

4. Berliner Colloquium zur Zeitgeschichte

**Humanitarian Wars: Preconditions, Goals, Dangers**

Convenor: Gerd Hankel (Hamburger Stiftung zur Förderung von Wissenschaft und Kultur)

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**Questionnaire**

Humanitarian wars are defined here as wars waged to prevent or end massive human rights violations on the territory of a specific state. Moreover, such military operations aim to create structures that will aid in averting a recurrence of mass violence.

In this context, mass violence refers to the perpetration of genocidal crimes, crimes against humanity, or war crimes.

**Session 1      Current and Historical Issues**

Introduction    Hew Strachan

Chair            Bettina Greiner

- \* What led to a codification of the non-intervention principle in the UN Charter in 1945? What were contemporary perceptions of the relationship between this principle, the Charter's prohibition of the use of force in conflicts between states, and the role of the UN Security Council as defined in Chapter VII of the Charter?
- \* What historical experience was referred to in justifying the principle of non-intervention?
- \* What current conflicts should be considered humanitarian wars? What are the effects of these wars to date?
- \* What interests are apparent in on-going humanitarian wars and which of the actors involved are pursuing these interests?
- \* To what extent are there parallels between these contemporary wars and earlier military operations that were declared humanitarian interventions?

## **Session 2 The Concept of the Responsibility to Protect**

Introduction Alexandra Kemmerer

Chair: Tim B. Müller

- \* What led to the development of the concept of the responsibility to protect in 2000/2001?
- \* How have governments and academia responded to this concept in international discussions?
- \* What are the key features of the concept of the responsibility to protect? How are these features to be implemented or achieved?
- \* Can the concept be related to the principle of just war?
- \* What are the advantages and disadvantages of linking ideas about justice with the concept of humanitarian war?

## **Session 3 Protecting Civilian Populations**

Introduction Stefan Oeter

Chair Michael Neu

- \* What is the function of the proportionality principle in protecting civilian populations?
- \* What is the justification for striking a balance between humanitarian goals and military necessities? How can the risk of moral damage (civilian casualties) be justified?
- \* How can insurgents be integrated into the provisions regarding protection of civilian populations? Under what conditions might insurgents be permitted to legally undertake acts of war? What would the consequences be?
- \* Does international humanitarian law fulfill its purpose of containing the use of force in current humanitarian wars? Or does it permit too much violence, which then leads to the escalation of conflicts, because it is designed to regulate a different kind of warfare?

**Session 4      Legal Provisions on Occupation Regimes and on Ending  
a Civilian Protection Mission**

Introduction    Heike Krieger

Chair            Bernd Greiner

- \* To what extent can or a must so-called transformative occupation be the legitimate goal of a war waged for humanitarian reasons? Is transformative occupation compatible with existing legal provisions on occupation regimes?
- \* Does it make a difference in this context whether or not a military intervention occurs “by invitation”?
- \* Do humanitarian wars call for special legal provisions that apply to occupation regimes and reflect the special goals of this type of war?
- \* Under what circumstances can an occupation regime be considered successful? When is it necessary or appropriate to end a war and initiate troop withdrawals? When should, or must humanitarian wars be perceived as having failed?
- \* Is it conceivable, necessary, or desirable that the moral postulates inherent in the concept of the responsibility to protect lead to concrete revisions of current humanitarian law?
- \* How could such concrete revisions be implemented?

**Suggested Reading**

Avishai Maraglit/Michael Walzer, Israel: Civilians & Combatants. In: The New York Review of Books, May 14, 2009

Kenneth Watkin, Assessing Proportionality: Moral Complexity and Legal Rules. In: Yearbook of International Humanitarian War. (2005),8; 3-53

David Kretzmer, Rethinking the Application of IHL in Non-International Armed Conflicts. In: Israel Law Review. 42 (2009),1; 8-45