

## War in Iraq: Not a Humanitarian Intervention      By Ken Roth

Humanitarian intervention was supposed to have gone the way of the 1990s. The use of military force across borders to stop mass killing was seen as a luxury of an era in which national security concerns among the major powers were less pressing and problems of human security could come to the fore. Somalia, Haiti, Bosnia, Kosovo, East Timor, Sierra Leone—these interventions, to varying degrees justified in humanitarian terms, were dismissed as products of an unusual interlude between the tensions of the Cold War and the growing threat of terrorism. September 11, 2001 was said to have changed all that, signaling a return to more immediate security challenges. Yet surprisingly, with the campaign against terrorism in full swing, the past year or so has seen four military interventions that are described by their instigators, in whole or in part, as humanitarian.

In principle, one can only welcome this renewed concern with the fate of faraway victims. What could be more virtuous than to risk life and limb to save distant people from slaughter? But the common use of the humanitarian label masks significant differences among these interventions. The French intervention in the Democratic Republic of Congo, later backed by a reinforced U.N. peacekeeping presence, was most clearly motivated by a desire to stop ongoing slaughter. In Liberia and Côte d'Ivoire, West African and French forces intervened to enforce a peace plan but also played important humanitarian roles. (The United States briefly participated in the Liberian intervention, but the handful of troops it deployed had little effect.) All of these African interventions were initially or ultimately approved by the U.N. Security Council. Indeed, in each case the recognized local government consented to the intervention, though under varying degrees of pressure.

By contrast, the United States-led coalition forces justified the invasion of Iraq on a variety of grounds, only one of which—a comparatively minor one—was humanitarian. The Security Council did not approve the invasion, and the Iraqi government, its existence on the line, violently opposed it. Moreover, while the African interventions were modest affairs, the Iraq war was massive, involving an extensive bombing campaign and some 150,000 ground troops.

The sheer size of the invasion of Iraq, the central involvement of the world's superpower, and the enormous controversy surrounding the war meant that the Iraqi conflict overshadowed the other military actions. For better or for worse, that prominence gave it greater power to shape public perceptions of armed interventions said by their proponents to be justified on humanitarian grounds. The result is that at a time of renewed interest in humanitarian intervention, the Iraq war and the effort to justify it even in part in humanitarian terms risk giving humanitarian intervention a bad name. If that breeds cynicism about the use of military force for humanitarian purposes, it could be devastating for people in need of future rescue.

Human Rights Watch ordinarily takes no position on whether a state should go to war. The issues involved usually extend beyond our mandate, and a position of neutrality maximizes our ability to press all parties to a conflict to avoid harming noncombatants. The sole exception we make is in extreme situations requiring humanitarian intervention.

Because the Iraq war was not mainly about saving the Iraqi people from mass slaughter, and because no such slaughter was then ongoing or imminent, Human Rights Watch at the time took no position for or against the war. A humanitarian rationale was occasionally offered for the war, but it was so plainly subsidiary to other reasons that we felt no need to address it. Indeed, if Saddam Hussein had been overthrown and the issue of weapons of mass destruction reliably dealt with, there clearly would have been no war, even if the successor government were just as repressive.

Some argued that Human Rights Watch should support a war launched on other grounds if it would arguably lead to significant human rights improvements. But the substantial risk that wars guided by non-humanitarian goals will endanger human rights keeps us from adopting that position.

Over time, the principal justifications originally given for the Iraq war lost much of their force. More than seven months after the declared end of major hostilities, weapons of mass destruction have not been found. No significant prewar link between Saddam Hussein and international terrorism has been discovered. The difficulty of establishing stable institutions in Iraq is making the country an increasingly unlikely staging ground for promoting democracy in the Middle East. As time elapses, the Bush administration's dominant remaining justification for the war is that Saddam Hussein was a tyrant who deserved to be overthrown—an argument of humanitarian intervention. The administration is now citing this rationale not simply as a side benefit of the war but also as a prime justification for it. Other reasons are still regularly mentioned, but the humanitarian one has gained prominence.

