

Rana Al Mutawa

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"Humanitarian Intervention"

International Political Economy

Professor Nobuhiro Hiwatari

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Abstract:

“Humanitarian Intervention” is considered essential by some to end the human rights violations and abuses in other parts of the world. Now often labeled as the “Responsibility to Protect” (R2P), it was established by the UN and there are now six clear criteria of what factors should be present for intervention to take place. However, humanitarian intervention is still seen as controversial since it involves the use of military force to end violence. In fact, humanitarian intervention has many times caused human rights violations of its own, sometimes making the situation even worse than before the intervention. This is mainly due to the fact that humanitarian intervention is not being used in the best way possible to ensure its success. For example, motivations other than ending human rights violations, not having a clear picture of the reality on the ground, not exhausting diplomatic and non-military methods first are factors which usually lead to the failure of intervention. In my analysis, I looked at the consequences of humanitarian intervention and if it was being used to end human rights violations by looking at the six factors and their applicability in the three case studies where intervention took place: Libya, Kosovo and East Timor. I then compared that with Rwanda and Iraq, where there was genocide but no intervention. The result was that with when all the six factors are not present, humanitarian intervention is not being used in a way that end human suffering and the consequences of the intervention may be failure, or at the very least, corruption.

Research Question

Is “humanitarian intervention” being used in a way that ends human rights violations and suffering?

Definition of Humanitarian Intervention

The definition of “humanitarian intervention” varies from context to context, and depends on whether it is being viewed from a legal, human rights, and ethics...etc. perspective. However, in general, it is the “state's use of "military force against another state when the chief publicly declared aim of that military action is ending human-rights violations being perpetrated by the state against which it is directed." (Marjanovik). There are three agreed upon characteristics of humanitarian intervention: (Frye)

- 1- It almost always involves the threat and use of military force.
- 2- It interferes in the internal affairs through military force.
- 3- It is in response to a humanitarian crisis which does not necessarily affect the interfering states' security.

Reasons for Intervention

The reasons cited for needing humanitarian intervention is first for saving lives. Proponents claim that without humanitarian interventions, big conflicts can escalate and cause death and killings on a massive scale, possibly leading to genocide if not stopped.

Along with the first goal of saving human lives, humanitarian intervention is seen by proponents as a tool used to end human rights violations and abuses. Another positive aspect according to proponents is that intervention deters future human rights abuses, as other states know and understand that the international community will intervene and stop them if need be.

Other than the above, intervening to end a conflict early on means less destruction in terms of infrastructure, economics, politics, stability and so on. Ending a conflict early is also seen as a prevention of the expansion of the conflict or war to other regions.

Criticism of Humanitarian Intervention

Opponents of “humanitarian intervention” see that it is a tool to further imperialist goals, rather than save lives. Saving lives is considered a guise to interfere in a state where the intervening forces have motives for being involved in. Those ulterior motives can be interfering to change a political regime or to get access to resources such as oil. Critics of humanitarian intervention say interventions do not occur in areas where intervening forces do not have anything to gain from, and cite Rwanda or Sudan as examples of mass killings that took place without the action of the international community. This happened at the same time as the international community interfered in other regions with smaller conflicts to “save lives.”

Another criticism of intervention is that it causes deaths and human rights violations of its own, as its core trait is using military force, which means ending some human lives to save others. This also means supporting one group over the other, wherein the supported group may also start committing human rights violations of their own.

Intervention may also lead to bigger conflicts, as intervening forces may start to fight each other; and by supporting more military action and one group over the other, this may lead to bigger conflicts.

Critics also say that even if the goals of intervention were truly humanitarian, those situations are complex and can easily go array, causing more harm than good. Miscalculation can occur and make the situation worse.

R2P

The Responsibility to Protect (R2P) is a UN initiative from the 2005 World Summit. It may be considered as a new label for “humanitarian intervention,” giving specific guidelines about when intervention should take place and under what circumstances. To avoid being accused of interfering in state sovereignty, R2P calls intervention “responsibility to protect” rather than “intervention.” The three pillars of R2P are (“The Responsibility to Protect”):

- 1. The State has the primary responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing.*
- 2. The international community has a responsibility to help or assist the states in fulfilling the primary responsibility*
- 3. The international community should use appropriate diplomatic, humanitarian and other peaceful means to protect populations from these crimes. If a state fails to protect its populations or commits above mentioned crimes against them, the international community should intervene using coercive measures, such as economic sanctions. The last resort is military intervention.*

As the R2P is the new, organized encyclopedia for “humanitarian intervention,” I will be using some of its research for judging the success or failure of interventions, specifically through the “six factors” detailed later on.

Qualitative Methodology

- 1- Consequence of intervention (were more killed after or before intervention? How did the political regime change? Etc.)
- 2- The six factors of the R2P and if they were present in the intervention cases

Why intervene in some countries and not in others?

From the five case studies detailed below, I found the patterns in behavior regarding interventions. In general, military intervention is risky and without the incentive of benefit to the intervening states, most would prefer not to intervene. Reasons are:

- 1- It is costly and requires large amounts of money to be spent for military intervention
- 2- Intervening states do not want to intervene if the other state is an ally or friendly state
- 3- There might be some opposition from the intervening countries’ citizens, especially over concern that scarce taxpayer money is being used
- 4- It may create political tension with other states. Not only will there be tension in the state being intervened in, but also between the major powers if they disagree on whether to intervene or not
- 5- Intervention may fuel a conflict and intervening countries may be blamed

As such, intervention is not considered a favorable option to states, especially when there is no benefit to be gained for the intervening states. This example may be seen in Rwanda, in Iraq during the Kurdish Genocide, or in Darfur.

Countries then are pulled into an intervention when human rights abuses happen and they believe they can also benefit by intervening. In some cases, human rights abuses have been used as a pretext for invasion when intervening countries believe they have a high chance of success in achieving political or economic goals. Those include:

- 1- Intervention motivated for political regime change
- 2- Intervention motivated by economic gains and access to resources through intervention
- 3- Intervention for other political reasons such as distracting from problems at home, and showing strength and ability to control the international arena
- 4- Worry that a humanitarian crisis might spill over to other strategic states or areas

The Six Factors for R2P

The International Commission for Intervention and State Sovereignty (ICISS) Report says *that military intervention must only be taken if those six factors are present* (“The Responsibility to Protect: Report of The ICISS”):

- 1- **Just Cause** - *Is the threat a "serious and irreparable harm occurring to human beings"?*
- 2- **Right Intention** - *Is the main intention of the military action to prevent human suffering or are there other motives?*

- 3- **Final Resort** - *Has every other measure besides military intervention been taken into account?*
- 4- **Right Authority**-*The UNSC is the best authority to make this decision (please refer to the “If the UN Allows It, Does it Necessarily Reduce Human Suffering?” section below for this factor).*
- 5- **Proportional Means** - *Are the minimum necessary military means applied to secure human protection?*
- 6- **Reasonable Prospect** - *Is it likely that military action will succeed in protecting human life, and are the consequences of this action sure not to be worse than no action at all?*

If the UN Allows It, Does it Necessarily Reduce Human Suffering?

Under the “Right Authority” of the six factors of R2P, the UNSC is considered to be the right authority to decide if intervention takes place or not, and it is the unit which is legally permitted to make this decision. Whether the intervention was legal or not does not necessarily change the outcome regarding human security. If the UN legalizes a certain action, it does not mean that it necessarily improves human conditions and gives people more security.

Member Bias is Contradictory to Human Security

The UN has a member bias. There are only five permanent members in the UNSC, meaning that not all voices are heard. The only voices heard are the ones of the most powerful states, and their decisions impact the lives of people in the least powerful states. In this sense, the

UN may actually harm those people it claims to be protecting by putting their fate in the hands of the most powerful nations, instead of giving them the right to choose on their own. In this sense, the *UN is actually reducing human security-instead of empowering those people and giving them a voice, it is doing the exact opposite*. In fact, it is doing to them what it claims it wants to protect them from: authoritarianism.

