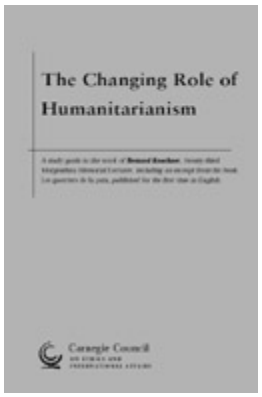
CARNEGIE COUNCIL
The Voice for Ethics in International Policy

The Changing Role of Humanitarianism: A Study Guide to the Work of Bernard Kouchner

Twenty-third Annual Morgenthau Memorial Lecture

Bernard Kouchner

September 22, 2004



The Changing Role of Humanitarianism

$5.00 domestic

READ FULL TEXT BELOW. PRINT COPY ALSO AVAILABLE FOR PURCHASE.

Add to Shopping Cart

- Foreword
- Introduction
- Book Excerpt
- Discussion Questions
- Recommended Resources

Foreword

The annual Morgenthau Memorial Lecture on Ethics and Foreign Policy is a highlight of the Carnegie Council's program year.

It gives the Council community an opportunity to hear an important moral voice. It also provides an occasion for reaffirmation of the idea that through education and experience we can do better in this world, especially when it comes to promoting human rights and social justice.

At this year's lecture, the twenty-third in the series, we celebrated two anniversaries. We marked the 100th anniversary of the birth of Hans Morgenthau, born in 1904 in Coburg, Germany; we also marked the ninetieth anniversary of the founding of the Carnegie Council, born in 1914 in Andrew Carnegie's living room on Fifth Avenue.

It is fitting in some ways that Carnegie and Morgenthau are linked. An unlikely pair? For sure. Carnegie was the prototypical millionaire industrialist and philanthropist, Morgenthau the quintessential scholar and teacher. But both men were by nature idealists. Both were propelled through life by an overwhelming sense of destiny and moral duty. Both understood that power was in desperate need of direction, of moral purpose. And both saw their life's work as providing a moral framework for a more peaceful and more just world.

Both Carnegie and Morgenthau were immigrants to America. The circumstances that led to their emigration were of course very different. Carnegie came to Pittsburgh as a young boy in the 1850s with his family, an economic refugee from Scotland seeking opportunity. Hans Morgenthau came to America in the 1930s on his own, a penniless academic, fleeing the Nazis and seeking merely to survive.

And while these two men could not have been more different in terms of their life stories, personalities, talents, and careers, both were self-made—the kind of men who make a difference through their creative genius and sheer force of will. Both were thinkers as well as doers. They wrote books but also used their acquired influence to lobby the world's political leaders.

While Carnegie and Morgenthau never actually met, in a sense they do so every year at this lecture. Their legacies built the Carnegie Council, and their ideas still animate all the work that we do. On the occasion of the Morgenthau Memorial Lecture we honor both of their memories by taking a hard look at the problems confronting our world today. It is in this spirit and the spirit of mutual learning that we invited Dr. Bernard Kouchner to be the 2004 lecturer.

In the same tradition as Andrew Carnegie and Hans Morgenthau, Bernard Kouchner has distinguished himself as both a doer and a thinker. He is a man of ideas and of action. He is a builder of institutions. He is a resource and a role model for all of us who care about humanitarianism and the relief of human suffering.

Bernard Kouchner was a cofounder of the Nobel Prize-winning Médecins Sans Frontières/Doctors Without Borders. A medical doctor by training and profession, he has been a major voice and a major player in international humanitarian aid efforts for more than thirty years.

Dr. Kouchner has held ministerial positions with different French governments and recently served as the UN Secretary-General's Special Representative for Kosovo. He brings with him unparalleled experience in public health, human rights, and international politics.

Dr. Kouchner is the author of several books and cofounder of two news magazines. He is the recipient of several human rights awards including the Dag Hammarskjöld Prize and the Prix Europa.

-- Joel H. Rosenthal

Introduction

Bernard Kouchner's passion for human rights, his unstinting commitment to humanitarian causes, and his charismatic personality have made him one of the most admired figures of our time. He is regularly voted the "most popular political figure" in his native France, and he was recently chosen as one of Time magazine's 100 most influential people of 2004, in the category of "Heroes and Icons." But his career has not been without controversy. In this brief biography we chart the course of Kouchner's involvement in humanitarianism. His life is at once a moving story and an up-close look at the fissures within the humanitarian aid community.

