frequency and have shirked their responsibility in several cases. For example, the US did not engage in genocide prevention (from speaking out, to saber-rattling, to actual military action) in the former Yugoslavia, Rwanda and other scenes of atrocity because those far-flung crises did not sufficiently impact the more traditional interests of American foreign relations. Thus self-interest is preventing nations from taking the ethical path in international relations in cases that require humanitarian intervention. In this vein, she is making a more nuanced assertion of Singer’s dictum that there is a moral imperative to

act, but that the West is captive to a cost-benefit analysis of its strategic and economic concerns rather than the metatheoretical issues of human solidarity (Power, 2002, pp. 508-510).

Recognizing the difficulties in this argument looking at self-interest as an inhibition to moral responsibility, Wheeler and Dunne have attempted to cull an intervention argument from the society of states in a treatment of Hedley Bull's solidarism. This argument counterposes the realist hue placed on intervention by authors like Farer and Morgenthau by stating that "the fact that rules and norms have been manipulated by the powerful...does not mean they can't be constitutive of society as a whole (Wheeler & Dunne, 1996, p. 106)." They then proceed to establish the difference between solidarism and "the narrowly defined ethics of statecraft" of realism, arguing that there is a failure of "cosmopolitan awareness" in the Western world and not in the basic understanding of the position and importance of human rights wherein the degree of solidarism between states is highlighted by their willingness to engage in humanitarian intervention (Wheeler & Dunne, 1996, p. 107). In this formulation we are seeing an argument that focuses on the humanitarian morality of the situation but does not appreciate the broader picture.

Similarly, in "Agency Humanitarianism and Intervention," Nicholas J. Wheeler focuses on the potential of developing "we" feelings between the interveners and the afflicted population, and tries to assert some formulation of humanitarian solidarity to justify intervention in cases of complex emergency (Wheeler N. J., 1997). However, his formulation focuses on the limited morality of Singer which creates a similar concern for the whole purpose of the intervention while taking a more philosophical view on the issue. Unfortunately, the same type of problem we found with Singer persists in this argument. The broader aspects of intervention, including

successful reconstruction requirement, fundamentally expand the scope of any consideration of morality and intervention. This problem is specifically highlighted in the traditional language of post-modern theory, which posits a subject-object distinction between social groups.

Whether humanitarian in intent or not, the presence of a third-party (potentially) socially heterogeneous military force does not tend to break down that subject-object distinction and create the necessary “we feelings” *between the boots-on-the-ground and the afflicted populace* to successfully (and quickly) instill the infrastructure and ideology needed to prevent the complex emergency from reoccurring. Put simply, a mandate for the broader consideration of humanitarian intervention in many cases would limit the “light footprint” approach, and could potentially put the benevolent interveners in the position of a paternalistic, imperialist force. The simple calculus of engendering “we feelings” is insufficient.

This line of reasoning, which asserts a certain amount of moral responsibility for humanitarian intervention, is based largely on the proposition that nations “to whom much has been given, much is expected.” That is, the rich nations should take responsibility for the suffering of less fortunate populations. Such a moral imperative justification for intervention is found throughout the ethical literature. Nardin espouses this position directly by stating “my strategy in this article is to relocate the discussion of humanitarian intervention, moving it out of the familiar discourse of sovereignty and self-defense and into the discourse of rectifying wrongs and protecting the innocent (Nardin, 2002).” Nardin thus tries to refocus the debate away from the close-in perspective of international law to the more foundational concepts of shared notions of morality. Several other authors take this same path in reasoning humanitarian intervention down to this relatively simple basic calculus.

Though this perspective of sovereignty/self-defense versus a universal sense of human rights largely defines the scholarly conversation about humanitarian intervention, Nardin's move does not represent a change in the debate in regard to moving away from the myopic limited perspective. There has always been a tension between the letter and the spirit of the law, so to speak. While many anti-intervention authors want to draw their perspective from the classical perspectives of sovereignty and the right of a people to self-determination, Nardin wants to argue that there is an equally compelling case for intervention (ostensibly for human rights purposes) in the tradition of natural law that stems from the political philosophy of Emmanuel Kant and other mainstays of classical liberal theory. This argument hinges on the point that too much emphasis has been placed on arbitrary legal strictures in modern international relations, thereby putting the letter of the law (so to speak) in a superior position to the victims of systematic human rights atrocities.

Finnemore makes a similar argument, addressing an evolving norm away from the paramount international virtue of state sovereignty and toward a developing ideal of prioritizing human rights. In doing so, she makes what is largely a mirror opposite argument of Byers. Slavery and Colonialism declined due to growing norms against imperialist and racist policies and the philosophical expansion of the definition of "humanity." This represented a heightened respect for national self-determination (sovereignty) which was based on other societal developments that allowed activists to "work for normative changes elsewhere in society." The application of liberal beliefs (i.e. natural rights) to the international arena led to new norms of international intervention. These new interventions are more limited in their end and, in keeping with an anti-colonial mood, multilateral (to "increase the transparency of each state's actions")

organized around “generalized principles” rather than specific “strategic interests (Finnemore, 2003).” Interventions in Somalia, Kosovo and early 1990’s Iraq represent these multilateral, broadly ideologically-based interventions of the 20<sup>th</sup> century.

In the book Condemned to Repeat? The Paradox of Humanitarian Action, Fiona Terry examines the difficulties NGO’s face in trying to be truly non-partisan in the milieu that is a complex emergency. She argues that aid organizations are as likely to muddle the situation as they are to help it, stating that “emphasizing the complexity of crises has become a convenient way of deflecting responsibility for the negative consequences of humanitarian action from the international aid regime to the context t in which it operates (Terry, 2002, p. 15).” Unable to make a simple rule-based ethical equation tying our affluence and technological savvy to the moral imperative to intervene (in the manner of Singer), she argues instead that “Humanitarian action no longer represents the ultimate expression of deontological reasoning, but incurs consequences that, whether intended or not, can undermine the very logic on which such action is based (Terry, 2002, p. 217).” However, if the NGO cannot hope to maintain a fair, non-partisan effect on the complex emergency, then how much more is an armed military force of peacekeepers (or peacemakers, or even democratic crusaders) going to inadvertently impact the social situation in the country? Such considerations call into question the effectiveness of the light footprint concept that seeks to keep itself aloof from the broader circumstances causing the complex emergency.

This complex milieu of legal requirements, liberal theory and realist strategic considerations have led some to attempt to distinguish the humanitarian features of intervention from

the nation-building aspects. Writing in *Foreign Affairs* about the 1992-4 intervention into Somalia, Walter Clarke and Jeffrey Herbst state:

Many commentators now call for a strict division between humanitarian interventions and nation-building largely because of this interpretation of the Somali case and the belief that the United Nations tried to take on more than it could control. Richard Haass, a special assistant for national security affairs to President Bush, distinguishes between humanitarian interventions, which are intent on 'providing protection and other basic needs,' and much more complex endeavors, such as nation-building, which envision 'recasting the institutions of the society.' He suggests that the Somalia mission widened to include nation building because policymakers got ambitious (Clarke & Herbst, 1996).

However, in advocating for the need to broaden our understanding of humanitarian intervention, it cannot be considered simply a matter of ambitious policymakers to make the step from humanitarian action to nation-building. If we were going to take the moral imperative of the solidarist seriously, situations such as the Somali complex emergency confronting the US and the UN in the early 1990's would necessitate that we use our affluence to help them fix not only the immediate issue of famine, but also address the long-term issue that is at the root of the immediate crisis. Such assertions as Clarke and Herbst's are taking a politically expedient perspective. That is, nations may feel morally obligated to intervene, but do not want to do so to the extent of stretching their international-legal reputation, treasury and blood for the sake of a suffering population on the other side of the world. Some even go so far as to argue that politicians do not have the right to risk the lives and property of their citizens out of some amor-

phous “humanitarian feeling (Wheeler N. J., 1997).” As a result of this tension, we struggle in the moral twilight between solidarity and reality when we consider any humanitarian obligations bourn by nation-states. We did not engage in Rwanda, Sudan or numerous other lower-profile incidents that would have met the basic imperative of Singer and other similar human rights oriented theorists.

## **2.5 Some Arguments that Support a Broader Approach to Humanitarian Intervention**

In a more recent article that draws heavily on the concepts of Singer, Dale Jamieson makes an argument that wades through the difficulties of the humanitarian intervention and democracy-building relationship, even derisively citing a coalition Colonel in Iraq who compares establishing democratic institutions to establishing a PTA (Parent-Teacher Association) as an example. This sets up a perspective where light footprint military action in complex emergencies is clearly not the focus of his research, so it does allow for the broader perspective I am advocating. While setting up a low-level military official proffering “Robert’s Rules of Order” as the means to reconstruction in Iraq is a bit of a straw-man argument, the point has some merit. He also rightly recognizes that simply continuing to provide basic aid without a serious commitment only allows the complex emergency to fester: “There are sites around the world where humanitarian assistance has been continuously delivered for decades, with no end in sight (e.g., some Palestinian refugee camps). In such cases, rather than providing temporary life-saving aid, humanitarian assistance has become the *de facto* policy of a world that is unwilling to take decisive action to address the underlying causes of global poverty (Jamieson, 2005, p. 157).” In this article, he correctly recognizes the hubris of assuming that the results of setting up institutions and infrastructure then holding free elections enforced by another nation’s mili-



tary is the panacea for complex emergency. However, in doing so, he makes a similar over-generalization: “rather than advocating ambitious agendas to remake the world, we should focus first and primarily on challenging those structures that bring about and maintain global poverty.” He then goes on to cite international trade policy, the IMF and World Bank and ‘the appropriation of the commons’ by affluent nations as the likely culprits (Jamieson, 2005, p. 168). In a sense, this has a tendency to supplant the military myopia of most of the other literature for a nebulous economic one that prevents us from fully addressing the immediate problem of complex emergency. International wealth distribution may be a (or *the*) cause of complex emergency (I think this is overly simplistic). However, even if we accept this “cause” for the humanitarian crises, we still need to be able to engage the actual emergencies that are occurring while in the long run we are rectifying the broader global problem of economic development. At some level, then, such engagement requires military colonels like the aforementioned who have wit enough to translate the lessons of a PTA to a local council. While the consideration of humanitarian intervention cannot focus exclusively on such a perspective, it also cannot entirely eliminate it from a holistic approach to the subject.

Up to this point in this review of the literature—and indeed the majority of the scholarship in the area—has focused primarily on the basic whether-or-not to intervene. Other authors have considered the legality-illegality of intervention vis-à-vis international law and norms either supporting or desecrating the practice based on a positivist construal of these rules. Some have moved from this legal perspective to consideration of whether a potential norm could be developing that would change the face of international law. However, given all of this consideration about the legality of intervention and the ethical impetus of human solidarity, little at-

tention is given to the moral implications of the fact that “given the power at states’ disposal....one cannot help but be impressed with the extent to which their efforts to construct societies (let alone nations) can founder on the rocks of preexisting group identities (Wendt, 1999, p. 210).”

Some authors have touched on the idea of a holistic approach toward humanitarian intervention, but in the end tend to be drawn back into the orbit of the legal-sovereignty-just war debate. Walzer allowed for consideration of reconstruction in his analysis, but did not give it full attention in outlining the ethic of humanitarian intervention. Stepping from a foundation of J.S. Mill, he recognizes that a people who have had the “misfortune” to be ruled by a tyrannical government are peculiarly disadvantaged; they have never had a chance to develop “the virtues needful for maintaining freedom (Walzer, 1977, p. 87).” Walzer allows for the thought that a third party military will somehow create the space for democracy to form in such situations, but does not address the theoretical implications of this. It is this implication that needs to be drawn back into our moral assertions about the influence of the developed world on complex emergencies.

Recognition of the fact that there is a cultural vacuum as well as one of infrastructure and political stability is not entirely novel in the security studies field. For example, Marc Sommers addresses the status quo nature of complex emergency in Rwanda: “Although war, violence, and refugees are an integral part of central Africa’s current landscape, the blight of regional instability has not prevented Rwandans from carrying out their day to day routines. Life continues.” Most of the problems that plagued Rwandans before the genocide continue as well, including a profound sense of despair and frustration among many youth. For them, limi-

tations seem to be everywhere: from inadequate access to education and land to the limited availability of employment and capital (Sommers, 2006, p. 82).” This is significant to the subject at hand, in that any intervention cannot ignore the impact of these factors on notions of legality, sovereignty, and response to complex emergencies. This status quo must be considered vis-à-vis our technological ability, strip mall economic sense and sound-bite-popularity-contests of an electoral system when the West has the hubris to believe that it can march into this type of situation and fix it.

Moving from the particular examples to the normative argument, Alexander Wendt’s almost dialectical constructivism provides a unique perspective to this debate. “...it is only through the interaction of state agents that the structure of the international system is produced, reproduced, and sometimes transformed.” Wendt states that “structures at the micro-level” are “linked to identity changes” and impact macro-level change and argues that “there is still a gap between cultural change and identity change because cultural change requires not only that identities change, but that their frequency and distribution cross a threshold at which the logic of the structure tips over into a new logic (Wendt, 1999, pp. 365-366).” This is a basic statement of the broader argument made by Finnemore and Sikkink, that proposes a developmental process that leads to constructivist norm development within a culture to change the society’s political ideology. This theoretical argument is offered in support of the concept that reconstruction involves a different kind of broader commitment than the typical military considerations that drive the humanitarian intervention debate.

The empirical need for reconstruction after the intervention (especially in the form of building social institutions and stable infrastructure to mitigate the possibility of a reoccur-

rence) is recognized by some authors, mostly because it fits into their ideological understanding of international relations (e.g., expanding the Liberal peace was a very prominent concept during the 1990's wave of intervention activity). Creating a stable regime favorable to the intervening forces also provides a means to recuperate financial expense through improved trade relationships. It can even be argued that a reconstruction agenda aligns with the normative concept of Singer and others because our abundance requires post-military-intervention benevolence. To this end, Hollingsworth declares "the establishment of political, security, economic and social conditions for a lasting peace are the ultimate goal (Hollingsworth, 2003)." At one point, Weiss argues that the consideration of the potential results of the intervention (as some authors now are attempting to do) is consequentialist ethics applied to Humanitarian intervention (Weiss, 2007, p. 83). I do not agree with the assertion that drawing the consideration of reconstruction into the myopic, "whether-or-not to commit troops" debate is a case of looking to the end to justify or discount the means.

A main assertion of this project is that reconstruction of a stable and (relatively) human rights respecting government and social infrastructure should be an essential component of the moral calculus that is missed by both ideological and practical scholars: that we need to expand our understanding of humanitarian intervention beyond the limited approach currently taken. The moral impetus of humanitarian intervention in a complex emergency *necessarily* implies reconstruction. It is not of secondary importance after the atrocity has been stopped by our military might. Thus, when Weiss warns potential practitioners that intervention may still be seen as paternalistic and hegemonic on the part of troubled populations (e.g., like the "colonial humanitarian intervention" of 19<sup>th</sup> century and earlier), I would assert that the project of inter-

vention must be deliberately “paternalistic” (to use Weiss’ pejorative), and any assertion to the contrary is not taking the moral imperative (or honestly, even the strategic imperative) to its necessary conclusion.

This being said, while I agree with Kuperman that “intervention is no substitute for prevention,” this concept must be considered more from the perspective that prevention is both prior to as well as an essential element of intervention if the moral imperative is to be taken seriously. To pull an example from domestic emergency management theory, after any large scale incident in the United States, the governmental response from local and state agencies that are familiar with the specific type of catastrophe build the long-term reconstruction strategy into the response phase of the disaster. Thus the rebuilding of dams and houses in the wake of the incident aims to be more disaster resilient and more International Building Code compliant to mitigate against future occurrences. This preventive action is not only understood as a requirement that one deals with after the response phase is completed, but is incorporated into the *preparedness phase* and the *disaster response phase* as well. While domestic long-term reconstruction planning is fraught with its own difficulties, a point can be taken from the fact that it is not seen as a distinct concept from the response. Heretofore, this aspect of Humanitarian Intervention has been relegated to second-tier or tactical-level consideration in the normative debate I have outlined.

Michael Ignatieff does address the need for reconstruction, and begins by arguing that failed or failing states no longer have a monopoly on the legitimate use of violence in the society and therefore no longer qualify as “states” (according to Max Weber’s definition). This move tends to alter the consideration of sovereignty in humanitarian intervention by undergirding

the legal issues with a normative principle. He then questions how an external state best uses violence (or coercion) to enable the population of another state to re-establish a legitimate monopoly on the means of violence, and then asks if failed states should be put back together within their same border “with the same basic prerogatives as states (Ignatieff, 2003, p. 306).” He argues that the attempt to remain neutral and be overly focused on exit strategies only creates problems. Nations need to be willing to commit to bring the “best effects of empire without reproducing its worst features (Ignatieff, 2003, p. 320).” While he comes close to addressing my concerns regarding the gap in the literature, he does not fully appreciate what is implied by the intervention and reconstruction. If a nation is deeply divided, then active support of one side (that is, the non-neutrality argument) with third-party military forces is inherently repressive and confiscatory of local capacity, which are what he identifies as the down side of empire. And denying the concept of sovereignty or statehood based on a momentary external assessment is a dangerous precedent to set that does not fully appreciate the essential nature of self-determination in the formation of government.

Along the same line, Patrice McMahon looks at the example of Bosnia from the perspective of reconstruction, asserting that despite the fact that Bosnia is seen as a success in peacemaking and peacebuilding in the midst of a complex emergency “success is complicated by oversights and unintended consequences...Durable peace ultimately depended on the existence of a society committed to democratic pluralism and reconciliation (McMahon, 2004/2005).” She then goes on to point out that a mere cessation of warfare does not mean success in terms of establishing a functional state. Potentially, that difficulty is created by the fact that “underpinning these elements [of Western civil society] is a liberal internationalist world view, the as-

sumption that future states will look like secular, democratic states in the West (McMahon, 2004/2005, p. 588).” However, McMahon’s “toolbox approach,” while systematic in addressing the tactical issues of post-intervention activity, still approaches the strategic perspective from the position that Western society can be exported on the point of a bayonet while not fully appreciating the role of mitigation in the humanitarian intervention argument.

The broader normative concern is represented by a brief empirical review of our post-Cold War track record. The action in Kosovo was seen as a moderate success—though, at the time, Rieff called it a “virtual UN protectorate (Rieff, 2000)”—after the black eye of Rwanda and the precipitous retreat from Somalia. However, in the former Yugoslavia as in Haiti (and even the lessons of democratic reconstruction in Iraq and Afghanistan) and a whole host of other regional “interventions” where the post-conflict action has stymied Western brilliance in the years (or decades) since the intervention, some authors have questioned the developed world’s ability to spread democracy as easily as they were able to bring a military cessation of hostilities. This concern has led one author to assert “as recent Western European experience has shown, if France can’t control ethnic violence in its own cities, we should beware the hubris of thinking that we can manage the complexities of ethnic nationalism and territorial realignment in the Balkans (Bardos, 2006).” As we continue to struggle with post-intervention reconstruction the issues of “timetables for withdrawal” and light footprints are largely a unilateral concern of the politics in the intervening nation that ignores the ethical realities required by the Singer position in this debate.

In referencing the stumbling action of the international community in Bosnia (writing in 1996), Farer explains that the failures in the former Yugoslavia were not due to “flawed tech-

nique but from falsified will.” The failure was built into the design of the intervention. George H. W. Bush’s concerns with the basic mission of protecting the humanitarian aid and leaving the nation-building to the UN reflects a concern with the Charter requirements outlined by Byers, but Farer argues that nations and regional organizations should take a much more direct role in the action, “to reinvent the state and to insert into its now corrupt and falsified limbs both political and technocratic advisers recruited from the centers of order with financial and coercive resources at the call (Farer, 2003, p. 89).” While he fully understands the implications of the moral imperative to intervention, this perspective also represents no small amount of Western hubris, assuming that its technology, finances and guns can impose order via benevolent colonialism over any amount of time. Just ask the French about Algeria and Vietnam. Similarly, McNeill points out that one of the issues of succession and internecine warfare in post-Soviet republics is (other than structural discrimination) the fact that former political systems failed to “develop effective mechanisms for accommodating communal tensions.” If two generations of totalitarian (and ostensibly non-religious) rule cannot stamp out these tensions, such long-standing social systems cannot be democratically reformed as easily as the current humanitarian interventionist debate seems to believe.

