# Introduction

> *The emerging global convention of a 'Responsibility to Protect' was conceived as a universal principle of protecting fundamental human rights – not as a license to make war in the name of peace.*[1]        Kofi Annan, 2012

## The Continuing Problem

In the year 2000, to coincide with the turn of the millennium, Kofi Annan, the then secretary-general of the United Nations, released a report in which he discussed at length the role of the UN and the challenges faced by the organisation in the twenty-first century.[2] Annan's detailed reflections extended from questions of globalisation, peacekeeping, the global struggle to overcome poverty, and long-term environmental and climate protection to the structural reform of the UN and its various agencies and sub-organisations. They were intended as proposals to the member states of the UN ahead of its millennium summit, at which joint solutions to pressing problems both present and future were to be discussed. A central concern of Annan's was the propagation of universal human rights, and he accordingly pushed to bolster the international protection mechanisms already in place. His proposed strategies not only included the establishment of the International Criminal Court and the general strengthening of international humanitarian law, but also implied the concept of humanitarian intervention – the direct intervention, ultimately backed up by force, in the internal affairs of a sovereign state for the purpose of protecting humanitarian norms.[3]

Annan, who before being elected the seventh secretary-general of the UN had for three years headed the organisation's Department of Peacekeeping Operations (DPKO), was fully aware of the contradiction to the principle of state sovereignty this entailed:

I also accept that the principles of sovereignty and non-interference offer vital protection to small and weak states. But to the critics I would pose this

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question: if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity? We confront a real dilemma. Few would disagree that both the defence of humanity and the defence of sovereignty are principles that must be supported. Alas, that does not tell us which principle should prevail when they are in conflict.[4]

Although Annan here was clearly aware of the dilemma of intervention, he concluded with a plea in favour of armed military intervention as a last resort in order to retain an effective instrument against mass murder and crimes against humanity. Annan's position was clearly influenced by his own dramatic experiences as head of the DPKO from 1993 to 1996 and reflects the lessons learned from the international community's abject failure during that period.[5] The UN and its locally stationed peacekeeping troops were completely out of their depth and proved unable to prevent either the genocide of an estimated 800,000 Tutsi by their Hutu compatriots in Rwanda or that of over 8,000 Bosnian Muslims by Serb forces in the so-called safe area declared by the UN around the town of Srebrenica.[6]

The secretary-general's words did not go unheeded. It was in reaction to his proposals and against the backdrop of fierce political controversy over the UN Security Council's incapacity for concerted action – this time brought on by the 1999 Kosovo crisis and the subsequent military intervention carried out by the North Atlantic Treaty Organization (NATO) without a UN mandate – that the International Commission on Intervention and State Sovereignty (ICISS), which had been founded specifically for that purpose, addressed the subject of humanitarian intervention in September 2000.[7] After a year of deliberation the expert panel, which had been founded at the suggestion of the Canadian government, delivered its final report in December 2001. Entitled *The Responsibility to Protect*, it redefined the principle of sovereignty.[8] Sovereignty, it argued, was to be understood not only as a state's power and right under international law to control its internal affairs as it saw fit, but also entailed an overriding obligation to ensure the protection of individuals in its territory. In cases where a state was found no longer to be fulfilling this duty, the ICISS argued that: 'Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.'[9] In other words, if and when a state should prove unable to guarantee its populations basic rights, the principle of non-intervention is rendered void and the responsibility to protect passes to the international

community, which may exercise it – as a last resort – by force.[10] The concept of the responsibility to protect (R2P) was heralded as a decisive normative breakthrough in international relations and given international recognition at the 2005 UN summit. On the occasion of the sixtieth anniversary of the UN's founding, all its member states joined officially to affirm that '[e]ach individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity'.[11]

