

Humanitarian Intervention and Sovereignty Delegation:

Why? When? Who Decides? How Much?

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For all the vows that “never again” would there be another genocide, the reality has been “yet again”. The legal and political particulars of the term genocide and its application to this or that case can continue to be debated. For accuracy we may need to speak in some cases “only” of ethnic cleansing, mass killings, deadly conflict, humanitarian emergencies, and the like. The reality remains that millions of people have continued to be killed, maimed, raped, displaced and otherwise victimized while the international community --- the United States, the United Nations, the European Union and others --- has continued too often to do too little too late.

There are many reasons for these profound moral and strategic failures, as I more fully address elsewhere.¹ The most pertinent parts for this project are the questions humanitarian intervention raises regarding sovereignty. Why and when is sovereignty to be delegated from states to international actors? Who decides? How much sovereignty is to be delegated?

Why: Sovereignty as Responsibility not just Rights

The traditional conception of sovereignty as rights attributes to states jurisdictional exclusivity within their own borders and grants very limited and narrowly construed bases of legitimacy for other actors, whether another state or an international institution, to intervene in any form in what in their territorial locus are considered domestic affairs. “No agency exists above the individual states,” as Robert Art and Robert Jervis write, “with authority and power to make laws and settle disputes.” The strong emphasis is on the rights that come with sovereignty, “the complete autonomy of the state to act as it chooses,” as Abram and Antonia Handler Chayes put it. More particularly, in a classic dictum from Max Weber, “the state is a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory.” Not only is this an absolute conception, it is seen as fixed historically. “The logic of sovereignty is inherent in the nature of the state,” wrote the eminent British

scholar F. H. Hinsley, “and it has become and is likely to remain the defining principle in the political organization of the world.”² Article 2 (7) of the UN Charter often is pointed to as the embodiment of sovereignty as rights: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state”.

Those who stress the conception of sovereignty as responsibility do so more as a strictly competing norm than as a balancing one.³ The UN Charter, as stressed by UN Secretary-General Kofi Annan, “was issued in the name of ‘the peoples’, not the governments of the United Nations . . . The Charter protects the sovereignty of peoples. It was never meant as a license for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power.”⁴ This also comes through in such other provisions of the UN Charter as Article 3, affirming that “everyone has the right to life, liberty and the security of person”; Article 55 that commits the UN to “promote . . . universal respect for, and observance of, human rights and fundamental freedoms”; and Article 56 that pledges all members “to take joint and separate action” toward this end. Even Article 2(7) needs to be qualified, according to Secretary-General Annan, with “the important rider that this principle shall not prejudice the application of enforcement measures under Chapter VII. In other words, even national sovereignty can be set aside if it stands in the way of the Security Council’s overriding duty to preserve international peace and security.”⁵ Further affirmations of the responsibilities of sovereignty are manifested in the Genocide Convention, the Universal Declaration of Human Rights and other international covenants that make no distinction as to whether the offender is a foreign invader or one’s own government.

The “responsibility to protect”, as first developed in 2000-2001 by the International Commission on Intervention and State Sovereignty (ICISS), has been a powerful conception both politically and intellectually.⁶ Its main normative thrust is that individuals must be protected from mass killings and other gross violations of their rights, and that the state that is sovereign over the territory in which they reside has primary but not exclusive responsibility. If the state does not live up to that responsibility, or worse actively violates it, it fails “the minimum content of good international citizenship” and others must take that responsibility on rather than allow peoples to go unprotected:

[T]he responsibility to protect its people from killing and other grave harm was the most basic and fundamental of all the responsibilities that sovereignty imposes – and if a state cannot or will not protect its people from such harm, then coercive intervention for human protection purposes, including ultimately military intervention, by others in the international community may be warranted in extreme cases.⁷

To the concern that this ends up opening the way for big powers to go on doing what they want to do, the Commission is careful to distinguish its

conception of the responsibility to protect from a “right to intervene.” While understanding the historical roots of some such trepidations in colonialism and the Cold War, the Commission is unwilling to allow such arguments to be too easily invoked as rationalizations distracting from its core concern about ethnic cleansings, genocides and other mass killings: “What is at stake here is not making the world safe for big powers, or trampling over the sovereign rights of small ones, but delivering practical protection for ordinary people at risk of their lives, because their states are unwilling or unable to protect them”.⁸