## **2.6 Conclusion**

Over the previous pages I have traced the outlines of the literature on humanitarian intervention. While thorough in its consideration of the topic, the preponderance is most interested in the international law aspects or it focuses on the strategic core of the military response to the complex emergency. Often the legal formulation of the debate either takes the form of pure positivist legal reasoning, where the body of international law is manipulated in favor of or



against intervention, or it takes on a broader, more normative character where it considers whether or not the international legal culture is evolving to embrace intervention. On the whole, consideration along these lines takes the perspective of the international community and considers the situation of the nation in complex emergency only secondarily. Similarly, the strategic approach generally focuses on demonstrating that humanitarian intervention is a realist power play dressed up in humanitarian garb, or conversely that realist self-interest often prevents nations from intervening where they are ethically obliged to do so.

There is also a more theoretical body of literature, crossing the classical lines of mainly Kantian-liberal international theory and constructivist notions of norm evolution with the more ethically oriented approaches of social justice and human rights. These consider intervention by extrapolating its practice from ideological grounds. However, this vein of literature either tends to become embroiled in a philosophical version of the “myopia” or it fails to recognize the essential practical elements of the intervention argument and how they impact the ethical equation. Regardless, throughout all approaches to this debate, the central feature is whether or not the act of military intervention is acceptable on its face (that is, can we superficially justify sending our military unbidden into a collapsing nation). When the broader implications of humanitarian intervention (such as reconstruction) are considered, they are seen as secondary to the primary issue of the morality, legality, and/or strategic benefits of the intervention (or immorality, illegality, and/or strategic costs as the specific argument runs).

The preceding pages have laid out the tendency in the literature to focus more on the immediate pros and cons to the act of committing military force to a humanitarian cause. This is what I have referred to as the “whether or not” approach—or the myopic approach bred out

of the Cold War version of intervention—which is concerned primarily with the ethics, strategic overtones, and legal ramifications of committing troops in much the same formulation as a classic *jus ad bellum* debate. Thus the consideration of humanitarian intervention is defined by the concerns of its security studies aspects. While this aspect is definitely a central and unique characteristic of humanitarian intervention, the broader aspects of prevention, mitigation, and recovery are also essential to the project. This is especially true when talk of humanitarian intervention strays into the more normative bounds of ethics, effectiveness, and political will.

### **3 A DEFINITION OF INTERVENTION: THE FULL SCOPE OF HUMANITARIAN INTERVENTION**

#### **3.1 A Need to Define Humanitarian Intervention Carefully**

Because of the basic premise of this project—which argues that the traditional approach to the subject is limited—the full scope and implications of any attempt to meaningfully and positively effect change in such situations is addressed in greater depth in this chapter. This will provide the basis for the domestic humanitarian parallels to be made in Chapter Four. It also supports the argument in the literature review chapter that the current approach is myopic and thereby serves as the foundation for the advocated approach to the topic of humanitarian intervention.

In the modern world, most nations have multiple means of mitigating the impact of drought, famine, earthquakes and other natural phenomena (including the last-resort actions of charitable nations and NGOs if the victim nation does not have the capacity to provide for its own citizens). In most such cases, the social and political systems provide the support to the areas of the nation that were victimized by the natural disaster. However, in certain other cases, the nation suffering the disaster is unable to respond to the problem with its existent financial resources and emergency management assets. In such as case the world community—including states, international organizations, and NGOs—regularly come together to support the suffering population through their government and using existing social and physical infrastructure. Such nations have the stability to support a long-term recovery, but lack the financial (or other) assets to operationalize it. Situations prompting humanitarian intervention generally involve a government and social system that demonstrates both a lack of capacity *and* will to serve the basic human needs of the suffering population. The broader implications of the ethi-

cal argument undergirding humanitarian intervention, perhaps, demands a better understanding of what is meant and implied in the definition of humanitarian intervention. This becomes especially important when the subject is married with the concept of war crimes, as outlined later in this chapter.

In considering the definition of humanitarian intervention, a foundation in the concept of “complex emergency” is needed. Complex emergency is commonly defined as:

A major disaster or complicated emergency situation affecting large civilian populations, which is further aggravated by intense political and/or military interference, including war and civil strife, resulting in serious food shortages, epidemics, population displacements, pauperization, loss of human liberties, and significant increase in mortality, rendering the management of the situation very complex (Gunn, 2003).

This definition itself sets up a different perspective on the humanitarian intervention debate, with the humanitarian crisis as the central consideration and the political breakdown as the aggravating factor. From this perspective, the societal breakdown often *exacerbates—or even precipitates—the effects of the natural event*. For example, while drought resulting in failed crops may be a natural phenomenon, this largely ecological problem turns into mass death by starvation due to poor human circumstances (Cahill, 2003). Ineffectual governments (or social-economic situations) only make natural catastrophe worse. A malevolent and fractured political climate compounds the problem exponentially. It should be noted that this concept is somewhat broader than the idea of “mass atrocity” that has been put forward by some proponents of humanitarian intervention (discussed in greater detail later in this chapter). It looks at the

issues in a somewhat broader sense than genocide, ethnic cleansing and the like, to include the ecological, natural and social issues found in large-scale humanitarian disasters. Mass atrocity may be a part of what complex emergency addresses, but the focus is on the government and social breakdown rather than the symptom of mass atrocity.

Such situations are often at their worst when governments systematically disregard their populations' fundamental human rights. In such cases, providing the financial and emergency management support that would flow easily through social/political systems in a standard international response now has to deal with an ineffectual or possibly complicit government system. However, in the wake of Colonialism and the rise of the Westphalian state system, Lockean notions of a peoples' right to self-determination have become central features of our understanding of how the world works. This idea has been enshrined in the Charter of the United Nations, outlined in countless treaties, and embraced implicitly by various international regimes wherein national sovereignty is an understood fact. Humanitarian intervention, by definition, violates the borders of this accepted system and interferes in the internal social system of a nation.

Because of this unique intersection of human rights and national sovereignty, consideration of humanitarian intervention is not just a current topic of political debate. As mentioned earlier, it is also an intriguing vehicle to explore the nature of *international* norms and their intersection with *intranational* societies, so it has had extensive scholarly consideration of both the practical (e.g., hygienic methods for digging pit latrines in refugee camps) and more normative variety. Put in other words, for an international relations theorist, one advantage to "focusing on questions of intervention and human rights is that they pose the conflict between or-

der and justice at its starkest (Wheeler & Dunne, 1996).” The subject therefore not only has important practical implications, but also is a unique and important case study that brings axiomatic principles into contrast.

Since “intervention” necessarily implies the presence of military force in an ostensibly humanitarian effort, only nation-states (or some combination of states, such as NATO or the OAU) currently possess the resources and (perceived or actual) legitimacy to field an army as a tool of “humanitarian” foreign policy. In the humanitarian scholarship there is considerable commerce between consideration of NGO action and the action of states and formal regimes. Focusing on military intervention, however, limits such consideration. The intersection of the NGOs (that typically dominate the humanitarian conversation) with the forcible actions of nation states in this project have the potential to make this issue much more complex. In Chapter Four, the concept of NGO integration will be drawn in to the concept of comprehensive humanitarian intervention in the same way we see volunteer organization specifically included in the domestic emergency management paradigm. Such comparisons must be made carefully, however, because NGOs can play a much more mercurial role in the politics of a failed state and the international response to a complex emergency than volunteer organizations play in the domestic emergency management field.

Over the following pages, a more thorough consideration of the scope and requirements of humanitarian intervention will be considered than has been provided in the previous chapters. The purpose of such an investigation is twofold. First, the language, politics, and practical application have created a convoluted environment where intervention, hegemony, considerations of the implications of bipolar and unipolar international systems, and the strate-

gic legacy of the Cold War have confronted a seemingly real possibility where concepts such as the liberal peace and international ethical responsibility have a role to play in international relations. As a consequence, what truly constitutes a humanitarian intervention is essential to guiding this argument (remember how Byers and Buchanan took the same historical examples and came to opposite conclusions on the emergence of a pro-intervention norm). It is important to distinguish exactly what situations we are considering and what makes humanitarian intervention unique from other military actions (e.g., the 2003 invasion of Iraq is a notable example that has blurred the distinction between intervention and strategic action, especially in its nation-building aspects after the fall of Hussein). This uniqueness will be one of the main links between domestic emergency management and international humanitarian intervention, because it is precisely the non-strategic aspects of this subject that produces the potential parallel between the two areas of scholarship. Specificity in what is and what is not a humanitarian intervention is central to this project.

Secondly and stemming from this first point, the definition of the humanitarian intervention is important because it provides the basis for the assertion that the topic is broader than the Cold War view. It is the support for the assertion in Chapter One that the dialogue to this point has been myopic, and in Chapter Two it justifies the sketch of the literature outlining this tendency. Thus the basic premise that humanitarian intervention *must* be considered beyond its mere security studies genesis will be established. As a consequence, the next several pages will outline the definition of humanitarian intervention and explore its ramifications. It will also introduce the concept of Responsibility to Protect, which is a nascent version of the broader approach suggested in the later chapters. This will set the stage for Chapter Four and

the introduction of the comprehensive emergency management paradigm as a broader means for considering the subject in its international context.

### **3.2 Setting the Stage for Humanitarian Intervention**

With the fairly significant political, military and ethical implications of humanitarian intervention, it seems that the definition provided in the previous section for a “complex emergency” describes the problem, but fails to capture the broader implications of taking a proactive position in the face of such an emergency. This definition is taken from the perspective of humanitarians, and not from the traditional intervention literature covered in Chapter Two. Given the nature of the problem at hand, it seems that the two ideas need to be brought together to truly understand humanitarian intervention. As outlined, the traditional literature is even more beholden to the military aspects of the intervention, placing it as the central feature. However, the trend of asserting humanitarian causes not only for interventions in Somalia and Haiti, but also for the 2003 invasion of Iraq and the deposition of Saddam Hussein, brings into question the accuracy of our definition not only of a complex emergency, but also of the increasingly common call for a third-party military intervention.

Humanitarian intervention has been asserted as a justification for such diverse actions as the spread of democracy, as a response to a regional international conflict, and as a means of combating a complex emergency. Given the concurrent debate between the different schools of international relations, to fully appreciate the scope of humanitarian intervention, we must probe beyond basic questions such as whether all international military actions are power-motivated (in keeping with the realist paradigm), or whether there are genuine ethical concerns prompting the actions such as the expansion of the liberal peace. As I have pointed



out in the previous two chapters, I believe that the concept of humanitarian intervention, its ethics, and the probabilities for success is much broader than these central concerns and thus requires a much broader framework for discussion.

The subject of humanitarian intervention is broad and tends to draw multiple independent issues into the debate. Notions of international law and the concept of national sovereignty are paramount. The more normative concept of “Responsibility to Protect” is also moving to the fore in recent years. This approach focuses on appeals for human rights and the alleviation of suffering. However, consideration of sovereignty begs the question of how a nation is defined: is it a political demarcation, a government system, or the more ethereal social and communal cohesion found more commonly within ethnicities, religions or tribal groups? All of these definitions have been asserted. When there is a complete breakdown of social cohesion or the government is perceived to be illegitimate, is the political entity still a “nation” in any sense of the word, or have the usual strictures on self-determination been trumped by the lack of true government? Also central to this debate is the ethical question of stewardship of resources, human rights and international social justice. Do the world’s richest nations have a moral obligation to help the poorest? These questions have largely been seen as peripheral to the topic of humanitarian intervention due to the military and sovereignty aspects of this unique international relations problem (as I have argued earlier).

The 2003 action in Iraq serves as a good example of the need for precision. It has been argued that this was “a war for oil” or to avenge Hussein’s assassination threats toward George H W Bush, or for dominance of Middle East politics, or that it is part of the war on terror. Such claims are in keeping with the realist tradition of balance of power or self-help in international

relations. There were also arguments that repeated UN Security Council Resolutions were violated by the Iraqi regime and there is thus a legal rendering of the action based on collective international agreement (that there was not collective international agreement on the remedy to the violations is beside the point). Finally, the intervention was also couched in terms of “liberating” the Iraqi people or as a result of human rights violations against the Kurds and the Shi’a majority by the Sunni minority. There is also the post-invasion issue of democratization and nation-building in the name of creating a stable, human-rights oriented government in the former dictatorship (which coincides nicely with the Kantian concept of a “liberal peace” and bolsters the West’s desire to stabilize politics in the Middle East).

As a case in point over the need for a specific definition of what is truly implied by the concept of intervention in a complex emergency, the legal and realist arguments would eliminate the 2003 Iraq campaign from consideration as a humanitarian intervention. However, Hussein’s repeated human rights abuses and the coalition’s attempt to establish a representative democracy after the fall of Baghdad bear striking resemblance to the Somali UNOSOM II action. The inclusion or exclusion of such a case study in a treatise on international humanitarian intervention would have a clear impact on the resulting theoretical and policy implications.

The empirical underpinnings of the competing ideals of sovereignty and human rights draw out important aspects of the ethical and normative considerations in humanitarian intervention demonstrating the need for this broader approach. The confluence of the theoretical and empirical aspects of the debate will be used to present a specific definition of intervention. This ultimate definition will include some expected criteria that have been covered in the regular literature (i.e. specific unconscionable human rights abuses), and will balance the require-

ments of the ethical imperative to intervene with the importance of reconstruction, mitigation, and recovery in the case of complex emergency. In this way, a groundwork will be laid to justify a broadening of the research on the subject and clarify the policy prescriptions emanating from this academic enterprise.

This is essential to this overall project. The first chapter argued that current humanitarian intervention is myopic and over-focused on the legal and ethical security related aspects. It did not, however, fully address why the broader perspective that is advocated is necessary in the case of humanitarian intervention and why a purely war oriented theory is insufficient. The second chapter basically assumed the validity of the argument that the literature tends to support a myopic point of view and took pains to point out this tendency by reviewing other authors' perspectives. As a consequence, in arguing that a comprehensive approach needs to be developed to international humanitarian intervention, I am also making the argument that these broader factors are somehow inherent to the concept of humanitarian intervention. To simply assume that intervention is something more than a military action at its core without some justification for this assertion is to fall victim to the same limiting fallacy of the myopic perspective decried earlier (only with a different bias).

### **3.3 The Theoretical Landscape of Humanitarian Intervention**

The approach to international relations known as realism stems from the historical work of Thucydides, who used the occasion of the Peloponnesian Wars between Athens and Sparta (and their various satellites and allies) to trace balance of power issues that led to military conflict. According to the Greek historian, these two hegemonic states were reacting to their perceptions of each other's strength through alliance formation and the conduct of proxy wars

through various allied lesser powers. The realist position also draws from the political philosophy of Machiavelli, whose seminal work The Prince posits end-oriented political ethics with the consolidation and retention of power serving as a primary goal. International relations theorists have seized on this, and the current school of neorealism posits a central thesis that is defined from the perspective of three basic assumptions, including the belief that states are the main actors in international relations (as opposed to presidents, social groups or individual citizens), that these states are motivated primarily by the acquisition or application of power (either as a means or an end), and that states are rational actors that are seeking some definable best interest (Keohane, 1986). It also asserts the inherent anarchy of international relations, seizing on the concept found in Thucydides but brought to fruition in political theorists such as Machiavelli and Hobbes. The “survival of the fittest” political doctrine promulgated by the latter philosopher asserts that, lacking a government or social contract to mitigate self-seeking behavior, the individual will seek to secure his or her own welfare, regardless of the welfare of others. The neorealist will argue that the international system lacks any credible system of governance, and therefore asserts that states will, in keeping with Hobbes, seek to secure their own welfare. In this line of thinking, this is often to the detriment of other nations.

This theory is often asserted in the international relations dialogue of both academic and professional circles. Its applicability also directly impacts the question of the definition of humanitarian intervention. Strict neorealism would reject the notion that any nation goes to war for purposes other than self-help. Intervention in a complex emergency, on the other hand, has idealistic, moral implications that may directly contradict this position (or at least mitigate the rigidity of the realist construct). That is, if there is no strategic gain to impact the na-

tion's security, or even a more removed aim to affect the balance of power or the regional hegemonic game, then there is no rational justification for international military action (rationalism is, after all, one of the tenets of neorealism). Taken to its logical conclusion, we should look for the strategic benefit of one nation's interference in another's complex emergency.

Outright rejection of the entire concept of humanitarian intervention through a total embrace of neorealist theory would end this investigation immediately. It would also relegate any talk of international human rights to political grandstanding and semantic rationalization for military conquest. In this vein, humanitarian arguments are pure semantics, with balance of power or self-aggrandizement serving as the primary motivating factors. This is a very skeptical approach, and while it may have some factual foundation, there are some interventionist actions that have little justification outside of some type of idealistic motivation. However, in the interest of furthering the project at hand, I recommend that we take the basic premises of neorealism of rationality, anarchy and self-help, and relax them somewhat. Instead of strict application in the sense that nations *always* act to achieve self serving ends, let us allow that they are most often so motivated, but that sometimes other factors have a compelling and overriding impact on international relations. This will allow us to draw a possibly important point from this perspective: a true intervention will have a less than median chance of impacting the intervener's power relationship with the other relevant nations. In this sense, any military action in which a majority of the benefit of the action accrues to the intervening party instead of the "victim" nation, then the action does not qualify as a strict humanitarian intervention. In other words, the preponderance of the motivation must be something other than a calculated power gain because there is clearly a limited benefit to the intervening nation.

Unlike the skepticism of realism, the international relations theory of liberalism has a definite and positive association with the humanitarian intervention question. John Locke proposed a right of the individual to life, health, liberty and possessions (Locke, 1993), which is not derivative of man's power relationship vis-à-vis other men, but divine ordinance and natural law. In keeping with this premise, he asserts

If you think over all the duties of a man's life, you will not find a single one which derives from self-interest alone, and is obligatory for the sole reason that it is advantageous. Many of the most important virtues consist simply in doing good to others at our own expense (Locke, 1993 B).

The contradiction to the realist paradigm and the theoretical justification for intervention is clear in this seminal exposition of the liberal approach to political theory. Since its inception, it has been one of the most influential political philosophies of the modern era. Liberalism has, at the very least, dominated the lexicon of political discourse, serving as the apparent organizing principle for international relations in addition to a sizeable portion of the world's national governments. The language of individual human rights, self-determination and control over one's own sovereign property are essential tenets, whether on the individual or international scale.

This position has found its way into the US Declaration of Independence as well as the UN Charter and numerous other national democratic movements. In the instance of a complex emergency, then, the widespread abrogation of life, liberty and property represents not a fact of the state of nature as it would in Hobbes, but instead a direct affront to natural and/or divine law. Thus, liberalism, at its core, would support the notion of intervention in cases of clear and

widespread violations of human rights. In fact, this is often the justification presented for intervention.

There is an additional liberal argument that has bearing on the situation and that may impact the humanitarian intervention debate. There have been several authors who have cobbed together empirical evidence to posit a theory of “democratic peace.” One derivative of Lockean political philosophy is the notion that governments are dependent on the consent of their populace to remain in power (Locke, 1993). This assertion blends well into the argument at hand and coincides with the theory of democratic peace, which may be divided into two main varieties. The first is dependent on normative aspects of democratic governance and emphasizes that inter-democratic war is contrary to the commonly held liberal beliefs of the truly democratic society. The second posits the institutional constraints of checks and balances, civilian control of the military, etc. as the primary cause of the democratic peace, and that “citizens pay the price for war in blood and treasure; if the price of conflict is high, democratic governments may fall victim to electoral retribution (Layne, 1994).” The first argument carries a decidedly idealist slant and promotes an almost philosophical proselytizing outlook to humanitarian intervention that will achieve the eventual utopian goal of world peace: the seed of democracy ought to be planted in the soil that has been tilled.

