At the outset, it might be said that a conclusive moral assessment of humanitarian intervention is problematic due to the constant evolution of the practice. Scholars on the subject have to account for the inherent tensions and contradictions that humanitarian intervention presents in their analysis. The Just War Theory is itself a vibrant and severely contested paradigm with differing interpretations of its various criteria. Thus, this research would not state that the Just War Theory solely informs humanitarian intervention decisions, which are basically political decisions of states. What the researcher would state with conviction is that the theory partially informs these policy choices. As argued in most of the chapters, political decisions are always mixed that take into account not only the human rights violations in the target state which prompts the intervention in the first place, but also certain national interest concerns of the intervening state as politicians are influenced by domestic public opinion in sending soldiers to war.

The world of social science is complex and the uncertainty principle plays a strong role. However, the realist argument that humanitarian interventions are primarily motivated by calculations of power and interest of the intervening state that could include among others, hegemonic extension of its sphere of influence, may reflect certain truisms. It is natural for a state to take into account factors that are important to its own natural interest in decisions to intervene. In fact, it has been said that when certain national interests’ variables exist in an intervention, the result of the intervention is not only successful for the intervening state, but also works in favour of the population of the target state, on whose behalf the intervention took place in the first place. The Indian intervention in East Pakistan is a case in point in which the mixture of national interests and humanitarianism worked out in favour of the target state’s population, on whose behalf, the Indian army had intervened.

To state that humanitarianism is a camouflage that states adopts to hide their real motives in intervening is also problematic. Such a statement completely ignores the situation on the ground that human rights violations were taking place on a regular basis in the target state at the time when the intervention took place. It must be noted that intervention succeeds in getting international pressure on the belligerent state to change its policy of
repression. In both case studies in this research, it is well documented that human rights violations were taking place and the use of force by the intervening state or regional organization was successful in putting an end to that. Moreover, it is not wise to speculate that in both cases the decision makers were motivated by the prime purpose of national interest concerns. It might have been the case in the Indian intervention in East Pakistan that the Indian policy makers grabbed the opportunity that the East Pakistan crisis offered of undermining an old enemy, Pakistan, militarily. But there exist no official record of the Indian government making statements to that effect. Whereas there do exist many statements of Indian official condemnation of the Pakistan army’s repression of the Bengalis, and likening it to a genocide. In the case of NATO, it is more or less similar to the Indian case. There were human rights violations in Kosovo and NATO stated that the purpose of its intervention was to avert that situation. The realists points out that NATO was in need of a rationale for its existence after the end of the cold war, and the Balkan wars provided this alliance a chance for capitalist penetration into this communist hub in Europe. However, again, there exist no recorded official statements to substantiate this argument. Whereas statements on the Kosovo intervention being a Just War, fought solely for the purpose of humanitarianism exist not only in the official statements that includes the Clinton Doctrine of 1999, which fueled the intervention, but also NATO official documents that states clearly that human rights was the prime concern of the NATO member states in the Kosovo intervention.

Despite the above argument, the researcher admits that charity and morality are somewhat mysterious and that an uncalculating self-giving or a just cause is always viewed with suspicion. The liberal view that human beings are always motivated by values like freedom, democracy, human rights and a good life for oneself and others may not always hold true, especially when humanitarian intervention decisions that involves the use of force across a state’s border are primarily political decisions. Political decision makers might be motivated by humanitarian concerns, even more so if their domestic constituencies are liberal societies, where values like democracy and freedom are valued. Maybe, for these men and women, deciding in favour of humanitarian intervention into another state is in itself a decision based on national interests as pointed out succinctly by
Michael O' Hanlon, Ivo Daalder and Joseph Nye, Sr. However, the realist arguments against humanitarian intervention appears spurious because their interpretation of the intervening state's motives is rarely substantiated by official documents or statements. Moreover, it is naive to expect a state or a group of states that intervene to salvage human rights violations in another state, to admit that they do so, not out of concern for the suffering population, but for certain geo strategic calculations.

Interventions require a high degree of maturity of judgment, an ability to maintain the essential dignity of the other while providing help. It must also be kept in mind that intervention is a political act and it is thus important to inquire into the purpose of statecraft. Machiavelli had argued in *The Prince* that while the prince should do good when he is able to do so, yet he must always be prepared to do evil when necessary. He points out that for international order, it is necessary that states should have absolute sovereignty and that the philosopher kings that Plato embodied is a myth. However, this study argues that the realist notion that states are in a permanent state of animosity and conflict, always suspicious of the other's intention, is itself an unrealistic proposition. Human beings are inherently tuned to live in concord with others and men also seek peace so that they can pursue other more significant interests like the pursuit of knowledge and the good life. As Saint Augustine puts it, the purpose of the state is also the preservation of a just order among its citizens as well as other states.