Especially if sovereignty is to be less sacrosanct, establishing criteria for justifiable intervention is all the more important. These efforts tap heavily into the just war tradition and while differing in some of their particulars generally stress four factors: just cause, in terms of an “extreme humanitarian emergency” or comparably dire situation and a credible claim that the intervener is acting for these humanitarian motivations more than particularistic self-interest; proportionality of the military means being just enough to achieve the humanitarian objective; strong probability of success including in a net sense of collateral damage, civilian casualties and the proverbial not destroying the village in order to save it; and force as a last resort although with more willingness to set this threshold with anticipatory flexibility as in the ICISS formulation cited above.⁹ These criteria leave obvious room for interpretation and contestation. Thomas Weiss, who served as ICISS Research Director, observes that “the ‘just cause threshold’ is higher than many would have hoped.”¹⁰ Others still bristled at any sovereignty-abridging justification.

The follow-on to the ICISS Report was the 2004-05 Secretary-General’s High-Level Panel (HLP) on Threats, Challenges and Change. The HLP Report did endorse the responsibility to protect as an “emerging norm” and did make a strong statement that “the principle of non-intervention in internal affairs cannot be used to protect genocidal acts or other atrocities.”¹¹ And the 2005 UN World Summit did adopt the responsibility to protect norm.* The official UN 2005 World Summit Fact Sheet claims that there was “clear and unambiguous acceptance by all governments of the collective international responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”¹² The actual final document, though, does not seem to live up to its billing. It does mention responsibility to protect but as the responsibility of “each individual state”, and with the role of the international community no more than to “encourage and help States to exercise this responsibility.”¹³ And if States don’t exercise that responsibility, and international encouragement and help are not enough?

* It even has come to have its own acronym: “R2P”.

When?

The question of intra-state intervention is difficult enough. Building a case for prospective sovereignty delegation and considering preventive and pre-emptive interventions is even more difficult.

The 2001 ICISS Report made cautious but nevertheless significant acknowledgment that from a humanitarian perspective military force may need to be something other than an absolute last resort.

[M]ilitary action can be legitimate as an *anticipatory* measure in response to clear evidence of likely large scale killing. Without this possibility of anticipatory action, the international community would be placed in the morally untenable position of being required to wait until genocide begins, before being able to take action to stop it.

Every diplomatic and non-military avenue for the prevention or peaceful resolution of the humanitarian crisis must have been *explored* . . . This does not necessarily mean that every such option must literally have been tried and failed: often there will simply not be the time for that process to work itself out. But it does mean that there must be *reasonable grounds for believing that, in all the circumstances, if the measure had been attempted it would not have succeeded.*¹⁴

While couched in diplomatic language the thrust was that while force should not become a first resort, its threat or use did need to possibly be an early and not just a last resort.

This manifested a logic of deterrence strategy as befit this type of conflict. As long as the Milosevics of the world knew that they did not have to worry about external intervention until some late stage of the conflict, they would feel free to exploit their military advantages at least until that late stage drew closer and the external threat became credible. Liberal internationalists also made the force as an early resort argument, as with Stanley Hoffmann who wrote that “there are situations in which a quick, early use of force may well be the best method, and the only one capable of preventing a further aggravation of the [humanitarian] crisis.”¹⁵ In my own work I have argued strongly for “coercive prevention” to act early and prevent mass killings not just respond to them as both more realist and more humanitarian.¹⁶ For if the threshold for intervention is that the bodies already have started to pile up, this is hardly humanitarian – perhaps less inhumanitarian than not acting at all, but that’s not exactly a high standard.