The second rendition of the liberal peace argument, if valid, provides an ulterior, almost realist motive for “nation-building” in troubled areas of the world (at least, it provides a rationalist, self-help motive). The promotion of democracy in a turbulent society will tend toward the overall peace of the region and eventually benefit the intervening society. That may be a goal that citizens are willing to expend their treasure for; the politicians need only draw an explicit

connection between the means and end. Thus, the intervention not only coincides with the fundamental principles of liberalism, but it carries with it the utopian benefit of eventual world peace where the democratic nations are no longer constrained to dabble in democratization through financial assistance and diplomatic pressure, but can also directly impose it—in the worst cases of illiberal abuse of human rights—with a fair amount of international support. The second premise of institutional constraints also ups the ante on the conclusion we earlier drew from the realist paradigm (that there has to be less than median impact on the state's power position in the world). Specifically, if democratic nations are less tolerant of military action due to the potential price, then for an intervention to occur in a situation where the intervener has little power interest, one of two conditions must be met: either the financial and human cost will be kept to a minimum, or the violation prompting the intervention must be so egregious that the democratic nation (which is generally oriented toward peace and commerce) is willing to bear the brunt of the response. Before moving on to the next theoretical possibility, it must be noted that, for the democratic peace to have an impact on humanitarian intervention, the intervening nation must be a democracy. This stipulation may lead to a more protracted empirical look at this aspect of humanitarian intervention.

Marxism has served as one of the main political philosophies of the past century, but does not represent a specific and dominant faction of the world's governments since the demise of the Soviet Union. Consequently, it will be difficult to point to interventions on the part of Communist nations during an empirical review of recent actions. However, this theory has had a significant impact on even Western, liberal ideology and therefore is worthy of mention in the consideration of humanitarian intervention. Marxism does not emphasize the rights of



the individual as does liberal theory, but instead focuses on broader issues of social and economic justice. It is, however, an idealist theory that may seek to establish its benefits through international intervention (and has demonstrably done so in the past). It may also seek an ideological end that is repudiated by the climate in any complex emergency in that it seeks social and economic justice (both nationally and internationally). Strict Marxist notions of justice tend to be violated in humanitarian crises (at least in the philosophical application of Marx's principles if not in their worldly exemplars). To this end, we have seen Marxist nations support revolutionary movements in developing nations in much the same fashion that Western democracies have supported democratization. However, as the individual is of less importance from this perspective, there is less ideological motive to be concerned over the specific violations. Instead, there is an opportunity to promote social justice through the encouragement or imposition of a communist state, and even to posit a similar "Marxist peace" based in ideological similarity. In this vein, Marxists may have the same type of idealistic designs on a collapsing government in crisis as a liberal democracy. They may also have the same desire for fraternalistic propagation, but one must not draw too tight of a comparison, as their means and definition of terms such as justice and equality may be very different. Regardless, there is a supporting tendency in Marxist political theory that may coincide with the practical liberal democratic approach to humanitarian intervention: both are idealist philosophies with fairly utopian ends and some means of ideological propagation. The Marxist axiom "from each according to their abilities to each according to their need" could be very easily translated to the international arena, enjoining prosperous nations to share their abilities and wealth with their

less fortunate neighbors. This ideology maps well onto the wealthy US attempting to save the starving masses in Somalia in 1992-3.

Finally, in the same socio-ideological vein as the Marxist theorist (though not necessarily the communist revolutionary practitioner), there is an aspect of humanitarian intervention that is associated with what some international relations theorists have termed constructivism. This school of thought is closely aligned with the post-modern shift in the study of social science. In fact, several constructivists base their interpretation of the political environment in recent sociological research and in contemporary philosophy, which has been affected by both liberal and Marxist notions (Ruggie, 1998).

In keeping with this theoretical trend, notions of morality and interpersonal communication are dictated by the social context in which the moral judgment or conversation takes place. In this vein, ethical propositions have no independent existence of their own, as they might in liberal theory. Instead, social strictures and norms are defined by the dominant intersubjective consciousness. As a consequence of this ideology, international relations are said to be governed by socially constructed norms that inform the relevant actors and define which activity is acceptable and which is not. This is also a fairly determinist ideology, limiting the value of free choice and attaching human (and national) decisions to the wave of intersubjective social process (which may also justify the evolution of notions of military intervention and state sovereignty).

In inspecting the insight that constructivism may give us into the question of humanitarian intervention, one need only consider the humanitarian trend in both Liberal and Marxist thought. From this perspective, this trend does not proceed from natural law, as it would in

Locke. Instead, a constructivist might argue that a norm has clearly evolved that subverts the importance of sovereignty when complex human rights abuses are perpetrated on a national or sub-national basis. The existence of such a norm is exemplified in the UN Charter, which was drafted by statesmen with both Liberal and Marxist sympathies and is insistent on the importance of human rights. In keeping with the broad constructivist notions, both the justifications for intervention and the act of intervening are self-informative and reciprocal. That is, the changing norm of intervention in the international community (and its correlate codification in international law) is changing because nations have successfully engaged in such interventions, and, in many cases, much of the world has at least tacitly—if not forthrightly—accepted this justification for action. In this case, nations would intervene in a complex emergency to uphold a shared norm such as human rights (as amorphous as that may be). This perspective offers a unique research opportunity in this debate, as we are at a cross of two apparently juxtaposed but shared norms: national sovereignty and human rights. Both of these norms are well established in international tradition, UN law, and ideological dictates of the past half-century.

To an extent, the notion of shared norms represents the evolution of what is known as customary international law, which is founded in consent-based norms that represent a consistent pattern of behavior over time (Byers, 2005, p. 2). What little actual governance there is in the international arena may be said to be based on these shared norms. Self-determination (or national sovereignty) and humanitarian ideals are not rights in any *a priori* metaphysical sense, but they are equally important because everyone agrees on them and they form a common international *modus operandi*. As a consequence, the evolution of both the norm of non-interference and of its seeming opposite, intervention for the sake of human rights, are im-

portant factors in the exploration of humanitarian intervention. For instance, does Tony Blair's legal justification for invasion of Iraq based on an "unreasonable veto" (Byers, 2005, p. 1) by the Security Council signal a shift in the constructivist interplay of social consciousness in regards to national sovereignty, or is it a deviation from the norm that will be met with social repression?

The preceding section has served mainly as a review of some dominant trends in international relations and political theory. The purpose of this review is not to assert the validity of one over the other, but to treat each as possibly having some insight into the issue of humanitarian intervention. In truth, adherents to each school would have a means of interpreting the points I have drawn from the other theories so that they coincide with their personal philosophy (as we saw in Chapter Two with Byers and Bellamy and then Powers and Reiff drawing differing conclusions from the same basic sets of facts). However, attempting to find some commonality—even on a superficial level—between these theories may render a broader picture of the requirements and expectations inherent in military actions for ostensibly human rights purposes.

From realism we draw the conclusion that, in order to avoid the charge that the intervention is for self-aggrandizement, it is important to do our best to exclude military actions where some clear and direct benefit will accrue to the interventionist. This does not appeal to the strict adherent to this theory, who assigns all military action to the acquisition of power, but it provides a common ground for the less orthodox (the "relaxation" mentioned earlier). Second, we have garnered (mostly from the liberals, who have been the main instruments in recent humanitarian interventions, but also from the Marxist) that ideology is important to the international architecture. This may even be true for the realist who cynically sees ideology as

popular tripe aimed at giving the nation's quest for power a semblance of legitimacy. Finally, shared international ideals may be important to defining humanitarian intervention, and any successful definition should be accessible to the field from this standpoint as well.

### **3.4 A More Empirical Formulation of Humanitarian Intervention**

The discussion should not be limited to a perusal of the philosophical landscape to glean possible clues from disparate schools of thought. A short discussion of the empirical examples of humanitarian intervention will also yield insight. Any development of this definition must be an inductive process, for, like the theoretical approach, there are multiple possible examples from which we may draw inferences, but not all will necessarily match the final definition. They will simply provide a loose framework from which we can draw conclusions and, hopefully, some valid aspects of the final definition.

The United Nations Charter provides not only a theoretical example of the tension involved in humanitarian intervention, but also a tangible example of the international debate over intervention. Even though the UN does not, in itself, represent an authoritative world government, it still reflects a sizeable portion of international sentiment and is therefore a valid starting point for an empirical look at the subject. One can draw from the various foundational documents some justifications for intervention in the case of humanitarian violations and, simultaneously, a solid affirmation for the right of a nation to determine its own destiny without undue—specifically military—influence. To begin the perusal of the empirical cases involved, I would like to spend a few pages reviewing the history of the development of these norms.

Within recent political memory, the tragedy of the Holocaust informs much of our sensitivity to international human rights. Quite apart from the clear international crime of aggres-

sion in the invasion of Poland and other neighbors, many nations in retrospect felt that they stood by while Germany, in the sovereign pursuit of its own political aims, violated the dignity, property and even right to life of millions of its own citizens (and citizens of conquered nations). The post-war Tribunal and the associated Nuremberg Principles set the stage for the protection of human rights as a principle of international law. International sensitivity found it necessary to punish the Nazis not only for the Crimes Against Peace (in the form of international aggression) and Crimes of War (such as the mistreatment of detainees), but also for Crimes Against Humanity (specifically, civilian populations). It is important to note that Crimes Against Humanity was conceived as a distinct criminal act, beyond mere military aggression (Werle, 2005, p. 427).

Despite their foundational nature, however, these principles were only applied on an ad hoc basis throughout the remainder of the 20<sup>th</sup> Century. This application was most notable in the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), though its influence was felt in a more academic manner in the Genocide Convention of 1948 (which also provided the foundations for an international criminal court) (Werle, 2005, p. 19). Essentially, there was an accepted principle of international law without a standing enforcement mechanism. As evidence of this, many of the actions which may be interpreted (in terms of current sentiment) as “interventions” may also be rendered as balance of power acts stemming either from notions of regional hegemony—such as Vietnam’s action in Cambodia in 1978 (Byers, 2005, pp. 94-5)—or from the proxy actions of the Cold War such as the US in Nicaragua in the 1980s. Thus, based on the dominant context of the balance of power issues in this era, what may now have been termed an intervention was nearly auto-

matically defined as an outcropping of the bipolar contest between the United States and the USSR. Therefore, the ad hoc application of the principles of human rights during this period may be a mere semantic difference where the military action is interpreted in light of the larger social context of the Cold War rather than based on the motivations of the individual actions themselves.

In 1998, though, the Rome Statute of the International Criminal Court (ICC) was adopted. This implementation coincidentally mirrors the “rise in small-scale shooting wars” suggested by Major General Cross in Chapter One. This lends credence to the opinion that interventions, while maybe questionable in legality and practicality, are nevertheless the result of a proliferation of human rights abuses rather than hegemonic adventurism. Regardless of its basis, though, it has been argued that there is a change in the ethic of the world community toward human rights and away from state’s rights.

True application of the ICC Statute allows for prosecution first by the involved state (i.e. Germany prosecuting Goering). However, when the immediate nation-state demonstrates an unwillingness to prosecute, any signatory nation may take up the matter (whether the involved state is party to the Statute or not). As an example, an uninvolved third party, such as Belgium, can indict an Israeli leader for alleged crimes against international law that were perpetrated in Israel against the mostly unrealized Palestinian state. This is true even though Israel is not party to the ICC Statute. Now, laying aside the politically incendiary nature of such an indictment, it is clear that the mere possibility of such an action demonstrates the privileged position of “human rights” over “national sovereignty” in the modern international paradigm (though it must

be remembered that neither the UN nor the ICC represent a true “government” of the type that would offset the anarchy postulate of the realist).

Since we are all now raised on the ideal of “human rights”—first by American Government classes in primary schools, and then by the growing international rhetoric dominating the last half century—it is difficult to see that nationalist fervor was ever a dominant mode of thinking on the world stage. However, it was only within the last century that we truly began to see the ravages of European Imperialism in Southeast Asia, Africa and South America. Each of these regions has undergone some amount of difficulty in attempt to define/understand nationality in the wake of colonialism. This self-definition often takes a revolutionary fervor as these nations were hurried into 20<sup>th</sup> century (military) technology and international politics, but not into the supporting culture and ideology that made those assets in the imperialist nations. I would assert that these post-colonial nations represent the potential damage that can be done by international hegemony. Many of these nations have emerged from European domination only to find that they are incapable of economic competition (internally and internationally) and are sometimes forced to share political power with hostile, historically heterogeneous sub-national groups (e.g., religious, ethnic, geographic). Interference by “civilized” nations during the colonial period only produced a few immediately successful postcolonial governments (such as the US). Imperialist interference of the enlightenment era very clearly yielded countless more national disasters than success stories.

Furthermore, no security conscious state, in the wake of two World Wars and the rise of the Cold War, would yield itself to a supra-government over which an enemy state would have equal control (i.e. Russia and China held coequal authority with the NATO powers on the Securi-



ty Council). As a consequence, the UN was formed as a negotiating body and as a guardian of international norms, but not as an activist international government. In assurance of this, the UN Charter offers language in defense of national sovereignty. Article 2.7 states that “nothing contained within the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state...” and, further, in Article 2.4 that “all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state... (Byers, 2005, pp. 157-158).” Finally, in many locations, statehood is also closely associated territory combined with a certain amount of ethnic and religious homogeneity. However, this tendency becomes less prominent in formerly colonized nations, which may be more likely to have territorial boundaries drawn as much (or more) in accordance with Western sensibilities as with cultural homogeneity (it also tends to make many of the prospective intervenee’s nervous about renewed Western tinkering in their own affairs). However, to an extent, nations were definably sovereign because their members were similar enough to enter into (or endure) what liberals would call the social contract.

Although this conception of state sovereignty has weakened with globalization, it still has strong roots in our formulation of international relations. This establishes a clear mandate for national self-determination in the foundational document of the UN and is demonstrated repeatedly in the failures of colonialism. This desire for self-determination drove the anti-colonial wave from the United States in the late 1700s to Montenegro in 2006. One might say, then, that the ideal or norm of state sovereignty is as enshrined in the international psyche as human rights. It also predates the latter as an international ethic by several centuries.

It is clear, then, that we have a clash of priorities in the face of humanitarian crises where the government is party to the crisis. Secretary General Kofi Annan was forced to dance around this conflict when NATO intervened in Kosovo in the late 1990s. He first stated, “Emerging slowly, but I believe surely, is an international norm against the violent repression of minorities that will and must take precedence over concerns of state sovereignty (Byers, 2005, p. 104).” Annan then perceptibly retracted this assertion for the primacy of human rights by acknowledging that the development of a new precedent “could have undesirable consequences for the international order.” He then stipulated that “enforcement action without Security Council authorization threatens the very core of the international security system founded on the Charter of the UN (Byers, 2005, p. 104).” He thus brings the argument full circle to the very interference-prohibitive articles of the Charter that enshrine national sovereignty. Clearly, humanitarian intervention as an ethical ideal is not without its challenges and valid detractors.

The fact that two ideals (whether constructivist norms, positivist laws, or realist semantic justifications) are in competition with each other in the empirical dispute over international humanitarian intervention exemplifies the need for the strength of ideological and rationalist support that trumps the solidly accepted ideal of national sovereignty. In this sense, the intervening nation or nations must have some type of acute (and socially or legally acceptable) justification for making the transition from the ideal of self-determination and sovereignty to the apparently competing principle which embraces third-party intervention for the sake of a human rights ideal.

### 3.5 The Basic Definition of Humanitarian Intervention

The preceding pages have covered some of the basic theoretical positions that may shed some light on how we define humanitarian intervention. We have also examined how the norms of state sovereignty and human rights may be brought into direct contrast with each other in the case of intervention. From these premises, a few important points have been gleaned.

First, in the investigation of the realist tradition, it is clear that justifications for military action may be couched in terms of power relationships. In a truly humanitarian action, it is therefore necessary to control for the possibility that these realist assumptions might explain the intervention. If the nation has some overriding power interest in the military action, then any claims that it is for the purpose of alleviating human suffering is highly suspect. Although this argument may be leveled at all empirical examples (including what we may ultimately define as a valid example of a humanitarian intervention), the validity of the realist argument is strained (or at least quite ethereal) when the military action is in a small, far flung nation of limited strategic importance, or at least, of extended strategic importance. In such a case, there are too many steps to prove the strategic good of a military action defies the rational calculation of cost-benefit of the action.

Second, there must be some clear type of humanitarian crisis that garners regular international attention. This crisis may be defined by a Security Council declaration or by a mass media campaign (for instance, the popularized "free Tibet" campaign), or by overwhelming empirical evidence. In keeping with the example of the competing norms in the United Nations Charter and in their historical precedent, the evidence that there is indeed a humanitarian crisis

must be sufficient to garner world attention and be to a degree that military interference for the purpose of human rights might justifiably trump national sovereignty.

The third condition coincides with the above empirical point, but is founded in the ideological foundations of society. Specifically, there must be some ideological right (other than the right of sovereignty itself) being violated by the oppressive intranational military force or some type of egregious counter-humanitarian action on the part of the government or sub-state actor. In keeping with the definition of complex emergency offered earlier, this does not necessarily need to be a case where the government/social system is the direct cause for the human rights issue, but that it is *at least* the proximate cause for the crisis. This is the ideological component of a necessary condition since, if third-party (especially Western) military action is contrary to the international norm of national sovereignty, then there should be some overwhelming exigent circumstance to, if not justify, at least stymie a counter response from less sympathetic nations.

Finally, there must be coercive physical action on the part of the intervening nation or the situation must have disintegrated to the point that coercive action is deemed the best solution (where to draw the threshold in this matter is, in and of itself, a highly debatable issue, and will require its own treatment in light of this project). In keeping with Article 2.4 of the UN Charter, "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." This ideal is repeated and reflected in intranational dialogue (for example, in the US Congress) as well as in interstate relations that are not mediated by the UN. Globalization has driven nations to economic interdependence, so that influence by means other than force or the direct threat of

force does not justify the moniker of “intervention.” Only a substantial military presence wholly trumps a nation’s right to self-determination. Even embargos and sanctions against nations still allow them to act with autonomy within the confines of their borders. Therefore, military action is essential to this definition, since the entire debate is predicated on the interplay between sovereignty and human rights.

The marginal case for intervention in Iraq in 2003 serves as a good empirical test of this outline. There is some sense in which the Iraqi case is consistent with the standard notions of intervention. It was not a direct threat to the intervening nations (though some would argue it was a pending threat), so there must be some broader justification for this action. An extended historical precedent was drawn from the fact that Hussein had used weapons of mass destruction on his own people, that he was a supporter of terrorist action, and therefore, he posed a regional threat to the world community and to his own populace. The added benefit of removing this dictator and installing a democratic government (which was good not only for the world community but also for the Iraqi people) has both liberal and strategic-realist implications and thus supports the ideological component of the definition. Finally, sanctions had not worked, nor had other methods of coercion (such as saber rattling and carrot and stick inducement such as the “oil for food” program). The preponderance of evidence would appear to classify this as a humanitarian intervention as the term has been defined up to this point. Clearly, there were much broader strategic justifications for the military action, and the potential humanitarian benefit is merely a possible fringe benefit to the elimination of a reputed sponsor of terrorism and the establishment of a pro-Western democracy in the Middle East (other than Israel). We must therefore extend the definition of humanitarian intervention somewhat.

This brings up a final necessary condition for a humanitarian intervention....exigency. Clearly, the 2003 invasion was strategic and not humanitarian. The complex emergency was not an immediate and overwhelming threat. In Somalia, 300,000 people crossed the border into Kenya during the early years of the 1990's (Human Rights Watch). The humanitarian atrocities were rampant and documented in the former Yugoslavia, and were occurring concurrently with the push for military intervention. The violations in Iraq were, instead, drawn out over several years and had not reached any noticeable crescendo at the time of the invasion. Therefore, it is necessary to add one final caveat: that the crisis is overwhelming and immediate and can only be alleviated by the use of force by a third party. This concept is common in American Constitutional law and criminal procedure, where a person's Fourth Amendment right to be secure in their persons from unwarranted search and seizure is flexible in what the courts have defined as "exigent circumstances" where there is an immediate public safety need that would make the warrant requirement dangerous (e.g., a victim is in immediate danger to life/health or the officer is in hot pursuit of a fleeing suspect).

Succinctly, then, a working definition of humanitarian intervention includes several factors, including that the act must be of limited strategic importance for the intervening nation, that there must be overwhelming evidence of a humanitarian crisis and that the crisis violates some type of commonly held ideals. Additionally, the intervening nation must take coercive military action or would need to take such action to alleviate the suffering. Finally, the precipitant human rights violation must be acute and on-going to create an exigency that eliminates all other methods of remediation except the direct application of military force.