The Medium Is the Message

In 1979 Bernard Kouchner, then president of the medical aid group Médecins Sans Frontières (MSF), chartered a hospital ship to Bidong Island in Malaysia and to the Anambas Islands in Indonesia to assist the hundreds of thousands of people escaping Vietnam by boat.

It was a moment of triumph for the young doctor, who had long held the conviction that it is never enough to help victims of human rights abuse: humanitarians must also speak out about the atrocities they have witnessed. These views had taken shape during his more than ten years in the field, beginning with his service as a medic during the Nigerian-Biafran civil war.

Thus Kouchner's "boat to rescue boat people" (it would soon be followed by six others) was not just a field mission: it was a media event. On board were a number of Western journalists whom Kouchner had invited in hopes of generating publicity about the plight of the refugees, tens of thousands of whom had already perished at sea. In his view, it was just as important to mobilize Western public opinion around the humanitarian disaster as to give medical and surgical care to survivors.

However, many in MSF were uncomfortable with Kouchner's Vietnamese boat project. They saw it as a publicity stunt that deflected attention away from the true nature of the humanitarian assistance, which is administered away from the limelight and does not seek public comment. Some also saw Kouchner's project as a slippery slope: if aid groups flock to media-focused conflicts, then they might not heed the call of victims in forgotten or neglected parts of the world.

As a result of this dispute, Kouchner (along with several others) broke with MSF to found a rival organization, Médecins du Monde/Doctors of the World. Under Kouchner's leadership, the new group went on to stage such campaigns as "a plane for the refugees for El Salvador," "a boat for Lebanon," and "rice for Somalia."

During the Somalian operation, Kouchner posed on a Mogadishu beach carrying a sack of rice on his shoulder—and once again was reviled for turning an act of charity into a media event. As journalist David Rieff has written in his thought-provoking book, A Bed for the Night: Humanitarianism in Crisis: "In the humanitarian world, Bernard Kouchner, for all his acknowledged virtues and charisma, has long had a well-deserved reputation for being publicity-crazy."

From Kouchner's point of view, however, "publicity-crazy" is "publicity-smart": speaking out about atrocities is the only way to help prevent them. As he remarked during the twenty-third Morgenthau Memorial Lecture, "The media creates pressure on public opinion. Without this pressure, there is no pressure on politicians, who are sensitive only to pressure from people within their own countries."

Notably, Kouchner's determination to transform the way aid groups do their public campaigning was a decisive factor in awarding MSF the Nobel Peace Prize in 1999. In recognizing MSF, the Nobel Committee acknowledged Kouchner's pivotal role and praised the group's founders for helping to engage public opinion against oppressive regimes whose policies have led to humanitarian catastrophes.

Kouchner's Activist Roots

Born in 1939 in Avignon, France, to a Jewish father and a Protestant mother, Kouchner identifies with the "generation that emerged too young to be able to participate in the war that invented the holocaust." Kouchner says he followed his father into medicine in part because he admired him and in part because the experience of growing up during the Holocaust had instilled in him the desire to "fight against the savagery of men." At an early age, he chose the vocation of "peace warrior."

While still a medical student, Kouchner seized the opportunity to join the group known as the "French doctors," which were assisting the International Committee for the Red Cross (ICRC) with its operations in famine-stricken Biafra. He once told Time magazine, "I ran to Biafra because I was too young for Guernica, Auschwitz, Oradour, and Setif."

The ICRC required doctors to sign a vow of discretion; but Kouchner and his fellow French doctors were so horrified by the atrocities they saw being committed against the Biafrans that as soon as the war ended, they broke with the ICRC to found Médecins Sans Frontières (MSF), the world's first nongovernmental organization specializing in emergency medical assistance.

MSF's slogan "soignez et temoignez" (care for and bear witness) directly contradicted the position of neutrality and silence that the Red Cross had assumed. As Kouchner put it in his remarks to the Carnegie Council: "Neutrality, never. Don't confuse those who are hit by bombs with those who are throwing the bombs. Impartiality, yes—we have to take care of all of the victims on both sides."

The new group was furthermore determined to develop a reputation as the aid agency that remains behind even when others pull out.