The High-Level Panel report carried forward ICISS’ flexibly anticipatory conception of force as a last resort: “Has every non-military option been explored, with reasonable grounds for believing that other measures will not succeed?”¹⁷ But here too there is much less in the actual 2005 UN World Summit approved policy. In the elaboration of means to be used if state

sovereignty is to be abridged, there is no mention of the use of force. Indeed the section explicitly on use of force reads a lot like classical non-interventionism. It urges “further development of proposals for “enhanced rapidly deployable capacities to reinforce peacekeeping operations”, but leaves anything more substantive for the future. It “endorses the creation of an initial operating capability for a standing police capacity,” but here too endorsing is not acting even for that initial capability.¹⁸ A new Peacebuilding Commission has been created with a mix of preventive and post-conflict reconstruction responsibilities, but defined largely in political and economic terms. I find myself less bullish than others on just how much change this represents, seeing watering down from the HLP report and especially the ICISS report much more than anything clear, unambiguous or assertive --- especially given Darfur (a case to be discussed further).

Who Decides?

The crucial question here has been how vested humanitarian intervention decisions are in the UN Security Council. The Kosovo case brought this to a head when Chinese and Russian opposition prevented UNSC action. While not endorsing the U.S.-NATO intervention, Secretary-General Annan did speak out against Security Council inaction when faced with these “crimes against humanity” and thereby “betray[ing] the very ideals that inspired the founding of the United Nations.” For all the invocations of Serbian sovereignty and claims of principle Russia and China made, their positions were based more on their concerns about precedents with Chechnya on the one hand and Taiwan and Tibet on the other in mind.¹⁹ Kosovo also led to the unusual distinction of the U.S.-NATO intervention being illegal in the sense of not having followed the letter of the UN Charter but legitimate in being consistent with the norms and principles which the Charter embodies.²⁰ The ICISS Report recognized that military interventions outside UN auspices “do not --- it would be an understatement to say --- find wide favour.” But it then continued on, with its own ambivalence: “But that may still leave circumstances when the Security Council fails to discharge what this Commission would regard as its responsibility to protect, in a conscience-shocking situation crying out for action. It is a real question in these circumstances where lies the most harm: in the damage to international order if the Security Council is bypassed or in the damage to that order of human beings are slaughtered while the Security Council stands by?”²¹

A study conducted by the Fund for Peace of regional views on humanitarian intervention found a general consensus on the UN as “the preferred authorizing body” but also of “the UN’s limits in both addressing conflicts before they become emergencies and coming to the rescue once a humanitarian crisis is clear.” The balance proposed was that regional and subregional organizations “be seen as having legitimacy both to authorize and organize a response with the provision that UN approval be sought, ex post facto if necessary.”²² This was an

interestingly flexible formulation both in allowing for regional action prior to UN authorization, and only requiring that that authorization be “sought”. This fits with the track record of at least 11 non-UN authorized interventions or peace operations other than Kosovo done on a regional basis, including by the Russia-led Commonwealth of Independent States in Georgia-Abkhazia, NATO in Macedonia, France in Cote d’Ivoire, the African Union (AU) in Burundi, the Economic Community of West African States (ECOWAS) in Liberia, and Australia in the Solomon Islands. While none of these cases had the kind of opposition within the UN as did the U.S. invasion of Iraq, some raised greater concerns of decision-making authority and legitimacy than others.²³

The High-Level Panel retreated a bit from ICISS on the who decides issue, coming down much more unequivocally on the UN Security Council as the sole source of legitimacy for the use of force other than in Article 51 national self-defense cases (and these it defined very restrictively): “The task is not to find alternatives to the Security Council as a source of authority but to make the Council work better than it has.”²⁴ And so too the full UN summit which caveated that the action be “collective” and “through the Security Council.”²⁵

How Much Sovereignty to be Delegated?

[to be discussed, developed]

Bush, 9/11 and Iraq

No doubt on your minds as part of the explanation of why the ICISS boldness has been diluted.

The Bush administration came into office very critical of the Clinton humanitarian intervention record --- “the 82nd airborne escorting kids to kindergarten”, as it was cast with aspersion during the 2000 presidential election campaign.²⁶ The new administration was going to focus on major powers like Russia and China and on major regional conflicts like the Arab-Israeli conflict, India-Pakistan and the Korean peninsula. Much less priority was to be given to small countries and isolated trouble spots which whatever the humanitarian impulse just were not that strategically important. Afghanistan, for example --- with the Soviets long gone, however offensive the Taliban’s repressive rule, what strategic importance could this failed state and its caves really have?