Does that claim hold up to scrutiny? The question is not simply whether Saddam Hussein was a ruthless leader; he most certainly was. Rather, the question is whether the conditions were present that would justify humanitarian intervention—conditions that look at more than the level of repression. If so, honesty would require conceding as much, despite the war's global unpopularity. If not, it is important to say so as well, since allowing the arguments of humanitarian intervention to serve as a pretext for war fought mainly on other grounds risks tainting a principle whose viability might be essential to save countless lives.

In examining whether the invasion of Iraq could properly be understood as a humanitarian intervention, our purpose is not to say whether the U.S.-led coalition should have gone to war for other reasons. That, as noted, involves judgments beyond our mandate. Rather, now that the war's proponents are relying so significantly on a humanitarian rationale for the war, the need to assess this claim has grown in importance. We conclude that, despite the horrors of Saddam Hussein's rule, the invasion of Iraq cannot be justified as a humanitarian intervention.

### The Standards for Humanitarian Intervention

Unusual among human rights groups, Human Rights Watch has a longstanding policy on humanitarian intervention. War often carries enormous human costs, but we recognize that the imperative of stopping or preventing genocide or other systematic slaughter can sometimes justify the use of military force. For that reason, Human Rights Watch has on rare occasion advocated humanitarian intervention—for example, to stop ongoing genocide in Rwanda and Bosnia.

Yet military action should not be taken lightly, even for humanitarian purposes. One might use military force more readily when a government facing serious abuses on its territory invites military assistance from others—as in the cases of the three recent African interventions. But military intervention on asserted humanitarian grounds without the government's consent should be used with extreme caution. In arriving at the standards that we believe should govern such nonconsensual military action, we draw on the principles underlying our own policy on humanitarian intervention and on our experiences in applying them. We also take into account other relevant literature, including the report of the Canadian government-sponsored International Commission on Intervention and State Sovereignty.

In our view, as a threshold matter, humanitarian intervention that occurs without the consent of the relevant government can be justified only in the face of ongoing or imminent genocide, or comparable mass slaughter or loss of life. To state the obvious, war is dangerous. In theory it can

be surgical, but the reality is often highly destructive, with a risk of enormous bloodshed. Only large-scale murder, we believe, can justify the death, destruction, and disorder that so often are inherent in war and its aftermath. Other forms of tyranny are deplorable and worth working intensively to end, but they do not in our view rise to the level that would justify the extraordinary response of military force. Only mass slaughter might permit the deliberate taking of life involved in using military force for humanitarian purposes.

In addition, the capacity to use military force is finite. Encouraging military action to meet lesser abuses may mean a lack of capacity to intervene when atrocities are most severe. The invasion of a country, especially without the approval of the U.N. Security Council, also damages the international legal order which itself is important to protect rights. For these reasons, we believe that humanitarian intervention should be reserved for situations involving mass killing.

We understand that “mass” killing is a subjective term, allowing for varying interpretations, and we do not propose a single quantitative measure. We also recognize that the level of killing that we as a human rights organization would see as justifying humanitarian intervention might well be different from the level that a government might set. However, in either circumstance, because of the substantial risks inherent in the use of military force, humanitarian intervention should be exceptional—reserved for the most dire circumstances.

If this high threshold is met, we then look to five other factors to determine whether the use of military force can be characterized as humanitarian. First, military action must be the last reasonable option to halt or prevent slaughter; military force should not be used for humanitarian purposes if effective alternatives are available. Second, the intervention must be guided primarily by a humanitarian purpose; we do not expect purity of motive, but humanitarianism should be the dominant reason for military action. Third, every effort should be made to ensure that the means used to intervene themselves respect international human rights and humanitarian law; we do not subscribe to the view that some abuses can be countenanced in the name of stopping others. Fourth, it must be reasonably likely that military action will do more good than harm; humanitarian intervention should not be tried if it seems likely to produce a wider conflagration or significantly more suffering. Finally, we prefer endorsement of humanitarian intervention by the U.N. Security Council or other bodies with significant multilateral authority. However, in light of the imperfect nature of international governance today, we would not require multilateral approval in an emergency context.