The Humanitarian Right of Intervention

MSF's founding members were highly critical of traditional aid agencies for their failure to surmount legal and administrative obstacles to get to people in need. Health workers, they argued, should break rules and cross borders—illegally if necessary—to respond to the call of the suffering.

Particularly in the early years, MSF was criticized for taking such a rebellious approach (its doctors soon earned the epithet of the "hippies of medicine"). Some saw it as the modern version of the ethic of service to the colonies that Britain had preached a century ago, when Rudyard Kipling wrote of the "White Man's burden." To Kouchner's mind, however, such criticisms were unfounded. Health providers who cross borders "do not behave like colonialists" because "we arrive only on request. Also, we are there to protect the weakest and the disinherited, not the strong."

The way Kouchner saw it, far from being a throwback to another era, MSF had hit upon something truly revolutionary in its approach to interventionism, with important implications for the international community at large. He thought that an intellectual leap could be made from the right of health workers to challenge the law under dire circumstances to the right of states to challenge the sovereignty of other states—what he terms the "right to interfere."

In 1987, law professor Mario Bettati and Kouchner coauthored an influential work Le devoir d'ingérence: peut-on les laisser mourir? (The duty of interference: can we leave them to die?). Drawing on Kouchner's years of witnessing the fallout of human conflict, they argued that states have not only a right but also a moral obligation to override the sovereignty of other nations to protect human rights. Just over ten years later, NATO would invoke the same doctrine to justify the bombing of Yugoslavia.

Despite the growing acceptance of Kouchner's views on the "duty to interfere," many activists regard humanitarianism and politics as a potent cocktail, pointing out that it creates fundamental misunderstandings about the nature and origins of the humanitarian mission. As Rony Brauman, another former MSF president, writes, humanitarians must always ask, "Who needs help because of this war?"—not "Who is right in this war?" They should get involved with politics only to the extent that it enables them to "obtain sufficient freedom of movement so that they are able to assist the victims."

Moreover, as David Rieff has observed, mixing aid and human rights aims can result in aid groups adopting a position of "moral overreach or even hubris," with the consequence that they sometimes blunder into situations where they stand to do more harm than good. For example, according to Rieff, although some humanitarians based in Biafra during the civil war believed at the time that genocide was taking place, subsequent studies have suggested that it did not, and that the ICRC was correct in its policy of discretion. In fact, therefore, MSF was founded on what its former president Rony Brauman has called a "productive mistake." (See David Rieff transcript at www.carnegiecouncil.org.)

Still more worrying, as humanitarian aid groups proceed down the path of identifying closely with national governments or UN agencies, they are at greater risk of becoming military targets. By the same token, they set

themselves up as apologists for Western governments, who can point to relief efforts as a way of shirking their responsibility to take constructive action.

So will Kouchner's notion of the politics of humanitarianism prevail, or will it be supplanted by the more traditional idea of humanitarianism-against-politics? Clearly, some hard strategic thinking is required if humanitarian aid groups are to deliver emergency aid and avoid putting their field workers at unnecessary risk.

Kouchner as Politician

One of the most striking features of Kouchner's life is his passion for politics. As he told his Carnegie Council audience, "I love politicians acting as humanitarians and vice versa. I do not advocate a complete, strict, rigid separation between the humanitarian and the political worlds." Against this background, it is hardly surprising that Kouchner has had another incarnation as a politician, holding a variety of ministerial posts under several French governments.

Kouchner the politician quickly earned notoriety for having the courage to speak his mind even when it meant having to betray partisan interests. He was also taken to task for being overly political. "When I was Minister of Health," he told the Morgenthau audience, "I was accused of politicizing the ministry because I was looking at public health issues and not simply coming up with ways to take care of patients."

In 1999 Kouchner's political skills and acumen were put to the supreme test when UN Secretary-General Kofi Annan sent him to Kosovo as his special representative and head of the UN's civil administration for the province. Many saw this appointment as the achievement of a lifetime of work for human rights. Kouchner, however, admits that there were limits to what he could accomplish in such a difficult situation. "In a way, we saved the Albanians. That said, we didn't protect the Serbs in the province enough because it was difficult to do so. This remains my deepest regret."