Political Motivations

The fact that there are opposing viewpoints in the UNSC is not enough to come with a decision that is made on the basis of what is best for the people the decision is affecting. UNSC members will usually vote while keeping certain factors in mind, especially politics or economics, while human rights or human security may be very far below on the list. Russia and China, which were against the intervention, did not veto the UNSCR 1973 and instead abstained, citing the Arab League pleas as the reason. This shows that political tension was what motivated their decision, and not human security.

Case Studies: Countries where humanitarian intervention took place

Case 1: Libya - Introduction:

The Libyan civil war in was fought between Muammar Al Gadaffi (and his loyalists) and the rebel forces in 2011. Motivations for intervention in Libya were cited as “responsibility to

protect” Libyans from Muammar Al Gaddafi’s regime which allegedly killed its own people on a massive scale during the civil war.

Motivations

Libya was considered to be part of the “Axis of Evil” by the US. Its foreign and domestic policy focused on national development and were opposed to Western interests. Gaddafi was a supporter of pan-Arabism and pan-African initiatives and made numerous efforts to follow this path. He partly nationalized Libya’s oil wealth when he came into power, and was considering nationalizing it completely in 2011. According to an article in the Financial Times, “Western oil companies operating in Libya have privately warned that their operations in the country may be nationalized if Colonel Muammer Gaddafi’s regime prevails” (Blas & Pfeifer).

Such nationalist regimes reject Western influence and make clear efforts to control their state’s resources rather than allow foreign, especially Western, control. Such leaders are not favorable to Western powers, as they many times do not allow them to promote their strategic interests. For example, Iran’s Prime Minister Mossadegh, who nationalized the country’s oil wealth in the 1950’s, was later overthrown by a coup d’état by the US and UK. There seems to be a pattern of secular, nationalist leaders being removed by Western powers, ironically, to be replaced with Islamist ones. In some cases, Western powers themselves funded or trained Islamist groups which they consider to be terrorists, which later become a new source of instability - this includes the Taliban, the rebels in Libya, and now, the rebels in Syria.

How Will Intervention Impact Libya in the Long Run?

Gaddafi's rule changed Libya from being one of the poorest countries in the developing world and into a country with the highest Human Development Index (HDI) in all of Africa. His education reforms increased the adult literacy rate to 88.4%, and 99.9% youth literacy rates, one of the highest literacy rates in the region. He provided free healthcare, leading to high life expectancy rates and low infant mortality rates (UNDP). Although there is not yet any information on how that has changed, there is a chance it ends negatively. For example, if the oil industry is privatized as it was in Iraq, there may be not enough money to fund those social reforms that were funded by the oil wealth.

This may be similar to Iraq's case with Saddam. Thousands of illiterate Iraqis became literate during his reign. His public-health system was awarded with a UNESCO prize ("Saddam Hussein"). However, during that same time in Iraq were secret police, human rights abuses and unlawful killings. Saddam was removed from power supposedly for those reasons, however, human rights abuses and mass killings have not decreased- in fact, they have increased. But that is not all- Iraqi oil has been privatized, and the social services people once enjoyed are now far gone. Not only is there no stability in Iraq now, but the living standards that were once high under Saddam are also now long gone (Shani, 21).

Death Toll

The main reason cited for intervention in Libya was saving lives. It was alleged that Gaddafi killed tens of thousands of his own people. In the beginning, rebel officials estimated that 50,000 people have been killed by Gaddafi's regime. This number has been revised down to

25,000 sometime later, and on January 2013 it has been revised to 4,700 people from the opposition killed ("Libyan Revolution Casualties"). This is a significantly lower number than the one given in the beginning of the conflict. This shows that the intervention has been based on misinformation and lack of credibility. In that sense, implementing the R2P may be considered as a failure as it may have increased the deaths that were not as large as expected to begin with.

War Crimes

War crimes were another reason for intervention. Everyday, mass media spoke about the terrible atrocities Gaddafi and his loyalists committed; yet not as much attention was given to the war crimes committed by the rebels. Crimes reported included unlawful killings, torture, detainment without charges, and so on.

Many of the people were killed or tortured only because they were black Africans and suspected to be Gaddafi's foreign mercenaries or supporters. Black African women reported rapes and night-time kidnapping in their refugee camps by Libya's opposition, the National Transitional Council (NTC) members. There was an estimate of more than 5,000 black migrants being detained in makeshift jails, ones who faced beatings, revenge killings, and mass execution. Most of the detainees say they were not mercenaries and did not take part in the war, but were detained with no evidence. ("Black Africans Under Attack")

A video showed black Africans being tortured in what appeared to be a zoo cage. Their hands tied to their backs, they were being verbally abused forced to eat a flag. Human Rights International suspects the rebels of ethnic cleansing. Amnesty International says that sub-Saharan

Africans “became targets of stigma, discrimination and violence (“Libyan Rebels Cage Africans”). The rebels in Libya many times come from terrorist groups, and have been affiliated with Al Qaeda. (“Washington May Arm Al-Qaeda”). Those organizations are known for their human rights abuses and violations, which the West has been fighting in Afghanistan since 2001. It is ironic then, that they start funding them in another part of the world.

Incidents of sectarian violence has also increased with the fall of Gaddafi and the rise of Islamist groups, such as the bulldozing of a Sufi mosque by armed groups including some *government officials* who took part in the destruction of the mosque. The people calling for its destruction were claiming “black magic” was being practiced there. Reuters has information that the Minister of Interior gave them the “green light.” In another event, the tomb of a 15th-century Sufi scholar was burnt along with the mosque’s library (“Libya's Sufism Bulldozed”).

Violence against Christians has also been reported. Unidentified men assaulted a Coptic church in Benghazi, which was the third reported assault on a church during that time, and an Al Qaeda flag was raised above the church, according to an eyewitness. A militia also kidnapped tens of Coptic Christians and took them to a detention center where they say they were tortured and threatened to be killed (Elhelwa)

If Gaddafi’s rule was marked by corruption, this may show that corruption still exists in the government, with authorities allegedly joining in the rape of black African women or in demolishing a Sufi religious site. If it was marred with violence, this shows other types of violence have risen, maybe only directed at other people. There is even more fear now - Gaddafi’s time was not characterized by chaos and absence of law. This, along with the new

types of violence that have risen (sectarian, racist, religious...etc.) can be more problematic than Gaddafi's violence towards those who spoke out against him.

UN Security Council Resolutions: UNSCR 1970

The UNSCR 1970 was passed on February 26th, 2011 because of what was perceived as Gaddafi's "outrageous violence" against the Libyan people. The UNSCR 1970 condemned the use of lethal force by Gaddafi's regime and demanded an end to the violence in Libya, calling for the Libyan government to respect human rights and allow humanitarian aid and foreign media a safe passage. It imposed an arms embargo, *meaning that no weapons should be sent in or out of Libya* ("Fact Sheet: UNSCR 1970 "). However, France's arming of the rebels may be seen as an open violation of the UNSCR 1970 (Abu-Aun).

UNSCR 1973

Adopted on March 17th, 2011, The UNSCR 1973 was passed because of what was called the deteriorating situation in Libya. This resolution was seen as the "legal" basis for the military intervention. Amongst others, the resolution demanded: ("UNSCR 1973")

- the immediate establishment of a ceasefire and a complete end to violence and all attacks against, and abuses of, civilians
- it imposed a no-fly zone over Libya
- authorized "all necessary means to protect civilians and civilian-populated areas"
- strengthened the arms embargo by allowing ships and planes to be forcibly inspected

- requested a panel of experts to oversee the implementation

The resolution demanded an immediate ceasefire and end to all violence. This was quite hypocritical as the rebels were being armed with weapons being sent by the same sources which were demanding an end to all violence, namely France and Qatar ("Libya Conflict"). The international community, thus, was fuelling the conflict and giving people more means to extend violence, rather than end it.

The most important part of the resolution, however, may be this:

Authorizes Member States that have notified the Secretary-General, acting nationally or through **regional organizations** or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas ...("UNSCR 1973")

This may have been considered the green light for the intervention. However, the legitimacy of the intervention may be questioned for two points:

1-The legitimacy of the regional organizations

2-The involvement of the *international community* in this intervention

Legitimacy of the Regional Organizations

Although the UNSCR 1973 authorizes the intervention when members of the Security Council (SC) are acting through the regional organizations, it is important to note that in this case, one of the regional organizations can be seen as an illegitimate group. The Arab League, which was one of the regional organizations being consulted throughout the civil war in Libya and has been given lots of attention in the UN and in the UNSC resolutions, is an organizations comprised mostly of dictators, which do not represent the will of their people. Yet, it was being used to give the appearance of regional democratic legitimacy to the intervention.

