A Pragmatic Approach to Humanitarian Intervention

John N. Clarke[1]

Journal of Humanitarian Assistance

There is no escape from yesterday because yesterday has deformed us.

(Samuel Beckett, Proust, 1931).

Introduction

Since 1991, the norms and practice of humanitarian intervention have undergone rapid change, from a post cold war renaissance, to a retrenchment following the difficult experiences of Somalia, Rwanda, and Bosnia Herzegovina. More recently, the Independent International Commission on Kosovo found that the intervention there was illegal, but legitimate (implying a disjunction between the law of intervention and the ethics of intervention).[2] In an attempt to chart a way forward, the *Report of the Panel on United Nations Peace Operations* (chaired by former Algerian Foreign Minister Lakhdar Brahimi) provided practical recommendations for reform.[3] The reaction of many countries was less than enthusiastic. It is, however, unlikely that intervention will fade from the international agenda. Rather, an increasingly globalised media with the technology to broadcast from remote locations, combined with an increasingly vigilant NGO community, will continue to bring distant crises into the living rooms and onto the policy agendas of those states capable of intervention. Moreover, renewed crises in, for example, the former Yugoslavia, have reminded some countries of the trans-national impact of intra-state conflict.[4] In short, and at the time of writing (winter 2001), the issue of humanitarian intervention, and therefore, the need for reform, are likely to remain on the international agenda for the foreseeable future.

This article therefore sketches several elements critical to successful reform of the intervention 'regime' – in short, the norms and institutions which shape and regulate humanitarian intervention.[5] In particular, it argues that reform must be achieved through an open process that balances capacity to function with its perceived legitimacy. Reform of the system must proceed along two 'tracks': the technical/material architecture and the normative architecture. One vehicle for reform of the normative architecture is the negotiation of a General

[1] John N. Clarke completed his PhD at Cambridge University. He has served as Policy Advisor to Canada's Minister of Foreign (Lloyd Axworthy) and is currently employed in the Early Warning Unit of OCHA at the United Nations. Though this paper benefited from discussion with friends and colleagues, it represents only the author's personal view. For comments and criticism, the author wishes to thank: Shawna Christianson, John Clarke, Vilma N. Clarke, Eric Hoskins and Justin Robertson.

[2] "The Commission concludes that the NATO military intervention was illegal but legitimate. It was illegal because it did not receive prior approval from the United Nations Security Council. However, the Commission considers that the intervention was justified because all diplomatic avenues had been exhausted and because the intervention had the effect of liberating the majority population of Kosovo from a long period of oppression under Serbian rule."(Independent International Commission on Kosovo, *Kosovo Report.* (Oxford: Oxford University Press, 2000), p. 4).

[3] Lakhdar Brahimi, *Report of the Panel on United Nations Peace Operations*. United Nations Documents A/55/305, S/2000/809, 21 August 2000.

[4] European Countries have taken in 1 million refugees from the war in Bosnia-Herzegovina. (*Preventing Violent Conflict: A Swedish Action Plan*. (Summary of Ds 1999:24, Printing works of Government Offices, Stockholm, 1999), p. 7).

[5] For a discussion of the ethical justification for and limits to intervention see J.N. Clarke, "Ethics and Humanitarian Intervention", *Global Society: Journal of Interdisciplinary International Relations.* (Volume 13, No.4, October 1999), pp. 489-510.

Assembly Resolution similar to 2625 (XXV)[6] – a means of codifying the norms of intervention. First, however, it is worth reviewing the shift to what some have described as the new interventionism.[7]

Recent Developments: The Shift to a New Interventionism.