#### Two Irrelevant Considerations

Before applying these criteria to Iraq, it is worth noting two factors that we do not consider relevant in assessing whether an intervention can be justified as humanitarian. First, we are aware of, but reject, the argument that humanitarian intervention cannot be justified if other equally or more needy places are ignored. Iraqi repression was severe, but the case might be made that repression elsewhere was worse. For example, an estimated three million or more have lost their lives to violence, disease, and exposure in recent years during the conflict in the eastern Democratic Republic of Congo (DRC), yet intervention in the DRC was late and, compared to Iraq, modest. However, if the killing in Iraq warranted military intervention, it would be callous to disregard the plight of these victims simply because other victims were being neglected. In that case, intervention should be encouraged in both places, not rejected in one because it was weak or nonexistent in the other.

Second, we are aware of, but reject, the argument that past U.S. complicity in Iraqi repression should preclude U.S. intervention in Iraq on humanitarian grounds. This argument is built on the U.S.

government's sordid record in Iraq in the 1980s and early 1990s. When the Iraqi government was using chemical weapons against Iranian troops in the 1980s, the Reagan administration was giving it intelligence information. After the Anfal genocide against Iraqi Kurds in 1988, the Reagan and first Bush administrations gave Baghdad billions of dollars in commodity credits and import loan guarantees. The Iraqi government's ruthless suppression of the 1991 uprising was facilitated by the first Bush administration's agreement to Iraq's use of helicopters – permission made all the more callous because then-President Bush had encouraged the uprising in the first place. In each of these cases, Washington deemed it more important to defeat Iran or avoid Iranian influence in a potentially destabilized Iraq than to discourage or prevent large-scale slaughter. We condemn such calculations. However, we would not deny relief to, say, the potential victims of genocide simply because the proposed intervener had dirty hands in the past.

### The Level of Killing

In considering the criteria that would justify humanitarian intervention, the most important, as noted, is the level of killing: was genocide or comparable mass slaughter underway or imminent? Brutal as Saddam Hussein's reign had been, the scope of the Iraqi government's killing in March 2003 was not of the exceptional and dire magnitude that would justify humanitarian intervention. We have no illusions about Saddam Hussein's vicious inhumanity. Having devoted extensive time and effort to documenting his atrocities, we estimate that in the last twenty-five years of Ba`th Party rule the Iraqi government murdered or "disappeared" some quarter of a million Iraqis, if not more. In addition, one must consider such abuses as Iraq's use of chemical weapons against Iranian soldiers. However, by the time of the March 2003 invasion, Saddam Hussein's killing had ebbed.

There were times in the past when the killing was so intense that humanitarian intervention would have been justified—for example, during the 1988 Anfal genocide, in which the Iraqi government slaughtered some 100,000 Kurds. Indeed, Human Rights Watch, though still in its infancy and not yet working in the Middle East in 1988, did advocate a form of military intervention in 1991 after we had begun addressing Iraq. As Iraqi Kurds fleeing Saddam Hussein's brutal repression of the post-Gulf War uprising were stranded and dying in harsh winter weather on Turkey's mountainous border, we advocated the creation of a no-fly zone in northern Iraq so they could return home without facing renewed genocide. There were other moments of intense killing as well, such as the suppression of the uprisings in 1991. But on the eve of the latest Iraq war, no one contends that the Iraqi government was engaged in killing of anywhere near this magnitude, or had been for some time. "Better late than never" is not a justification for humanitarian intervention, which should be countenanced only to stop mass murder, not to punish its perpetrators, desirable as punishment is in such circumstances.