The major theoretical finding of this study is that decisions of statecraft must be informed by both realism and liberalism because an amalgam of both provides the best guideline for state action, especially with regard to decisions on humanitarian intervention. Though the researcher primarily favours a liberal view, which believes that values like freedom, human rights and democracy should inform decisions to intervene in humanitarian crisis, yet the realist argument that men are influenced by calculations of power and interest is pertinent to policy analysis. Both the Indian and NATO intervention reflects inferences where calculations of the intervening states' interests did inform their military strategies. The case studies in Chapter II and III reveals the tensions and contradictions in most criteria of Just War Theory as inferences within the cases contradicted starkly with
propositions of the theory. Given that, the prime hypothesis of this research, "Just War considerations, which attempt to reconcile order with justice, inform humanitarian interventions decisions", is partially proved, keeping in mind that it is not the only dominating factor that informs decisions on humanitarian interventions. Other factors like domestic public opinion and national interest calculations also play a crucial influencing role. In any political activity, a pure motive is an illusion. Mixed motives are an inherent part of statecraft.

The Just War Theory has been able to explain the cases of humanitarian interventions selected for this study as well as account for certain anomalies. Though certain inferences proved problematic, it does not necessary mean that the theory stands falsified. It only points to the established truth that social science theories need to be refined in certain quarters if not in its basic principles, in relation to the changing world. The Just War criterion of ‘force as last resort’ and ‘proportionality’ stands in need of a rethink. Both must take into account contextual realities as sometimes, force as first resort can save lives and salvage human rights violations, rather than force as last resort, as exemplified by the Kosovo case. Force should have been used in October 1999 when there were clear signs that Milosevic had no intention of following UN resolution, 1199 and the Serbian army continued its repression against the Kosovar Albanians. However, the Indian intervention proves that force as last resort is more beneficial than a quick use of force, which might prove disastrous for the intervening state. Given the unfavourable weather conditions and the unpreparedness of the Indian army for military action against the Pakistan army in April 1971, it was prudent calculation by the Indian military commanders to intervene at a time when the weather lifted in November and the army was prepared for battle. The above propositions point to the fact that force as last resort must be taken into account, keeping in mind the situation on the ground. It should not be a be rigid and fixed criterion. In the same light, proportionality should also be contextually analysed. Military strategy and necessity sometimes vindicates military acts that might violate the criterion of proportionally of means.
This study proves the first causal hypothesis, "The Indian intervention in East Pakistan prevented a ‘humanitarian disaster’ and therefore qualifies in Just War terms as a humanitarian intervention". Chapter II and IV of this study clearly demonstrates the viability of this proposition.

However, the second causal hypothesis:

"The collateral damage in NATO's intervention in Kosovo was outweighed by the benefits of the use of force and therefore is justified in Just War terms" stands falsified. The means adopted by NATO that included targeting of civilian infrastructure violated both the proportionality and the discrimination criteria of the Just War Theory. The intervention also failed to qualify within the ‘proportionally of ends’ criteria because the post conflict situation in Kosovo, till date, has not produced the results that NATO intervened for in the first place. Ethnic tensions, reverse ethnic cleansing, communal discord exist in Kosovo and would brew up if UNMIK leaves. Political participation and democratic culture are still a far way off.

In recent years, Just War thinkers are sceptical that the theory can be misused by powerful states in order to justify certain kinds of war to their domestic public, which are solely undertaken for certain national interest concerns. The Iraq war in March 2003 is a case in point. The Bush administration, utilizing the doctrine of pre-emption, justified the war against the Saddam Hussein regime by portraying Iraq as a threat to US national security. The existence of weapons of mass Destruction (WMD) and the Hussein regime’s potential links to transnational terrorist networks like the al Qaeda were cited as reasons for the invasion. President Bush in his ‘State of the Union Address’ in 2002 included Iraq in the “Axis of Evil’ and stated that any war against it would be a Just War. However, developments after the war proves that the theory has been misused by politicians and military commanders as the case for war against Iraq based on the existence of WMD was fabricated. The UN Security Council refused to endorse the US sponsored invasion. Ironically, WMDs were neither used by Iraq to defend itself, nor
found.\textsuperscript{1} As late as 6 October 2004, the chief US Weapons Inspector in Iraq, Charles Duelfer, who headed the Iraq Survey Group (ISG), made it clear that Iraq had no stockpiles of illicit weapons at the time of the US invasion in March 2003. Duelfer only concluded that Iraq intended to build weapons, if the UN sanctions were lifted, but that was a very speculative statement.\textsuperscript{2} The post conflict situation in Iraq, beset by sectarian clashes and continuous insurgency attacks, proves that the Bush administration does not possess a well thought out post conflict strategy for Iraq, once the war is over. The Iraq war is not a Just War because such a classification would problematize not only the case for war, but also the issue of authority. The US openly by-passed the UN and in certain instances, even condemned it. The Iraq war could be called a war for certain national interest concerns that would justify the means of the war, but not under Just War norms.