A lot, as was all too tragically demonstrated on September 11, 2001. One of the lessons of 9/11 thus was that there was no failed state or trouble spot anywhere whose effects could be assuredly assumed to be localized. This couldn’t mean that the United States would intervene everywhere, but it did mean

that there was nowhere that could be automatically ignored. Some proponents of humanitarian intervention were hopeful that as Tom Farer put it 9/11 would “stiffen humanitarianism with the iron of national security and thus make it interesting to the parochial, narrowly compassionate figures who predominate in the councils of the leading states.”²⁷ Some shift in strategic thinking did come through as in the statement in the 2002 Bush National Security Strategy that “weak states, like Afghanistan, can pose as great a danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders.”²⁸

On balance, though, 9/11 has proven a major setback for humanitarian intervention. It put “hard” security issues back on the top of the U.S. and international agenda --- the global war on terrorism (GWOT) has been trumping all other security issues. While some connections are there between humanitarian crises and terrorism, they tend to be insufficiently integral to be main drivers behind decisions on what commitments to make, resources to allocate and priorities to set. They also can be distorting in working against humanitarian crises that have their own moral imperatives and interest-based rationales but do not link to terrorism.

The main problem has been Iraq, and in both immediate and indirect senses. The immediate impact was in how deeply the Iraq war split the international community. No conflict in recent memory has generated such widespread and intensive animosities among countries otherwise friends and allies. The Bush administration derogated many of the same European countries that had gone to war with the United States in Kosovo and the 1990-91 Persian Gulf war as the “old Europe”. Europeans in turn were biting and caustic in their positions and anti-American rhetoric. The more indirect impact was a discrediting of the use of force, particularly in a preventive or pre-emptive mode, that derailed the flexible definition of last resort that ICISS and others had been pushing towards. The Bush administration’s decision to go to war against Iraq made on a largely unilateral basis, in the face of significant international opposition, and based on a very weak preventive and even weaker pre-emptive case, was seen by many as confirming concerns about loosening up strict constructionist non-interventionism. It “had the effect,” observes Adam Roberts, “of reinforcing fears both of US dominance and of the chaos that could ensue if what is sauce for the US goose were to become sauce for many other would-be interventionist ganders.”²⁹ Moreover, the fact that humanitarian rationales were invoked as part of the potpourri of *causae belli* made it even worse, demonstrating “the danger of abuse”:

If all wars can be “humanitarian”, then the humanitarian exception itself ceases to have meaning . . . The danger with accepting the legal and moral arguments for war with Iraq is that it will undermine the veracity of those arguments: Security Council resolutions can be interpreted so broadly as to mean anything and nothing; pre-

emptive self-defense blurs into aggression; humanitarian wars become the norm, but selectivity on the basis of the “national interests” of the interveners remains.³⁰

For these and other reasons Thomas Weiss concluded that “the blowback from Iraq precludes serious discussion [of guidelines for humanitarian intervention] for the foreseeable future.”³¹

Arguments

We need to do better. We still too often do too little too late to prevent or limit mass killings – too little genuinely humanitarian intervention and too much of “inhumanitarian nonintervention.”³² Three points for now.

First, the norm of the responsibility to protect needs to be further strengthened as a legitimate basis for delegating state sovereignty to international actors to intervene in intra-state conflicts that cross the just cause threshold. Given that over 95% of contemporary armed conflicts are intra-state, shifts away from classical non-interventionism are crucial to international peace, security and justice.³³ Those with power have a responsibility to protect the legitimacy of the responsibility to protect. At the same time those who would tightly restrict interventions in the name of broad principles like sovereignty, yet are acting much more out of their own self-interest in being free to be repressive and murderous within their own borders, also need to be stripped of their cover story. As cited earlier from Secretary-General Annan, the UN Charter “was issued in the name of ‘the people’, not the governments . . . [I]t was never meant as a license for governments to trample on human rights and human dignity.”³⁴

Second, this delegation needs a pre-emptive and even preventive dimension. The risks of using force are not to be discounted, but the risks of not acting need to be weighed against those of acting. Force cannot just be a last resort; it may need to be an early resort.³⁵ Otherwise we will consign ourselves to continuing to pick up the pieces of societies torn asunder by mass deaths and other devastation and destruction. As hard as conflict prevention is, post-conflict reconstruction is so much harder. One study after another has shown the profound effects these conflicts have on economies, intercommunal relations and virtually all societal institutions. Take a look at Somalia, which as of early 2006 was on its 14th attempt to re-establish central government since 1991. Or Rwanda which more than a decade after the genocide was still in the earliest phases of war crimes judicial and reconciliation processes. Failing states are enough of a problem, failed ones much worse.