At sixty-five, Kouchner remains a prominent moral voice on international affairs and continues to be deeply involved in the questions that are shaping the future of the movement that he worked so hard to create. Most recently, he spoke out about the Bush administration's decision to wage war on Iraq. As we shall see in the excerpt from The Warriors of Peace, he interpreted the situation rather differently from most French government officials as well as European intellectuals, emphasizing that Iraq met the two main criteria for the "right to interfere." First, the Iraqi people had long been calling out for help: "They wanted to be rescued and liberated." Second, Saddam Hussein was the kind of leader "absolutely not worthy of the international community's respect," having killed 500,000 of his own people (according to Saïd K. Aburish, in his book *Le vrai Saddam Hussein*).

But while Kouchner was one of the few public figures in France to express support for deposing the "bloody reign" of Saddam, he opposed the Bush administration's strategy. In a February 2003 article in *Le Monde* called "Ni la guerre ni Saddam" (Neither war nor Saddam), he urged that international and diplomatic pressure be brought to bear on Iraq before resorting to the use of military force.

* * *

In some sense, the war in Iraq attests to Kouchner's prescience in identifying the key issues of modern humanitarianism. For instance, the movement continues to wrestle with the question of whether aid groups belong in media-focused wars. (MSF for one has withdrawn from Iraq in favor of concentrating on more pressing humanitarian crises in West and Central Africa.)

In addition, Iraq makes clear the danger of humanitarian interests becoming too closely tied to those of Western powers. The head of the US Agency for International Development, Andrew Natsios, recently informed the leaders of American humanitarian aid groups that he sees them as an "arm of the U.S. government." Is it any wonder, then, that aid workers are now facing unprecedented threats—as tragically evidenced by the bombing of the headquarters of the International Committee of the Red Cross and UN mission in Baghdad nearly a year ago?

At the same time, Iraq also demonstrates the impact of Kouchner and other leading humanitarians on the direction of traditional foreign policy. This was evident in the months leading up to the war on Iraq, when humanitarian goals were made explicit and given almost equal status to the security goals of that offensive. To give Kouchner the last word: "The international community has experienced some major defeats such as occurred in Rwanda. Nevertheless, I continue to believe that ethics can be part of international affairs. The globalization of information has led to a globalization of involvement, of understanding, along with a global debate about the right to intervene in order to protect minorities and victims of persecution. All of these trends are a sign of substantial moral progress."

-- Mary-Lea Cox and Madeleine Lynn

Excerpt

Bernard Kouchner served as UN special representative to Kosovo from 1999–2001. "I have never been happier than in Kosovo," he recalls in The Warriors of Peace (2004). "I felt that I was being useful there, inspired by two convictions which are really one: humanitarianism and politics." The book reflects on his time in the Balkans, on the lessons he believes that the Kosovo experience holds for Iraq, and on the principle of "the right to interfere," which continues to guide his life.

Two consecutive translated and edited passages appear below, from the chapter "Du devoir d'ingérence au pouvoir d'ingérence" (From the duty to interfere to the power to interfere). In the first, Kouchner describes the challenge he and his humanitarian colleagues faced in getting international law changed to protect victims of state atrocities. In the second, he offers some thoughts on how the recent intervention in Iraq compares with that in Kosovo.

Changing the Law by Breaking It

Who is responsible for the misfortunes of others? Do we have the obligation to prevent massacres? How do we protect minorities? These questions were missing from the quarrel that erupted between the United States and France against the backdrop of the Iraqi dictatorship and Saddam Hussein's massacres of his own people. The debate, however, was hardly new; change in the international order had begun with the creation of the UN Charter in 1945 and the Universal Declaration of Human Rights in 1948, which allowed a response to appeals for interventions in the case of natural disasters and similar emergencies.

In September 1933, at the Council of the League of Nations, Franz Berheim, a German Jewish citizen, protested against the Nazi pogroms. The representative of the Reich, Joseph Goebbels, declared without risking punishment: "Gentlemen, a man's home is his castle. We are a sovereign state. Let us do what we want with our socialists, our pacifists, and our Jews." [i] And the Nazis did as they wished. René Cassin, [ii] who later produced the first full draft of the Universal Declaration of Human Rights, attended the meeting but was powerless to do anything. He was the first to express indignation over the "divine right to murder." He was probably already thinking about *le droit d'ingérence*—the right to interfere.

The Holocaust took place, and those who were aware of it did not protest. Members of my generation, the immediate post-World War II generation, wanted to react. With reports of war and torture in Algeria and Vietnam, with the convulsions of communism and then the beginnings of Amnesty International's investigations, began what French philosopher André Glucksmann termed a "humanism of bad news." [iii] We no longer waited for pictures of carnage to protest against it. Since the 1950s, people like me, with strong humanitarian interests, were on the lookout for injustices and massacres taking place within the official borders of nation-states all over the world. We'd had enough of feeling indignant yet powerless.

