The question of humanitarian intervention is not a new one. It can be traced back in recognisably modern form to the sixteenth and seventeenth centuries, and, in particular, to the writings of Victoria (1532), Gentili (1598) and Grotius (1625). It emerged as part of a wider process which saw the early development of modern international law at the time of the break-up of Christendom, the voyages of discovery and beginning of European overseas empires, and the evolution of the early modern state. In the centuries that followed, a number of other conceptual developments took place which have cumulatively served to define the issue in the form in which we find it today, above all, the articulation of the non-intervention norm from the eighteenth century, and the assertion of the principles of popular sovereignty and self-determination from the time of the American and French Revolutions. The debate was fully joined in the nineteenth century, particularly in relation to interventions by Western powers in the collapsing Ottoman Empire, and re-emerged unresolved in the twentieth century. Since 1945 the legal-political framework has been provided by the Charter of the United Nations. The significance of the issue today can best be brought out by setting it against this historical background. A comparison of the Cold War with the post-Cold War debate may then suggest that in the 1990s the challenge of humanitarian intervention has revived older categories. In the process it has become more complex and deeper, raising fundamental questions about the nature of international politics, international ethics and international law.

During the Cold War, in the absence of the possibility of collective action mandated by the United Nations, the issue of intervention was seen to concern forcible self-help by states in defence of indigenous human rights in other countries (Lillich, 1967). If governments abused the rights of their own citizens, should other governments intervene forcibly to remedy the situation? There was, in fact, no agreement, either about the definition of human-
itarian intervention or about putative examples of it. For Verwey 'there may be few concepts in international law today which are as conceptually obscure and legally controversial' (Verwey, 1985:357), while the number of instances cited varies between four (Tesón, 1988:155–200) and 11 (Arend and Beck, 1993:112–37). Nevertheless, characteristic features listed by many of those engaged in the formal debate included: (1) that the context was one of abuse by overstrong governments; (2) that 'humanitarian' referred to the human rights of threatened populations (not the rescue of nationals); (3) that the intervention took the form of self-help by states (in strict readings collective action by the UN Security Council was not intervention); (4) that it must be without the consent, indeed expressly against the will, of target governments; and (5) that it was swift forcible military action to end the atrocities, usually by removing the offending regime. The best known examples were Indian intervention in what was then East Pakistan (now Bangladesh) in 1971, Tanzanian intervention to stop the depredations of Idi Amin in Uganda in 1978–9, and Vietnamese intervention to oust the murderous Pol Pot regime in Kampuchea (Cambodia) in 1978–9. Needless to say, in response to most of the worst atrocities of the time (including those perpetrated by Stalinist Russia and Maoist China) not only was there no forcible intervention, but even agreed collective procedures and normal diplomatic protest were muted or non-existent (Kuper, 1981).

As detailed elsewhere, despite a tendency for much of the debate to be foreclosed on formal definitional grounds, along the lines that intervention which did not violate the independence of a target state was not intervention (see Vincent, 1974: 11–12), the Cold War debate was richer and more nuanced than a restrictionist approach might suggest.¹ It was simultaneously a debate in international politics, international ethics and international law. In international politics, it was conducted both at government level and at domestic political level. At government level, good accounts of official positions (albeit variously interpreted) can be found in Franck and Rodley (1973) for the Indian intervention in East Pakistan, in Hassan (1981) and Thomas (1985:92–108) for the Tanzanian intervention in Uganda, and in Ronzitti (1985) and Klintworth (1989) for the Vietnamese intervention in Kampuchea.

Turning to the situation since the end of the Cold War, how has the humanitarian intervention debate developed in response to the changed international environment of the 1990s? There is no space