This signifies the hypocrisy and illegitimacy of this regional organization, as an organization of dictators who commit human rights abuses in their own countries were coming together to supposedly end human rights violations of another authoritarian government. For example, protests and demonstrations have taken place in some of those same Arab countries, such as in Bahrain, where the Western-backed government killed and tortured protesters. It is ironic then that this same government would be assessing the human rights violations in Libya and how to best end the oppression.

Is the International Community Included?

Intervention is usually forbidden by international law, but allowed only in specific cases and when the international community intervenes collectively (Modeme). The legality of the war, then, is questioned as the international community may not be said to have collectively intervened. Although the UNSCR 1973 was not vetoed by any members, those which abstained

cited credible reasons for abstaining. For example, India abstained because of the lack of credible information on what really was happening on the ground in Libya, while Brazil abstained because of the contradiction of military intervention being used to “end violence.” Russia, China and Germany were also against the intervention. NATO is comprised of 28 countries, all European or North American. NATO in no way represents the international community, but represents the Western nations of the “Old Europe” and the “New Europe” which is now aligned with the developed Western nations after the fall of Communism.

As such, the intervention in no way represents the international community. The abstaining countries raised doubt about the intervention. The Arab League which supported it was an organization ruled by Arab dictators committing crimes in their own countries. NATO, which led the intervention, is a collection of Western states. It can be said then, that the international community did not agree to or take part in this intervention, but it was only a few Western or pro-Western governments which did.

Success or Failure: R2P - The Six Factors

1- **Just Cause** - *Is the threat a "serious and irreparable harm occurring to human beings"?*

There was a threat to human beings in Libya, and it may be considered as “serious” as thousands of people have died. However, it cannot be confirmed if those people have died before the intervention or after. The extent to how serious this threat was is not clear. It may be said that

even the death of hundreds of people is a serious threat, and the Libyan cause may be considered a just cause.

2- **Right Intention** - *Is the main intention of the military action to prevent human suffering or are there other motives?*

As mentioned above, in the case of Libya, the intervention seemed more intent on regime change and access to resources such as oil, rather than being done for humanitarian intentions.

3- **Final Resort** - *Has every other measure besides military invention been taken into account?*

In Libya, the fact that many members of the international community armed the rebels and gave them means to kill each other indicates that measures have not been taken to help with peace process, rather, it helped to exuberate the conflict. Proper measures have been ignored, rather than taken into account.

4- **Right Authority**-*The UNSC is the best authority to make this decision*

As mentioned above, the UN, especially the UNSC, has a member bias and does not allow the people who will be affected to make the decisions. In contrast, powerful countries make the decision for them, usually with the decision being influenced by politics. This is in direct contrast to the human security approach of empowering individuals and giving them a voice which the R2P is based on ("Responsibility to Protect"). The regional organizations consulted were mostly dictator regimes which were committing their own war crimes, while the international community did not agree to this intervention.

5- **Proportional Means** - *Are the minimum necessary military means applied to secure human protection?*

It is difficult to say how many people were killed by the NATO bombs because NATO refused to investigate or even acknowledge the number of deaths caused by their bombs. Bombings took the lives of children and civilians, and not just “militants.” The death toll caused by NATO airstrikes is 72 civilians killed, according to Human Rights Watch (HRW). Those do not include military figures (Milne). According to the Libyan government, however, the death toll caused by NATO is 1,080 (“Counting Cost of Nato”). Arming the rebels as well has been in contradiction to this principle. The minimum military means necessary means that both sides should not be getting more means to violence when the stated objective is to protect lives.

6- **Reasonable Prospect** - *Is it likely that military action will succeed in protecting human life, and are the consequences of this action sure not to be worse than no action at all?*

Because of the lack of credible information in Libya, and the complex situation on the ground (rebels being part of Al-Qaeda, and so on), it would be very difficult to predict the outcome and acting on it, even with good intentions, would be reckless.

Only one factor of the six required for intervention is present in the Libyan case. The NATO intervention in Libya is seen as a success to some who find that Libya has been “liberated” and “democratized.” However, the intervention created problems of its own. First, it is not clear how many people were killed before and after the NATO intervention - some claim that the majority of deaths came with the NATO bombs. Although there is freedom of the press and a growth of NGO’s, there is more chaos and no stability. Violence has only changed

direction and is being targeted at different groups now. The social welfare of the Libyans, which was once high under Gaddafi, may someday change, especially if oil supplies are privatized. It is too early to judge how things are going, but from the realities on the ground so far, the situation is much worse than it was before.

Case 2: Kosovo - Introduction:

From the 28th February, 1998 and until 11th, June 1999 the Kosovo War took place, fought between the Federal Republic of Yugoslavia (FRY) and the Kosovo Liberation Army (KLA) and NATO. On the 24th of March 1999, NATO intervened, citing saving human lives and ending human rights violations such as ethnic cleansing of the Albanian population as the reason ("Timeline: Kosovo").

Slobodan Milosevic, president of Serbia, was to be tried in the International Criminal Tribunal (ICT) for committing war crimes. However, what is important to note that NATO leaders themselves were on top of the list of people to be tried-including Bill Clinton. Because of political games, trying Clinton or American leaders for war crimes was difficult, and Clinton and other NATO leaders were removed from the list (Mandel, 57). Nevertheless, NATO's name being on top of the list of ICT signifies that NATO has indeed committed war crimes of its own in Kosovo.

Death Toll

There has been some controversy regarding the death toll amassed by the Serbia Army. In March 1999, the US Defense Secretary stated that 100,000 “may have been murdered” (Dogget). This number was never again mentioned, and in fact later went down to less than 3,000 people killed (Steele).

According to the Humanitarian Law Center, around 13,000 people were killed in the Kosovo war (“Serbia: 13,000 killed”). However, 10,000 of those deaths occurred after the NATO intervention (Wippman). Indeed, before the NATO intervention took place, the death toll was 2,500. When NATO intervened, 10,000 people were killed in just eleven months, mostly committed by Serb forces against Albanians (Mandelbaum). NATO claims that this is why they intervened-because they knew that the Serbs would commit these monstrous atrocities (Wippman). There is no evidence to support their claims, and all that can be seen here is that with the arrival of NATO came the deaths and destruction. It is widely accepted that the NATO intervention was the cause of most of the ethnic cleansing and war crimes that took place. The OSCE inquiry said that there was a pattern of increasing killings and war crimes since March 24th 1999, when NATO’s air war began (Bancroft). Regarding the deaths committed by NATO itself - according to Human Rights Watch (HRW), 500 people were killed by the NATO bombs, while the FRY says that the figure is 1,800 (Mandel 60).

International Community

The intervention of Kosovo lacked the approval of the UNSC, as well as the people of the UN. The international community appeared to be mostly against it too. For example, a poll by the Economist on April 1999 half of the population of Italy was against the intervention, 89% against it in Ukraine and 94% against it in Russia (“World: Europe Support”). In Greece, 99.5%

of the people were against it. China and India also officially opposed the intervention. A majority of the people polled - 69% - believed that Clinton should be tried for war crimes, compared to 14% for the Serbian president Milosevic (Mandel, 59). Even the weaponry and military involvement, although by NATO, did not signify the NATO countries. The US was the leader of the NATO mission - 80% of all strike missions were American, 90% of the intelligence and reconnaissance missions and 95% of Cruise missiles used were by the US (Mandel, 64). Therefore, even the NATO countries were not really represented within NATO's operations. Therefore, some critics of the intervention claim that this was actually an American intervention, and not an "international one."

War Crimes: The Racak Massacre

The Racak massacre is the event which is often cited as an example of Milosevic's aggression towards the Albanians and as an example of why intervention was required. The ICTY indicted Milosevic with the murder of 45 unarmed Kosovo Albanians on January 15th, 1999 (Mandel, 72).