In the 1960s we began to make progress. Before then, totalitarian states had little to fear from the judgment of their contemporaries. Despots could calmly commit all the domestic slaughters they wanted. Should we let the oppressed die? "Yes," answered the cold-hearted monsters and international lawyers. "No!" cried the activists. But the law stifled the latter's indignation.

"Interference"—the word was frightening; it seemed synonymous with rape. And yet nothing is more consensual insofar as intervention is always a response to a cry for help. The opposite of interference can be considered as the failure to assist a person in danger. The response of states, always the same, was clear: "Mind your own business, be on your way." How should we react to the distress of the wounded and the sick, to flagrant and systematic violations of human rights? Who could stand in judgment, since each time it meant breaking the primary rule on which international law was based: the sovereignty of states? To effect change, we had to present something more than theory or legal argumentation: we had to add sensitivity, a vision of humanity, which had been sorely lacking. To do this, we decided to show the world the eyes of some of the hundreds of thousands of children we had encountered in refugee camps and reunification centers, children who had been abandoned to sit on the bare ground or wander aimlessly along the roads. We had to let the world see them and feel their terrible power. To change the law, we had to become illegal. It was the beginning of "without borderism" and the group known as the "French doctors," the forerunner of Médecins Sans Frontières.

This reminds me of a story. One day the novelist, resistance fighter, and statesman André Malraux said to Emmanuel d'Astier, one of the founders of the French Resistance movement: "In June 1940, you began the Resistance by yourself. You were an outlaw."

"Not alone," responded d'Astier, "but with a butcher, a gas company employee, and a pimp, in a brothel in Collioure. We did it even though we were not allowed to do it. We were children, we felt betrayed by the world of adults. No one is more adventurous than a child."

"I wouldn't use the word 'adventurous,'" Malraux responded. "I would put it in terms of risk and morality. You entered into an encounter with Evil: the Resistance was an underground brotherhood, living in the shadows."

In 1967, when I was a young doctor wondering how to improve international relief (and with d'Astier's words

ringing in my ears), humanitarian law was taught as part of the law of war, which in turn was part of international law. The possibility of aiding victims depended on the legal determination of the nature of the conflict in question. The indignation of civilians did not factor into this determination. It was useless. In official war, relief was only possible with the consent of the governments concerned. This was the only condition under which the International Red Cross could intervene. It would take long years of activism to establish the defense of human rights; at that time no one thought of human rights at the international level. Remember Goebbels's words: "A man's home is his castle."

When we thought about interfering in Biafra between 1968 and 1970, states still had absolute sovereignty and the power of life and death over their subjects. Protecting a people or a community on its own soil, on the other side of a border, was prohibited and often impossible. That was why some friends and I started Médecins Sans Frontières in 1971. Politicians were indifferent to our efforts, and lawyers picked a fight with us. Many years passed—difficult years during which doctors, often in great danger, braved the prohibitions, following their consciences and illegally entering war zones—before any progress was made in the law. We doctors went everywhere: from Lebanon to Vietnam, from El Salvador to Kurdistan, from the Middle East to Africa, from Afghanistan to the China Sea.

If the duty to interfere, supported by public opinion, was gaining ground, the right to interfere was stagnating. The French taunted this French invention with the masochism so common in our country. If we wanted to protect people and prevent their suffering, not only heal their wounds, it became clear to some of us doctors that taking humanitarian action as members of civil society would not be enough. We had to get involved in politics.

It took the combined efforts of a government (that of Prime Minister Michel Rocard), a president (François Mitterand), and the French Secretariat of State for Humanitarian Action [Kouchner was its secretary from 1988–1991] to confer international legal status on victims of state atrocity. It was essential that victims should be able to speak in their own name rather than leaving the prerogative to their governments—who, although they were supposed to protect them, were just as capable of assassinating them with complete peace of mind. Two United Nations General Assembly Resolutions made this evolution possible: Resolution 43.131, adopted in December 1988, which guaranteed rescuers the right of access to victims; and Resolution 45.100, adopted in 1990, which established "humanitarian access" corridors for civilians.