Development along these lines in the theoretical argument for humanitarian intervention has taken place in recent years and provides a more concrete basis for moving the discussion away from ad hoc application of the violation of sovereignty to a better defined set of expectations and norms. A clear set of ground rules and agreement on the basic requirements to justify bending the otherwise sacrosanct right of a people for self-determination narrows the discussion to a manageable set of terms rather than resorting to broad theoretical arguments of the variety often employed to justify or decry interventionist policy.

One of the most important outgrowths of the increased sophistication in the theoretical approach to intervention has been an increased understanding of the need for post-military reconstruction of the victim-nation. This was prefaced in the first chapter, and then in the second chapter its general absence in the prominent literature was traced. The theoretical foundations of humanitarian intervention contain within them an inherent requirement—at the least—to post-intervention recovery and reconstruction. As discussed above, any potentially legitimate intervention must contain a human rights violation that lends imperative to the violation of sovereignty. By continuing to hold sovereignty in such high esteem and setting a high threshold for the justification of intervention, simply violating sovereignty for the limited goal of a temporary cessation of the symptoms of the humanitarian catastrophe is insufficient. The limited strategic importance stipulation does not seek to limit the level of third party involvement in the victim nation, only to limit the personal benefit gained by the interveners. That is, just because the intervention is of little direct personal benefit to the intervening nation does not mean that its military (and overall) objective needs to be similarly limited. The typical approach to humanitarian intervention is overly squeamish about its commitment, and often

seeks to prove its limited personal strategic importance of the action by shortchanging the action. If the entire ethical imperative to intervene is to stand up, then humanitarian action cannot become a personal power-grab simply by increasing the military and reconstructive commitment (e.g., interfering in the nation's internal politics). In a way, taking the superficial "light footprint" approach to a deeply complex problem can be seen as an attempt to prove that the intervening nation has no "designs" on the subject nation. The two concepts are categorically dissimilar, though. Either the action is humanitarian in its focus, or it isn't. The level of coercion is thus only a tool to achieve the humanitarian end. It is definitely not a measure of the potential personal benefit for the intervening powers. If human rights violations to the level of mass atrocity (or some other mass casualty event) can ethically necessitate intervention, then whatever level of third party involvement is needed to "fix" the problem should be applied (laying aside discussions of the ramifications of "fixing" a nation for the purposes of this argument).

This understanding of the concept of humanitarian intervention will be better served if we approach the notion of sovereignty not in the absolute sense of Westphalian borders and freedom from external interference in domestic matters, but instead see it in more of a classical liberal lights as a peoples' fundamental right to self-determination and ability to establish a system of governance that sees to its fundamental human rights. In the case of an event that would justify intervention by the definition established in this chapter (complex emergency or mass atrocity), the people are by definition unable to see to their own fundamental rights. Thus, the violation of the truly integral right to sovereignty must be motivated by a complete breakdown in a people's ability to secure their own human rights. If we are ethically bound to intervene in such a situation, then the intervention is aimed at restoring a peoples' ability to



establish and secure their own human rights. Such an event is infinitely more complex than mere limited scope military action, and inherently involves recovery and even mitigation of future events as part of its fundamental purpose. While their path to this conclusion may be different, several other authors have sought to broaden their approach to the humanitarian intervention debate to incorporate notions of recovery. In the next few pages, I will look at the most prominent of these broadening efforts.

### **3.6 A Foundation for a Comprehensive Approach in the Responsibility to Protect**

This definition is not the end of the matter, though. While it addresses what is involved in the humanitarian intervention per se, it fails to recognize a whole host of surrounding issues. Specifically, this definition—which aligns with the approach taken by the literature to this point—is largely devoid of context. The fact that the implications of reconstruction are left out has already been pointed out. In the next chapter, the assertion will be made that the missing elements for a complete consideration of humanitarian intervention go far beyond just adding recovery and reconstruction into the practical and ethical arguments. However, before this shift in the scholarship is proposed, it should be noted that a major advancement has been proposed in the humanitarian intervention paradigm in this area.

As addressed in this definition and in the previous chapters, the broader arguments of government stabilization—often conflated with democratization—preventative international aid, strict security studies concerns, NGO operations, and similar concerns are not given adequate consideration in regard to intervention. The Responsibility to Protect paradigm (R2P), which emerged out of the International Convention on Intervention and State Sovereignty (ICISS) in late 2001, goes much farther to address a broader scope for humanitarian interven-

tion than the literature to this point. Because the resulting report specifically attempted to expand the concept of intervention in a manner similar to the one advocated in this project, a review of the Responsibility to Protect concept is necessary. However, there are features of the R2P (and its conclusions) wherein the subject is better served by the comprehensive emergency management approach. But because of some of the salient points are similar the concept of comprehensive emergency management, an understanding of the ICISS approach is useful to the project at hand and serves as a good introduction to the domestic emergency management paradigm.

The report from the ICISS was released soon after the events of September 11, 2011 which—according to Convention co-chair Gareth Evans—stymied the reception and constructive conversation that the report should have had after the humanitarian intervention-related events of the 1990s (Evans, 2008). In short, the world became obsessed with the threat of exported terrorism while the concerns of the 1990’s “new world order” took a back seat.

As noted in Chapter Two, several authors have attempted to reconcile the pre-9/11 humanitarian intervention with the resurgence of strategic—though asymmetric—military action in Iraq and Afghanistan. Interestingly enough, the post conflict reconstruction end-game in both of these nations has borne more resemblance to the human rights oriented ideals of the nascent concepts of humanitarian intervention than to the much more categorical approach of mutually assured destruction that typified the Cold War area conversation. However, full consideration of the impact of 9/11 on the intervention paradigm, while useful to the overall discussion, would be somewhat afield from the purpose of this project. Suffice it to say that Responsibility to Protect burbled along in the background over the first decade of the Twenty-First

Century, along the way garnering some support from the UN secretariat and the world community (much of which was in traditional diplomat doublespeak). Then, in 2011, with the advent of the “Arab Spring” the concepts of humanitarian intervention again became germane as the World community grappled with the potential ramifications of populist uprisings against long-standing totalitarian regimes. From a Responsibility to Protect perspective and as the strategic actions in Iraq and Afghanistan wind down, we have seen limited military action in Libya and some saber rattling in the case of Syria in the support of a more humanitarian purpose. As yet, no action has shown quite the same amount of salvific hubris that urged the West into Somalia and Haiti in the 1990s, but the concept is clearly back on the table, so to speak. The concept of intervention for humanitarian purposes is becoming less overshadowed by the strategic concerns of the “War on Terror” and we are seeing something of a return to the concerns of the 1990s.

As a central feature of the Responsibility to Protect paradigm, Evans (and the other Commissioners) asserts that the concept of sovereignty—which is a central concern in the humanitarian intervention debate—is turned on its head. In what is described as different from traditional sovereignty, R2P sees sovereignty as responsibility for the population as opposed to authority over them. Evans uses Kofi Annan’s words to perfectly set out the perspective they are taking (and what serves as an axiomatic principle for R2P), stating “States are now widely understood to be instruments at the service of their peoples, and not vice versa (Evans, 2008, p. 37).” While several classical liberal philosophers may object that this is not really a recent change in the concept of sovereignty, this sets the groundwork for a perspective that attempts to embrace the legal outlines of sovereignty while still allowing a last-ditch justification for mili-

tary intervention when the “sovereign” fails to meet its inherent mandate. Thus, the responsibility to ensure that the basic human right to be free of mass atrocity falls first to the state, and if that state is either unable or unwilling to ensure that right, then it has tacitly forfeited its responsibility to the citizens and thereby its right to territorial inviolability. In such a case, it becomes incumbent upon the international community to ensure that right with a just war-like argument which includes just cause, fitting intentions, that military action is a last resort, that the authority to intervene is legitimate, proportionality, and a reasonable prospect for success (ICISS, 2001, p. 32). While these last two stipulations are exceptionally problematic and may often prove to be the very factors that rebound onto the others should the public mood or international community turn against the intervention, the fact that an empirical guide for intervention has been offered is a step in the right direction.

Evans and the R2P Commissioners clearly understand the implications of these stipulations. For one thing, the “reasonable prospect for success” addition forces the conversation out of a pure just war debate and into one where the post intervention activity must be so thoroughly understood that a reasonable estimation of a successful reconstruction can be achieved. This is, in effect, the practical formulation of the ethical position espoused earlier in contrast to Singer’s dictum: a moral imperative to intervention cannot be asserted without considering the long-term implications of the intervention. However, R2P attempts to walk a fine line, downplaying the paternalistic implications of intervention, including citing the likely resistance of the UN for a return to “trusteeship” that may come from the R2P concept (ICISS, 2001, p. 43). One can argue that this concern (and the concept of “light footprint”) fails to appreciate the true scope of the intervention paradigm as outlined in the third chapter. This is to

say nothing of the intrusive nature of R2Ps concept of “prevention” by positively coercing the political and social development of a borderline nation.

In addition, the fact that military action is a “last resort” within this Responsibility to Protect schema doesn’t alleviate the responsibility of any nation (or if necessary, the international community) to protect its citizens. The topic of military intervention is the sharp end of the R2P stick, so to speak, but the project inherently encompasses much more than that. The “last resort” aspect confirms the importance of prevention activity in the humanitarian intervention discussion.

Despite these potential issues, the R2P addresses the scope of intervention in a realistic way. It also recognizes that military action is one end of a continuum in addressing the “mass atrocity” issue. The real goal is not only to lay the legal/normative groundwork for third party intervention in extreme cases, but also to all that is possible to ensure that the situation never reaches the point that third party invasion is the only option. As such, it sets the groundwork for comprehensive emergency management theory to be applied in the international humanitarian intervention setting. Specifically, it outlines the responsibility to prevent, the responsibility to react and the responsibility to rebuild in the case of intervention (ICISS, 2001). The next chapter will detail how this approach opens the door for a clear connection to the domestic emergency management scholarship. This will yield a more fertile conversation on the subject of humanitarian intervention and Responsibility to Protect by providing an established and successful theoretical framework to guide the discussion. Additionally, it may provide greater empirical examples to draw from to support a lessons-learned analysis of a field that admittedly has very few actual cases to pull from.

### 3.7 The Implications of the Ethical Imperative to Intervene

This definition's impact is not only practical, but also has implications for the broader academic discourse on humanitarian intervention. First, it provides a forum to inspect the axiomatic principles of international relations where "the conflict between order and justice at its starkest," as Wheeler and Dunne asserted. Second, it also presents us with a paucity of empirical examples to draw from. This has largely limited our discussion to the theoretical, and because of the military aspects of humanitarian intervention, has led to a natural academic predisposition to a security studies perspective. It makes the Cold War model (which was presented skeptically in the previous chapters) more attractive, because it gives theorists something to base their scholarship on that can provide a wider empirical basis for the theoretical consideration of the concepts of "order" and "justice." That is, the connection to the security studies debate (and indeed, the tendency for the popular assertion of humanitarian intervention justification for cases such as 2003 Iraq) is an easy leap when so few instances of true "humanitarian intervention" exist to provide a basis for conversation. In the next chapter, I will present domestic emergency management as an alternative empirical example for the humanitarian intervention scholarship since there are more parallels with domestic disaster response than with the traditional strategic military examples.

In recognizing a minimized role for strategic gain in the definition of humanitarian intervention, the human rights aspects are pushed to the fore. In the case of a complex emergency, the human rights concerns prompting the intervention are predicated on a breakdown in the social and political systems and thereby the infrastructure (both physical and systemic) that support human rights. Implicit in this is the fact that any human rights motivation for interven-

tion cannot ignore the source of the emergency, which may be either a pure social breakdown (e.g., genocide) or a natural disaster compounded by a social-political failure. The premise of humanitarian intervention is that there is ethical cause to intervene in the affairs of a “sovereign nation” via traditional means of NGOs and foreign aid as well as a full-fledged military commitment. By definition, then, the ethical imperative is not being met unless the social breakdown or natural disaster compounded by a social-political failure is addressed in the intervention. To put it in another way, the predicate of social-political and physical reconstruction is contained in the very definition of the ethical motive to humanitarian intervention.

## **4 A DOMESTIC CORRELATE: THE EVOLUTION OF DOMESTIC EMERGENCY MANAGEMENT**

### **4.1 An Introduction to the Topic of Emergency Management**

The main focus of this chapter will be tracing the more theoretical outlines of comprehensive emergency management and the structure it provides to the domestic emergency management paradigm. It will also delve into the practical application of the theory in (mainly) its current American format. As described in Chapter One, this chapter will provide a descriptive picture of emergency management's evolution from a military-oriented program to one that understands the unique and comprehensive nature of the whole range of domestic crisis management requirements. In this discussion, the feature of technical field-level emergency management will be referred to as tactical and operational (or incident management and line functions, respectively), whereas overarching structural approaches will be referred to as strategic (long-range issues) (Canton, 2007, p. 48). These terms used in the emergency management community should not be confused with the related but not entirely similar concepts found in international relations theory (for one thing, in this context, it does not have the same direct military connection).

The evolution that will be traced through the tactical, then theoretical realms in the domestic setting is similar to the change in approach to international humanitarian intervention implied by the previous chapter and begun in the Responsibility to Protect report. Specifically, it moves beyond a focus on organizing the civilian population for response to military events to an understanding that the scope and ramifications of emergency management are far beyond the necessary expertise of military defense/offense. The expectation is that this similarity in subject matter may bolster and strengthen a shift in the humanitarian intervention paradigm



from its own myopic view to something that encompasses the broader requirements outlined in the previous chapter. It may also provide some insight into the potential organization of the different pieces of a broader humanitarian intervention regime. It may also provide an understanding of the sheer complexity implied by the ethical imperative for stable nations to ensure the human rights of people within the sovereign borders in another country.

To set the stage for a deeper comparison between the domestic and international correlates, this chapter will introduce the concept of comprehensive emergency management. It will begin by looking at the tactical approach developed by the different response disciplines trying to work together to achieve a common end. This is important because the changes in the tactical approach to emergency management coincides with and supports the evolution in the domestic theoretical paradigm (and in the next chapter will draw similar parallels to the international context). It also demonstrates the interrelation between the various crisis management related disciplines, of which the uniformed services are only a part. The next section will provide a look at the theory underlying the domestic emergency management paradigm, which will set the stage for its application to international humanitarian intervention in the next chapters. The chapter will conclude with a brief consideration of the all-hazards approach. This will be conducted by positing a disaster continuum that encourages scalability and flexibility in the approach. It also recognizes that proper emergency management may need to move fluidly between phases, flex the different disciplinary roles, and expand/contract the response in relations to the scope and primary threat of the event. In this, the uniformed service role in the system is recognized as a part of the overall strategy, but only dominates those aspects that align most closely with their respective areas of expertise.

This chapter is focused on the outlining of the basic aspects of domestic emergency management for a scholarly field that has likely not encountered its details before. It is evident from the literature review that the comprehensive emergency management theory, while recognized and utilized on an international basis, has not found its way into the international relations scholarship, much less the research specific to humanitarian intervention. Comprehensive emergency management is generally a creature of domestic politics and as the corresponding theoretical field has grown out of operational necessity, it has been largely contained by public administration. Because this theoretical approach has not made significant inroads into traditional international relations theory, a firm understanding of its foundations is needed to make a fitting parallel between the two levels of crisis management: domestic and international.

#### **4.2 Incident Command System: The Structural Component of Emergency Management in the US**

The national emergency management system in the United States developed during the 1970's simultaneously with what has been defined as comprehensive emergency management. The former represents the operational approach of the various disciplines involved in crisis management, while the latter sets the overarching theory. The concepts represented a shift in how the nation and its political subdivisions approached disasters and other emergencies. It also coincides with a shift away from myopic dominance of the subject by its military aspects. The approach, which was eventually dubbed "all hazards," currently runs the gamut of potential domestic humanitarian emergencies, from terrorism to tornados, and everything in between. This comprehensive approach began to be developed by the various southern California fire departments that routinely found themselves coordinating the resources of otherwise un-

related fire services on the large brush fires that plague the region. In trying to bring multiple departments with different cultures, operating procedures, and even disciplinary approaches together on these events, they discovered through the trial and error that effective and efficient performance was often hampered by their incompatible institutional structures and by jurisdictional squabbles over on-scene authority (FEMA, 2010).

Many of the large wildland fires required the cooperation of multiple distinct agencies, ranging from municipal volunteer and career structural firefighting departments—each with their own operational system and organizational culture—to state forestry wildland firefighters. While they shared the common element of firefighting, the organizations were surprisingly diverse. Organizational culture, expectations, and deployment methodologies, and tactics are as different among these organizations as war-fighting is between the army and the navy. Not only are their competing personalities and rank structures at the management level, there is a world of difference between wildland firefighting of the type faced in these events (and mastered by the forest service) and the structural fires (e.g., homes and businesses) that are usually faced by the urban/suburban fire departments providing a sizable chunk of the response resources. Naturally, each of these organizations came at the issue with their own preconceived notions of methodology, terminology and decision-making hierarchy (to say nothing of the personality clashes between various members of different executive level staffs showing up on the same scene).

These fire departments were forced to form inter-institutional relationships, and find a common means of communication (both technologically and culturally). They also had to organize their agencies into a structured, coordinated response to the threat *all the while actually*

*combating the fire*. The humanitarian intervention paradigm faces a similar task when it tries to deploy a force aimed mainly at defense and military victory and then tries to evolve that force into a police organization that needs to put forth an entirely different image in the non-combat response and recovery phases. It is clear that the scene of a mass catastrophe is not the best place to carry out such intensive management-level wrangling. As a consequence, these agencies established a common protocol and management structure to allow their disparate departments to coalesce and coordinate during a rapid and evolving response to a wildfire.

The methodology created, dubbed FIRESCOPE (Firefighting Resources of Southern California Organized for Potential Emergencies) (Canton, 2007, p. 89) by its progenitors, soon evolved into what is now known as Incident Command System (or ICS). It moved beyond southern California and out of wildland firefighting until it became the *modus operandi* of fire departments across the country. The theory's success led to its growth beyond firefighting discipline as well. For example, an arson at a residential structure could bring not only structural firefighters to the scene, but EMS, the medical examiner, police investigators, and even the Red Cross. Each of these disciplines are tasked with related but dissimilar specific functions at the fire, including fire suppression, triage, forensic investigation, and care of displaced victims, respectively. ICS provided a means of organizing these various resources in a comprehensive approach to the incident so that the best outcome can be achieved while ensuring that the disciplines do not work at cross purposes (as they often do). The development of ICS paralleled and in many ways mirrored the development and the broad acceptance of the Comprehensive Emergency Management approach. It creates a standardized, scalable organizing structure that emphasizes flexibility during emergency management and creates a process for unifying the

command, operations and support functions that can be understood by all responding agencies. Most importantly for the humanitarian intervention debate, ICS integrates all potential “players” (e.g., police, fire, public works, utilities, EMS, NGOs) into the tactical organizational structure and at the strategic coordination centers overseeing the deployment of resources and operational planning aspects.

These approaches saw some integration into the public safety disciplines in the subsequent decades (most notably in fire and emergency management agencies across the country). The events of September 11, 2001 served as the watershed event that foisted ICS onto all aspects of emergency response. This approach has been adopted by the local, state, and federal governments as their Standard Operating Procedure at multi-agency emergencies (Canton, 2007, pp. 104-105). However, despite the fact that 9-11 served as the justification for enforcing this operating system across the board, the ideology’s genesis was more than 20 years earlier.

The beginning of ICS’ evolution to its modern state began in the 1970s when—as I indicated in the first chapter—comprehensive emergency management was taking its first steps away from its Cold War foundation in “civil defense.” This strategic transition will be addressed more thoroughly in the upcoming section on the evolution of the supporting theory, but suffice it to say that the tactical realities of managing large wildfires (and by extension, other natural disasters) soon began to inform the broader scholarship and strategic approach to domestic emergency management as a discipline. The National Incident Management System (NIMS)—which expanded ICS beyond its wildland firefighting roots—is structured around the merging of various represented disciplines at the scene of a multi-jurisdictional incident, a disaster or a catastrophe. Such a system has many advantages, including scalability, multi-hazard flexibility,

and especially interdisciplinary coordination. It focuses on indoctrinating disparate groups who would conceivably respond to an emergency into a similar system of management and recognizes that the uniformed services are only one piece of the response to a much broader puzzle.