But if Saddam Hussein committed mass atrocities in the past, wasn't his overthrow justified to prevent his resumption of such atrocities in the future? No. Human Rights Watch accepts that military intervention may be necessary not only to stop ongoing slaughter but also to prevent future slaughter, but the future slaughter must be imminent. To justify the extraordinary remedy of military force for preventive humanitarian purposes, there must be evidence that large-scale slaughter is in preparation and about to begin unless militarily stopped. But no one seriously claimed before the war that the Saddam Hussein government was planning imminent mass killing, and no evidence has emerged that it was. There were claims that Saddam Hussein, with a history of gassing Iranian soldiers and Iraqi Kurds, was planning to deliver weapons of mass destruction through terrorist networks, but these allegations were entirely speculative; no substantial evidence has yet emerged. There were also fears that the Iraqi government might respond to an invasion with the use of chemical or biological weapons, perhaps even against its own people, but no one seriously suggested such use as an imminent possibility in the absence of an invasion.

That does not mean that past atrocities should be ignored. Rather, their perpetrators should be prosecuted. Human Rights Watch has devoted enormous efforts to investigating and documenting the Iraqi government's atrocities, particularly the Anfal genocide against Iraqi Kurds. We have interviewed witnesses and survivors, exhumed mass graves, taken soil samples to demonstrate the use of chemical weapons, and combed through literally tons of Iraqi secret police documents. We have circled the globe trying to convince some government—any government—to institute legal proceedings against Iraq for genocide. No one would. In the mid-1990s, when our efforts were most intense, governments feared that charging Iraq with genocide would be too provocative—that it would undermine future commercial deals with Iraq, squander influence in the Middle East, invite terrorist retaliation, or simply cost too much money.

But to urge justice or even criminal prosecution is not to justify humanitarian intervention. Indictments should be issued, and suspects should be arrested if they dare to venture abroad, but the extraordinary remedy of humanitarian intervention should not be used simply to secure justice for past crimes. This extreme step, as noted, should be taken only to stop current or imminent slaughter, not to punish past abuse.

In stating that the killing in Iraq did not rise to a level that justified humanitarian intervention, we are not insensitive to the awful plight of the Iraqi people. We are aware that summary executions occurred with disturbing frequency in Iraq up to the end of Saddam Hussein's rule, as did torture and other brutality. Such atrocities should be met with public, diplomatic, and economic pressure, as well as prosecution. But before taking the substantial risk to life that is inherent in any war, mass slaughter should be taking place or imminent. That was not the case in Saddam Hussein's Iraq in March 2003.

#### The Last Reasonable Option

The lack of ongoing or imminent mass slaughter was itself sufficient to disqualify the invasion of Iraq as a humanitarian intervention. Nonetheless, particularly in light of the ruthlessness of Saddam Hussein's rule, it is useful to examine the other criteria for humanitarian intervention. For the most part, these too were not met.

As noted, because of the substantial risks involved, an invasion should qualify as a humanitarian intervention only if it is the last reasonable option to stop mass killings. Since there were no ongoing mass killings in Iraq in early 2003, this issue technically did not arise. But it is useful to explore whether military intervention was the last reasonable option to stop what Iraqi abuses were ongoing.

It was not. If the purpose of the intervention was primarily humanitarian, then at least one other option should have been tried long before resorting to the extreme step of military invasion—criminal prosecution. There is no guarantee that prosecution would have worked, and one might have justified skipping it had large-scale slaughter been underway. But in the face of the Iraqi government's more routine abuses, this alternative to military action should have been tried.

An indictment, of course, is not the same as arrest, trial, and punishment. A mere piece of paper will not stop mass slaughter. But as a long-term approach to Iraq, justice held some promise. The experiences of former Yugoslav President Slobodan Milosevic and former Liberian President Charles Taylor suggest that an international indictment profoundly discredits even a ruthless, dictatorial leader. That enormous stigma tends to undermine support for the leader, both at home and abroad, often in unexpected ways. By allowing Saddam Hussein to rule without the stigma of an indictment for genocide and crimes against humanity, the international community never tried a step that

might have contributed to his removal and a parallel reduction in government abuses.