Third, on the who decides question, the UN Security Council is to be the preferred but not the exclusive source of legitimate authority. The Darfur case again demonstrated the UNSC’s limited functionality both in major powers

trumping collective commitments with national interests (China and Russia, in this case) and in other members (the United States, France, Britain) not exerting anything close to the political will necessary for concerted action. Roles shift in other cases (Iraq as the obvious example), but the net effect is the same of a Security Council still not worthy of being the sole depository of authority over humanitarian interventions.³⁶ Regional organizations provide a viable intermediate basis with potentially stronger claims to legitimacy than largely unilateral actors or ad hoc coalitions of the willing. This also can be complicated, especially if the Security Council explicitly opposes an action as distinct from not acting. But it is worth bearing in mind ICISS' challenge as to which is worse for the international community, "if the Security Council is bypassed or in the damage to that order of human beings are slaughtered while the Security Council stands by."³⁷

END NOTES

¹ This article draws heavily on my “Yet Again: Humanitarian Intervention and the Challenges of ‘Never Again’”, forthcoming in Chester Crocker, Fen Hampson and Pamela Aall, eds., *Turbulent Peace: The Challenges of Managing International Conflict*, to be published by the U.S. Institute of Peace Press; as well as other works such as Bruce W. Jentleson (ed.), *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World* (Boulder, Colo.: Rowman and Littlefield, 2000); *Coercive Prevention: Normative, Political and Policy Dilemmas*, Peaceworks No. 35 (Washington, D.C.: U.S. Institute of Peace, 1999).

² Robert J. Art and Robert Jervis, *International Politics: Enduring Concepts and Contemporary Issues* (New York: Harper Collins, 1992), p. 2; Abram Chayes and Antonia Handler Chayes (eds.), *Preventing Conflict in the Post-Cold War World: Mobilizing International and Regional Organizations* (Washington, D.C.: Brookings Institution Press, 1996), p. 60; Joseph A. Camilleri and Jim Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmented World* (Brookfield, Vt.: Elgar, 1992), p. 24.

³ Francis M. Deng, Sadikei Kimaro, Terence Lyons, Donald Rothchild and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: Brookings Institution Press, 1996).

⁴ Kofi Annan, “Intervention”, Ditchley Foundation Lecture XXXV, 1998, p. 2. See also Annan, *Report of the Secretary-General on the Work of the Organization*, United Nations General Assembly, Official records, Fifty-fourth session, Supplement No. 1 (A/54/1), September 1999, p. 4.

⁵ Annan, “Intervention”.

⁶ ICISS had been launched on September 14, 2000 at the behest of Secretary-General Annan, with Canada as the sponsor and funding from various governments as well as major foundations, and Gareth Evans, former Foreign Minister of Australia, and Mohamed Sahnoun, Special Advisor to Secretary-General Annan, as co-chairs.

⁷ International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), pp. 8, 69 (hereafter *ICISS Report*).

⁸ *Ibid.*, p. 11.

⁹ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), ICISS, *Responsibility to Protect*; Chesterman, *Just War or Just Peace?*.

¹⁰ Thomas G. Weiss, “The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era,” *Security Dialogue* 35 (2), June 2004, p. 139.

¹¹ Secretary-General’s High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility* (United Nations, 2004), p. 63.