One of the primary benefits of the domestic emergency management system is its often touted multi-hazard approach, which is a benefit-in-tandem with multi-disciplinary coordination. This management system is not designed around a specific discipline's standard hierarchy or operational expectations. The earlier example of a response to an arson fire represents the formation of both the interdisciplinary approach and the all-hazard mindset, where each component has an integral role in achieving the best outcome. By focusing on one aspect of the response and setting (for example) the structural firefighting approach as primary in the incident response could destroy evidence needed for the criminal prosecution, allow medical care to be poorly given, and even contribute to unnecessary environmental concerns. In recognizing that all contributors represent a valid piece of a complete response to the arson fire, NIMS/ICS allows for the integration of all the disciplines into its structure. This can be done directly through what is known as a Unified Command, wherein the major disciplines represented contribute someone to serve as "co-incident-commander," working out the response priorities in committee. In the arson fire case, the incident commander would not be a single person, but perhaps chief officers of the fire, investigations, and EMS disciplines. However, as this can be an unwieldy operating system during an emergency, NIMS has also taken pains to train command personnel in deliberately integrating those with expertise in other disciplines into the command structure. In such a case, the investigative chief may serve as the incident commander setting strategic priorities of the response, but the fire suppression chief would take

tactical responsibility as the subordinate “operations section chief.” Finally, regardless of whether or not one of these integrative approaches is taken, a background awareness of the continued importance of the other disciplines by the potential incident commander is maintained both by pre-incident indoctrination in the all-hazards ideology (via extensive federally mandated NIMS training), and by supportive coordinating structures such as Emergency Operations Centers who are staffed with professional emergency managers who focus more on interdisciplinary coordination rather than just one aspect of the response.

Associated with this response structure are the National Response Plan (NRP) and its successor, the National Response Framework. The NRP embodies the Federal application of the NIMS management structure. Promulgated in conjunction with this plan are fifteen National Planning Scenarios, billed as all-hazards response plans which can be applied across a varying degree of incident types in the same manner as the incident command system. These planning scenarios are weighted toward various terrorist events, and therein they align with the humanitarian intervention concern of human atrocity (though on a much smaller scale—hopefully), but also include natural disasters such as hurricanes, earthquakes and pandemic disease (Canton, 2007, p. 213).

The planning process (both before the event and as a function of the response team during an incident) provides an opportunity for each level of government to bring its own expertise and abilities to the table. For example, the Federal Government has financial and coordination resources that are broader than any local government, but the municipalities have a familiarity with the affected community and a connection to its people that the larger governments could not hope to have. Even non-governmental organizations may also get involved at

any step, since many groups (such as the Red Cross) are represented by local, state, national and international chapters. NIMS and the NRP allow for—and, in large incidents, expect—their integration as well. Their responders are familiar with the national emergency management system, train for their integrated roles, and understand the expectations of the entire program.

Realizing that all emergencies are primarily local—though some have broader inter-jurisdictional needs or implications—the national emergency management system is recognized by FEMA and the NRP as being locally driven. This means that all response begins at the municipal or county level. Even if multi-county events elicit a state or federal response due to their size and scope, the first responders will be from local agencies. These responders will initiate the ICS structure that will be scaled-up as more resources are drawn in due to the complexity of the incident. The local initiators will also remain the key players in the various local incident commands. Despite FEMA's role in planning, coordination and financial assistance, and all the assistance introduced by such national NGOs, the broadest and most basic needs of the NIMS are fulfilled at the local level, by municipal police officers, firefighters, road crews, planning and zoning administrators, and in local hospitals. In a sense, the emergency management system functions as a coordination apparatus, and does not necessarily usurp operational command from the field-level experts. It also does not seek to change operational abilities of individual disciplines such as police and fire, but allows them to integrate on not only a local level, but also on a multi-jurisdictional, regional and Federal level to facilitate a response to varying sized incidents without having to take valuable time to develop administrative structures and relationships.



The issues of operationalization become even more apparent when non-uniformed agencies are thrust into the mix. Emergency management—as a discipline—not only draws from experienced police and fire officials to fill its ranks, but it also incorporates much of the culture and emergency response ideology from these disciplines as well. This tendency to import a cultural hierarchy is only compounded by the fact that emergency management as we know it today evolved out of the Civil Defense program of the early Cold War era, which clearly has a military basis. In his book Emergency Management: Concepts and Strategies for Effective Programs, Lucien Canton asserts that “many of the planners hired to meet the requirements of the program were retired military personnel. Not surprisingly, these planners used the military planning techniques and assumptions with which they were familiar. The military model thus became imbedded in emergency planning and its influence continues to this day (Canton, 2007, p. 58).” Whether the causal relationship between military hierarchy and the emergency management system is a matter of form (i.e. semantic and superficial) or substance (integral and basic), it cannot be denied that this stratified and rigid style has found its way into the Incident Command System and the associated aspects of the emergency management discipline.

Observers of disaster management practices have seen a certain friction in the relationship between the public responders and their private partners (not to mention the public they are responding to help). The highly structured system of classifying problems and managing resources presents something of a barrier to the inclusion of ad hoc citizen groups and the more fluid or democratic management philosophies often found in non-governmental organizations. This difficulty is only compounded by the fact that the first—and largest segment of—responders are from the traditional public safety disciplines and thus dominate the incident

management structure by sheer number and by their early (and thus foundational) arrival. This dominance does not change the fact, though, that any response is also simultaneously dependent upon the ad hoc citizens groups, NGOs such as the Red Cross, and even insurance companies and churches. The dominant police, fire and EMS disciplines cannot effectively deal with a large disaster or catastrophic incident without fully integrating these less structured partners. We are thus left at something of an impasse, with hierarchy dominating both the form and a majority of the content of the National Incident Management System, but decidedly non-hierarchical partners serving as an integral portion of the responders. Conflict often develops between these different groups, to the extent that researchers are questioning the benefits of the hierarchical structure of the NIMS. There is nothing more annoying for a traditional “Type-A” police commander than to try to integrate a—potentially useful—church bus full of experienced disaster reservists from Presbyterian Disaster Assistance into a response organization in the wake of a human catastrophe.

#### **4.3 Comprehensive Emergency Management Theory**

Around the same time as the development of FIRESCOPE, the theoretical conceptualization of emergency management began to develop. In some ways, it was born out of the “lessons learned” from the practical experiences of groups such as the California fire service and FEMA’s various predecessors (including the dominant civil defense apparatus). However, it has developed into a kind of comprehensive amalgam of more traditional disciplines situated to address the unique concerns of social responsibility, environmental science, engineering, chemistry, mass communications, political science, and even medicine that are essential partners on the equally unique scene of a disaster. In fact, the resultant comprehensive approach

is operationalized into fifteen fairly distinct disciplines with correlates in each of these fields. These fields broadly correspond to the tactical emergency support functions of the NIMS, which include: transportation (infrastructure for air/rail/roadways, security-related aspects, etc), communications (especially electronic), engineering, firefighting, emergency management (the coordinating structure), mass care/housing (e.g., refugee/displaced persons operations), logistics (like emergency management, a meta-discipline), public health/medical, search and rescue, hazardous materials, natural resources, energy, security, long-term recovery, and external affairs (e.g., public information). This approach also substantially incorporates the more technical disciplines of criminal justice and fire science (the uniformed services) because they provide the bedrock of staffing on any disaster and focus on the most immediate concerns in any disaster.

To a large extent, the modern era of emergency management was defined in military terms, especially as it addressed large-scale concerns. Local events were handled on an ad hoc basis by unorganized volunteers or by disparate local police and fire systems. For large events, the modern organized approach to government's role in emergency preparedness in the post-World War II era most notably begins with the Civil Defense Act of 1950. The international relations events of the era—specifically the rise in bi-polar strategic politics between the US and Soviets—were read into the domestic preparedness regime. The Soviet detonation of a nuclear bomb in 1949 and the 1950 invasion of South Korea contributed to this overriding concern, thus the Act had its genesis in the Cold War and the nuclear threat it represented (Canton, 2007, p. 21). However, local governments had concerns beyond Soviet invasion and nuclear war, including flooding, severe weather, and other natural disasters. This resulted in a recurring call for

inclusion of non-security related concerns in the domestic preparedness program, and led to the 1976 amendment to the Act that incorporated a “dual use” doctrine wherein domestic resources falling under the Civil Defense rubric could be used for military and non-military events (Canton, 2007, p. 22). With this, domestic emergency management theory began its own evolution out of a myopic focus on military concerns, and into an understanding that there is more needed in domestic crisis management than a militarized response to an invasion or nuclear event.

Comprehensive emergency management moved to the fore as the theoretical system driving domestic disaster response in 1979 with the issuance of Comprehensive Emergency Management: A Governor’s Guide by the National Governor’s Association (hereinafter “the Guide”). This gave the emergent concept of a comprehensive and specific approach to domestic disaster management a tangible form that could guide the preparedness community away from being a (distantly) secondary function of the military or National Guard. Concurrently with the federal reorganization that led to the creation of FEMA (also 1979), this laid the groundwork at the state and local level for the evolution of the comprehensive approach taken by the domestic emergency management community. The purpose was to recognize that the loss of life and economic impact of natural disaster, potentially catastrophic environmental problems (e.g., hazardous materials and/or nuclear crises), and even dramatic civil disturbances needed an approach that addressed them as a unique community issue rather than just a secondary concern for law enforcement, suppression firefighters, and in very large events, unallocated military resources primarily trained and oriented toward armed national defense from an

external enemy. Specifically, the Guide outlines an approach to emergency management similar to what will be outlined for humanitarian intervention in the next chapter:

Emergencies take many forms. They can involve any combination of consequences stemming from: Technological and man-made hazards: nuclear waste disposal spills; radiological, toxic substance, or hazardous materials accidents; utilities failures; pollution; epidemics; crashes; explosions; urban fires. Natural disasters: earthquakes, floods, hurricanes, tornadoes, tsunami, sea surges, freezes, blizzards of snow and ice, extreme cold, forest fires, drought, and range infestation. Internal disturbances: civil disorders such as riots, demonstrations run amok, large-scale prison breaks, strikes leading to violence, and acts of terrorism. Energy and material shortages: from strikes, price wars, labor problems, and resource scarcity. Attack: the ultimate emergency—nuclear, conventional, chemical, or biological warfare (Whittaker, 1979, p. 12).

In a real sense, this change in approach represented the beginning of a paradigm shift away from being a secondary concern for civil defense, and toward what is now known as “all-hazards” approach that is central to the domestic emergency management community.

Comprehensive emergency management is not just an operational/tactical-level approach like the NIMS ideology discussed earlier. It is a theoretical approach that drives the scholarship and sets the strategic direction for the disaster response community at the state and local level. The Guide outlines distinct concepts of preparedness, response, recovery, and mitigation. In this approach, the response phase—where there are actually boots on the ground dealing with the crisis—is only one part of a four part system. This approach takes pains

to ensure that the other three phases are *not* merely ancillary to the response. Without this deliberate theoretical approach guiding planning and management, the flashing lights, hoses, and blazing guns of the police and fire agencies tend to suck up all of the attention and dominate the government approach to a catastrophic domestic event.

This tendency for the response phase to dominate the conversation coincides perfectly with not only the media approach to international humanitarian crises crying for forcible intervention, but also with the academic and apparent practical approach to the subject. The actual commission of military troops, the minutia of their movements, and the daily tragedies of troop losses and scenes of humanitarian tragedy figure much more prominently in the conversation about intervention than the non-response issues. Similarly—as outlined in the second chapter—the literature is focused on the response. In the case of humanitarian intervention, the military action slides most easily into the Cold War, Just War aspect of the response to the humanitarian crisis, thus it takes the central role in all of the ethical and practical debate. However, as we have seen, the uniformed aspect of domestic emergency management has successfully transitioned to an all-hazards, comprehensive approach. Even authors such as Keohane and Evans recognize the need for this transition in the international arena. It just needs concrete expression.

This discussion of an overemphasis on what has been termed the “response phase” is not to demean the role this plays in the literature or the social import of responding to domestic emergencies or international humanitarian crises. Response is where the greatest suffering is occurring. It is where nations expend their treasure, and potentially the lives of its public servants. It is where the traditional laws and mores of societies are challenged in ways unantic-

ipated by routine operating systems (even in domestic situations). Response is the essential element in Comprehensive Emergency Management. Despite our best efforts a mitigation, history has proven that we will be confronted by emergencies with significant economic and human toll. We must be prepared to respond to and recover from such occurrences. Thus according to the Guide, the response phase is designed to provide emergency assistance for casualties (e.g., mass shelter for displaced persons, medical care for victims), to reduce the probability for secondary damage, including stopping environmental degradation (due to contaminated water in this case), and preventing looting (Whittaker, 1979, p. 13). The definition, as rendered, maps easily onto the actual act of intervention into an international humanitarian disaster.

As we have seen in numerous domestic events, the end of the boots on the ground response phase (and the withdrawal of the main body of uniformed services) does not end the needs of the affected community. Additionally, the withdrawal of police and fire, while leaving the affected community in a ruined state with destroyed infrastructure, a fractured economy, and no resources to rebuild, leaves an economic vacuum. It also just barely addresses the social issues that come in the wake of a domestic tragedy: failure to address the longer-term effects of the event runs against our sense of commitment to our fellow Americans. The recovery phase will include long-term housing for displaced populations, and reestablishment of infrastructure to pre-event levels. It should be noted that this does not include alleviating the problem, but merely returning the community to pre-event operational levels. For example, if the community's hospital was damaged by the event, but it also needed another hospital to provide adequate services based on demographics and need, the recovery phase will address re-tuning the damaged facility to its previous operational state. It does not address rectifying the

underlying problems caused by having insufficient health care resources. While these issues are similar, they are not identical, and require different planning approaches. This distinction is especially important when this model is applied to international humanitarian intervention problems, as will become clear when the substance of mitigation is later discussed.

The tendency to support/need recovery as a phase of emergency management is demonstrated not only out of economic and legal necessity, but there is also an ethical sense of interpersonal responsibility. Post-event charitable giving to groups such as the American Red Cross specifically earmarked for a particular use is a good example of the expectation of social commitment by non-impacted communities. There is clearly some sense of corporate responsibility of a kind with Singer's drowning child dictum, albeit on a much more localized (and less comparatively costly in terms of lives and treasure) level. As a consequence, the domestic emergency management system specifically addresses what it has termed "response" and "recovery" phases of an emergency. In the case of international humanitarian intervention, the response phase has been well treated, and the recovery aspects are just now being fully fleshed out. Again mapping appropriately onto the international question, the Guide outlines the recovery phase as including two types of activities:

Short-term recovery activities [which] return vital life-support systems to a minimum operating standards (for example, clean up, temporary housing). Long-term recovery activities may continue for a number of years after a disaster.

Their purpose is to return life to normal, or improved levels (for example, redevelopment loans, legal assistance, and community planning) (Whittaker, 1979, p. 13).



The specific language of the Guide is important because it outlines how closely it can align with the humanitarian intervention experience. It is also important to note that in domestic situations, the focus is beyond bringing the victim population “back to minimum operating standards.” In the international context, we have seen time and again that simply resolving the immediate problem then pulling out before the source of the conflict has been addressed (with a focus on leaving a “light footprint”) gives short shrift to long-term recovery as a deliberate and planned part of the intervention. The experience in Haiti over the past few decades is a prime example of this.

Long-term recovery leads to consideration of how to prevent reoccurrences of the event in the future. The additional experience of repetitive loss from the same types of incidents (especially weather issues such as floods or earthquakes, but also riots) has led policy makers and researchers to include the concept of “mitigation” in the domestic emergency management paradigm. The purpose behind this phase includes identifying the causes of the risk that is facing the population, the underlying factors that contributed to the event, and attempting to address them. This includes not only mitigation of future events during the recovery phase, but also to attempt to identify the pitfalls prior to any event occurring. Mitigation includes extrapolation of disaster/humanitarian crisis elsewhere (e.g., studying failing states with prevention specifically in mind) to lead to pre-event action, and thereupon, a concerted effort to address the underlying causes of such crises. Mitigation is thus “any activities that actually eliminate or reduce the probability of occurrence of a disaster (for example, arms build up to deter enemy attack or legislation that takes the unstable double-bottom tanker off the highways)” (Whittaker, 1979, p. 12). Again, the Guide’s definition of mitigation activities is flexible in its

potential application to military situation, but considers the non-martial side of the continuum as well.

In the domestic realm, the more severe the economic and personal impact of these emergency events has become, the more apropos the old adage “an ounce of prevention is worth a pound of cure” becomes. Mitigation of future events—in the case of weather events, controlling what factors we can because the event itself is largely uncontrollable—is an essential element of lessening the human and economic cost of disaster. One perennial practical example of the transition in this area is exemplified by the National Flood Insurance Program (NFIP) and the associated policies it is promulgating. In order to be eligible for the NFIP, a community must implement and maintain a comprehensive flood plain management program, which is heavily weighted on identifying flood prone areas through extensive research, then designing stringent building codes to restrict—and where necessary, prohibit—development in the flood-prone areas. The flood insurance program (and thus any hope of economic relief in the event of an inundation) is entirely predicated on adopting and affirmatively enforcing the disaster mitigation policies set forth and periodically amended by the federal government.

It should be noted that this example is not meant to directly correlate to the humanitarian intervention as it is considered in the current literature. There is an easy parallel from the NFIP example to the international context. It involves using international financial aid as a hook to enforce democratic and classically liberal social policies in the victim nation fall more in the realm of the International Monetary Fund (IMF), the US Agency for International Development (USAID), or other similar organizations. However, if we adjust the focus of humanitarian intervention to see it as one part of a continuum that places the military aspect on the same

end as extreme domestic situations such as 2005's Hurricane Katrina, then the lessons of the NFIP and its continuity with the response phase of comprehensive emergency management fits.

To mount a successful response to a wide-spread domestic emergency event, to efficiently and effectively oversee a recovery, and to build mitigation both into the pre-event mindset and implement it during recovery requires significant planning. All of these aspects, while distinct, are essential to the overall domestic emergency management program. Traditionally these "phases" of emergency management (as they are called) can be arranged in a linear fashion: mitigation, *then* response, *then* recovery. However, if there is going to be reconstruction as part of the recovery phase, mitigation of future incidents and potentially even preparation for a potential future response should occur concurrently with the recovery program. While simple in its comparison to humanitarian crises, this non-linear approach to response, mitigation and recovery is evident in the NFIP, where non-compliant buildings damaged in the wake of a flood are brought into compliance with the requisite zoning requirements, flood plain maps are reassessed based on new flood data, and response tactics are reevaluated in the immediate aftermath of the incident and all through the recovery phase.

NFIP is only one example of an all-hazards approach to domestic emergency management. The emergency based focus also includes more routine incidents such as severe weather, earthquakes, and pandemics. It also addresses issues that are much more security focused and therefore in line with the concerns of an international humanitarian intervention. Among these scenarios are hazardous materials incidents (also known as CBRNE: chemical, biological, radiological, nuclear), terrorism, civil disorder, and other potential humanitarian crises with a criminal/warfare edge.

The emergency management field has also been increasingly concerned with environmental/climatological issues—especially given its predisposition to hazardous materials and weather-related emergencies—which tends to extend emergency management’s interest somewhat beyond the domestic sphere. For example, Miller and Rivera take the opportunity for reconstruction after a catastrophic incident as an overarching opportunity for ecological rebirth. In their work Community Disaster Recovery and Resiliency, they focus on “a brief historical context into how a nation can experience downward spirals of resilience loss” by a “pattern of exploration of the country’s people and natural resources.” Interestingly for the purposes of our current investigation in this project, they cite US military occupation as one of the contributors to the downward spiral and exploitation (Miller & Rivera, 2010).