The new demands which result from the growth in the number of intra-state conflicts has given rise to a new interventionist agenda. Peacekeeping, as traditionally conceived, is now only one form of intervention which the international community undertakes. Intervention today involves many actors, including NGOs, humanitarian agencies, the military and police (among others), all of them required to work more and more closely together. Intervention is also multi-purposed and includes peace building, providing aid, preventative deployment, securing an end to the fighting, facilitating political settlement and post conflict development and governance. [8] These elements and actors are found in varying degrees in the international response to many recent crises, requiring an expansion in the capacity of the system to deliver necessary services. For example, in these challenging situations, military personnel play a new, multi-functional role. These trends have been accompanied by a wider shift in the international norms, particularly the reinterpretation of state sovereignty and a lowering of the legal threshold for action under Chapter VII of the United Nations Charter. In these new situations the extension of Von Clausewitz's dictum that "war is nothing but the continuation of policy by other means"[9], is that, where possible, the threat and use of force must foster the preconditions for political dialogue, facilitating and supporting the political settlement of crises. Complex deployments must be durable and, where possible, work within the political culture of the target state/entity. However, where belligerents remain committed to combat and, in particular, where targeting civilians is a core element of their strategy, the use of force must remain an option.

Force, however, remains a blunt instrument. Military intervention for humanitarian ends is therefore part of a broader, more holistic 'conflict' agenda, ranging from early warning and conflict prevention to post-conflict reconstruction and development.[10] To the maximum extent possible, the short term imperatives of military intervention and the provision of assistance must support the long-term settlement of the crisis, including economic development and security –

---

[6] General Assembly Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations 1970. General Assembly resolution 2625 (XXV), October 24, 1970. The resolution was adopted by the General Assembly without vote.

[7] Mayall, James (ed.), *The New Interventionism, 1991-1994: United Nations Experience in Cambodia, former Yugoslavia and Somalia.* (Cambridge: Cambridge University Press, 1996).

[8] For typologies of these new operations, see Paul Diehl, "Forks in the Road: Theoretical and Policy Concerns for 21st Century Peacekeeping", *Global Society: Journal of Interdisciplinary International Relations.* (Vol. 14, No. 3, July 2000); see also Michael Doyle and Nicholas Sambanis, "International Peacebuilding: A Theoretical and Quantitative Analysis", *American Political Science Review.* (Volume 94, No. 4, December 2000).

[9] Clausewitz, "Note of 10 July 1827", *On War.* 69 as quoted in Peter Paret, "Clausewitz", in Paret, Peter, *Makers of Modern Strategy: from Machiavelli to the Nuclear Age.* (Oxford, Clarendon Press, 1994), p. 197.

[10] For one view of the crisis-management cycle, see the ICRC report, Gilles Carbonnier, and Sarah Fleming, *Forum: War, Money and Survival.* (International Committee of the Red Cross, Feb. 2000), p. 95.

two core components of any durable peace. In short, peace and development are mutually re-enforcing.[11]

Recent crises have confirmed the political reality that the deployment of troops and the use of force almost assuredly guarantee long-term international engagement. The new requirements of meaningful intervention all but eliminate the possibility of short term, surgical exit strategies. This new broader agenda can in many ways be characterised as international 'accompaniment' for war torn countries. The Missions in East Timor and Kosovo, represent a litmus test of this new agenda as well as an opportunity to implement and refine best practices. Where possible, the use of military force must be tailored to suit these long term objectives, though as suggested above, securing an immediate cessation of hostilities will, in some cases, trump other objectives.

The Role of the Media: Mobilising Political Returns

The prominence of this new agenda results in part from the increasingly important role the media plays in bringing distant crises into the living rooms and onto the policy agendas of states capable of intervention. The media increasingly links civil societies, providing graphic images of events, atrocities and humanitarian crises in distant parts of the world and shaping public perceptions of these events. The images of distant crises, it is often stated, have a political impact, particularly through shifts in public opinion.[12] Some have gone so far as to argue that the intervention in Somalia, Operation Restore Hope, would not have occurred, had the media not catalysed public criticism and shifted its focus from the former Yugoslavia, to Somalia.[13] In Rwanda, Gérard Prunier has suggested that Opération Turquoise was mounted because "Rwanda and its chopped-up babies now looked as if they could give good political mileage in terms of public opinion ratings."[14] More recently, in the case of East Timor, two analysts commented that "No Australian government could have survived if it stood by and did nothing."[15] Though the issue requires further study, images of conflict and the media more broadly have arguably had a powerful, if uneven impact on civilians and policy makers both directly and indirectly.[16] Indeed, civilians often support intervention in civil conflicts, where brutal war crimes are covered by the media.[17] This increasing engagement on the part of civil society is particularly important given that peacekeeping operations depend on public awareness.