In noting that prosecution was not tried before war, we recognize that the U.N. Security Council had never availed itself of this option in more than a decade of attention to Iraq. The council's April 1991 resolution on Iraq (resolution 688), in condemning "the repression of the Iraqi civilian population in many parts of Iraq," broke new ground at the time as the first council resolution to treat such repression as a threat to international peace and security. But the council never followed up by deploying the obvious tool of prosecution to curtail that repression. Yet if the U.S. government had devoted anywhere near the attention to justice as it did to pressing for war, the chances are at least reasonable that the council would have been responsive.

### Humanitarian Purpose

Any humanitarian intervention should be conducted with the aim of maximizing humanitarian results. We recognize that an intervention motivated by purely humanitarian concerns probably cannot be found. Governments that intervene to stop mass slaughter inevitably have other reasons as well, so we do not insist on purity of motive. But a dominant humanitarian motive is important because it affects numerous decisions made in the course of an intervention and its aftermath that can determine its success in saving people from harm.

Humanitarianism, even understood broadly as concern for the welfare of the Iraqi people, was at best a subsidiary motive for the invasion of Iraq. The principal justifications offered in the prelude to the invasion were the Iraqi government's alleged possession of weapons of mass destruction, its alleged failure to account for them as prescribed by numerous U.N. Security Council resolutions, and its alleged connection with terrorist networks. U.S. officials also spoke of a democratic Iraq transforming the Middle East. In this tangle of motives, Saddam Hussein's cruelty toward his own people was mentioned—sometimes prominently—but, in the prewar period, it was never the dominant factor. This is not simply an academic point; it affected the way the invasion was carried out, to the detriment of the Iraqi people.

To begin with, if invading forces had been determined to maximize the humanitarian impact of an intervention, they would have been better prepared to fill the security vacuum that predictably was created by the toppling of the Iraqi government. It was entirely foreseeable that Saddam Hussein's downfall would lead to civil disorder. The 1991 uprisings in Iraq were marked by large-scale summary executions. The government's Arabization policy raised the prospect of clashes between displaced Kurds seeking to reclaim their old homes and Arabs who had moved into them. Other sudden changes of regime, such as the Bosnian Serb withdrawal from the Sarajevo suburbs in 1996, have been marked by widespread violence, looting, and arson.

In part to prevent violence and disorder, the U.S. army chief of staff before the war, General Eric K. Shinseki, predicted that "several" hundreds of thousands of troops would be required. But the civilian leaders of the Pentagon dismissed this assessment and launched the war with considerably fewer combat troops—some 150,000. The reasons for this decision are unclear, but they seem due to some combination of the U.S. government's faith in high-tech weaponry, its distaste for nation-building, its disinclination to take the time to deploy additional troops as summer's heat rose in Iraq and the political heat of opposition to the war mounted around the world, and its excessive reliance on wishful thinking and best-case scenarios. The result is that coalition troops were quickly overwhelmed by the enormity of the task of maintaining public order in Iraq. Looting was pervasive. Arms caches were raided and emptied. Violence was rampant.

The problem of understaffing was only compounded by the failure to deploy an adequate number of

troops trained in policing. Regular troops are trained to fight—to meet threats with lethal force. But that presumptive resort to lethal force is inappropriate and unlawful when it comes to policing an occupied nation. The consequence was a steady stream of civilians killed when coalition troops—on edge in the face of regular resistance attacks, many perfidious—mistakenly fired on civilians. That only increased resentment among Iraqis and fueled further attacks. Troops trained in policing—that is, trained to use lethal force as a last resort—would have been better suited to conduct occupation duties humanely. But the Pentagon has not made a priority of developing policing skills among its troops, leaving relatively few to be deployed in Iraq.

To top it all off, L. Paul Bremer III, the U.S. administrator in Iraq, disbanded the entire Iraqi army and police force. That left the occupying authorities without a large pool of indigenous forces that could have helped to establish the rule of law. We recognize that security forces or intelligence agencies that had played a lead role in atrocities, such as the Special Republican Guard or the Mukhabarat, should have been disbanded and their members prosecuted. Some members of the Iraqi army and police were also complicit in atrocities, but the average member had significantly less culpability; there was no penal justification for disbanding these forces en masse rather than pursuing the guilty on an individual basis. The blanket dismissal took a toll on Iraqi security.