Since that time, the United Nations Security Council and the General Assembly have voted for more than 200 resolutions along the same lines as Resolution 688. We should recall that in 1991, Resolution 688 established the right to interfere to protect the Kurds from Saddam Hussein. The text of the resolution was drafted in the office of Sadruddin Aga Khan in Geneva by four others and me: Sadruddin himself, Javier Pérez de Cuéllar, Stephan de Mistura [all were UN officials; de Cuéllar was secretary-general at the time], and [French diplomat] Jean-Maurice Ripert.

During the UN General Assembly in 1999, Kofi Annan raised this essential question: "If humanitarian intervention in fact constitutes an inadmissible breach of sovereignty, how should we react in the face of the situations we have witnessed in Rwanda or in Srebrenica? What should we do when faced with flagrant, massive, and systematic violations of human rights, which go against all of the principles on which we base our humanity?" With this statement, the prohibition against violating state sovereignty had been breached, once and for all. The Canadian government and a group of large foundations created the International Commission for Intervention in the Sovereignty of States [ICISS], which actually included opponents of the right to interfere, such as former International Red Cross president Cornelio Sommaruga and Russia's first post-Soviet ambassador to Washington, Vladimir Lukin. After extended consultations conducted throughout the world, the commission voted unanimously in favor of the final text.

Recently, the ICISS issued a report, authored by Gareth Evans and Mohamed Sahnoun, called "The Responsibility to Protect." [iv] The UN Security Council discussed the report for two days. I note from this title that diplomacy clings to its sense of propriety: it prefers to speak of "intervention for humanitarian protection" and the "responsibility to protect" rather than the "right to interfere." Be that as it may, there is no difference. Unfortunately, during the last scuffle in the Security Council over Saddam Hussein's Iraq, everyone forgot the progress that my colleagues and I had hoped would be permanent.

But while progress is not yet complete, Mohamed Sahnoun, Gareth Evans, and their friends have defied diplomatic convention in publishing this important text. The "responsibility to protect" may be euphemistic but it is henceforth the name given to the instrument for preventing massacres. The right to interfere invented by the French now has a place in the ranks of the important legal instruments available to the international community.

One state—the Republic of East Timor—was born of interference, something that would have been improbable, perhaps even impossible, just ten years ago (or five, or even yesterday). The suffering in Kosovo sparked an international war, which was initially illegal, before being ratified by the United Nations—as was also the case for Iraq where, since the capture of Saddam Hussein, the hope of freedom is returning.

Numerous examples argue for the effectiveness of the United Nations. And yet in the realm of protecting

populations, its record is far from perfect. Even the Middle East, where we'd given up hope, is beginning its own movement towards peace with the recent Geneva initiative [2003] and with many Israelis supporting the grassroots movement "Peace Now."

I pay homage to those who believed that no tragedy was beyond the reach of their indignation, beyond the reach of their will. They took action not as an excuse to get involved in politics but as an expression of courage. I am especially thinking of those who devoted themselves to the point of losing their lives, to those who sacrificed their Western comfort to come to the aid of men, women, and children elsewhere in the world, where such comforts were and still are unimaginable. Thanks to these warriors of peace, the duty to interfere is today one of the imperatives of the UN Security Council. Thanks to the determination of Kofi Annan, a debate on this important concept—unimaginable a short time ago—has taken place. Tomorrow Auschwitz and the crimes of the Khmer Rouge will be more difficult to accomplish.

I believe in the UN, I believe in the cause of universal democracy and human rights, so often scoffed at by our diplomats. We are gradually forging a consciousness of our universal responsibility. I am sure that Europe can demand more—by asserting itself more, by affirming its values. With the Iraqi crisis, Europe met with a strategic defeat; it has been in the doldrums diplomatically for months on end—and may stay there for several years, perhaps.

There is nothing automatic or easy about the concept of intervention. In practice, protecting the weak proves to be a difficult and hazardous venture, experienced mostly as a battle against oneself, against the temptation to give up. It is a necessary yet overwhelmingly frightening experience, from which one never escapes unscathed. But I believe that after Kosovo and East Timor, after Sierra Leone and Albania, we have a good chance of winning the game—as long as all the conservative forces in the world do not regain power at the same time, in Europe and in the United States. Unfortunately, during the boxing match in the Security Council over Iraq, human rights and the right to interfere beat a dramatic retreat.