---

[11] Here one of the key questions is the relationship and co-ordination between the military and humanitarian agencies (including NGOs) active on the ground.

[12] Former Secretary General Boutros-Ghali went so far as to suggest that this trend is eroding the traditional role of law: "For the past two centuries, it was law that provided the source of authority for democracy. Today, law seems to be replaced by opinion as the source of authority, and the media serve as the arbiter of public opinion."(Remarks by UN Secretary General Boutros Boutros-Ghali at the Freedom Forum Media Studies Centre, New York, March 19, 1995, as quoted in Warren Strobel, *Late Breaking Foreign Policy*.(Washington, D.C., United States Institute of Peace, 1997), p. 4.

[13] Jonathan Stevenson, 'Hope Restored in Somalia?', *Foreign Policy*. (Number 91, Summer, 1993), p. 149. Similarly, Strobel has argued that the media: "can open the door to action that was desired but might not have been possible before." (Strobel, *Late Breaking*. p. 158).

[14] Gérard Prunier, *The Rwanda Crisis: History of a Genocide 1959-1994*. (London: Hurst and Company, 1995), p. 282.

[15] Paul Dibb and Peter Prince, *International Herald Tribune*. (27 October, 1999).

[16] For an example of the 'disproportionate' impact of a striking media image on public policy, see David Bindar, 'Anatomy of a Massacre', *Foreign Policy*. (Winter, 1994-1995, #97), pp. 70-78.

[17] For example, in a July 1994 poll conducted in the United States, 84 percent of those surveyed agreed that "sometimes the U.S. should be willing to make some sacrifices if this will help the world as a whole." (Stephen Kull, 'What the Public Knows that Washington Doesn't', *Foreign Policy*. (Winter, 1995-1996),

The increasing vigilance of NGOs, the growing concern of civil society with distant crises, the direct impacts of these crises and the media's continuing role in covering them will continue to pressure states to respond to complex emergencies, and make the international system more responsive to them. The domestic political costs or return of action or inaction may provide an impetus for states to make positive change in the system. Such popular awareness can arguably be mobilised to facilitate the creation of coalitions of the willing. If states operate along the 'domestic/international' frontier, then the facilitation of domestic political returns may be used to secure resources for action in distant crises.[18] The probability of mobilising a coalition of the willing is therefore enhanced by ensuring domestic political return for future deployments. Indeed, the provision of timely information on the successes of peacekeeping and intervention has been recognised as critical by a variety of individuals, states and agencies.[19] Facilitating information dissemination will help provide a political return to states, thereby strengthening the domestic and international political incentive to provide resources for conflict prevention, crisis management and post-conflict reconstruction and development.

Balancing Capacity to Function and Perceived Legitimacy

Much of the debate about humanitarian intervention has focussed on the norm of non-intervention, the reinterpretation of state sovereignty and the rights and duties of intervention. In focussing on these politically sensitive issues, one may create a lightning rod for countries which oppose any erosion of state sovereignty, in many cases, those in which memories of great power adventurism remain fresher than G7 policy makers might hope. This enables criticism of more technical enterprises that can easily, (if arguably inaccurately), be characterised as the thin end of the broader project of eroding the norms of sovereignty and non-intervention. Policy makers must therefore remain sensitive to this political reality.