The robustness and practicability of this new R2P formula was first put to the test by two conflicts which, at the time of writing, remain unresolved. Following severe assaults on the civilian population by the Libyan regime of Muammar Gaddafi, on 17 March 2011 the UN Security Council adopted Resolution 1973, in which the council referred explicitly to the concept of the responsibility to protect in authorising UN member states to take such measures as might be necessary to protect the civilian population of Libya.[12] As a consequence of this decision, NATO launched air strikes against Gaddafi's forces, thereby intervening in the civil war on the opposition side and contributing decisively to the regime's collapse. In a later interview, Jan Eliasson, deputy secretary-general of the UN, justified the international military intervention by arguing that Gaddafi's public announcement of atrocities against Libyan civilians constituted a 'Srebrenica moment' in which the international community was bound to intervene.[13] This application of R2P notwithstanding, the international community remains divided on the question of whether and when severe human rights violations might authorise intervention in the internal affairs of a sovereign state. The continuing civil war in Syria in particular underscores how this question is still one of the most controversial in international politics today.[14]

The dilemma between unqualified respect for state sovereignty and the protection of universal humanity as it presents itself today is not, however, one that made its first appearance at the turn of the twenty-first century. Already during the long nineteenth century[15] – in the period, that is, from the French Revolution to the First World War – the question was not only the subject of much fervent controversy in international politics, it also surprisingly often concerned the same trouble spots that dominate contemporary debates. Over 150 years ago a civil war in what was then the Ottoman province of Syria mobilised international public opinion and subsequently led to a multilateral military intervention. Yet humanitarian crises throughout the Balkans and in Africa also repeatedly gave rise to similar debates within the Concert of Europe. A key part here was played by the problem of the transatlantic slave trade, which – involving as it did the abduction and transport by force of more than

12 million Africans – must surely rank among the greatest humanitarian disasters of all time. The slave trade and its suppression posed fundamental questions in politics and international law that contributed crucially to the development of a humanitarian concept of intervention, including the use of armed force. The United Kingdom, which had first deployed naval squadrons off the coast of West Africa to suppress the slave trade in 1808 and kept them there for over sixty years, took on a central role in this international endeavour.

The nineteenth century, as this book will argue, was the true 'century of humanitarian intervention', in which the idea of protecting and enforcing humanitarian norms by military force emerged across a variety of theatres in Africa, Asia, Europe and America, took on a definite shape in colonial and imperial contexts, and ultimately was enshrined in core texts in international law. Starting with the abolitionist efforts made under British leadership, this book will consider further historical examples, such as the repeated interventions by the great powers for the protection of Christian minorities within the Ottoman Empire or that of the United States in the Cuban war of independence, and reveal the ways in which they were connected. Its aim is above all to demonstrate the reciprocal relations between theoretical discourses and the practical enforcement of norms of international law, thereby tracing the historical process of development by which a concept of humanitarian intervention took shape. How was it possible for the idea of humanitarian intervention to become a firm part of international politics? The task at hand is to show which actors left their respective marks on the concept of humanitarian intervention and how it is intertwined with established narratives of humanitarianism and internationalism as well as colonialism and imperialism.

At the analytical level, this study takes its cue from a definition of humanitarian intervention as it has been convincingly proposed by such political scientists as Jeff L. Holzgrefe. According to Holzgrefe, the term denotes 'the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens'.[16] Although the definition varies slightly across the extant literature, most scholars agree on the three core elements, namely outside intervention in the internal affairs of a sovereign state, the predominance of humanitarian intentions and the forceful nature of the intervention.[17] Many studies thus use the term to refer straightforwardly to the use of military means of coercion as distinct from other forms of humanitarian action. Accordingly, the manifold activities of international organisations in the twentieth century – such as the United Nations High Commission

for Refugees (UNHCR), the International Red Cross Committee (ICRC) and Médecins Sans Frontières – are not usually considered humanitarian interventions, but instead described as 'humanitarian aid', 'humanitarian protection' or 'humanitarian assistance'.[18] Several authors have, in this context, pointed out the importance of maintaining a clear, methodical distinction between military and civilian measures in order to maintain conceptual precision.[19]

From a historical perspective in particular, it seems highly desirable to limit the analytical scope of the concept of intervention to the aspect of coercion. In its conceptual history the term, which became established in political usage only in the course of the nineteenth century, did in fact refer primarily to the outside intervention by force in the internal affairs of another state – though below the threshold of all-out war.[20] The present study therefore focuses on foreign policy and military intervention as practised by states – government policy, in other words, aimed at the resolution of humanitarian crises. Yet this should not be taken to imply that, conversely, non-state actors and developments in civil society were of no consequence for this analysis. The opposite is the case: Social reform movements, which often acted in international concert, frequently played a decisive part in initiating key debates and pushing governments to take action in the first place. Even before the twentieth century, non-state actors were often the driving force behind policies of intervention in the name of humanity, thereby exerting a significant influence on international politics in the nineteenth century.