Thus, the fourth phase of emergency management is thus “preparedness,” and encompasses the other three phases so that this complex system can work in concert to mitigate incidents, place/organize resources to respond to the various planning scenarios, and prepare for a recovery that is aimed toward a more hazard-resilient state. Preparedness is “necessary to the extent that mitigation measures have not—or cannot—prevent disasters.....in the preparedness phase, governments, organizations and individuals develop plans to save lives and minimize disaster damage (Whittaker, 1979, p. 13).” In the case of international humanitarian intervention, preparedness involves specific, holistic planning for such actions as one end of a comprehensive approach to declining, failing, and failed states (or in the apropos words of the ICISS Report, “fragile, collapsed, fragmenting, or generally chaotic state entities”). It also incorporates the mitigation concept into the definition of preparedness, again outlining a continuum approach in comprehensive emergency management that looks at the problem of degrees of

disaster and treats the tools of the responses as scalable depending upon the severity along that continuum.

The NIMS ideology in the previous section established an approach to disaster management that was scalable to the size and specific type of the incident. There are specific planning scenarios and disciplinary divisions within this comprehensive ideology that ensure that it is not so generic that it is useless in real-world application. These include specific planning provisions and roles for security/law enforcement, and firefighting on the uniformed front, but also independent coordinating structures (emergency management, external affairs, communications, logistics), infrastructure support (transportation, engineering, natural resources, energy), long-term recovery, and more traditional humanitarian functions (public health, medical, mass care). When coupled with the guiding mindset of the four phased approach of mitigation, preparedness, response, and recovery, each of these players understands the role they play in a domestic humanitarian emergency. It should be noted that this approach does not prevent the police from plying their martial skills in single hazard situations (e.g., purely law enforcement issues), or firefighters from excelling in putting out fires in large buildings. It does recognize that complex emergencies, and natural/technological disasters can and must bring more key players to the table than these traditional uniformed services. Each of these disciplines is given a role in the comprehensive system (dubbed “emergency support functions,” or ESF, by the NIMS ideology). The functions of these uniformed services are usually deployed at the most critical points of disaster and thus are an essential element in the comprehensive emergency management scholarship. But because of the inherently complex and multidisciplinary nature of a regional catastrophic emergency, the domestic emergency management community has

recognized that they cannot be the sole focus, just as civil defense has moved beyond a myopic (though still important) focus on invasion and/or nuclear war. This same approach can be brought to the issue of humanitarian intervention.

#### **4.4 The Disaster Continuum Approach of All-Hazards**

In the United States and in the domestic affairs of many developed nations, response to catastrophic events, including societal break down (e.g., deploying National Guard and police) have developed their own system of administration borne out of fire and police traditions and merged with the civil defense programs of the cold war era. Over the past few decades, the professionalization of what has come to be known as emergency management has involved not only a separation from police and fire agencies—or at least the creation of a disciplinary distinction—that resulted in the operational approach just outlined and included the development of a theoretical body of literature that addressed the uniqueness of responding to catastrophic emergencies. It has also developed its own scholarship through stakeholders such as FEMA, the National Governors Association, and even police and fire academies. Recognizing that we are treading new territory in comprehensive public safety disciplines (and incorporating such broader concepts as response to an inconsistent climate, and neighborhood revitalization), the field of disaster research and emergency management has made strong inroads into formal scholarship. Though born out of merging fire/police and civil defense, as the scope of the discipline has come into its own, academic rigor has drawn in numerous disciplines beyond its civil defense and public safety roots, including aspects of public administration, sociology, ethics, and public health, engineering, as well as the more vocational disciplines of fire science, medicine, and criminal justice.

It must be noted that this has developed into true emergency management scholarship, not a hodge-podge of unaligned disciplines. It is approached comprehensively. As it matures, the academic discipline has begun to mold the mindset of the domestic humanitarian mission's leaders and is becoming a prerequisite for executive (and even entry level) positions in the field. Thus, the tactical level transformation of NIMS discussed in the previous section has an academic correlate that is driving the transformation, to the betterment of what was once known as "civil defense." These transformations at the tactical, strategic and theoretical levels, represented the development of a kind of continuum approach to domestic crisis management that will be outlined in the next few paragraphs.

The first section of this chapter introduced the "scalability and flexibility" of the NIMS approach. FEMA's documents selling NIMS to local government tout this benefit as well (*ad nauseam*). As it is operationally-oriented, it does not have a direct correlation with the humanitarian intervention argument. Like the NIMS discussion itself, though, it serves to highlight what is meant by "all hazards" (other than the obvious) in the applied literature. The flexibility portion in the tactical/operational level of the emergency management system refers to the fact that the operational system is not specifically focused on one type of incident (or on one response partner's organizational structure for that matter). Rather, it seeks to address the centerpiece of humanitarian disaster from myriad issues that precipitate it. Similarly, scalability is interested in the NIMS being able to be expanded from its most basic form at the incident outset, to a full operational system at the height of the crisis, to demobilization and collapsing of the operational structure as the response and recovery wind down. While this seems obvious, providing structure and methodology in the operational system has allowed domestic

emergency management partners to remove their institutional blinders when responding to a disaster which clearly exceeds the scope of their individual mission.

Theoretically speaking, instead of being bound to the traditional dominant operational models—which are, at best, inefficient disaster managers—comprehensive emergency management approaches the issues from the perspective of preventing, preparing for, responding to, and recovering from a humanitarian crisis. That is, the focus is no longer bound by the primary discipline providing the service. It instead focuses on preventing the crisis where possible, planning for various levels of response depending on the type of event, geographical area, and damage to lives and property. The core focus is preventing, and preparing for and responding to scalable levels of crisis from minor incidents (a school bombing where police, fire, EMS, feds, and school officials have to work together) to catastrophic ones that consume massive amounts of resources (Katrina or even the 2004 Tsunami).

There is thus a continuum that can be traced through the domestic emergency management system, at both the tactical and strategic level. It sees catastrophic events that require an overt, large-scale response as one extreme, small more localized events at the other, and a system of pre-event mitigation, response planning, and post event recovery operations (with mitigation of future events in mind) overlaying the scalable approach. The theory takes the perspective that we should be prepared to respond to a large-scale event with a massive organization of uniforms, engineers, NGOs, etc., should that become necessary, but it is preferable to identify ways to mitigate the event and begin to work toward those goals before the response is necessitated. And mitigation is built into the response and recovery system—ESF 14 is long-term recovery, and the National Flood Insurance Program requires mitigation efforts



both pre- and post-event—so that a myopic focus on one area of expertise in an event that necessarily crosses all disciplinary lines is no longer part of the theoretical mindset of the domestic emergency management system.

## 5 APPLYING THE NEW MODEL: DOMESTIC LESSONS FOR INTERNATIONAL DILEMMAS

### 5.1 A Question of Scale and Not Type

An immediate objection to this parallel between domestic emergency management and international humanitarian intervention is that the two are qualitatively different, with the former confronting a mostly willing population whereas the latter inherently involves confronting some portion of the society as a hostile counter-humanitarian force. Domestic emergencies often come with their share of security issues, but none as significant as those faced in an international intervention. But the fact that domestic emergency management is not as martially oriented does not discount the scholarship's broad applicability to the question of humanitarian intervention. There are very strong connections between domestic management of catastrophic events and the approach to similar instances in the international community. On the international level, there are instances of disaster that require assistance from third-party nations or international organizations that do not have the militarized component. In these, international resources are mobilized for humanitarian purposes, but the mass atrocity, government complicity, and heightened security concerns for the responders are not present. They are more like what we see in domestic emergency management. The Japan tsunami in 2011 is an example of this: there is a humanitarian response (encompassing the logistics, environmental, medical, search and rescue, etc.) without the coercion inherent in the more extreme examples. In such cases, the difference of scope/magnitude between domestic and international is present, but the militarized aspect is greatly diminished. The emergency management principles stemming from domestic responses are used in such a context (the International Association of Emergency Managers is a close partner with FEMA and espouse similar fundamental phi-

losophies). The most outstanding difference between a disaster and humanitarian crisis (or complex emergency) requiring an intervention is the extent to which human activity in general—and human politics most specifically—impact (or cause) the crisis. This is expressed in terms of degree, for, to some extent, human political contrivance plays a role in both, requiring different levels of security apparatus to ensure a proper response.

In some situations, a disaster which is likely to require an international response (such as the Japanese tsunami required) is exacerbated by a lack of governmental or economic development will contribute negatively to the response capability and pre-event mitigation of any victim population. Nations that do not have infrastructure and planning ability because of poverty, improper exploitation of natural resources, or other factors, will tend to require more humanitarian assistance in the event of a natural or technological disaster. The 2010 response to the Haitian earthquake was not inherently forcible, but its degraded infrastructure and social system rendered the situation infinitely more complex than the international response to Japan. 2010 Haiti is thus in a position where it is teetering on the brink of what we are discussing, but has not dissolved to the point that an overt military component is required.

However, the impact of human activity on the complex humanitarian crises addressed in this project surpasses its impact in the case of a purely technological or natural disaster. In the latter, government is mostly a passive element incapable of properly helping its population to a degree, but is grateful for the outside assistance. In a humanitarian crisis, though, the government is either the root cause of the emergency, or it is unwilling (or incapable) of stopping a crisis.

As alluded to in previous chapters, in both a natural/technological disaster and a humanitarian crisis, there will be problems of public health, nourishment, security and recovery that must be addressed. Both types of emergency may result in large numbers of internally displaced populations that also need sanitation and housing and other essentials that require tremendous international cooperation. Fundraising to support both types of response is also an important aspect, but, as we have seen in Darfur, it may be necessary to launch a campaign to foster political will for an intervention as well as financial support. Finally, one must consider the security of humanitarian workers in both situations, but in the case of a complex or man-conceived disaster (e.g., something that would warrant a humanitarian intervention), there is a much greater possibility that militias and other government proxies will deliberately target relief personnel, justifying the militarization of the humanitarian operation.

It is clear that there are many similarities between stable international emergencies, non-militarized disasters, and humanitarian crises which may spawn calls for a humanitarian intervention. Humanitarian workers are bound to confront disease and traumatic injuries, sanitation and housing, food and clean water, in both situations. The human element, though, heightens the security concerns and the amount of political confrontation and maneuvering that may be required when confronting a humanitarian crisis. It may also encompass legal proceedings in the advent of international ad hoc tribunals and the International Criminal Court. For this reason, relief workers need to prepare for these two types emergencies differently, even though some of the base activities performed may be similar.

The differences between domestic emergency management and its international correlates addressed in this section are of scope and not type. There is a clear connection between

comprehensive emergency management and response to willing nations in crisis such as the Japanese tsunami. The lessons of domestic emergency management routinely apply. And while there is a more complex and security driven response to underdeveloped and impoverished nations, there is still a clear connection with the lessons of intra-national crisis management. In fact, in both situations, American emergency services responded (fire departments and the like) along with the traditional NGOs and the logistical/mass care capabilities of the international community. In the same vein, some of the basic considerations of humanitarian intervention should not represent a change in type as well as magnitude from the first two examples. There is a very real sense, then, in which the intervention is simply a much more complex example of the international emergency management paradigm. Scholars of international disaster have already drawn this parallel. For example, in outlining the various levels of international crises (natural, technological, and complex disasters) from an NGO perspective, S.W.A. Gunn, M.D., defines a man-conceived disaster as “distinct from man-made disaster.” Similar to ICISS, this type of event includes:

Disastrous actions like genocide, death camps, ethnic cleansing, forced disappearance, pauperization, torture, and other acts against humanity that are... indecently perpetrated by evil rulers, [or] dictators... *in full violation of personal, social, and cultural rights of humanity* [italics added] (Gunn, *The Language of Disasters*, 2003, p. 37).

As a consequence, the NGO community (from whom Gunn was drawing) already recognizes the similarity of type. The organizational and theoretical approach simply needs to be drawn into the conversation.

## 5.2 The Tactical Incident Command System and its Relation to a Broader Humanitarian Intervention

There is clearly not a one to one correlation between the organizational units in international humanitarian intervention and domestic emergency management (e.g., police and the army, FEMA and the UN, and so on), most especially on the National Incident Management System (NIMS) level introduced at the beginning of the previous chapter. However, a discussion of the difficulties of the NIMS experience provides some insight in the operational pitfalls awaiting any shift in the theoretical approach in how humanitarian intervention is viewed. A full consideration of the requirements of international humanitarian intervention must include an understanding that it will also have to carry with it a realignment of the operational thinking.

The parallels with the ICS/NIMS paradigm introduced in the preceding chapter have some important implications for the international humanitarian intervention debate and the change in approach this project is advocating as well. Admittedly, the implication of ICS are decidedly more tactical (e.g., operationally oriented) than the strategic (or normative) concerns of the literature described in Chapter Two. A close inspection of the NIMS ideology, however, shows a level of integration in the incident command hierarchy that considers beyond the disciplinary roots of the dominant public safety services. Often, multi-jurisdictional/multi-disciplinary incidents resulted in internecine squabbles where chief officers contested for dominance of the incident. These tended to be dominated by the uniformed services, with supporting agencies “bringing up the rear,” so to speak. In the 1970s, ICS and FIRESCOPE set the stage for interdepartmental organization within the single disciple of firefighting. After 9-11, NIMS not only set the groundwork for bringing the different professional disciplines of police and fire

to the same table, but also began enthusiastically pushing the idea that the non-uniformed disaster response organizations (public works, finance, NGOs) are partners in the emergency management process *in a disaster setting*. While this is a work in progress (some police commanders do not want to include the Fire Department in their operational efforts, to say nothing of the American Red Cross), the groundwork has been laid. The professionalization of the emergency management field as distinct from fire and police has further supported that new approach. Consequently, while mostly tactical in its concerns, NIMS/ICS represents a significant shift in the disaster management operational culture exemplified in domestic incidents.

To an extent, this flexible and scalable model that is not (entirely) dominated by the uniformed services mirrors—very loosely—the change in approach to humanitarian intervention this project is advocating. The purpose here is not to set up an operational interrelationship between domestic emergency management and its putative international counterpart. The tactical operations of deployment of military resources, coordination with international NGOs, and so on are—in the specifics—clearly different in substance from the police-fire-public works approach outlined in the NIMS program.

However, the realignment of tactical thinking that was dominated by uniformed services to an approach that is beyond traditional public safety also parallels some key theoretical arguments. First, this is a practical example of the transition from an emergency management system dominated by uniformed services to one that incorporates a broader perspective in dealing with a catastrophe. A balance must be struck that recognizes the gravity of the role they represent in the response (and the unique, critical operational knowledge they have) but does not allow the entire operation to be subsumed by a traditional uniformed-service mindset.

The same ideology may prove useful in the international context where the military has been the dominant consideration to this point. Indeed, police, fire, and the National Guard are a critical piece in the response. In fact, police and national guard (who represent the security apparatus in the traditional domestic emergency management framework, which will be discussed in greater depth later) can provide the “safe zone” in which NGOs, emergency medical services, environmental responders, and other non-uniformed personnel can operate safely despite the breakdown in social norms that can occur in a catastrophic event (e.g., looting, vigilante justice, etc.).

Also of note, and perhaps most importantly when we are talking about sovereign nations unwilling to cede too much authority to an international body, is the fact that the NIMS format does not set up an additional layer of command in the emergency management function. There are two distinct aspects where this is important for the interstate coordination issues in the case of humanitarian crises and potential interventions. First, the overarching emergency management system is a *coordinating body* that begins its operational role only during an emergency. It is not a super-authoritative regime that dictates (much) policy to police and fire departments regarding their more traditional functions. True, its authority to coordinate in specific instances (specifically, large scale emergencies) is based on federal mandate. But its functional responsibility is to provide an integrative ideology and then lay the groundwork for such integration when a crisis situation arises. In the international context, the lessons of NIMS/ICS would not be to create yet another international body that directs various types of intervention into crises, but rather to set the ground rules and then coordinate not only the military, but also the mitigation and recovery efforts in a very specific set of circumstances. In



keeping with this end, the biggest impact the NIMS ideology has had on domestic emergency management has been to change the tenor of the conversation between the different domestic disciplines on how a catastrophic incident is handled. This has primarily been through education of the next generation of disciplinary leaders, but also through developing coordination regimes specific to large-scale crisis management. For example, the Urban Area Security Initiatives or “UASI” have focused on such projects as establishing interoperable radio communication networks in metropolitan regions. In doing so, they have knit usually independent police, fire, and other departments together in a way that will allow operational integration in a disaster while simultaneously inculcating an underlying understanding of the need for interagency cooperation in certain incidents. Thus, when the crisis arises, little direct influence will be needed.

Secondly, and perhaps more importantly for the individual needs of a sovereign nation, NIMS does not wrest the individual authority over a department’s resources from its regular hierarchy. The chief of the fire department is still the chief when a catastrophic event occurs. However, through the preparedness planning and disaster-specific interagency training process, the heads of the various agencies learn to work together for the specific purpose of humanitarian crisis management. Similar arrangements have existed for years for strategic purposes (NATO, for example). The difference comes in recognizing that situations requiring humanitarian intervention are a very specific subset of international cooperation that is distinct from a strict military operation and that to be successful, the involved partners must accept that there is a needed level of focused integration for the concept of humanitarian intervention to have any success.

The realignment of tactical thinking also parallels another key theoretical argument first mentioned in Chapter One. In the past decade we have seen a confluence of the operational approach—in NIMS/ICS as discussed in this section—and in the theoretical transformation that first began in the 1970s. Recall that the domestic emergency management paradigm was first defined in terms of “civil defense.” This concentrated on mobilizing domestic resources in response to invasion, nuclear attack, or other military preparation for civilian populations (FEMA). In the 1970s, the focus shifted to comprehensive emergency management, and while it included the civil defense aspect in its orbit (e.g., we still call out the National Guard for catastrophic non-defense emergencies), it moves away from a pure military mindset. Instead, it takes the planning and hierarchical approach of the military mindset and deliberately imports an “all-hazards” and comprehensive approach to domestic emergency management. Thus the new tactical/operational approach developed in FIRESCOPE and later nationalized in NIMS and ICS mirrors the domestic transition from civil defense to comprehensive all-hazards emergency management.

This is a useful parallel to a similar change of operational mindset that needs to be developed in the field of international humanitarian intervention. It also hints at the organizational rearranging that needs to take place to successfully operationalize something akin to the change in mindset proposed here. Fire and police are often loath to work together in this capacity, due not only to political turf wars at the top of the organizational chart, but also as a result of the differences in seemingly similar institutional cultures between the organizations and different tactical objectives based on their roles on an incident scene. Despite a similar public service organizational focus, police and fire departments are generally separated not only by

training and required certifications, but also by the institutional culture and approach to their respective functions. Although both disciplines are nominally focused on protecting life and property, because of their operational parameters, the day-to-day processes entailed by the job, and the incredibly varied training regimens, a very different culture has typically developed between these two agencies. Any distinction of culture is further exacerbated by traditional budget processes, which have the tendency to further entrench management and executive level employees, where an increase of one service's staff or benefits results in a shortfall for the other service (or at least a feeling of ill-use).

To be successful, this realignment in thinking cannot happen by external academic fiat, nor can it be dictated from some removed and (possibly) skeptically viewed body such as the UN. This transition needs to be accepted at the operational level. And unlike the NIMS transition (which ties such things as federal grant access to a local government's adoption of NIMS), the putative purveyors of international humanitarian intervention do not have the advantage of law and direct control of the purse strings of the boots-on-the-ground forces, and thus can only cajole (and shame) them into participation. There is also the compounding issue of overriding international security concerns that plague the international community. There is no such hindrance in the domestic setting, where Miami does not have to fear/anticipate a potential invasion by Ft Lauderdale's police forces while planning to respond to the next hurricane. The necessarily overriding concerns of international security will remain a significant detractor to this model, even if the practical concerns of the traditional security issues are suspended for the specific case of humanitarian crisis management and intervention.

Thus the potential difficulties of transforming the tactical side of the international humanitarian intervention debate are exacerbated not only by an increase in scale and intensity, but also by the difficulty of enforcing the necessary shift in mindset of the field level practitioners. It should be noted that this is not just a problem for the military component of the intervention, but also for the NGOs, development organizations, environmental groups, and so on. However, the increase in order of magnitude between the domestic example and the international context does not necessarily render invalid the structural lessons for humanitarian intervention to be found in the NIMS/ICS example. The primary lesson of the NIMS/ICS example is that, in the case of humanitarian crises, the practitioners (and scholars for that matter) need to adjust their institutional mindset to embrace the concept as well. The attempt to craft a prescriptive approach to this issue—something that has not even been *completely* addressed on the domestic front—is beyond the scope of this project. However, the domestic example does point out both the need and possibility for successes in crafting an new organizational approach to operationalize the theoretical system that is outlined in the rest of this chapter: given a similar set of players and a similar original focus, the domestic system was able to make significant strides toward integrating the systems and ideologies of disparate partners so they will be better prepared to address complex crises.