One need not believe that the P5, G7 or any other grouping of states are malevolent to recognise that the fear of a return to great power adventurism and proxy wars in less powerful states, has hampered efforts to assemble and create an international architecture capable of preventing future Rwandas and where prevention proves impossible, of ensuring the protection of

---

p. 104). Given the general tendency to endorse such broad theoretical statements, it is even more remarkable that when asked to imagine a scenario where 3,500 American troops are killed in a UN intervention in Bosnia, which is successful in stopping ethnic cleansing and "pacifying" the region, 60 per cent believed it would have been right to intervene. (Stephen Kull, 'What the Public Knows that Washington Doesn't', *Foreign Policy*. (Winter, 1995-1996), p. 112).

[18] For a discussion of the notion of porous boundary between the domestic and the international, see: James N. Rosenau, *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World.* (Cambridge: Cambridge University Press, 1997).

[19] As UN Secretary General Kofi Annan recognised: "Peacekeeping operations in particular depend for their support on widespread public awareness of the conflicts and we are committed to doing everything we can to facilitate the work of the media." (Kofi Annan, former Under-Secretary-General, Quoted in Roger Cohen, 'In Bosnia, the War That Can't Be Seen', *New York Times*. (December 25 1994)). Similarly, the Indian Permanent Representative to the United Nations emphasised the importance of publicity for troop contributing countries: "*Publicity* is an area where most TCCs [troop contributing countries] believe the Secretariat lets them down shamefully, and where much closer consultations are essential. . . It would be good if the UN would do a bit more than it does now to *project the success stories of peacekeeping operations,* both to the developed world, and in the developing world from where it gets its peacekeepers. That might make TCCs feel more appreciated, and encourage their Governments to continue to be responsive to the UN's requests for their support." (Statement by H.E. Mr. Kamalesh Sharma, Permanent Representative of India to the United Nations, at the Opening Meeting of the Security Council on Strengthening Co-operation with Troop-Contributing Countries. *Statement Issued by Indian Permanent Mission of India to the United Nations.* January 16, 2001. Square brackets are the author's).

human life to the maximum extent. Beginning with the Resolution 688 in Northern Iraq and ending with the International Commission's finding that the NATO action in Kosovo was illegal, though legitimate, it must be recognised that greater clarity is in everyone's interest. [20] Indeed, some level of clarity, it might be argued, is desirable if norms are to evolve in a more 'systematic', public and open manner than has been the case to date. The result might not be that desired by any particular actor, but the main question is whether the potential for achieving less than the optimum outweighs the possible progress in preventing future suffering. Any change or expansion of the norm of humanitarian intervention must, to the greatest extent possible, incorporate and account for the views of those who have until now opposed it. This is particularly important if any country is capable of building support among a broad group of states to oppose reform of the intervention 'regime'. Conversely, less powerful countries that oppose the erosion of sovereignty may view clarification of the norm as preferable to what arguably represents the more haphazard process which has occurred since 1991.

Given the changes in the practice and politics of intervention, combined with the need for greater clarity, the key issue is how to move the agenda forward. One major difficulty is in the number of substantive and political issues which are linked to intervention, for example, Security Council reform. The key is in balancing the perceived legitimacy – that is the extent to which any action is perceived as justifiable by a cross section of states, with the system's capacity to function efficiently, that is, for example, the ability to protect those under attack, prevent genocide, provide aid and secure a political solution to the crisis. This idealised balance must also be manifest in the process which results in the new normative and technical architecture which constitute the new regime. Ultimately, the resulting practical and normative structures must be viewed as legitimate by UN member states, and their domestic electorates. The need for cross-cultural, cross-geographic legitimacy will be particularly acute in countries where civil society is mobilised and follows international events closely. This is a matter of practical relevance as some have objected to what was perceived as a 'full court press' mounted by several countries, to accept the recommendations of the Brahimi report. Rightly or wrongly, the memory of great power adventurism is fresher in many countries than some might hope; similarly, there are some countries which are simply averse to the diminution of state sovereignty, for a variety of philosophic or other reasons.

The core elements of this debate are captured in Figure 1, emphasizing the need to balance the capacity to function with perceived legitimacy in any resulting 'structure' that will ideally have support among a plurality of geographically and economically diverse actors.