The lack of an overriding humanitarian purpose also affected Washington's attitude toward the system of justice to be used to try Iraqi officials' human rights crimes. The Bush administration, like many other people, clearly would like to see those responsible for atrocities in Iraq brought to justice, but its greater distaste for the International Criminal Court (ICC) has prevented it from recommending the justice mechanism that is most likely to succeed. The administration has insisted that accused Iraqi officials be tried before an "Iraqi-led process." In theory, it is certainly preferable for Iraq to try its own offenders. But after three-and-a-half decades of Ba`th Party rule, the Iraqi judicial system has neither a tradition of respect for due process nor the capacity to organize and try a complex case of genocide or crimes against humanity. Were such prosecutions to proceed in Iraqi courts, there is much reason to believe that they would be show trials.

The obvious solution to this problem is to establish an international criminal tribunal for Iraq—either a fully international one such as those established for Rwanda and former Yugoslavia, or an internationally led tribunal with local participation such as the special court created for Sierra Leone. Although the Bush administration has supported these pre-existing tribunals, it adamantly opposes an international tribunal for Iraq. The reason appears to lie in the ICC. The ICC itself would be largely irrelevant for this task since its jurisdiction would begin at the earliest in July 2002, when the treaty establishing it took effect. Most crimes of the Saddam Hussein government were committed before that. But the administration so detests the ICC that it opposes the creation of any international tribunal for Iraq, apparently out of fear that such a new tribunal would lend credibility to the entire project of international justice and thus indirectly bolster the ICC. An overriding concern with the best interests of the Iraqi people would have made it less likely that this ideological position prevailed.

#### Compliance with Humanitarian Law

Every effort should be made to ensure that a humanitarian intervention is carried out in strict compliance with international human rights and humanitarian law. Compliance is required in all conflicts—no less for an intervention that is justified on humanitarian grounds. The invasion of Iraq largely met this requirement, but not entirely. Coalition forces took extraordinary care to avoid harming civilians when attacking fixed, pre-selected targets. But their record in attacking mobile targets of opportunity was mixed.

As Human Rights Watch reported in detail in its December 2003 report on the war, U.S. efforts to bomb leadership targets were an abysmal failure. The 0-for-50 record reflected a targeting method that bordered on indiscriminate, allowing bombs to be dropped on the basis of evidence suggesting little more than that the leader was somewhere in a community. Substantial civilian casualties were the predictable result.

U.S. ground forces, particularly the Army, also used cluster munitions near populated areas, with predictable loss of civilian life. After roughly a quarter of the civilian deaths in the 1999 NATO bombing of Yugoslavia were caused by the use of cluster bombs in populated areas, the U.S. Air Force substantially curtailed the practice. But the U.S. Army apparently never absorbed this lesson. In responding to Iraqi attacks as they advanced through Iraq, Army troops regularly used cluster munitions in populated areas, causing substantial loss of life. Such disregard for civilian life is incompatible with a genuinely humanitarian intervention.

### Better Rather than Worse

Another factor for assessing the humanitarian nature of an intervention is whether it is reasonably calculated to make things better rather than worse in the country invaded. One is tempted to say that anything is better than living under the tyranny of Saddam Hussein, but unfortunately, it is possible to imagine scenarios that are even worse. Vicious as his rule was, chaos or abusive civil war might well become even deadlier, and it is too early to say whether such violence might still emerge in Iraq.

Still, in March 2003, when the war was launched, the U.S. and U.K. governments clearly hoped that the Iraqi government would topple quickly and that the Iraqi nation would soon be on the path to democracy. Their failure to equip themselves with the troops needed to stabilize post-war Iraq diminished the likelihood of this rosy scenario coming to pass. However, the balance of considerations just before the war probably supported the assessment that Iraq would be better off if Saddam Hussein's ruthless reign were ended. But that one factor, in light of the failure to meet the other criteria, does not make the intervention humanitarian.