However, the attack on that village and three others was pre-announced to track a KLA group which attacked and killed four policemen in the previous week. The Serbs withdrew and the KLA re-occupied the village after heavy fighting in the area. KLA fighters were killed, and the Serbs say that those were the 45 who were killed. A Finnish forensic team, after performing autopsies, confirmed that 37 out of the 40 bodies showed evidence that the people had used firearms (Mandel, 73). This seemed to indicate a battle between two armed groups, rather than a massacre, with the KLA being accused of terrorism.

Other Controversies

Reporters said it was impossible to get eyewitnesses in refugee camps that could confirm that mass killings, systematic rape or robberies took place (Mandel, 62).

The Trepca mines, where corpses of over a thousand of Albanians were allegedly dumped, contained no bodies at all (Mandel, 62). The majority of the 385 murders that Milosevic was indicted with by the ICTY were committed after the NATO intervention - only 45 of the alleged murders, which are attributed to the Racak massacre, happened before the intervention (Mandel, 63). There is also controversy regarding the Racak massacre - some sources report that the people killed in the massacre were KLA fighters and not civilians. This will be described in more detail later on.

When NATO started bombing, they gave space for the KLA to reign over Kosovo without restraint, committing some horrible crimes themselves (Mandel, 63). What happened is what some refer to as “reverse ethnic cleansing” The main wave of internal displacement took place after the NATO intervention. More than 245,000 people, mostly non-Albanians, left Kosovo. Ethnic violence continued many years after ("Durable Solutions"). Officials in Yugoslavia estimated 70,000 Serbs fleeing from Kosovo since the beginning of the NATO bombing campaign (Becker).

Refugees

One million people became refugees through the bombing campaign in Kosovo (Mandel, 60). During the five months before the intervention when the Organization for Security and Cooperation in Europe (OSCE) was in Kosovo there were no refugees ("Testimony of Monitor"). Three days after the bombing started, there were only 4,000 refugees, but one week after the refugees amounted to 350,000 (Mandel, 60). Although it was said that Milosevic has committed ethnic cleansing against the Albanians, documents show that displacement and refugees increased only when NATO started bombing, and not before (Mandel, 61). This shows that the people were fleeing from NATO, or the violence on the ground which started after NATO intervened-not before.

KLA and "acts of terrorism"

"The Kosovo Liberation Army (KLA) was considered a terrorist organization by the US, the UK and France for years until, in 1998, it was taken off the list of terrorists with no explanation given ("Syrian Opposition"). The Albanians opposed, non-violently, Serb rule from 1989 till 1996. It was only in 1997 that the violence started, spurred by impatience by the non-violent methods, the availability of cheap weapons in the market, and so on. The KLA appeared then, and their first step was to assassinate Albanians who were "collaborating" with the Serbs. By February 1998, they had 40% control of Kosovo for a short period of time (Mandel, 69).

The UNSC itself recognized the acts of violence committed by the KLA. They condemned the use of "excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo" as well as condemning "all acts of terrorism by the KLA" (Mandel,

70). According to Mandel, KLA incited the violence. Even the pro-interventionist Michael Ignatieff said that the Kosovars were not ready for compromise, and their hidden strategy was to provoke the Serbs into committing war crimes, therefore making the case for NATO intervention (Mandel, 71).

The Rambouillet Summit: Introduction

President Milosevic was summoned to a peace conference in Rambouillet, France, on the 30th of January 1999. This peace conference is considered by many as a “war” conference rather than a “peace” conference. It was frequently noted by independent observers that this conference’s goal was to make ridiculously unacceptable conditions in the peace deal so the Serbs would refuse it and it would be a pretext for intervention. What is interesting to note also is that the Serbs in the beginning agreed to the peace deals, while the Albanians refused (“Rambouillet Agreement”). The “non-negotiable principles” which the Serbs agreed on were:

An immediate end to all hostilities, broad autonomy for Kosovo, an executive legislative assembly headed by a president, a Kosovar judicial system, a democratic system, elections under the auspices of the OSCE within nine months of the signing of the agreement, respect of the rights of all persons and ethnic groups, and the territorial integrity of the FRY, with Kosovo remaining within the country (Mandel, 80).

Albanian Refusal and its Consequences

The Albanians refused this deal because it did not grant independence to Kosovo, nor did it require the presence of NATO, which the KLA wanted ("The Kosovo Crisis"). Because of the disagreements, another deal was drafted, this one requiring a NATO led international peace keeping force and a mechanism that would lead to the independence of Kosovo in the next three years depending on the will of the people ("The Kosovo Crisis").

The Serbs naturally rejected the NATO operations on their territory. The power given to NATO to act as it wanted in not just Kosovo, but all of the FRY, was *not* something a sovereign state would accept. For example:

NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations (Rambouillet Agreement)

Although the Serbs naturally rejected this imposition on sovereignty, they accepted the rest of the agreement, such as giving an interim constitution and a large degree of autonomy to Kosovo. According to the co-chairs, there was agreement from the Serbs on everything except the NATO intervention and the referendum for the final settlement of Kosovo. But the co-chairs

insisted that the whole agreement be accepted and signed (“The Kosovo Crisis”). Had the co-chairs not pushed for NATO intervention, the peace deal would have been signed and that might have meant an end to violence - at least, from the FRY side.

Even ex-secretary of state Henry Kissinger said: "the Rambouillet text, which called on Serbia to admit NATO troops throughout Yugoslavia, was a provocation, an excuse to start bombing" (Bancroft). The former Canadian Ambassador to Yugoslavia said: "it is now generally accepted by those who have seen the Rambouillet agreement that no sovereign state could have agreed to its conditions. The...demand that a referendum on autonomy be held within three years guaranteed a Serbian rejection” (“The Kosovo Crisis”).

The Beginning of the NATO Intervention

On the 15th of March 1999 the talks resumed, and the Albanians signed the agreement. After the Albanian signatures were obtained, the prospect of negotiation was over. This is in contrast to the situation in the beginning, where when the Serbs were willing to sign and the Albanians were not, further negotiations took place. NATO told the FRY to sign the deal or be bombed, and when they did not, they were bombed five days after (“The Kosovo Crisis”).

Also significant to note that is that before the bombing, independent observers said that there was substantial progress on the ground. There were *no* international refugees for the past five months before the intervention, with the internal refugees amounting to a few thousand - a much smaller number than what would come after NATO’s intervention. Independent observers

also noted that mediation programs between the diverse ethnic communities were successful. At that time, what was considered to be the problem was the KLA provocations (Mandel, 83).

Motivations for Intervention

Some people cite “saving lives” as the reason for intervention. However, seeing as “saving lives” was not a concern when almost one million were killed in Rwanda; or 150,000 people were killed in Iraq; or when 200,000 were killed in East Timor, it may be a bit naïve to claim that humanitarian concerns were the reasons for intervention. They were, however, a pretext used for intervention.

Distracting from Problems at Home

The first reason for intervention, especially in the case of the US, was distracting from problems at home. In the US, Clinton’s extra-marital affair with his intern, Monica Lewinsky, was still getting more attention than Kosovo. In his press conference on March 19, 1999, in which the main topic of discussion was the NATO intervention, Clinton took nine questions from the audience - yet six of those questions were on Lewinsky and Clinton’s personal life rather than on Kosovo (Mandel, 87). Problems at home have been many a reason for leaders to make drastic choices so as to distract their audience from the issue at hand. With the biased media attention in the US giving a one-sided view of the conflict, the president may also be seen as a “hero” for wanting to end Milosevic’s “massacres” and save the Albanian Kosovars. This seemed like an appropriate opportunity to get out of the mess Clinton started.

Credibility

Credibility is another reason cited for intervention. In a speech Clinton gave, he said: “Failure to take action will undermine NATO's credibility, on which stability in Europe and our own credibility depend” (Linda). The credibility of NATO and Western powers thus seemed to be a concern to Clinton and other Western powers. Indeed, those powers wanted to show that they could and would take down anyone or anything that posed any type of disturbance to them. The West seemed especially keen on proving that during this specific time period because of NATO’s declining “credibility.” In the end, NATO was born only to defeat the USSR, and after the Soviet Union’s demise, there was no longer a role for it to play. To prove that NATO is a credible organization on which Europe’s stability and the US’s credibility depends, NATO had to go out there and address those “perceived threats,” as well as end any supposed “human rights abuses,” thus regaining its glorious place in the international arena.