Figure 1: Intervention triangle:

---
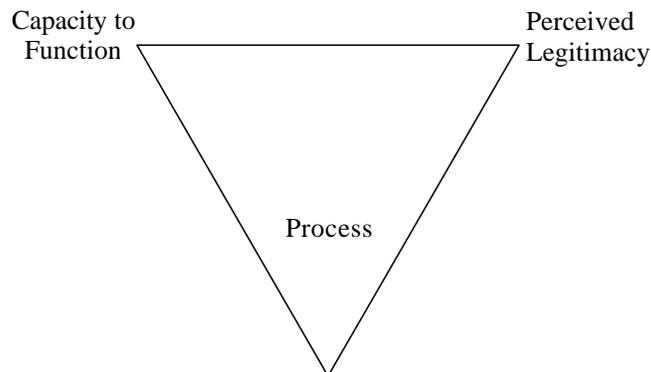
[20] The recent Independent Commission on Kosovo found that there was a need to close the gap between legality and legitimacy of intervention. (Independent International Commission on Kosovo, *Kosovo Report.* p. 10).

To the maximum extent possible, the process by which the principles and programs that govern the system in future must be open, inclusive, transparent, consultative and perhaps most importantly, perceived as fair and equitable. A process that is perceived as illegitimate will obscure areas of agreement, compromise potential co-operation, re-emphasise areas where disagreement is most likely to occur and possibly give rise to new problems. More inclusive processes can help to provide the relevant actors with the necessary input and political return to move the interventionist agenda forward. The inclusion of diverse actors including, for example, selected NGOs and International Financial Institutions engaged in the practice of intervention is critical. This need is particularly acute in the process leading to the reform of the technical/material architecture of the system. The reality of the inevitable political bargaining means that the reforms achieved may fall short of the goals of any one actor.

Two Track Reform

If the resulting intervention 'regime' must balance legitimacy and capacity to function in a manner that is responsive to the more holistic agenda outlined above, then there are two key tracks where progress must be made. First, the technical and material architecture capable of efficient, coherent action must be created. Secondly, the normative architecture; that is the legal, ethical and practical principles which govern the system must be reformed. Table 1 shows the elements of the two tracks along which reform should take place.

Table 1: Two tracks of reform.

Technical and Material Architecture	Normative Architecture
• Creating Rapid Reaction and/or High Readiness capacity • Institutional reform • Training of troops for deployment • Creating early warning and peacebuilding capacity • Protection of civilians 'agenda'	• Interpretation of Chapter VII • Balancing sovereignty and human rights values • Defining an appropriate role for regional organizations • Question of legitimate authority for action • The role of 'soft' legal instruments particularly human rights treaties in shaping the rights/duties of intervention

Technical and Material Architecture

The international community must develop the means to respond to emerging crises with a variety of interventionist 'tools'. Recent efforts have focussed on creating a rapid reaction capacity for intervention before bloodshed hardens attitudes.[21] In these new complex emergencies, speed of deployment is critical. To this end, several countries have assembled SHIRBRIG, the Standing High Readiness Brigade (deployable within 21-30 days), with a mandate to act under Chapter VI of the Charter including humanitarian tasks. Available to the United Nations since the end of January 2000, SHIRBRIG is currently participating in the United Nations Mission in Ethiopia and Eritrea (UNMEE). Effort must continue to strengthen the capacity for multi-lateral action, ensuring the capacity to act on short notice. Unfortunately, many troop-contributing countries often arrive ill equipped and ill trained. Capacity building

---

[21] For a summary of recent proposals in this area, see Katharina P. Coleman (rapporteur), "Enhancing the UN Rapid Deployment Capability", report based on a meeting sponsored by the International Peace Academy held at the Regal UN Plaza Hotel, (New York, NY, 31 March-1 April 2000).

which focuses on potential troop contributing countries will help provide a ready source of personnel for future missions.[22] This can be undertaken either multilaterally or bilaterally, though effort must be made to ensure that any program is part of a balanced, comprehensive approach.