This Security Council battle marked a significant defeat for human rights activists, many of whom lined up slavishly behind myopic politicians with no memory, without giving a thought to the indignation and battles of yesterday. These activists apparently forgot the Kurds, the Shiites, and the terrible massacres that took place under Saddam Hussein's Baathist regime. They betrayed the victims and traded in their revolts for personal gain. They played on latent anti-Americanism and hate aroused by an American president who—we should acknowledge—was not the ideal spokesman for the dead Kurds and Shiites (he didn't even mention them in his speeches).

Kosovo: A Precedent for Iraq

In France some friends of human rights who loathed George W. Bush—and I understood where they were coming from—forgot the essential element: the Iraqis. Others stubbornly stood by the side of the victims of Halabja, Baghdad, and Basra. [v] It was not easy to evoke Kosovo throughout this crisis. By bringing it up, you opened yourself up to the same response as if you had referred to the attack on the Twin Towers: "But that has nothing to do with it!" France only remembers the events it chooses to remember.

The NATO bombings against the Serbian army in Kosovo in 1999 were initially as illegal as the intervention in Iraq in 2003. In 1999, Russia threatened to use its veto power in the Security Council, just as France did over Iraq in February 2003. As a result, no vote took place in 1999, and (as in the case of the Iraqi conflict in 2003) UN Security Council members hastened to achieve unanimity and join forces with the international community. Resolution 1244 was unanimously accepted on May 14, 1999, as was Resolution 1483 on May 22, 2003.

Given these similarities, what distinguishes the two crises? "Urgency," some people told me. "Proximity," said others, recalling that unlike Iraq, Kosovo was in the heart of Europe. Such arguments held little weight: it was inaccurate to speak of urgency in the case of Kosovo in referring only to the massacre in Rajak, during which forty-nine villagers—Kosovar Albanians—were killed. We cannot compare the scale of massacres perpetrated by Saddam Hussein with the crimes of Slobodan Milosevic. In Kosovo, during the repression and after the NATO bombings there was a total of approximately 10,000 deaths. In Iraq, Operation Anfal for ethnic cleansing of the Kurds and the massacres of the Shiites in the south resulted in as many as 400,000–500,000 deaths. [vi]

As for the geographical argument, I would raise two objections. The Serbian army, despite its proximity, threatened neither our troop nor European stability. Furthermore, Kosovo was by no means a strategic territory: it had no resources and represented no potential market.

In short, Iraq presented a far more urgent situation than Kosovo did.

There is another aspect to the parallel between Kosovo and Iraq: democratization and the relative success of the international community in Kosovo should serve as an example (but not a model). Unfortunately, the American command in Iraq does not seem to have seriously studied the Kosovar case. None of the advice proposed by international teams was followed, at least not at the beginning of the reconstruction. These mistakes will slow

down the American withdrawal from the country all the more.

In conclusion, I am convinced that when the history of UN peace missions is written, a number of studies will compare these two operations: Kosovo and Iraq.

Discussion Questions

1. While there is no question that relief campaigns like those spearheaded by Bernard Kouchner save lives, such efforts sometimes have unexpected consequences. At worst, humanitarian relief can exacerbate the crisis it sets out to relieve, as was the case with the Ethiopian famine (1984–1985). Should humanitarians aim beyond providing immediate relief? Should their efforts be accompanied by an additional imperative to promote systemic political change?

2. Kouchner says that he does "not advocate a complete, strict, rigid separation between the humanitarian and the political worlds." What is the most ethical relationship between humanitarian aid groups and politicians? Should aid groups merely engage with politicians to obtain access to victims, as Rony Brauman of MSF has argued; or can they work in cooperation with Western powers to secure human rights for all? If the latter, does this put the lives of aid workers at greater risk? See, for example, the dilemmas raised by Rony Brauman in his recent Carnegie Council talk, available at www.carnegiecouncil.org.

3. "To change the law, we had to become illegal," Kouchner writes in *The Warriors of Peace* to explain the genesis of "without borderism," the philosophy on which MSF was founded. But is the notion of crossing borders—illegally if necessary—to respond to the call of the needy a form of neo-colonialism? The 19th century French and British colonizers justified their actions by saying that they were helping the countries they took over: "Take up the White Man's burden— / The savage wars of peace— / Fill full the mouth of Famine / And bid the sickness cease" (Rudyard Kipling, 1899). Who decides where and when to intervene? Kouchner says it should always be a multilateral intervention, preferably led by the UN; yet he admits there are exceptions. NATO, not the UN, led the Kosovo intervention. And once an intervention has occurred, what criteria can be used to judge the success of the effort as well as to determine how long the intervention should last?