Other Considerations

In addition to those two points above, a few other expected benefits would come out of this intervention for the political elite. Arms manufacturers and reconstruction companies would be huge beneficiaries-and indeed they were. For example, Vice President Dick Cheney’s Halliburton got the contract for its subsidiary, Brown & Root (B&R), in Kosovo in 1999. One of them was a \$1.5 million project of housing Kosovar refugees with portable houses (NCE). After the NATO bombing on June 1999, US forces took 1,000 acres of farmland in Kosovo to

construct Camp Bondsteel, an American military base. It was also built by B&R, which was the largest employer in Kosovo (Stuart).

Damages from the NATO Airstrikes

The 78-day NATO campaign caused significant damage, including firing around 25,000 powerful non-nuclear bombs and missiles. There was large infrastructure damage due to the bombs, such as the destruction of ancient churches and archeological sites, as well as hospitals, schools, factories and so on. The bombs that hit oil refineries, chemical plants, fertilizer and electronic factories created huge environmental problems. Toxins such as chlorides, ammonia and mercury were released in the air and ground as well as into Danube's water, which was used for drinking. There were also unexploded cluster bombs and residue of depleted uranium from the exploded ones (Mandel, 60).

Success or Failure: R2P – The Six Factors

1- **Just Cause** - *Is the threat a "serious and irreparable harm occurring to human beings"?*

The death toll in Kosovo only became large after the NATO intervention. There were 2,500 killed before NATO intervention, but the death toll during the eleven weeks of NATO bombing alone was 10,000. Milosevic was indicted for the murder of 385 people - only 45 of them having been killed before the intervention. There is controversy whether those killed were

KLA fighters or civilians. Refugees also came out after the NATO bombing, not before. Repression against the Albanians was definitely present; however, looking at the death toll before the intervention, intervening was not warranted.

2- **Right Intention** - *Is the main intention of the military action to prevent human suffering or are there other motives?*

The intent for intervention as cited above were reasons such as credibility and distracting from problems at home. Humanitarian intervention may be cited as the main reasons for intervention by some, but in the end the intention is debatable.

3- **Final Resort** - *Has every other measure besides military invention been taken into account?*

No, they have not, and efforts have been sabotaged. For example, there was relative peace when the OSCE mission was in Kosovo - at that time, there were zero international refugees. However, the Ramboulliet agreement that was supposed to create peace between the two sides led to the war. As said by Kissinger and many others, the deals made would not be accepted by a sovereign state and Serbia was expected to refuse NATO's outrageous deals. By not accepting a biased agreement, NATO bombing took place..

4- **Right Authority**-*The UNSC is the best authority to make this decision*

The UNSC was not even given consideration in this intervention. The international community was split-some in NATO countries supported the intervention, while some did not (for example, in Greece where 99% of the population were against it).

5- Proportional Means - *Are the minimum necessary military means applied to secure human protection?*

NATO's use of force was disproportionate to the situation at hand. The issue could have been possibly solved through respectable negotiations for both sides, yet that was never tried.

6- Reasonable Prospect - *Is it likely that military action will succeed in protecting human life, and are the consequences of this action sure not to be worse than no action at all?*

There was reason to see this intervention as causing more damage, mostly because the damages before the intervention may not have been as great as some claimed them to be. Damages to the environment and infrastructure ensued after the bombing, along with economic damage. The death toll went from 2,500 to 13,000 when NATO intervened.

Case 3: East Timor - Introduction

East Timor was colonized by Portugal up until 1974. In April of that year, the left-wing Armed Forces Movement (MFA) in the military made a coup d'état against the government in Lisbon. They decided to withdraw from Portugal's colonies, which marked the birth of indigenous political parties in East Timor. The most popular ones were the Timorese Democratic Union (UDT) and the Fretilin (the Revolutionary Front of Independent East Timor). UDT's supporters were the traditional elite. They were considered to be conservative and aligned themselves to their previous colonial power ("History of East Timor"). Fretilin's supporters were mostly young Timorese and lower level colonial officials. Fretilin's social programs may have been a reason why it became more popular than UDT. However, both

parties entered a coalition by January 1975 (Burr & Evans). The goal of the coalition was self-determination, and the coalition was supported by the majority of the people. APODETI (Popular Democratic Association of Timor) was a third minor party which called for integration with Indonesia, but had very little support (“History of East Timor”).

Conflict Fuelled By Indonesia

However, the UDT and Fretilin split up because of internal conflicts only a few months later, in April 1975. Those conflicts were said to be caused by Indonesia’s military intelligence (BAKIN) which wanted to create a rift between the parties calling for an independent East Timor. Many Indonesian military leaders met with UDT leaders and spoke to them about how they did not want the left-leaning Fretilin to be in power. They were also promoting the support of the pro-integration party, Apodeti (“History of East Timor”).

On 11th of August, UDT attempted to end Fretilin’s dominance and popularity by staging a coup, which resulted in what some portray as a civil war. The East Timorese government states that this was how Indonesia wanted it to be portrayed, but that the situation was in fact stable, according to aid agencies visiting the area only one month after the coup began (“History of East Timor”).

On November 28, 1975, Fretilin declared the independence of the Democratic Republic of East Timor, a declaration not recognized by Portugal, Indonesia, or Australia. In response, Indonesia asked Apodeti and other political party leaders to sign the Balibo Declaration, which calls for integration. This declaration did not have much East Timorese involvement - it was drafted by Indonesian intelligence and signed in Bali, Indonesia

(“History of East Timor”). On October 1975, Indonesian Special Forces slowly started penetrating into East Timor, hoping to fuel conflicts that would lead to what would look like a “justified” Indonesian invasion. The West did not condemn Indonesia’s actions, and Indonesia thus increased its attacks (Burr & Evans).

Geostrategic Concerns: Indonesia and the Threat of Communism

Indonesia was considered by the Western world as a major strategic and economic asset, where “vast potential resources and a strategically important chain of islands” exist, according to a US government document (Ahmed, 231). The US and UK were particularly interested in the Indonesian Communist Party (PKI), and how to combat communism.

Another threat to them, however, was independence and independent development. A Special National Intelligence Estimate by the CIA found that: “The PKI under Sukarno’s presidency was moving “to energize and unite the Indonesian nation... if these efforts succeeded, Indonesia would provide a powerful example for the underdeveloped world and hence a credit to communism and a setback to Western prestige” (Ahmed, 231). A 1964 cable from the US ambassador in Malaya to Washington said: “our difficulties with Indonesia stem basically from deliberate GOI [Government of Indonesia] strategy of seeking to push Britain and the US out of south-east Asia.” On March 1965, George Ball, US Under-Secretary of State stated his worry about the deteriorating relationship with Indonesia. He noted the takeover of American rubber plants and the threat of takeover of the American oil companies as well (Ahmed, 231).

Indonesian Invasion

Indonesia, ruled by the US-backed President Suharto, invaded East Timor on December 7th, 1975. This was named “Operation Lotus” and consisted of air and sea invasion, almost entirely done through US weapons (“History of East Timor”).

The UN General Assembly did not condone the invasion, however, and only a few days later, on the 12th of December, 1975, it passed a resolution condemning Indonesia’s role. Some parts read: “...concerning developments in Portuguese Timor...deplores the military intervention of the armed forces of Indonesia in Portuguese Timor and calls upon the Government of Indonesia to withdraw without delay its armed forces from the Territory...and recommends that the Security Council take urgent action to protect the territorial integrity of Portuguese Timor and the inalienable right of its people to self-determination” (“History of East Timor”).

On May 31, 1976, a 'People's Assembly' in Dili, took place, which led to the integration. East Timor became a province of Indonesia, supposedly by people’s choice. However, the “Popular Assembly” was selected by Indonesian intelligence (“History of East Timor”).

Western Support for Indonesia

Suharto, with the backing of the Western countries, created chaos and instability in East Timor as a pretext for the need for Indonesia’s intervention (Ahmed, 232). On 17th September 1975, the CIA reported: “Jakarta is now sending guerrilla units into the Portuguese half of the island in order to provoke incidents that would provide the Indonesians with an excuse to invade. Also, in that same month, a US State Department

official said: “we are more or less condoning the incursion into East Timor” since “we regard Indonesia as a friendly, non-aligned state - a nation we do a lot of business with.” According to Burr and Evans, the US completely approved of the invasion (Burr & Evans).