A closer look reveals a multifaceted history of interconnection between actors, both state and non-state, encompassing a broad range of groups and individuals including African slaves, abolitionists, slave traders, naval captains, diplomats, cabinet ministers, public lawyers and journalists. The methodical linkage established here between developments in civil society, transnational campaigns, foreign policy initiatives and military intervention means that this book is situated at the intersection of international political, legal, cultural, intellectual and diplomatic histories. The aim of this multi-perspectival and integrative approach is to offer a foundational contribution to the new historiography of international relations, international law and international humanitarianism in the long nineteenth century.

In the present context, humanitarianism cannot be understood apart from the history of violence. Recent scholarship has ever more forcefully connected the phenomenon's historical origins with the subject of imperialism, thereby establishing the notion of an 'imperial humanitarianism' or a 'humanitarian imperialism'.[21] This book owes much to these studies, although they tend largely not to discuss instances of outright

military intervention. By contrast, here I shall argue that the concept of humanitarian intervention by force materially influenced a variety of practices applied in the colonial and imperial context. In fact, it was an element central to colonial and imperial infiltration, for it allowed states to take concrete measures to intervene in the internal affairs of other sovereign states across the world under the banner of humanity and civilisation. Understood thus, humanitarian imperialism did not consist only of religious missionary activity, civilian reform projects for the benefit of indigenous peoples or humanitarian relief in cases of famine or natural disaster, but explicitly also of concrete military operations and the means and measure of coercion they entail. It is this violent aspect of humanitarianism in the long nineteenth century which is often over-looked and which deserves closer consideration in its broader historical context.

### The State of the Question

Over the past twenty years, humanitarian intervention and related topics have been discussed mostly by scholars of international law and political scientists who, between them, have produced a vast and thriving body of literature. At the methodical level, both disciplines clearly favour a normative approach. Among scholars of international law, the dominant question naturally concerns the lawfulness of this form of outside intervention and specifically, assuming such lawfulness to be conceivable, what legal criteria might be applied to interventions by force in the name of humanity. The principal focus lies on the dilemma in international law, already outlined, between safeguarding the principle of state sovereignty and the growing importance accorded to the idea of protecting universal human rights. Some scholars of international law take a long view of legal history, considering the medieval doctrine of international law and sixteenth- and seventeenth-century natural law approaches in the work of Hugo Grotius and Emer de Vattel as well as the development of positive law in the nineteenth century.[22] Scholars of international law draw on these historical precedents to establish whether a doctrine of humanitarian intervention might already be said to have existed prior to 1945 in international customary law. Aside from such exercises in legal history, however, much recent scholarship considers current debates over a right to intervention within the framework of the Charter of the United Nations and whether the concept might be developed to include a responsibility to protect on the part of the international community.[23] The 1999 intervention in Kosovo, carried out by NATO without a UN mandate, is often invoked as the cause célèbre against which to weigh

questions of the legality and legitimacy of humanitarian interventions and their far-reaching consequences for international law.[24]