4. Kouchner was among the first to recognize how aid groups could help shape public opinion by tapping into the power of the mass media. But does too much publicity inevitably lead, as scholar and writer Michael Ignatieff speculates, to "compassion fatigue" and "donor fatigue"? Also, do aid agencies risk being exploited by the mass media, which likes to highlight their presence on the scene to show that at least someone is doing something to relieve the misery? It is generally assumed that television coverage drives policy, creating a demand that something should be done. According to studies, however, policymakers decide whether to commit their countries to action not according to what they see on the screen but according to whether it is in their country's interests. For instance, three years of dramatic television footage did little to move European policymakers away from their reluctance to commit troops and planes to help end the Bosnian war.

5. Kouchner speculates that when history comes to be written, Kosovo and Iraq will make an instructive comparison. Although Kosovo was a situation of civil war and Iraq was not, in both cases a justification could be made for military action on humanitarian grounds. Furthermore, both military campaigns were conducted without UN support. What lessons can and should be derived from these (and similar) observations? Kouchner goes on to suggest that the international community's democratization efforts in Kosovo might inspire similar efforts in Iraq. Is such a comparison valid, or are we looking at two very different situations?

Recommended Resources

(Arranged by type and in reverse chronological order)

Books, articles & reports

- Kouchner, Bernard. *Les guerriers de la paix: Du Kosovo à l'Irak.* Bernard Grasset, 2004.
- Weissman, Fabrice, ed. *In the Shadow of Just Wars: Violence, Politics, and Humanitarian Action.* Médecins Sans Frontières. Cornell University Press, 2004. See in particular the contribution by Rony Brauman and Pierre Salignon: "Iraq in Search of a Humanitarian Crisis."
- Wheeler, Nicholas J. *Saving Strangers: Humanitarian Intervention in International Society.* Oxford University Press, 2003.
- Rieff, David. *A Bed for the Night: Humanitarianism in Crisis.* Simon & Schuster, 2002. Rieff's appendix includes an annotated list of major humanitarian organizations (and their acronyms). See also his article "The Humanitarian Trap," in World Policy Journal 12.4 (Winter 1995/96).
- International Commission on Intervention and State Sovereignty. *The Responsibility to Protect.* International Development Research Centre, 2001.
- Schnabel, Albrecht, and Ramesh Thakur, eds. *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Intervention, and International Citizenship.* UNU Press, 2000.
- Moore, Jonathan, ed. *Hard Choices: Moral Dilemmas in Humanitarian Intervention.* Rowman & Littlefield, 1998.

Other relevant Carnegie Council resources

- "Humanitarian Aid and Intervention: The Challenge of Effectiveness." Roundtable with Joel Charny, Arthur Dewey, Antonio Donini, and others. *Ethics & International Affairs* 18.2 (Fall 2004).
- Lang, Anthony F., Jr. *Just Intervention.* Carnegie Council Series. Georgetown University Press, 2003.
- "The Meaning of Kosovo." Special section with contributions by Tony Smith, Richard Caplan, Carl Cavanagh Hodge, and Martin L. Cook. *Ethics & International Affairs* 14 (2000).

Notes

[i] See Mario Bettati, *Le droit d'ingérence [The Right to Interfere]* (Éditions Odile Jacob: Paris, 1996). [BACK]

[ii] René Cassin, 1887–1976, Nobel Peace Prize winner for his human rights work, especially his contribution to the Universal Declaration of Human Rights. See Marc Agin, René Cassin (Perrin: Paris, 1968). [BACK]

[iii] See André Glucksmann, *L'ouest contre l'ouest [The West versus the West]* (Plon: Paris, 2003). [BACK]

[iv] ICISS Report (2001), available at www.iciss-ciise.gc.ca. (Plon: Paris, 2003). [BACK]

[v] André Glucksmann, op cit. (Plon: Paris, 2003). [BACK]

[vi] Saïd K. Aburish, *Le vrai Saddam Hussein [The Real Saddam Hussein]* (Saint-Simon: Paris, 2003). [BACK]

Teaching Guide