One area where rapid progress appears possible is in the emerging agenda related to the protection of civilians in armed conflict. Security Council Resolutions 1265 and 1296,[23] in combination with the Secretary General's second report on the protection of civilians in armed conflict, now represent two focal points for this agenda.[24] For example, the report provides recommendations for practical reform, including the development of criteria for separating out armed elements in cases of massive population displacement (recommendation 7), dissemination of information on humanitarian law in areas of crisis (recommendation 10) and measures to engage the private sector on the issue of natural resources/conduct of war (recommendations 12 and 13). The report also recommends regular exchange and information sharing between the Presidents of the General Assembly and Security Council to alert the Council to situations in which action might be required (recommendation 11) and regular cooperation with regional organisations, including the establishment of regional reporting mechanisms and briefing for the Security Council (recommendation 14). [25] The practical measures outlined in the Secretary General's report show promise in making an immediate and tangible difference to the practice of humantiarian intervention.

Every effort must be made to ensure that debate related to reforming the normative architecture of the system does not come at the cost of more technically oriented reform which shows promise in improving the capacity of the system to function. While issues of sovereignty and non-intervention may well be the most logical entry point to the debate, they are also the most sensitive. Though some countries may be committed to sovereignty as a principle in order to maintain control within their state and, in some cases, facilitate unpalatable goals, it must be recognised that there are legitimate concerns about the erosion of the norm of non-intervention which: "has both practical and moral claims to being taken seriously."[26] In many cases, changes in technical and material capacity have the political advantage of being seen as less threatening to the norms of non-intervention and state-sovereignty.

Normative Architecture: Codifying humanitarian intervention?

Since 1945, there has been a steady growth in the number of human rights treaties, though none are widely viewed as embodying *jus cogens* norms. For example, the Universal Declaration on Human Rights was not intended to be a legally binding document but as stated in its preamble, "a common standard of achievement for all peoples and nations". Adopted by the

---

[22] In Rwanda, General Dallaire sent Bangladeshi peacekeepers home: "They were a drain on resources and an easy target – he didn't want to be responsible for any casualties among them. The Bangladeshi officers were hoarding food and medicine from their subordinates, and they would do nothing to help the mission." Carol Off, *The Lion, the Fox and the Eagle*. (Canada: Random House, 2000), p. 63.

[23] See Security Council Resolutions 1265 (17 September 1999, UN Document S/Res/1265 (1999)) and 1296 (19 April 2000, UN Document S/RES/1296 (2000)).

[24] On recent developments related to this agenda, see the Secretary General's recent report: *Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict.* S/2001/331, 30 March 2001.

[25] See *Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict.* (United Nations, S/2001/331, 30 March 2001). In particular, see: Annex I: Recommendations and generic policy directions and Annex II, Implementation of the recommendations contained in the report of the Secretary-General of 8 September 1999.

[26] Adam Roberts, 'The Road to Hell... A Critique of Humanitarian Intervention', *Harvard International Review*. (Volume XVI, No. 1, Fall 1993), p. 10.

General Assembly on 10 December 1948, it has had a significant influence on state constitutions and the formulation of subsequent human rights treaties and resolutions. In turn, the Convention on the Prevention and Punishment of the Crime of Genocide (1948) contains almost no mention of means to prevent the crime. States have carefully avoided the use of the term genocide, in characterising recent crises, for fear that it might provoke calls for action under the Convention.[27]