Political scientists, meanwhile, largely restrict their analyses to the twentieth and twenty-first centuries, situating the question of humanitarian intervention in the context of contemporary international politics and analysing it through the lens of various theoretical approaches to international relations. In examining the political dilemma of intervention, more recent studies favour a multidimensional analysis in which a variety of ethical, legal and political aspects are interwoven.[25] The role of the international community and the mechanisms by which it responds to human rights violations continue to be the central questions. Across the disciplinary boundary, political scientists and scholars of international law broadly agree that the emergence of a new world order after the end of the Cold War marks the decisive watershed. While East and West were locked in a stand-off, military interventions on humanitarian grounds did not look like a viable option for several decades. Among the rare exceptions are India's intervention to protect the civilian population of East Pakistan (Bangladesh) in 1971, that of Vietnam in Cambodia in 1978, which put an end to the atrocities of the Khmer Rouge regime, and Tanzania's intervention in Uganda, which unseated the murderous dictator Idi Amin in 1979. In the conventional view, then, the 1990s witnessed a veritable 'explosion of intervention with largely humanitarian justifications'.[26] The end of the bipolar global order brought on by the collapse of the Soviet Union allowed the United Nations to assume a more active role in promoting international security and peace. Something of a series of new conflicts – from Iraq and Somalia to the former Yugoslavia – combined with this new scope for action to increase the UN's involvement in humanitarian crises in both qualitative and quantitative terms.[27]

Taken together, these interpretations form a genealogy in which humanitarian intervention appears as a phenomenon of the present day and recent past, and at any rate one lacking a long and complex history. The dominant normative approach leaves little scope for a historical interpretation and marginalises relevant cases from previous centuries. Most studies make at best cursory mention of such historical precedents as the intervention of the great powers of Europe in the Greek war of independence (1827) or the Syrian civil war (1860–61).[28] While some authors leave it at such isolated references, others – such as Gareth Evans, former deputy head of the ICISS – go so far as to call the 400 years between the Peace of Westphalia and the Holocaust an age of institutionalised indifference to humanitarian concerns. Evans argues that the principle of unlimited sovereignty enshrined in the Westphalian system

had meant that virtually no intervention during that period could be
ascribed to purely humanitarian motivations rather than to interests of
national security.[29]

Such a view invites contradiction. If purely humanitarian motives were
to be adduced as the sole valid criterion for a humanitarian intervention,
then no such thing would ever have existed. It would be a fundamental
misapprehension to suggest that a state would ever lay its military
resources and the lives of its troops on the line from pure altruism and
in answer to the call of humanity. In the past no less than in the present,
humanitarian interventions were virtually always driven by a mixture of
motives on the part of those involved. Humanitarian motives, as this
book will argue, are only one of a whole range of motivations that might
at any given time include economic, colonial, imperial, geostrategic and
security concerns.[30] What is more, a sweeping dismissal of the period
from the mid-seventeenth to the first half of the twentieth century as an
era of 'humanitarian indifference' completely disregards the thriving
historical research into the early history of humanitarianism and human
rights. Recent historical scholarship has been explicit in locating a genu-
ine 'humanitarian revolution'[31] in that very period. People began to
empathise with their fellow human beings, and not only close to home,
in familiar contexts, but across borders and even continents. Far from
being indifferent, individuals were mobilised by a sentimental and moral
'humanitarian narrative' to take an interest in the plight of strangers and
to campaign for the relief of their suffering.[32] This burgeoning new
sensibility precipitated a wave of humanitarian reform projects in western
European and North American societies, leading ultimately to the
founding of a number of humanitarian movements.

Yet historical scholarship long neglected the connection between this
emergent humanitarianism and policies of state intervention – a connec-
tion that forms the focus of this book. Only a few studies of the early
history of minority protection and human rights as well as on nineteenth-
century international politics so much as hint at this connection. For
instance, although Carole Fink's important *Defending the Rights of
Others: The Great Powers, the Jews, and International Minority Protection
1878–1938* examines the European great powers' diplomatic interven-
tions on behalf of persecuted religious minorities, she focuses largely on
Jewish populations while overlooking earlier international interventions
in support of Christians in the Ottoman Empire. Her assertion that
'when several thousand Maronite Christians were massacred in
Lebanon in 1860 and hundreds of rebels slaughtered in Crete in 1866,
the western powers were silent' is inaccurate.[33] Even Paul Gordon's *The
Evolution of International Human Rights: Visions Seen* gives only the very

briefest sketch of these interventions by the great powers.[34] Although the accounts of the history of nineteenth-century international relations by such historians as Jürgen Osterhammel and Matthias Schulz place a stronger emphasis on the overall question, they mention humanitarian intervention only in passing.[35] Mark Mazower not only omits case studies of humanitarian intervention in the nineteenth century from *Governing the World: The History of an Idea*, his history of internationalism, but even devotes a chapter to repeating the political science view that links the emergence of both the concept and the practice solely with the end of the Cold War.[36]