Declassified documents released by the National Security Archive (NSA) in December of 2001 show that US President Gerald Ford and Henry Kissinger met with Suharto and condoned the plans for invasion. In response to Suharto saying "We want your understanding if it was deemed necessary to take rapid or drastic action [in East Timor]." Ford replied, "We will understand and not press you on the issue. We understand the problem and the intentions you have." Kissinger agreed as well, but was worried about a public outcry regarding the use of US arms and spoke about wanting to “influence the reaction in America” so that "there would be less chance of people talking in an unauthorized way” (“History of East Timor”).

But it was not only the US which supported Suharto in his invasion. On the 17th of August 1975, Richard Wilcott, Australian Ambassador to Jakarta, sent a secret cable to his Department of Foreign Affairs telling them: “leave events to take their course...and act in a way which would be designed to minimize the public impact in Australia and show private understanding to Indonesia of their problems.” The British said: “Certainly, as seen from here, it is in Britain’s interests that Indonesia should absorb the territory as soon and as unobtrusively as possible, and that if it should come to the crunch and there is a row in the United Nations, we should keep our heads down and avoid taking sides against the Indonesian government” (Ahmed, 233). On 1974, Australia's Labor Prime Minister, Gough Whitlam said that an “independent Timor would be ‘an unviable state, and a potential threat to the stability of the region’” (“History of East Timor”).

The US, UK and Australian governments' military and financial aid to Indonesia played a big role in facilitating the 25-year occupation of East Timor. Australia's military aid doubled between 1975 and 1981, continuing through to 1999. Ninety percent of the arms used in the invasion and occupation were supplied by the US, according to the US State Department, while other weapons significant to Indonesia's saturation bombing such as Hawk attacker jets and other weapons were supplied by Britain (Ahmed, 234).

Benefits of the Occupation for Supporting Countries

The benefits for those countries in Indonesia's occupation were many. Maybe the most well-known is America's obsession with combatting communism. In this case, the US was using Indonesia to combat left-wing independence movements and communism in the region.

Australia, on the other hand, was getting great economic benefits. The Timor Sea, rich in oil and natural resources, meant big profits, and Australian made agreements with Indonesia on seabed rights and oil exploration. Indonesia began negotiations with an Australian company regarding the extraction of oil resources in the Timor Gap, which is a "seabed" between Timor and Australia, located just off the coast of East Timor. By December 1989, US, UK and Australian companies had a joint agreement called the "Timor Gap Treaty" (TGT) with Indonesia. "A month after the 1991 Dili massacre, the Australian government alone approved with Indonesia eleven oil production contracts for exploitation of

a jointly controlled area of the sea. The Australian Foreign Minister Gareth Evans said that the benefits from the TGT amounted to ‘zillions of dollars (Ahmed, 235).

War Crimes

There were “random massacres, extra-judicial killings, starvation, deaths from preventable diseases, torture, forced movement of populations, coerced sterilization of women, rape and imprisonment without charges. Institutionalized and systematic rape took place to “phase out” Timorese blood and neutralize the population, making it less Timorese and “more” Indonesian. Although Indonesia’s human rights record was so low that it was condemned by no less than ten UNSC resolutions, the leading countries in the organization did not do anything to stop these violations because of the benefits described above (Center for Southeast Asian Studies). Between 100,000-200,000 East Timorese were killed during the occupation, from around only 800,000 people (“History of East Timor”).

Change of Events

From 1998 a change of events starts to take place when President Suharto resigns and President Jusuf Habibe becomes president of Indonesia. This change may also be due to the fact that Indonesia was undergoing the Asian financial crisis and occupying East Timor would be very costly for Indonesia. On January 1999, Indonesia said it will consider independence for East Timor based on the result of a referendum (“East Timor Timeline”). On May 1999, an agreement was signed between Indonesia and Portugal, allowing the East

Timorese to vote for autonomy or independence, which was accepted by the UN. Before the voting took place, anti-independence guerillas started spreading havoc and violence, and warned of a “scorched earth policy” if the result was in favor of independence. A program of terror took place to threaten the people from choosing to vote for independence by the militia that was trained and supported by the Indonesian army (“Indonesian Occupation”).

Continued Support of Western Allies to Corrupt Indonesian Policies

A quote in London’s *Observer* said that Indonesia was “both running a campaign to persuade people not to vote for independence and funding paramilitary groups that are bringing a reign of terror to the territory” (Ahmed, 236). And so, it did not accept the UN’s security conditions to ensure a free and fair vote in East Timor, and no UN international force was positioned to ensure stability and security before and during the referendum. Western powers, which were still at that time supporting Indonesia both diplomatically and through essential financial and military aid, did not support an international force in East Timor either and put pressure on the UN Peacekeeping Operation department to keep the security management and handling up to Jakarta (Ahmed, 235).

But some say that those plans for terrorizing the East Timorese population were planned and even known by Western powers, including the UN. This was noted by newspapers such as the London *Observer*. Western intelligence warned the UN about those plans. On the 4th of March, representatives of Australia’s Defense Intelligence Organization in Jakarta cabled their headquarters that the Indonesian military was ‘clearly protecting and in some cases operating with’ militias... they said that the militias would implement a

‘scorched earth policy’ (Ahmed, 236). The UN was also getting the same information about Indonesia’s engagement in terrorizing the Timorese by resistance sources. The military documents spoke about the aid Indonesia was giving to those militias, such as helicopters, cars, communication equipment and so on (Ahmed, 236). Yet, the Western countries pressured the UN to not allow international forces in East Timor, and the UN had to agree.

In his biography, Daniel Patrick Moynihan, the US ambassador to the UN at the time, wrote: "the United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook [with regard to the invasion of East Timor]. This task was given to me, and I carried it forward with not inconsiderable success." He then admitted that he took part in a "shameless" Cold War policy toward East Timor (“History of East Timor”).

Referendum Results and the Scorched Earth Policy

That did not stop the East Timorese from voting-almost 99% of them voted on the 30th of August, 1999, with 78% of them favoring independence (“East Timor Timeline”). However, the campaign of terror continued from the pro-integration militias. After the voting took place and before the results came out, the militias engaged in violence with the help of the Indonesian army. The militias forcibly removed over 250,000 Timorese from their homes and brought them to West Timor where they lived in refugee camps described to be disease-ridden, overpopulated and controlled by the militia (“Indonesian Occupation”).

A big part of the territory was destroyed or set in flames. This was a well thought out plan and not just random acts of savagery. The plan was to make East Timor so

undeveloped in terms of infrastructure, economy and social capital that they would not be able to almost impossible to build the country. There are estimates that about 70 percent of East Timor's basic infrastructures was destroyed, and that aid workers and journalists were stunned at the extent of destruction. The United Nations Food and Agriculture Organization said that 7,000 people were killed only in a matter of days (Lachicas).

Motivations for Intervention

The Dili massacre, which was part of the scorched earth policy and where hundreds of people were killed, marked the beginning of international awareness of East Timor. NGO reaction increased, and people started pressuring the UN and their own governments to condemn the Indonesian occupation ("Indonesian Occupation"). Public outcry and pressure was one reason why the International Force for East Timor (INTERFET) was sent to East Timor, with Australia being the biggest contributor to the intervention ("History of East Timor").

Australia was also worried about the increased instability in the region and what it would mean to them. The violence perpetrated by the Indonesians might could mean a flow of asylum seekers asking for refugee status in Australia-something they wanted to avoid. But Australia would still be morally and legally bound to accept refugees if that ever did happen (Lachica).

When the East Timorese voted for independence, Australia was also worried about its relationship with the East Timor. There was always the threat of security-if East Timor and Australia would be on negative terms, East Timor could be used as a haven for gangs and militias that threaten Australian security. But that was not the only loss if relationships would be strained. If they became independent without Australian support, Australia would be losing out on huge profits it gained in the Timor Gap Treaty. Australian interests in East Timor were secure so long as Indonesia was controlling East Timor. However, when the people voted for independence Australia realized a change to their economic interests will take place. Australia could not force the East Timorese to accept the deals they had cut when Indonesia was controlling East Timor (Lachica).