### **5.3 The Potential Empirical Utility of a Domestic Model**

The issue of humanitarian intervention as a research topic offers very few concrete examples as a basis for expanding research and theory in the areas. The repetitive nature of the few qualitative examples in the first three chapters of this work (and in the literature as a whole) is fairly indicative of the narrowness of empirical examples for such a research project.

This is one likely cause that much of the literature in this area is focused on more normative arguments (despite the tasty confluence of the axioms of human rights and sovereignty), including positivist legal theory and the tradition of Cold War security studies. As a consequence, a lot of the arguments depend upon whether or not specific examples touted as “humanitarian intervention” actually qualify as such. For example, Byers stakes much of his legal counter-intervention argument on establishing intervening variables for purported unilateral “humanitarian interventions,” including in India in East Pakistan (1971), Vietnam in Cambodia (1978) and even the No-Fly Zone in Iraq in the 1990s (Byers, 2005, p. 92). Similarly, Finnemore uses several of the same examples to make a diametrically opposite argument, asserting that these few possible instances of “humanitarian intervention” represent a shift in international norms away from sovereignty and toward protection of human rights (Finnemore, 2003).

The paucity of practical examples becomes even clearer when—as some authors have done—a line is drawn between pre- and post-Cold War interventions. While this tends to limit the strategic implications of military action in a humanitarian context (in accordance with the one of the definitional limitation of the previous chapter), it also eliminates many of the examples that have served as foundation for the scholarly conversation. Authors such as Byers, Finnemore, and Bellamy look at the historical context of intervention and in doing so draw heavily on Cold War era examples. In fact, Byers bases his argument against the developing norm of intervention on the fact that the cases in question are more properly strategic interventions and not humanitarian at all.

However, despite this shortage of empirical examples, this issue sits at the crux of the evolution of international relations as states grapple with morality and responsibility in a

shrinking globe. We have to find a way to assess both the normative aspects of humanitarian intervention and the empirical ramifications of this unique concept. The introduction of the Comprehensive Emergency Management framework that has dominated American domestic humanitarian response (and other nations that have built on that theoretical foundation) allows a fuller, better defined look at humanitarian intervention (in keeping with the realizations of Keohane, Finnemore, Bellamy, and the Responsibility to Protect paradigm). But it also provides a more thorough field of empirical examples to draw lessons from (albeit with the security-related aspects playing a smaller and often less complex role in a domestic event than they would in an international intervention).

The past several chapters have traced the outlines of the humanitarian intervention debate and sought to establish a need to think beyond the simple calculus that equates the decision to intervene in a human rights tragedy with the strategic, legal, political, and ethical considerations of just war theory. Chapter Two traced the largely strategic based formulation of the humanitarian intervention scholarship. Chapter Three looked at the definition and implications of humanitarian intervention—including a need to more seriously consider post-intervention recovery—which establishes a need to expand our approach to the topic. Even where the broader implications—as I have defined them—are considered by the current literature, it is often of secondary importance to the intervention itself. The difficulty in this approach was made clear in the 2003 Iraq war. While not a humanitarian intervention, it still had some similar post conflict socio-political reconstruction issues. A scant few months after the invasion, an end to “major combat operations” was declared, with the controversial “Mission Accomplished” banner as a backdrop. The US *et al* then proceeded to spend the next seven

years on the mopping up exercise of reconstruction of physical infrastructure, counter insurgency, supporting a bumpy democratization campaign after decades of brutal autocracy, and generally “winning the hearts and minds” of the people. This is not meant to be a thorough list of the tasks and process of the comprehensive approach, and does not necessarily map directly on to the requirements of humanitarian intervention. Instead, the Iraq example is to highlight the enormity of the shift in focus advocated by the concept of comprehensive humanitarian intervention. To this point, the literature has essentially taken the “end to major combat operations approach” focusing on the immediate task of the intervention and briefly touching on the seven years of mopping up. This myopic approach was readily apparent in the coalition’s hasty withdrawal at the first sign of controversy in 1992-3 Somalia, and will continue to plague the thinking (and politicking) on the subject. The introduction of the lessons from domestic emergency management theory is intended to remedy this approach.

The example of the evolution of this theoretical field out of the civil defense mindset into the comprehensive model informing our domestic system also has several lessons to offer the debate of international humanitarian intervention. The theoretical consideration of emergency management first embraced an all-hazards approach that allowed it to expand beyond its military retread roots and now the academic discussions embrace aspects of the response and recovery paradigm far beyond merely throwing police, fire and the national guard at any given disaster.

This change also brought emergency management to the point where it became a discipline in and of itself. It did not replace the police, fire, and national guard from filling their primary roles, nor did it dictate tactics and strategic theory guiding their operations within their

area of responsibility. As disciplines, the uniformed services remained unique and set their own rules and regulations for operations in law enforcement, fire suppression, and war. However, in the event of a large-scale crisis that blurred disciplinary lines among the uniformed services, public works, and even NGOs, emergency management was established as a response coordinator so that all of these disciplines could work together to facilitate not only the response, but also the other phases of recovery, preparedness, and mitigation.

Representative of the emergent recognition of a discipline (both academic and professional) that sought to coordinate these unique domestic events is the fact that the Federal Emergency Management Agency was also formed in 1979. To this point, the federal iteration of comprehensive emergency management was found in multiple disparate departments, defined by the ad hoc Congressional moves made in response to specific domestic events (Canton, 2007, p. 22). When coupled with the heavyweight civil defense program stemming from the 1950 Act (even its incarnation agency was shuffled from Defense, to the White House, and back to Defense), this spread responsibility for domestic emergency management across numerous unrelated, insular departments. The creation of FEMA consolidated them in one coordinating body (for the most part).

In order to truly evaluate and successfully carry out what the ICISS suggests in R2P (to say nothing of the broader approach suggested in this project), humanitarian intervention and its lesser correlates need to have an academic approach that pulls its disparate elements together as did the academic shift from civil defense to all-hazards and the practical consolidation of roles in the form of FEMA *for the purposes of the unique function of large-scale crisis management outlined in this project*. As with the domestic case, it is recognized that this change in



approach will not work if it deigns to dictate military tactics and defense to nations. Likewise, there is much less correlation between the scale and tactics of military deployments in an international setting and law enforcement operations on any domestic event, no matter how large or socially disruptive.

Additionally, the concept of a comprehensive and specifically defined approach is now understood to be the centerpiece of the domestic emergency management paradigm. The alignment of domestic humanitarian action and its international military correlate provides a framework of consideration for humanitarian intervention other than the dominant military model. This shift in approach is not to deny the importance of the military activity in international humanitarian intervention. The deployment of troops is unique and an essential element of the humanitarian intervention and should therefore play a prominent role. As a result, a lot of the considerations brought to light in the traditional literature must plan an important role in the analysis of humanitarian intervention. Indeed, in the domestic approach to disaster management, security and law enforcement play a prominent role, though a full consideration of response to such catastrophic events extends far beyond the security aspects. Government stabilization (which is often conflated with democratization in humanitarian intervention parlance: the Responsibility to Protect (R2P) program expects the resultant government to be “representative” is an essential feature of domestic emergency management. A large portion of FEMA's mandate is to support overwhelmed local governments with personnel and financial resources during the response phase of an emergency, especially where the government does not have the wherewithal to support itself (either through poor planning and a history of corruption, or through impoverished local coffers). This takes place often through extra deployment

of local public safety personnel, importing police from surrounding jurisdictions/states through contract or mutual aid agreements, and even from deployment of national guard troops. The security-related aspects of domestic emergency management fill a similar, though less intense, role in the operation as the military deployment in a humanitarian crisis that warrant intervention.

In keeping with the basic outlines of the R2P model but formalizing the approach, domestic emergency management theory provides for prevention (pre-incident) and reconstruction (post-incident), and does so with more theoretical nuance than R2P. It also adds a more specific response-planning component. The very conversation about humanitarian intervention mirrors this, but the comprehensive emergency management program has a more tactical approach as opposed to the broader, theoretical approach of the ICISS and more traditional literature.

The extension of the humanitarian intervention dialogue by the ICISS through its R2P sets the stage for the equation of humanitarian intervention with the concept of domestic emergency management. The third chapter related how the R2P commissioners drew back from the strict humanitarian intervention debate to embrace a more holistic view of any responsibility to protect human beings from flagrant mass atrocity. The moral impetus to respond to extreme cases of human rights abuse and suffering should—and often does—take the debate beyond traditional “mass atrocity” crimes addressed in the R2P. However, limiting R2P to this focus allowed the already established (to some degree) inroads of the Rome Statute of the International Criminal Court to serve as a foundation for the broadening of humanitarian responsibility and intervention. In other words, the formulation offered by Evans, Sahnoun et

al provided a field-level counterpart to the court-based foundation of the ICC: a kind of marshal's office to serve a similar—though not necessarily directly associated—end of the “mass atrocity” courts.

However, as identified in the previous chapter, there can well be instances of humanitarian tragedy where the core issue is ecological, technological, or natural and the situation is compounded by a self-serving, obstructionist, or non-existent government. The governments of Myanmar in the wake of the 2008 cyclone and, even more, the compounded issues of famine and poor governance in places like Somalia and North Korea bring to the fore the consideration that the impetus to humanitarian intervention is about something more than simply preventing genocide or ethnic cleansing. The same amount of life can be lost by an ineffectual or corrupt government in the face of a natural disaster as in the case of a mass atrocity outlined by the ICISS.

#### **5.4 Four-Phased Emergency Management in the International Context**

Beyond the NIMS/ICS implications of tactical emergency management operations for international humanitarian intervention, the theoretical application of the concepts of four phase emergency management is most especially useful for the humanitarian intervention project. Recall that the response phase represents the actual boots-on-the-ground-during-the-crisis of comprehensive emergency management. Before the domestic system began looking at emergency management from an academic perspective (and as a distinct professional ideology), disasters were handled on an ad hoc basis. In such cases, organizational integration and response methodologies were developed on the fly, complete with the disciplinary and inter-jurisdictional squabbles, often to the detriment of the victim population.

To a large extent, the academic approach to humanitarian intervention has been the same. Coalitions of the willing are often cobbled together when the crisis reaches a fever pitch (especially in the media), and because the military is introduced into the situation as the only involved party with the logistical capabilities and in-place organizational networks, its approach will naturally tend to take prominence. The scholarship of response to a large extent has been similarly ad hoc in the humanitarian intervention context. Broadening this perspective to look at humanitarian intervention as the international equivalent of the “response phase” in the most extreme of emergencies would recognize the precipitating complex emergency as a unique situation. This primarily involves recognizing response as distinct from business as usual (as we have seen in the domestic context), outside of the traditional humanitarian realm of NGOs and development agencies, but something distinctly different than a pure security-military action with the strategic and motivational factors supporting it. Among other things, specifically establishing that mindset allows for the introduction of the various roles and lessons outlined in the previous section, for NIMS is mostly a creature of the response phase (there is no need for a large-scale incident command if there is no on-going incident).

Most closely associated with developing the international version of an emergency management response phase is the concept of preparedness. This phase involves laying the pre-event groundwork for how to deal with an emergency should it occur. This is an approach that establishes the coordination systems of disparate organizations like the UN, various NGOs, state militaries, the IMF/World Bank, state-sponsored aid agencies, and even private (business) partners. These systems need to be established *before* the humanitarian intervention or response to a lesser complex emergency. They need to be focused on bringing the expertise of

each responder to the response and creating a balanced approach that is scalable to the size of the event, and is flexible to the specific national context while still focused on the unique qualities of humanitarian intervention. That involves balancing the role that the military will play in the response and, specifically for the metatheoretical bent of this project, putting in its proper place in the scholarly approach.

But given the track record of attempting humanitarian interventions (with some success), the international community already has a good grasp on who the various players are. This should include voluntary organizations active in disasters such as MSF, the ICRC, and others; international organizations such as the UNHCR, potentially the International Criminal Court or other groups familiar with crimes against humanity prosecutions; aid and redevelopment organizations, national departments of state, and so on. Finally, given the outside potential for military involvement in the most extreme cases (which is the central consideration of this project), the military intervention and security apparatus also needs to be included in the preparedness-planning phase. This is not to assume that the military will always be necessary, but they need to be a part of the discussion and framework so they will be capable of integrating into the response organization in those most extreme cases and supporting the response operations in lesser cases (the military's knowledge of logistics alone can play a critical role in any humanitarian response). To support this integration, the international humanitarian community needs to begin to develop these formal inroads and become educated in the specific roles that their response partners will play. They need to understand the specific and limited nature of the commitment they are making. Emphasizing this may overcome the concern about ceding

authority and the relationship needs to be strictly defined so that it does not try to overreach its mandate (as such organizations, formal or informal, are wont to do).

At the outset, the recovery phase was noted as the prominent missing element from the humanitarian intervention paradigm. If there is an imperative to intervene militarily in the internal workings of a sovereign nation, then simply focusing on the short term goal of the cessation of immediate hostilities represents insufficient commitment. Guiding, supporting, or even administering/funding a recovery to some semblance of stability is a necessary step in the domestic realm. In domestic comprehensive emergency management, this is largely because allowing the community to limp along in a stricken state (e.g., without a recovery) serves as a drag on the regional (and potentially national) economy. It is also inconsistent with the whole justification for committing resources to begin with: both as a moral imperative, and from the standpoint that a disaster-weakened region is unable to even begin to care for itself should another event occur. This imperative to recovery is only heightened in the international humanitarian intervention context where an important right to self-determination is being violated just to deploy assistance, and when the future disaster impending on the ravaged state is ready-made in the form of an unstable and potentially malevolent social-political system.

Within the bounds of this phase, we also see that the right of self-determination exists for a reason. Recovery in the context of a broken social-political system also has the potential to be quite problematic (and is probably the reason most putative interveners like the concept of a “light footprint”). The mere expense of troops and treasure to assist a people on the other side of the world is not lightly borne by the people of the intervening nation (especially when

the news cycle becomes interested in something else or the nation has to face its own issues closer to home).

Inculcating a new social and political ideology is an even steeper requirement of the recovery. To be successful, such a recovery *must* include partners other than the dominant military. A competent, comfortable inclusion of these other partners in recovery will not occur if humanitarian interventions continue to be unplanned, ad hoc responses to humanitarian crises are cobbled together at the crisis point. The best opportunity that this essential element has to be routinely successful is if it is deliberate and planned as a holistic operation. The comprehensive emergency management model and the lessons learned from domestic disaster response provide a basic model to guide this process.

The mitigation phase is the final step of the basic comprehensive emergency management paradigm. Engaging in political and economic mitigation efforts can be looked at in two ways: first as part of the routine aid regimes by the international community and by individual nations, and second, as the type of mitigation efforts associated with the humanitarian intervention program. The distinction is important. The specifically focused nature of a comprehensive emergency management approach to humanitarian intervention was one of the necessary conditions of the program. One reason was that it doesn't overly/unnecessarily cede authority over the armed forces and other sovereign response institutions of the states party in a way that may unduly destabilize the security of the responding nation. It also prevents "mission creep" where the international disaster management organization (again, either formal or informal) begins to define too much of non-disaster international relations into its mission. A loose mandate may be the slippery slope to overriding state sovereignty even in weak nations

who are underdeveloped but unlikely to devolve into mass atrocity or complex emergency. Therefore, in the case of borderline and failing states (an exact definition of this threshold is beyond the scope of this paper), specific mitigation efforts should be engaged in beyond the usual aid regimes and from within the specific context of mitigating the need for an intervention. This focus can then be read back into the traditional aid programs, with experts in the targeted field (disaster-intervention mitigation) working with the “generalists” to support the broader international development system.

While the primary purpose of this project is to present a new way of looking at the humanitarian intervention paradigm for the scholarly and policy community, the parallel with the domestic system begs one purely practical question: is a professional organization akin to FEMA needed at the international level? As disaster response, recovery, and mitigation evolved into the form outlined in Chapter Four, it also saw the rise of a distinct professional class of emergency managers. The coincidental timing of the formation of FEMA out of disparate unconnected federal organizations with some—often overlapping—piece of the disaster management puzzle with the explicit professionalization of emergency management at the state and local level through the Governor’s Guide.

However, while the new approach needs a champion who draws in the various parties, it does not necessarily entail a new international bureaucracy. On the domestic front, many levels of government engage in successful emergency management programs from within their currently existing agencies. In such cases, the specifically identified emergency managers of the involved departments are tasked with coordinating with the other involved agencies to ensure the NIMS, National Response Framework and local emergency operations plans requirements



are met. From within their own disciplines, they establish and maintain operational structures and “mutual aid agreements” (akin to international treaties) that are used in times of crisis, develop training and exercise programs for their individual and combined disciplines, and identify one coordinating point should a disaster occur. As a consequence, while a professional class of humanitarian intervention/mitigation coordinators may serve a functional role in a more active and well defined representation of comprehensive emergency management on the international level (e.g., an International Disaster Management Agency), such an organization is not needed for this proposed paradigm to provide a necessary shift in the focus the current approach to humanitarian intervention.

### **5.5 Applying Emergency Management Theory to Humanitarian Intervention**

The domestic Comprehensive Emergency Management model does not necessarily provide a one to one correlation for response and recovery operations in the case of a complex humanitarian emergency of the variety addressed elsewhere in this project. Domestic emergency management theory, as it is currently situated, depends heavily on a lot of factors that are outside the control of the overarching system. These include a reasonably stable and accessible infrastructure, established and professional local partners in Public Safety, stable governments before the event that have both bought into the four phase approach and have planned/trained for their operationalization, and a common operating ideology of local services (civic minded local organizations). Even at the societal breakdown point in domestic events (e.g., the “militarized” end of the continuum, including riots, looting...invasion, etc), there is still a lot more access to the damaged area and support for responders at the local level, as well as pre-existing inroads into the local social structure that cannot be found in northern Iraq, Haiti,

and especially Somalia. However, the Comprehensive Emergency Management theory parallels are not meant to extend to tactical operations, just as the four phase, all-hazards ideology of the domestic system does not delve into tactical operations. There are planning annexes that have been developed by the relevant specialists for each of these areas, all designed under the umbrella of the comprehensive rubric. The international humanitarian intervention program needs to develop its own “emergency support function” system to produce the level of specificity required for tactical deployment.

Despite the obvious dissimilarities, there are some parallels that are significant enough to support an application of this theoretical model to humanitarian intervention. The Governors’ Guide of 1979 specifically orients the Comprehensive Emergency Management model to address “the lack of a national policy for managing natural, man-made, and attack emergencies” noting that a “lack of a comprehensive...policy for emergency management...has compounded states problems (Whittaker, 1979).” That is, domestic emergency management was also once uniformed-service “myopic” in the era of civil defense, and recognized that in some complex emergency situations, this approach was not enough. Like the current state of humanitarian intervention scholarship, the important links between the four phases of mitigation, preparedness, response and recovery described above were under addressed by a system that treated civil attack defense and natural disasters as separate issues (Whittaker, 1979, pp. 4-6). As pointed out in Chapter One, then outlined extensively in Chapter Two, there is currently a similar disconnect between militarized humanitarian intervention and the softer—less intrusive—forms of international aid. The four phase approach (which is clearly applicable to international crisis management) requires that we look at the issue from the continuum point of

view. To date, we are largely contained to an approach that looks at the subject from the perspective of “attack defense” and “natural (or man-made but non martial) disasters.”

As outlined in previous chapters, the thinking about humanitarian intervention has focused on what Comprehensive Emergency Management would consider the response phase, with indistinct and not fully fleshed-out support for recovery phase considerations (consider police/military training, constitutions, etc). The ICISS, Keohane, and others have understood that this is insufficient and have embraced the concept of recovery. Elsewhere, the concept of mitigation has been considered, but it generally only gets a passing glance as it relates to humanitarian intervention. It is a very thoroughly covered topic in other areas of study, but in the literature dealing with complex emergency, this consideration is brief and indistinct. What would be termed as mitigation in a domestic setting is usually addressed in regard to democratization, the relative distribution of power, wealth, resource consumption, or something similar. It has not been sufficiently addressed as part of the humanitarian intervention dialogue because it is not seen as one end of a continuum of international emergency response. Preparedness, likewise, is largely a consideration of military actors, and is not sufficiently considered in conjunction with NGO roles and other non-military pre-event planning programs (USAID, etc). When this is addressed, it is considered more in the practical realm, but tends to be subsumed by the security-related topics in academic discourse.