Indeed in recent cases the Security Council has avoided relying on articles of 'soft' law in justifying humanitarian intervention; rather, recent humanitarian interventions have commonly employed Chapter VII of the Charter; a trend which has been made possible by a lowering of the threshold for what constitutes a threat to international peace and security.[28] The result has arguably been the evolution of a right of intervention (at the disposal of the Security Council) without a corresponding duty of intervention. One possible vehicle for clarification of the norms of humanitarian intervention would be to formulate and negotiate a General Assembly Resolution, similar to that passed as Resolution 2625 (XXV). Adopted in 1970, without vote, this resolution represents an elaboration (and arguably an updating) of many Charter principles. It makes clear, however, that it does not supersede the Charter: "Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter taking into account the elaboration of these rights in this Declaration."[29] While such a resolution would have no 'hard' legal status, it represents an interpretation/clarification of the UN Charter principles and would therefore constitute a step forward. The complex question is therefore whether the political will exists to engage in a similar endeavour to clarify the norms related to humanitarian intervention. The reality is that both pro – and anti-interventionists might find the results far from what they had initially hoped for. This requires a difficult balancing act between the value of clarifying the parameters of intervention and the possibility that such a declaration would ultimately result in a step backwards in the norm of humanitarian intervention. It should, however, be emphasised that such a Resolution represents only the vehicle; the question of the content remains open to debate. The very difficult question to ask, and perhaps even more difficult to answer, is whether the political climate is ripe for such a vehicle to embody a substantial, or even incremental, move forward in the normative architecture of intervention.

Conclusion

When the recent evolution of the norm of humanitarian intervention is compared to the sometimes glacial pace of change in the international system, the contrast is striking. In the last decade, the parameters for intervention have been fundamentally redefined. Ten years ago, few would have envisaged the existence of the International Criminal Tribunals for Rwanda and Yugoslavia (ICTR and ICTY respectively), while the Pinochet case and progress towards creation of the International Criminal Court provide evidence of a broadening scope for international law.

---

[27] In the case of Rwanda it has been suggested that an awareness of the extent of the violence appears to have extended all the way to the Security Council: "By mid to late April people in the Security Council knew it was genocide but refused to call it as such because ultimately one understood that if you used the term genocide then you might be forced to act." (Professor Michael Barnett, (US Mission to the UN, 1994) as taken from transcript of: Steve Bradshaw (reporter), *Panorama*. 'When Good Men Do Nothing', 7 December 1998 (transmission date), p. 31).

[28] The entire Charter of the United Nations, including Chapter VII is contained in Ian Brownlie, *Basic Documents in International Law.* (Oxford: Oxford University Press, Fourth Edition, 1995).

[29] General Assembly Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations 1970. General Assembly resolution 2625 (XXV), October 24, 1970. The resolution was adopted by the General Assembly without vote.

The retroactive pursuit of justice, however, is only one element of the new agenda. The moral sentiment, innovation and political will which resulted in the creation and flourishing of the ICTR and the ICTY must be broadened in service of this holistic interventionist agenda.

One reason for this is the impact of the media that, as argued above, can provide political returns for those countries making policy along the domestic/international frontier. Reform must be achieved through an open, transparent and inclusive process that balances the system's capacity to function with its perceived legitimacy. This process must be underwritten by states' political commitment to a process which will inevitably be difficult, uneven and sometimes even illogical. Progress in two areas is critical: the normative architecture and technical architecture which will ensure a capacity for action. One vehicle for reform of the normative architecture is the negotiation of a General Assembly Resolution similar to 2625 (XXV) – a positive, incremental step forward in better defining the legitimate parameters of intervention.

In the short term, changes in the technical/material architecture show the potential to make a tangible difference. In the medium to long term, however, the international community must work to redefine the normative architecture of intervention.   This is a long-term commitment, but as many have argued before, the power of ideas is undeniable. As Keynes argued, admittedly in a very different case:

> The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else. Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back… ***sooner or later, it is ideas, not vested interests which are dangerous for good or evil.***[30]

As Beckett's quotation cited at the beginning of this article suggests, yesterday may indeed have deformed us – the challenge now is to secure the requisite political commitment to create, foster and reform the normative and technical architecture capable of dealing effectively with future crises. The results will likely be less than any one state or group of states hope for, but the absence of political progress today, may strip the international community of the tools necessary to deal with future complex emergencies.

---

[30] John Maynard Keynes, *The General Theory of Unemployment Interest and Money*, (New York, Harcourt, Brace and Co., 1936, p. 383. Emphasis added.