The twenty first century witnesses another significant phenomenon in international relations and that is the rise of international terrorism. This is not to state that terrorism did not exist in the twentieth century. However, the 11 September 2001 attacks on the World Trade Centre and the Pentagon in the US by a terrorist group, the \textit{al Qaeda} changed the structure of international relations and the idea of war. Now, international terrorism is clubbed as form of intervention and has assumed great political significance. On 20 September 2001, US President George Bush made the war on terrorism central, not only for the US, but also for all allied nations of the world. However, in moral debates about terrorism, Just War Theory is drawn on only rarely. Certain authors have done work on the ethical perspectives of terrorism and have explicitly referred to the Just War Theory, but the linkage has not been overtly stated. International Relations theorists


have not utilized the Just War Theory to evaluate International terrorism as a form of intervention.  

The study indicates that the Just War Theory does provide important criteria to guide, provide legitimacy and judge an act of intervention. The researcher would stress on the necessity of humanitarian interventions to be undertaken by bodies that have authority and they should not be driven by ulterior motives. Non-state actors like humanitarian agencies have become important actors for intervening in humanitarian crisis, but they must possess legitimate authority bestowed on them by the UN or any other regional organization. With regard to intent, it is never easily determined and calls for a case by case analysis. Though a political phenomenon like humanitarian intervention would present an overlapping of values, there must be certain proposed course of action, primarily informed by Just War principles.

The UN Secretary General’s High Level Panel on Threats, Challenges and Change, headed by the former Prime Minister of Thailand, Anand Panyarachun, came out with its report in December 2004. It consists of a section that deal with collective security and the use of force. According to the panel report, the UN Charter is vague with regard to the use of force to save lives within countries, where massive human rights violations might be taking place. The report clearly establishes the argument that any form of genocide cannot be defended with the non intervention criterion and that any large scale violations of international humanitarian law or large scale ethnic cleansing could be considered a threat to international security and provoke action under Chapter VII of the UN Charter.

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5 Chapter VII of the UN Charter provides provisions that enable the UN Security Council to declare and approve coercive action against any state when it deems it necessary to maintain or restore international peace and security.
The panel endorses the emerging norm that there is a collective international responsibility to protect, exercisable by the UN Security Council, authorizing military intervention as a last resort, in the event of genocide and other large scale killing, ethnic cleansing or serious violations of international humanitarian law, when sovereign governments have proved powerless, or unwilling to prevent.  

While addressing the issue of legitimacy in using force against a state for its record of human rights violations, the high panel identifies five basic criteria of legitimacy:

1) **Seriousness of Threat**: Whether the threats to state or human security are grave enough to call forth military prevention?

2) **Proper Purpose**: Whether the purpose for military intervention is clearly to avert the threat in question?

3) **Last Resort**: Whether non-military options have been fully explored?

4) **Proportional Means**: Whether the means of military warfare and the ends of the threat are proportional to each other?

5) **Balance of Consequences**: Is there a strong probability that military action would be successful in changing the situation towards a positive outcome?

The above mentioned criteria bear a strong resemblance to the *jus ad bellum* criteria of the Just War Theory and provide a platform to judge the legality of state action. It can be

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6 High panel report, n. 4, p. 66.

7 The high panel however stresses on the need of collective action as well as regional cooperation in meeting threats that emanate from a particular state or group of states. The Department of peacekeeping must be strongly supported by Member States in its work and its strategies of deployment must be improved upon. Most importantly, the panel focused on the importance of peace building in post conflict situation and the utmost need to harmonize the various conflicting groups that conflicted in the first place. See High panel report, n.4, pp. 61-74.
said without doubt that the report is an attempt at mainstreaming Just War thought and its linkage to the use of force in conditions of human rights violations.

Finally, it might be said that the complexity and plurality of human existence along with the rapid flow of information and images of world events, especially pertaining to human crisis, do not present the truth as it is, given the various ideological leanings of media moguls. There are various interpretations of the truth basically aimed at ‘manufacturing of consent’ and public opinion about a political situation. Globalization has ushered in economic integration, but along with it there is a desire for markets and spread of capitalism. Thus, humanitarian intervention can also be viewed by certain sceptics as furthering the capitalist vision. NATO’s intervention in Kosovo was analysed by many critics in that light. In an age such as ours, ethical theories of war like the Just War Theory which guides both recourse to war and conduct in war, can provide a framework to policymakers in decisions on interventions. Most importantly, Just War judgments mitigate fears that Great Powers would invade into lesser powerful states for their own hegemonic interests. But academia, especially Just War theorists, must remain vigilant and write extensively against any misuse of the theory. That would help restore faith in the fairness of the normative paradigm by peoples of the world and at the same time, enable the theory to maintain a consistent vigil against any ‘intervention’ that espouses tendencies of territorial or ideological expansion.