¹² United Nations Department of Public Information, *Fact Sheet: 2005 World Summit*, September 2005, http://www.un.org/summit2005/presskit/fact_sheet.pdf

¹³ United Nations General Assembly, *2005 World Summit Outcome*, A/60/150, September 20, 2005, paragraphs 138-139, <http://www.un.org/summit2005/documents.html>

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- ¹⁴ ICISS, *Responsibility to Protect*, pp. 33, 36, emphasis added.
- ¹⁵ Hoffmann 1998, p. 170.
- ¹⁶ Jentleson, *Coercive Prevention: Normative, Political and Policy Dilemmas*.
- ¹⁷ Secretary-General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility* (United Nations, 2004), pp. 65, 67.
- ¹⁸ United Nations General Assembly, *2005 World Summit Outcome, A/60/150*, September 20, 2005, <http://www.un.org/summit2005/documents.html> paragraphs 77-80, 92-105.
- ¹⁹ Statement by H.E. Mr. Tang Jiaxuan, Minister of Foreign Affairs of the People's Republic of China at the 54th Session of the UN General Assembly, September 22, 1999, <http://www.undp.org/missions/china/unga.htm>, accessed September 24, 1999; Bates Gill and James Reilly, "Sovereignty, Intervention and Peacekeeping: The View from Beijing," *Survival* 42:3 (Autumn 2000), pp. 41-59.
- ²⁰ Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000).
- ²¹ ICISS, *Responsibility to Protect*, pp. 54-55
- ²² Fund for Peace, *Neighbors on Alert: Regional Views on Humanitarian Action*, Summary Report of the Regional Response to Internal War Program, October 2003.
- ²³ Alex J. Bellamy and Paul D. Williams, "Who's Keeping the Peace? Regionalization and Contemporary Peace Operations," *International Security* 29:4 (Spring 2005), p. 166. There also have been cases in which the UN was the authorizing body but operational command was exercised by non-UN forces; e.g., NATO in Bosnia and later the International Security Assistance Force (ISAF) in Afghanistan.
- ²⁴ High-Level Panel, *A More Secure World*, p. 63.
- ²⁵ United Nations Department of Public Information, *Fact Sheet: 2005 World Summit*, September 2005, http://www.un.org/summit2005/presskit/fact_sheet.pdf
- ²⁶ Michael R. Gordon, "The 2000 Campaign: The Military: Bush Would Stop U.S. Peacekeeping in Balkan Fights," *New York Times*, October 21, 2000, <http://select.nytimes.com/search/restricted/article?res=F30D15FF355A0C728EDDA90994D8404482>
- ²⁷ Tom J. Farer, "Humanitarian Intervention Before and After 9/11: Legality and Legitimacy," in Holzgrefe and Keohane, *Humanitarian Intervention*, pp. 88-89.
- ²⁸ President George W. Bush, *National Security Strategy of the United States*, September 2002, p. 2, <http://www.whitehouse.gov/nsc/print/nssa11.html>, accessed October 24, 2002.
- ²⁹ Cited in Weiss 2004.
- ³⁰ Alex J. Bellamy, "Ethics and Intervention: The 'Humanitarian Exception' and the Problem of Abuse in the Case of Iraq," *Journal of Peace Research* 41:2 (March 2004), p. 145.
- ³¹ "Roundtable: Humanitarian Intervention After 9/11," Tom J. Farer, Thomas Weiss, et al, p. 21.

³² Thomas G. Weiss, "The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era," *Security Dialogue* 35:2 (June 2004), p. 149.

³³ Human Security Centre (University of British Columbia), *Human Security Report 2005: War and Peace in the 21st Century* (New York: Oxford University Press, 2005).

³⁴ "Secretary-General, 'Intervention' , Ditchley Lecture," 1998.

³⁵ See also James Steinberg, "Preventive Force in U.S. national Security Strategy," *Survival* 47:4 (Winter 2005-06), pp. 55-72; Ivo Daalder and James Steinberg, "The Future of Pre-Emption," *The American Interest* 1:2 (Winter 2005).

³⁶ Security Council expansion, kicked down the road again at the 2005 UN summit, could have effects in either direction. As with any organizational grouping, more members can mean more problems in achieving action-oriented consensus, especially given that the increase would not be just in size but of perspectives and interests. On the other hand, given the sensitivities military intervention inherently carries in the historical contexts of colonialism and superpower Cold War interventionism, greater Third World participation could enhance the legitimacy of Security Council authorizations of intervention; Bruce W. Jentleson, "Tough Love Multilateralism," *The Washington Quarterly* (Winter 2002-03), p. 17.

³⁷ ICISS, *Responsibility to Protect*, pp. 54-55