Only some of the more recent English-language studies display a shift towards an understanding of humanitarian intervention in its own right and draw up a genealogy in which the concept's long history is rendered visible. The seminal work here is *Freedom's Battle: The Origins of Humanitarian Intervention*, in which Gary Bass examines the various interventions by the great powers in the Ottoman Empire over the course of the nineteenth century.[37] While Bass does discuss some aspects of intervention as a historical phenomenon, his overall concern is less historiographical than political: to vindicate and to propound the concept of humanitarian intervention as such. Historical precedent is accordingly invoked as a set of guidelines to be deduced directly from the past – lessons, he states explicitly, to be heeded in the political decision-making processes of today: 'The nineteenth century shows how the practice of humanitarian intervention can be *managed*.'[38] But this political agenda comes at the cost of a thorough historical analysis of the phenomenon of humanitarian intervention as it relates to the emergent concept of humanitarianism and the development of international law, but also and not least its manifold intertwining with colonialism and imperialism.[39]

Like Bass, Davide Rodogno, in his book *Against Massacre: Humanitarian Interventions in the Ottoman Empire 1815–1914*,[40] concentrates exclusively on the various instances of great power intervention in the Ottoman Empire. Instead of pursuing a political agenda, however, Rodogno's perspective is thoroughly historical, and his is the first genuinely historical monograph on the topic. The story it tells is one in political history, and its aim is to show how humanitarian intervention emerged from the peculiar relationship between the European great powers and the Ottoman Empire. Rodogno situates the practice of intervention in the international context of the simmering 'Eastern Question' and its various geostrategic implications. In his account, nineteenth-century humanitarian intervention appears as a practice that served only to protect Christian minorities and was restricted to a clearly

defined geographical area – that of the Ottoman Empire – where it was repeatedly enacted.[41]

As valuable as Rodogno's analysis of these historical precedents and their significance is, he has nothing to say about interventions on behalf of non-white, non-Christian populations in other parts of the world. This question is addressed in *Humanitarian Intervention: A History*, a collection of essays edited by Brendan Simms and David Trim, which marks the first attempt to present a history of humanitarian intervention covering multiple areas of the world in a *longue durée* perspective ranging from the sixteenth to the twentieth century.[42] Their narrative is structured chiefly along geopolitical coordinates and their shift over the course of four centuries. Against the 'Westphalian paradigm', the notion of the absolute validity of the territorial principle of sovereignty, they maintain 'that the concept of Westphalia as originating a system of states whose sovereignty was absolute simply is not true'.[43] It was therefore possible, under certain circumstances, for humanitarian and geopolitical concerns to fuse and create a space for humanitarian interventions. In answering the question of how far back the history of humanitarian intervention might be traced, the editors make a conscious choice in favour of including examples from the early modern period, which, they argue, represents something of an incubation period. Early modern notions of interests common to Christendom formed the point of departure for subsequent evolutionary steps, taking a linear course via the history of Enlightenment thought to modern-day concepts of humanitarian intervention and universal human rights.[44]

Another publication, by the political scientist Alexis Heraclides and the historian Ada Dialla, also concentrates almost exclusively on the well-examined case studies from the Ottoman Empire.[45] Yet the book's division into one section on the theory and another on the practice of humanitarian intervention means that each subject is treated in isolation rather than both being considered in their interrelatedness. Moreover, Heraclides and Dialla, whose book is based entirely on secondary literature without drawing on archival research, do not situate their book in the thriving field of research on the history of humanitarianism, and nor do they refer to its key debates. In their book, as well as in the other studies briefly discussed here, the abolition of the slave trade is barely considered at all, meriting at most a passing mention.[46]

### Structure and Sources

Against this backdrop of debates in contemporary scholarship, this book follows a new approach, departing from the geographical and thematic