Intervention

The UN authorized the creation of a multinational force, called the Interfet, (International Force for East Timor). The soldiers came from seventeen different countries, with about 9,900 in total. The majority came from Australia - 4,400 of them, while the rest came mostly from South-East Asia the Interfet came into East Timor on September 20, 1999. The administration of East Timor was taken over by the UN through the United Nations Transitional Administration for East Timor (UNTAET), which was established on October 25, 1999. The Interfet mission ended on February 14, 2000 and the UN then took charge of the military command. They held elections in late 2001 for a constituent assembly for the drafting of a constitution. This was finally done in February 2002, and a few months later in May 20th was when East Timor became formally independent (“History of East Timor”).

Success and Failure: Economic Impact After Intervention

Australia tried maintaining its favorable position in the economic activities with East Timor even up to the early days of intervention. An exploitative deal where the UN governing body of East Timor (UNTAET) agreed that oil investments and developments would be overseen by an “Exchange of Notes” wherein the provisions of the Timor Gap Treaty would occur with Indonesia replacing East Timor was opposed by East Timorese leaders. They proposed to discuss the issue of commencing a permanent maritime boundary, which Australia rejected. The Australian government was said to have bullied and blackmailed East Timorese leaders to accept a deal that was favorable to Australia. “The Howard government pressured East Timor into agreeing a series of dodgy resource sharing deals allowing it to take billions of dollars that rightfully belongs to the East Timorese.” The leaders of East Timor were attacked personally by Australian officials who acted as if East Timor should be thanking them and obeying them for their intervention. Basically, what was being implied is that East Timor would not be independent if Australia had not intervened (Lachicas).

A new agreement in 2002 fared slightly better for the East Timorese, yet still exploited them. Australia agreed that 90% would go to East Timor, which was better than the 50-50 deal in the TGT. However, managing the “Greater Sunrise” was almost 80% up to the Australians. The “Greater Sunrise” was the largest oil field in the area and was expected to bring up to \$40 billion over its lifetime, it contains 9.5 trillion cubic feet of gas reserves and 300 million barrels of oil. East Timor would only be allowed to get 18% of the revenues from this project (Lachicas).

Failed Expectations

In a sense, military intervention was successful in creating “instantaneous security.” Miscalculations by the local guerrilla movement (FALINTIL) could have created more deaths and violence. They were also unable to protect the people after their leader instructed them to hide and refrain from attacking any Indonesian troops. The “peacekeeping” force was considered important in keeping East Timor free from Indonesian military presence (“Successes and Failures”). However, during the occupation; it was the local East Timorese guerrillas who were protecting the people. When the UN came, they did not give those guerillas the means necessary to defend their country and people but instead focused on training for the local military (“Successes and Failures”).

The East Timorese and activists around the world were expecting that the Indonesian sponsored militias would be disarmed and disbanded by the UN. They also expected that war criminals be tried for their war crimes, however, those people have been granted immunity by the UN (“Successes and Failures”).

The East Timorese were also expecting to construct their country. However, the presence of the UN did not allow them to have decision-making power- the decisions were all being done by the UN transitional administrator. The few East Timorese which were part of the UN system were appointed and not elected. The people have not been told what their rights are and how to use them, and this was especially confusing because of UN bureaucracy. The United Nations Transitional Administration in East Timor (UNTAET) did

not prioritize the needs of the local people-for example, it built foreign supermarkets and hotels instead of roads and local markets (“Successes and Failures”).

Untimely response

The intervention happened only after the “scorched earth” campaign took place, after over 200, 000 were killed in the decades-long occupation, and after the Indonesian military and paramilitary forces had mostly left. They also came in only after Jakarta gave their consent-and Jakarta’s consent may be largely attributed to the economic sanctions and the temporary cut of financial and military assistance (Ahmed, 237).The occupation of East Timor may not have been possible without the diplomatic support and military and financial assistance of the same countries which in the end intervened with military force. The consent of Indonesia for military intervention may have occurred mostly because of the threat of severing military and economic ties and assistance. Thus, tens of thousands of lives could have been saved from the very beginning, if the West did not support Indonesia’s actions in East Timor.

UN Failures in Protection

But the UN is said to have failed on a few other accounts. Documents in October 1999 showed that the UN was not able to account for many of the people it was supposed to protect. It is said that it could only account for 150,000 of 850,000 people. There were still 200,000 which remained in Indonesia against their will, and 260,000 living in very poor

conditions in refugee camps in West Timor, without medical supplies and food, which were controlled by the militias. People continued to disappear daily and the militia kept on terrorizing the people from within and outside East Timor. According to Indonesia's National Commission on Human Rights, the militias in West Timor were committing "systematic and organized human rights violations", but Indonesian forces were doing nothing to stop it-they "let these things continue (Ahmed, 237).

An independent group of human rights advocates and journalists travelled to both Jakarta and Dili on a fact-finding mission and spoke to church leaders, NGO's, aid workers, government officials and so on. They reported that although there was UN presence, the East Timorese people were still under threat from the militias and Indonesian armed forces (TNI), and that the TNI seemed to still be working with the militias. They found modern weapons, as well as "several separate reports of a low level training plan, based on the continuous drilling of fifteen militia members by the TNI with five men rotated in and out at a time" (Ahmed, 238).

Refugees

UNHCR ended the refugee status for East Timorese in West Timor and Indonesia on the 31st of December 2002, although there were still significant numbers of refugees at that time. From November 2003, they were 28,000 in the West Timor camps alone. However, all of those people would be denied refugee status, which meant they would be deprived of international protection which they may have needed. This is especially true as the conditions of the camps were poor and controlled by the militia. There was malnutrition, sexual assault,

intimidation, disease, and isolation .The Jesuit Refugee Service (JRS) had reported that in the camps: “sanitation is poor, there’s no running water, and malnutrition is rife. Babies are born tiny and undersized because their mothers are so undernourished.” Consequently, an estimated five children die each day throughout the camps, while diarrhea has reached epidemic proportions and food is increasingly scarce (Ahmed, 238)

The UN force was also unable to protect its own and other aid workers. Three UNHCR workers were brutally murdered and showcased with their burnt corpses being dragged down the street by militias. After this incident on September 2000, the UNHCR ended its West Timor operations. The Jesuit Refugee Service was the only major remaining organization, and it also had to end its assistance in some of the camps (Ahmed, 238).

UN did not disarm the militias. According to the *Guardian* newspaper, only one day after the UN forces arrived, the Australian commander of the UN force “made a point of congratulating the Indonesian military for its ‘first class’ assistance and offered reassurances that his job was not to ‘disarm the militias’” (Ahmed, 240).

R2P: The Six Factors

1- **Just Cause** - *Is the threat a "serious and irreparable harm occurring to human beings"?*

There were around 200,000 East Timorese killed during the decades of Indonesian invasion, which constitute as a genocide and does constitute a serious harm to human beings.

2- **Right Intention** - *Is the main intention of the military action to prevent human suffering or are there other motives?*

The main reason for intervention was not to end human suffering as human suffering has been present in East Timor for the past 25 years with the military, economic and diplomatic support of the intervening forces. The reasons for intervention was a mix of public pressure, economic benefits, and damages caused by the 1999 conflict that could spillover and affect countries such as Australia.

3- **Final Resort** - *Has every other measure besides military invention been taken into account?*

No, they have not. The intervening forces, namely the US, UK and Australia had 25 years to cut military, economic and diplomatic relations with Indonesia, pressuring them to stop their war atrocities - but they only supported them throughout. Jakarta's approval of UN intervention is mainly seen as a result of the pressure to cut economic ties. Had they threatened to cut ties before, this conflict could have ended decades earlier without military intervention.

4- **Right Authority**-*The UNSC is the best authority to make this decision*

The East Timorese people did want UN intervention, which may have made the intervention in East Timor (when it happened) more successful than the previous examples.

5-**Proportional Means** - *Are the minimum necessary military means applied to secure human protection?*

Use of force was disproportionate. There was no need for military intervention in 1999, had there been a cut in military and economic assistance by intervening countries. Thus, military intervention was too harsh. At the same time, when it was too late to fix everything diplomatically, the UN was unable to disarm or disband the militias, and it was

unable to try them for their crimes-it instead gave them amnesty. Refugees were unprotected in the camps run by militia, both from the militia and by the conditions they were living in.