### U.N. Approval

There is considerable value in receiving the endorsement of the U.N. Security Council or another major multilateral body before launching a humanitarian intervention. The need to convince others of the appropriateness of a proposed intervention is a good way to guard against pretextual or unjustified action. An international commitment to an intervention also increases the likelihood that adequate personnel and resources will be devoted to the intervention and its aftermath. And approval by the Security Council, in particular, ends the debate about the legality of an intervention.

However, in extreme situations, Human Rights Watch does not insist on Security Council approval. The council in its current state is simply too imperfect to make it the sole mechanism for legitimizing humanitarian intervention. Its permanent membership is a relic of the post-World War II era, and its veto system allows those members to block the rescue of people facing slaughter for the most parochial of reasons. In light of these faults, one's patience with the council's approval process would understandably diminish if large-scale slaughter were underway. However, because there was no such urgency in early 2003 for Iraq, the failure to win council approval, let alone the endorsement of any other multilateral body, weighs heavily in assessing the intervenors' claim to humanitarianism.

We recognize, of course, that the Security Council was never asked to consider a purely

humanitarian intervention in Iraq. The principal case presented to it was built on the Iraqi government's alleged possession of and failure to account for weapons of mass destruction. Even so, approval might have ameliorated at least some of the factors that stood in the way of the invasion being genuinely humanitarian. Most significantly, a council-approved invasion is likely to have yielded more troops to join the predominantly American and British forces, meaning that preparation for the post-war chaos might have been better.

## Conclusion

In sum, the invasion of Iraq failed to meet the test for a humanitarian intervention. Most important, the killing in Iraq at the time was not of the exceptional nature that would justify such intervention. In addition, intervention was not the last reasonable option to stop Iraqi atrocities. Intervention was not motivated primarily by humanitarian concerns. It was not conducted in a way that maximized compliance with international humanitarian law. It was not approved by the Security Council. And while at the time it was launched it was reasonable to believe that the Iraqi people would be better off, it was not designed or carried out with the needs of Iraqis foremost in mind.

In opening this essay, we noted that the controversial invasion of Iraq stood in contrast to the three African interventions. In making that point, we do not suggest that the African interventions were without problems. All suffered to one degree or another from a mixture of motives, inadequate staffing, insufficient efforts to disarm and demobilize abusive forces, and little attention to securing justice and the rule of law. All of the African interventions, however, ultimately confronted ongoing slaughter, were motivated in significant part by humanitarian concerns, were conducted with apparent respect for international humanitarian law, arguably left the country somewhat better off, and received the approval of the U.N. Security Council. Significantly, all were welcomed by the relevant government, meaning that the standards for assessing them are more permissive than for a nonconsensual intervention.

However, even in light of the problems of the African interventions, the extraordinarily high profile of the Iraq war gives it far more potential to affect the public view of future interventions. If its defenders continue to try to justify it as humanitarian when it was not, they risk undermining an institution that, despite all odds, has managed to maintain its viability in this new century as a tool for rescuing people from slaughter.

The Iraq war highlights the need for a better understanding of when military intervention can be justified in humanitarian terms. The above-noted International Commission on Intervention and State Sovereignty was one important effort to define these parameters. Human Rights Watch has periodically contributed to this debate as well, including with this essay, and various academic writers have offered their own views. But no intergovernmental body has put forth criteria for humanitarian intervention.

This official reticence is not surprising, since governments do not like to contemplate uninvited intrusions in their country. But humanitarian intervention appears to be here to stay—an important and appropriate response to people facing mass slaughter. In the absence of international consensus on the conditions for such intervention, governments inevitably are going to abuse the concept, as the United States has done in its after-the-fact efforts to justify the Iraq war. Human Rights Watch calls on intergovernmental organizations, particularly the political bodies of the United Nations, to end the taboo on discussing the conditions for humanitarian intervention. Some consensus on these conditions, in addition to promoting appropriate use of humanitarian intervention, would help deter abuse of the concept and thus assist in preserving a tool that some of the world's most vulnerable victims need.