Recognizing that there are practical limitations to the equation of international humanitarian intervention and domestic Comprehensive Emergency Management does not negate the striking parallels outlined in the past few pages. The military aspect is much more complex in the international context: the legal ramifications, costs, and competing axiomatic principles of

sovereignty, self-determination, and human rights are much more strenuous at the international level. Most specifically, the military/police presence is generally *much* less welcome—especially on the part of the local authorities—in cases of humanitarian crises than in local/regional emergencies. However, this difference in degree of militarization/bellicosity does not negate the overall parallel and the theoretical approach. It was present in the case of Katrina, or at Ground Zero on 9/11, though not anywhere close to the same degree as it was in Somalia or Haiti. The strategic (theoretical) lessons learned from these domestic experiences are thus applicable to the international context as long as the fallacy of assuming identical tactical (operational) situations is avoided.

Similarly, the international context is infinitely more complex due to the exponentially greater number of players, the lack of legal and logistical inroads to support the operations, and the much greater potential cost in terms of lives and economic resources on the part of the interveners. This is not without its domestic correlate either. State laws are different and most states do not recognize police officers from out of state, and while the science behind fire-fighting is universally true, many states do not have reciprocity for fire certifications. In situations such as 9/11 or Katrina, mutual aid went beyond FEMA's meager staffing resources and often came from local municipalities in surrounding counties and states. In such a case, there are numerous legal differences that need to be addressed. There are inter-jurisdictional relationships that need to be planned for, developed, and exercised before the event necessitates their working together. While R2P, the International Criminal Court, and organizations such as NATO each have a piece of this puzzle, a more comprehensive perspective would support a

more seamless understanding of the issues and responsibilities in comprehensive international humanitarian intervention.

## **6 CONCLUSION: THE INTERNATIONAL IMPACT OF COMPREHENSIVE EMERGENCY MANAGEMENT**

### **6.1 What Comprehensive Emergency Management Adds to the Discussion**

One of the clearest points drawn out of the previous chapters is the narrow focus of the humanitarian intervention literature. In the first chapter, this was described as the “myopic” approach. In the first two chapters, this tendency was identified as having several sources. First, it is bred out of a security studies focus that is bequeathed to the literature from the overt role the military plays in the action and the academically tantalizing confrontation of the axiomatic principles of sovereignty and human rights. A second reason for describing the literature as myopic is the fact that the scholarship in the area holds a significant—and understandable given the subject matter—debt to the Cold War thread of thinking. While this approach is useful in some ways, it fails to capture the full scope of the humanitarian project.

Reconstruction after the intervention is the most obvious element that is lost in the shuffle of just war theory, sovereignty, and political realism. Merely treating the symptom (the social-political breakdown precipitating the mass atrocity crime) is an insufficient cause for military commitment if it is just going to set the stage for repeat occurrence because the underlying societal disease is left untreated. After the tendency to focus on the military aspects of intervention was established in the literature review in Chapter Two, the following chapter addressed the need to see humanitarian intervention as a broader enterprise. It needs to be seen as something more than its Cold War heritage permits. By this logic, reconstruction is the foundational post hoc treatment for mass atrocity. On a large-scale, recall how the imposed austerity of the Treaty of Versailles has been blamed as a stage setter for World War II. In the

case of interventions, the failures in Haiti and Somalia during the last decade of the 20<sup>th</sup> Century also come to mind. Recognizing this need, the subject of reconstruction has been addressed by several authors, including Keohane. As the Responsibility to Protect (R2P) project has pointed out in its attempt to grapple with the practical aspects of intervention, the concepts of prevention and mitigation are also vitally important for dealing with what they describe as mass atrocity crimes: genocide, ethnic cleansing, etc.

The need for recovery operations in the wake of a catastrophic event and, just as importantly, mitigation activities concurrent to the recovery and prior to the event occurring at all has also been very thoroughly addressed from within the emergency management community. In fact, because there is a much greater breadth of empirical examples generating the progress of the supportive theory, it brings a lot more to the discussion than international humanitarian intervention. In addition, because domestic emergency management has already made the transition from a military focus to an all-hazards approach (which is just now occurring in the humanitarian intervention field), it brings thirty years worth of theoretical evolution and empirical lessons that could be invaluable. The fourth chapter outlined the development of intervention's domestic parallel and made the case for comparisons between the two. It provided a defined emergency continuum approach that looked at intervention as the most extreme option in an emergency management spectrum. In this, the approach emulates the scalability and all-hazards approach of domestic emergency management, while incorporating/embracing the concepts of recovery and mitigation as they are put forward by the R2P and similar approach.

Most importantly, Chapter Four introduced the concept of comprehensive emergency management as a guide for the approach to humanitarian intervention outlined by the R2P.

Drawing from the obvious need to more thoroughly include recovery in the intervention discussion—and the less discussed concept of mitigation—the four phases of emergency management were proposed as a means of organizing a more comprehensive understanding of international humanitarian intervention. This includes the more robust concepts of mitigation and recovery, as well as the obvious response phase, orchestrated by extensive preparedness planning. In these interactive phases of international crisis management, the focus is on the specific issue of international humanitarian crisis response, where the militarized option is the most extreme of plans for responses. The approach is all-hazards, with a distinct military contingency. This is important, because when the approach is military with a human rights impetus, the worst case scenario (e.g., invasion) is presupposed into the whole approach to the worst cases of human tragedy.

The approach advocated in this project represents a change in how international humanitarian intervention is viewed as a subject of study. It deliberately embraces the scalable, all-hazards evolution taken by the domestic emergency management system begun in the 1970's as the mirror of the transition globalization and post-Cold War good-citizenship has fostered in the international human rights field. It also offers a starting point to guide the more holistic understanding of humanitarian responsibility posited by R2P. The following pages will conclude with a preview of where the literature can be taken from this point, and what the practical impact of this advancement would be in the field of international crisis management.

Comprehensive emergency management goes beyond the very limited focus of “mass atrocity” events outlined by the International Committee on Intervention and State Sovereignty Report. The R2P approach starts from the crux of the issue: situations that necessitate inter-



vention because of ethnic cleansing, genocide, and the like. From this security-related starting point, it then works “backward” to include the need for recovery and mitigation measures in active and potential cases of mass atrocity. In a sense, the R2P attempts to move beyond the minimalist understanding of intervention, but at the same time, uses the military conceptualization as its starting point.

Comprehensive emergency management takes a different look at the domestic humanitarian problem. It is deliberately “all-hazards” in its approach, despite its foundation in civil defense. The domestic planning scenarios under the National Incident Management System (NIMS) and the National Response Framework rubric (what is essentially the federal emergency operations plan) include terroristic attacks, and other domestic security-related correlates to the international humanitarian crises. However, the approach is broader than these security-focused problems. Response and recovery are not mere derivations from terrorism response scenarios (or any other domestic intervention correlate). Rather, terrorism response scenarios are one rather prominent piece of the all-hazards, emergency management system. Events that are not strictly security focused—but still carry a sizable law enforcement/national guard element nonetheless—also figure prominently in the all-hazards approach. Weather events, technological disasters (mass disruptions in infrastructure), and other similar social breakdowns can also carry large humanitarian costs (and potential death tolls).

This distinction is important. While R2P expands the humanitarian intervention program to include recovery and mitigation in its consideration, its starting point of intervention, *per se*, truncates its ability to fully treat the potential conflicts found in international response to non-mass atrocity issues that still qualify as complex emergencies. Ultimately, the debate is

not complete if the model is drawn so as to not even consider examples such as North Korea's famine, Myanmar's 2008 Cyclone, Zimbabwe's generally bad management, or other "stable" governments with non-atrocity but still serious humanitarian crises. A comprehensive approach that is not derivative of military action would provide a means of integrating potential crises that are not explicitly genocide and do not necessarily require an intervention, but still involve a similarly large-scale humanitarian crisis. It should be noted that despite this shift in perspective, the international setting (and the very issues of sovereignty, war law, etc.) ensures that the military aspect of crisis/emergency management will be the proverbial 800 pound gorilla in the debate. The domestic correlate also has "terrorism" and its law enforcement/military response carrying similar weight. However, it is also well recognized that the less prominent (appearing) issue of natural hazard has a far greater routine cost than terrorism. The same tension inherent in an all-hazards approach must be recognized (and potentially fostered) in the case of international humanitarian intervention.

As a final caveat, this all-hazards approach is meant to focus on situations that are likely to—or actually do—result in a humanitarian intervention. There must remain a fundamental difference between mere emergency management assistance in stable, friendly countries that have undergone a natural or technological disaster and welcome the outside assistance with little or no reservation. In such situations, there is not, nor is there likely to be, a militarized component. This distinction does not exist in the world of domestic comprehensive emergency management (to any meaningful degree). Similar to the "threshold" problem mentioned in Chapter 5 (e.g. what is the tipping point between standard international aid and international aid where the framework of comprehensive humanitarian intervention would need to kick in),

the all hazards expansion beyond R2P is still focused on failed or failing states. It just increases the area of concern beyond simple mass atrocity to complex emergency *within that limited area of concern*. Does every large scale catastrophe that engenders an international response contain the seeds for total societal breakdown? Yes, perhaps it does. But in most cases, that will not happen. While a security element should probably be a planning component in a welcomed humanitarian response, if the new approach this project is suggesting includes willing nations, a possible difficulty arises in the palatability this will have on the international stage. In fact, failure to make a distinction between willing nations (and excluding them from this approach) and unwilling would likely kill the idea at the outset. For example, Japan would probably think twice about going to an international emergency management organization if they thought part of the planning process would include an invasion component. Smaller nations that are stable and friendly would have an even bigger level of anxiety over an approach wherein the biggest nations of the world plan a military invasion “just in case” as part of their humanitarian enterprise. As a consequence, this approach should be narrowly tailored to focus on states that are socially volatile, destitute, very poorly governed, and basically failing or failed (again, as determined by an agreed upon threshold analysis establish them as potential candidates for a humanitarian intervention).

## **6.2 Potential Shortcomings of the Model**

The application of emergency management theory to international humanitarian intervention is not meant to entirely alleviate the various objections to intervention itself. They will remain to an extent—as long as military action remains a part of the discussion—even at the far end of a continuum. For the purposes of this project, the legality of intervention and similar

issues are different arguments that have been thoroughly treated elsewhere. However, the project is incomplete if some potential pitfalls are not briefly addressed as they relate to comprehensive emergency management.

As mentioned previously, the Responsibility to Protect (R2P) project mirrors several of the goals of comprehensive emergency management theory. The broader emergency management perspective helps the perspective incorporate lessons learned and theoretical arguments into the humanitarian intervention debate. But because of the admitted importance of the military aspect in this theory, it also has some shortcomings it shares with intervention-permissive approaches such as R2P. Specifically, these approaches tend to overestimate the world's ability to do good. To an extent, the enshrined notion of sovereignty exists today because the developed world's burden of bringing civilization to the uncivilized world is a near mirror image of one of the Europeans' claims for colonization and domination of less technologically advanced nations. This forms the bedrock of objections to intervention in any case, and especially in cases without an explicit UN mandate (e.g., Byers in War Law). The R2P Report attempts to mitigate this issue through its "Right Authority" stipulation, and in doing so, places itself in the clearest field as far as international law is concerned. Indeed, the very ICISS project and the advent of the International Criminal Court (ICC), as well as a more refined approach to mass atrocity crimes developed by the UN set the legal stage for such a transition.

The parity between the intervention aspects of comprehensive humanitarian intervention and R2P opens the proposal in Chapter Four to a similar objection. The potential development of customary international law in this arena is still open for debate. Time will tell if the R2P and the ICC will continue to solidify as accepted practice, or if realism will continue to dom-

inate the relationship between sovereign states in the case of mass atrocity and other humanitarian crises.

The R2P position, in and of itself, admittedly has its own complications as well. The concept of proportional means is difficult, because it has the potential to fly in the face of military tactics (surges in both Iraq and Afghanistan were needed for stabilization....as long as we were squeamish about overt force, no progress was made). The notion of reasonable prospect of success is also a huge obstacle to surmount. The social-political climate that will necessitate the extreme response of military intervention should have a goal of leaving a relatively stable, human rights respecting regime that is able to provide primary care for the well-being of its citizens. In such cases, military intervention on top of the pre-intervention mitigation efforts of political and economic coercion amounts to little short of outright paternalism. While the severity of the situation may require this in the R2P schema, the level of involvement required by a third party in a people's social system may be highly problematic. Like chemotherapy on a cancer victim, the intervention will also have side effects that could be as bad as the problem it was meant to alleviate.

Since this proposal includes, in part, a version of R2P's basic tenets, these same concerns could impact the validity of a comprehensive emergency management approach to international humanitarian intervention. The primary purpose of this new approach is to add depth to the debate itself, providing a more realistic and thorough template to the positions discussed in Chapter Two. Thus despite this potential objection, the proposed shift in focus provides a greater understanding of the ramifications of intervention in the broader context espoused by R2P and similarly minded authors. The successful development of customary law on this front

is based in part on a clear understanding of the implications not only of the response, but of the recovery and mitigation of humanitarian crises.

The potential paternalistic implications, the tactical issues of proportionality of means, and other similar objections to the issue of intervention would benefit from a more robust consideration of topic beyond the just war/security studies aspects of the situation that may culminate in calls for an intervention. An expanded approach to the subject does not necessarily lead to a more permissive atmosphere. That will still be driven by the evolution of international norms, laws, realist considerations, and practicality. It does lead to a fuller, more beneficial debate about norms, laws, and practicality. In addition to—and perhaps more important than—broadening the debate, this shift in approach will provide a vehicle for emphasizing the mitigation aspects promulgated by R2P and support emergency management related planning/preparedness *specific to international humanitarian crises* and not as an ancillary consideration for military relations or even broader considerations of economic development and/or democratization.

### **6.3 Suggestions for Future Research and Expansion of the Humanitarian Argument**

The comprehensive emergency management approach to humanitarian intervention provides a whole new area of expansion for the field of research. Foremost among these is the fact that the comprehensive emergency management framework considers emergencies from a more holistic perspective than humanitarian intervention scholarship has typically. Domestic situations where there is a concomitant social breakdown provide a smaller-scale but similar application of the preparedness, response, recovery, and mitigation process to the international crisis management research field. There is clearly an application in direct comparison be-

tween domestic intervention and international intervention, although there are also distinct differences. This correlation is strongest at the level of the tactical approach to humanitarian events. Specifically, the comparison is at its strongest where the “softer” aspects of the paradigm such as public health, public works, and long-term community recovery are integrated as coequal planning partners (in their respective fields) with the security apparatus in defining the overall mission.

The potential application of this approach is even more robust in addressing how the different phases of domestic emergency management (or the process of four phased emergency management) relate to the severity of the incident and the scalability of the response, which can then be applied to the particulars of the international situation. For example, the lessons learned in transitioning from mitigation and preparedness activities in pre-Katrina New Orleans (with all their obvious shortfalls) to deployment in the actual event—in the light of the comprehensive theory—can serve as an apt foil for consideration of the prevention and response aspects highlighted by the R2P and other emergent approaches to international crisis management.

The groundwork for this integration already exists and provides another approach to increasing the research base on the topic of international humanitarian intervention. The pieces just need to be brought together in a holistic approach that includes humanitarian intervention. The mitigation field has long dealt with resilient construction and sustainability on the domestic level. For example, in dealing with the post-event reconstruction (and mitigation possibilities), Adenrele Awotana has recognized that “the built environment is the end product of a long chain of interaction such as socio-culture, economic, technological, environmental and adminis-

trative aspects (Awotona, 1997).” If the built environment holds these requirements, then shouldn’t it be argued that all of these aspects are reflexive and that each is interdependent and therefore have the same impact? In a treatment of reconstruction from a “public works and engineering” perspective (to put it in National Incident Management System—NIMS—terms), Awotana and Mulbah G Johnson review the reconstruction and potential mitigation issues in the practical work Reconstruction After Disaster: Issues and Practices, asserting that “what has become alarming is not so much the number of victims and the amount of financial resources involved in disaster relief by the continuous failure of relief operations to achieve complete recovery (Awotana & Johnson, 1997).”

While not directly related to humanitarian intervention, this practical treatment has not been limited to mere weather emergencies. The recovery costs in post-war environments are also recognized:

While in many cases the provision of housing after a prolonged war may be inevitable, such provision often neglects the fact that in the event of disaster people lose ‘homes’ – not mere buildings. These are the reflection of their cultural beliefs, social and economic practices and aspirations as well as their relation to the community and the environment. Recovery from a disaster can be a complex process, especially in the case of a war situation where, along with the destruction of the physical structures, there is also a breakdown of the political and social institutions that are essential for reconstruction. Whatever the nature of the disaster, the chances of complete recover are largely dependent upon the extent of the damage created as the result of the disaster, and the ability of the recon-



struction programme, to respond adequately to the real needs of the disaster victims (Awotana & Johnson, 1997).

This practitioner oriented work is already addressing several of the issues facing international humanitarian intervention yet it needs to be incorporated into the conversation alongside the war theory aspects. Similarly, several authors have addressed the issue of international crisis response from the NIMS perspective of Mass Care and Public Health, which are two of the operational subdivisions of the National Response Framework stemming from the NIMS ideology. S.W.A. Gunn, M.D. has edited two volumes that address the issue from a more or less public health perspective. The concerns of refugee camps and the care and processing of displaced populations and the provision of medical care in the field are treated in depth, irrespective of a conflict-based or natural cause for the humanitarian relief needs.

The other disparate international aid professions have developed their own independent approach to operating in humanitarian crisis zones as well. Among the other integral fields identified by domestic emergency management theory and outlined in the NIMS/NRF emergency support functions (ESF), "public safety and security" already occupies a prominent place in the literature due to the fact that humanitarian intervention is at its core a "police action" focused on military operations in the worst kind of crisis. Because it is aimed at seeing the bigger picture, the R2P provides a basis to develop what domestic ESFs termed "emergency management" as a distinct, standing coordinating body that orchestrates the preparedness, response, recovery, and mitigation activities between the various professional fields. Functions such as energy, hazardous materials, and transportation have multiple different international bodies that may fill a lead and support role in the program. The key is to identify the body best

suited to confronting a humanitarian crisis in their respective fields, and bring their body of knowledge to the table.

#### **6.4 Conclusion**

The benefits of a comprehensive approach to humanitarian intervention of the variety outlined in this project are numerous and have both practical and theoretical application. It serves as a refocus of the literature on intervention to provide a more comprehensive framework for discussing the topic than the one bequeathed to it by the Cold War. This comprehensive framework will provide a better understanding of what is required if we are asserting an ethical imperative to intervene militarily in the worst kind of crisis. This will also provide a continuum understanding of the variety suggested by R2P but in a more fully fleshed out version. As such, it will allow the integration of preparedness and mitigation *before* intervention even becomes a purported necessity. It may also prove to be fertile ground for empirical examples of the response to disaster and the interrelation of the various disciplines due to the much more frequent employment of emergency management with a strong uniformed/security contingent at the domestic level.

The comprehensive emergency management approach also gives a direction for post-event recovery to take if mitigation planning is taken seriously because it will allow (or even demand) planning for prevention of future breakdowns into the reconstruction process. The fact that this will be defined as part of the comprehensive process will make it less likely that the intervening nations will “mess up the endgame” and lose interest in the health of the political-social situation once the immediate symptom of mass atrocity has been stopped. Finally, in the event that prevention/intervention/mitigation approach of the variety proposed by

ICISS/R2P gains international acceptance as a legal and social norm, then this project will provide a framework to draw the disparate players in humanitarian intervention together to form a comprehensive approach to the subject, establishing the outlines of a tactical organization. As a consequence, comprehensive emergency management theory has a natural and clear application to the study of international humanitarian intervention and will allow a greater understanding of the subject of militarized emergency management and a framework to expand the ideas of the Responsibility to Protect and other similar movements.

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