6- Reasonable Prospect - *Is it likely that military action will succeed in protecting human life, and are the consequences of this action sure not to be worse than no action at all?*

There was reason to see this intervention as helping the situation after 24 years of occupation. However, there were other means to end it without military force and without ending so many human lives. There were also various UN failures that showed its inability in protecting the people it was supposed to.

Case Studies: Countries where intervention did not take place

Case 4: Rwanda - Introduction

The Rwandan genocide took place from April 6th to mid-July between two ethnic groups, the Tutsis and Hutus, which ended with an estimated 20,000-100,000 (with high estimates being 20% of the population) dead in only a matter of 3 months (Lemarchand). The Tutsis, a minority in Rwanda who were in power over the Hutus for decades, were replaced by a Hutu government during a revolution in 1959-1962 (Lemarchand). A series of conflicts ensued, and this escalated to the genocide of the Tutsis by the Hutus. Tutsi civilians were accused of supporting a rebel group dominated by Tutsis, called the Rwandan Patriotic Front (RPF). The Hutu president of Rwanda, Habyarimana was killed. This, along with the

fact that the minority Tutsis had been ruling over the majority decades ago fuelled the already brewing conflict ("Genocide in Rwanda").

War Crimes

Political leaders who opposed the Hutu plans for war against the Tutsis were immediately killed. An estimate of 200,000 people is the number of people who participated in the genocide. The Tutsis were killed on a massive scale, possibly amounting to three quarters of the Tutsi population. Hutus who opposed the killings of Tutsis were also murdered. Tutsi were not only murdered by the Hutu government and gangs, but many times by their own Hutu neighbors, former friends, colleagues or relatives by marriage who were encouraged or forced to kill them ("Genocide-Rwanda"). The civil war ended when the RPF defeated the Hutu regime and President Paul Kagame became in power ("Genocide in Rwanda").

International Response

Political leaders in the US, UK, France and UN knew about the genocide taking place as well as the preparations for it, but declined to acknowledge it. Acknowledging genocide would require international intervention, and those states did not want to intervene. They also declined to use their "political and moral authority to challenge the legitimacy of the genocidal government", as well as declining to say that they would never give international assistance to the Hutu government for committing those genocidal crimes ("Genocide in

Rwanda”). The USA had actually banned its officials from using the term “genocide” so as to avoid intervention. Regarding the US presence in UNAMIR, the US was asked for its assistance in shutting down the radio channels that called for the slaughter of the Tutsis. The US replied that “the traditional US commitment to free speech cannot be reconciled with such a measure.” It was said that France also backed the genocidal Hutu government and told them “to improve their image” (“Genocide-Rwanda”).

Failure of UNAMIR

UN force (UNAMIR) came into Rwanda to monitor the ceasefire, but it had no authority to militarily intervene. The UNAMIR was accused of standing still and watching while the Tutsis were being slaughtered in front of their eyes. The UNAMIR was eventually pulled out of Rwanda, and was internationally criticized for being no help to ending the conflict (“Genocide-Rwanda”).

Although almost a million people were killed in Rwanda, the international community was trying its best not to portray the situation as genocide as to avoid the requirement for intervention. However, they did not hesitate to use that label in Kosovo, where a tiny fraction of the death toll in Rwanda occurred. There was no benefit in intervening in Rwanda, and so the international community left it to itself, and instead intervened somewhere with a much smaller, if not disputed, human rights violations took place. In this particular case, there was a more “just cause” for intervention than in Libya or Kosovo, but there was no intervention because there was no benefit in intervening.

Case 5: Iraq - Introduction

The Kurdish genocide in Iraq is known to be the genocide during the Al Anfal Campaign in 1988, but its beginnings started much before that. In the 1970's and 1980's, there were many cases of deportation and disappearances of Kurds. In 1983, 8,000 male Barzanis were killed. In the late 1980's, chemical weapons were used on the population, especially in Halabja, followed by the Anfal campaign in 1988. Hundreds of thousands died, and the use of chemical weapons resulted in severe health problems. Up to 4,500 villages were destroyed by Saddam from 1976 to 1988. This destroyed the agricultural resources and Kurdistan's traditional way of life and heritage which was focused on agriculture and rural living ("What Happened in the Kurdish Genocide"). Human Rights watch estimated that a minimum of 50,000 and up to 100,000 were killed by Saddam ("Genocide in Iraq"). Other sources say that the death toll reached 182,000. During the Al Anfal Campaign, 90% of Kurdish villages were completely destroyed ("What Happened in the Kurdish Genocide").

International Response and Western Support

However, not only was there no "humanitarian intervention" to save the Kurds at that time, but the Western powers that usually intervene for "humanitarian" reasons were supporting Saddam during that time. According to the Kurdistan Tribune, Saddam's regime was sustained through military aid he got during the 1980's which he got from Ronald Reagan's administration in the US and Margaret Thatcher's administration in the UK. It was only when Saddam invaded Kuwait that their position towards him changed.

Throughout the 1980's, \$1.5 billion was given to UK arms companies to facilitate their delivery of military equipment and technology to Saddam. After the Halabja massacre which killed about 5,000 Kurds, British citizens urged their governments to act regarding Saddam's brutal actions. However, what happened is that the UK government *increased* arms sales to Saddam (Karem). Saddam was supplied with arms, money, satellite intelligence, and chemical and biological weapons during the 1980's by the US and UK. Britain's Labour MP Jeremy Corbyn, condemned the UK government for its role in supporting the Iraqi government during the times of the Kurdish Genocide ("UK Duplicity Exposed").

Indeed, most of the West supported Saddam during that time, especially with arms and funds. France lent the Iraqi government a Super Etendard aircraft while Iraq was fighting a war with Iran, while Germany supplied them with much of the technology needed for creating chemical weapons. While Saddam was doing his Al Anfal campaign (which began from February 1988 and ended on September 1988), the members in the United Nations Sub-Committee on Human Rights, such as the US and UK, voted not condemn him for human rights violations on August 1988 (Nezan).

Only a few years later, when Saddam was no longer seen as an ally to the West but a threat was there intervention and was he removed from power. Indeed, it was only then that intervening countries suddenly cared about "human rights," when they were funding the human rights abuses of their friend Saddam only a few years earlier. That is not to say that humanitarian intervention should have happened in Iraq in the 1980's. It may have sufficed if the West had cut arm sales to Saddam at that time. Yet, even such a step was not taken by the

same forces that claim they intervened in Libya, Kosovo and East Timor for humanitarian reasons.

Conclusion

In conclusion, from the facts gathered above, it is clear that humanitarian intervention is not being carried out in a way that would end human rights violations. As seen from the five case studies above, it is not humanitarian reasons that lead to humanitarian intervention- rather it is the benefits to the intervening states that leads to it. If there is reason to believe there will be benefit for the intervening states in terms of regime change, access to resources, economic gain and such, there will more likely be intervention than if those factors are not present. That is true even when a million people are being killed in regions with no geopolitical significance or strategic benefits to be gained, as seen in Rwanda, compared to 2,500 being killed in another where there are benefits to intervening countries. Because strategic interests are what motivate the intervention, the people in need of the protection are not being prioritized, and many times there is corruption to reach the end goals.

Having a clear picture of what is going on in the ground, having credible facts and information and being able to predict the consequence of the intervention are also essential to the success of intervention. Otherwise, this may lead to more chaos, for example, by funding terrorist groups which in the end commit human rights abuses of their own. It is especially essential to exhaust non-military means first. Sometimes more death and destruction ensues from the use of military force, and so peace dialogues and negotiations should take place and

should be fair for both sides. In all the cases I've presented so far, no fair and genuine efforts have been made to end the violence.

Having pure motivations is not enough to guarantee the success of intervention, however, its absence will usually mean a high chance of failure and widespread corruption. This in the end creates its own human rights violation, the same thing the intervention was supposed to stop. If all the six factors are earnestly applied, there may be hope for the success of humanitarian intervention in ending human rights violations. Otherwise, failure, or at the very least corruption, will be widespread.

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