



DIIS · DANISH INSTITUTE FOR INTERNATIONAL STUDIES

NEW THREATS AND THE USE OF FORCE

Chapter 6

Conclusions and Prospects for the Future

This report is an extension of the DUPI report of 1999 on humanitarian intervention. The original report focused on the dilemma that arises when the Security Council is unable to authorise the use of force to stop genocide, ethnic cleansing or gross and systematic maltreatment of civilians. It was this dilemma that NATO was confronted with in Kosovo. The new threats emanating from the interaction of apocalyptic terrorist organisations with global reach, the spread of WMD and failed and weak states create a similar dilemma, which was put on the international agenda by the terrorist attacks on September 11th, 2001. What does one do if the Security Council is unable to authorise a preventive use of force in order to counter a WMD threat that is non-imminent but nevertheless judged real by most states?

The use of force for preventive and humanitarian purposes requires a mandate from the UN Security Council to be legal. A veto from a permanent member can consequently make military action illegal in situations where a good case for either humanitarian intervention or preventive action against the new threats exists. In most other respects, the preventive use of force against the new threats raises different and more fundamental challenges for international law, peace and stability than humanitarian intervention.

The potential risk that unauthorised prevention against the new threats may demolish the foundations of the UN Charter is far greater than is the case with humanitarian intervention. While the scope for humanitarian intervention is limited to situations in which genocide, mass killings, ethnic cleansing or other forms of gross and systematic maltreatment of civilians are imminent or are already taking place, the far more proactive nature of prevention means that the scope for action is much broader. In addition, unauthorised prevention against the new threats might evolve into a broader doctrine of unauthorised preven-

tion, which could be used to justify any military action, as it is hard to think of use of force which could not be defended under some conception of threat prevention. The risk of abuse is therefore far greater.

The legal challenge posed by prevention against the new threats also differs fundamentally from that addressed in the DUPI report on humanitarian intervention. Unlike the use of force for humanitarian purposes, that against the new military threats is lawful without a Security Council mandate if it is covered by the right of self-defence, although it is generally desirable and also foreseen in the Charter that the Security Council should take action and authorise the use of force in self-defence too. A mandate from the Security Council is only necessary beyond the limits of self-defence.

This report has addressed these challenges from the legal, moral, political and strategic perspectives and assessed the possibilities for developing criteria that might help to reduce the risk that the Security Council will fail to authorise the use of force in situations where most states consider such use as warranted. Like the DUPI report on humanitarian intervention, this analysis is based on a fundamental distinction between legality and legitimacy. Decisions concerning the use of force are never made solely on legal grounds: moral and political considerations are also part of the equation and crucial with respect to determining the legitimacy of such decisions.

The actual analysis is structured around four questions. The challenges to international law, international peace and stability are initially examined from the moral, political and strategic perspectives, with an emphasis on the latter, by asking how often preventive military action is likely to be taken against the new threats without a UN mandate. The more preventive military action is used in this way, the greater is the threat to international law, the UN and international stability.

The legal analysis has answered the three questions that follow from the legal framework described above and the mandate from the Danish government tasking DIIS to analyse the prospects of developing criteria for collective military action against the new threats:

- 1) To what extent does the right of self-defence allow states to use force against new military threats? Has the doctrine been modified since September 11th?
- 2) To what extent is the Security Council competent to authorise the

preventive use of force, not covered by the right of self-defence, against non-imminent military threats from terrorists or WMD? If so, under what conditions? What minimum criteria of legitimacy should apply?

- 3) Is preventive use of force, not covered by the right of self-defence, against non-imminent military threats from terrorists or WMD justifiable even without Security Council authorisation? If so, under what conditions? What minimum criteria of legitimacy should apply? And if so, should this lead to new rules of international law rendering even unauthorised preventive action lawful?

I. Preventive use of force and the new threats: need and feasibility

The new threats produced by the convergence of WMD proliferation, the new terrorism with global reach and weak and failing states are real and worrying. The proliferation of WMD technology, know-how and materials is likely to make it easier for both states and terrorists to obtain such weapons. In addition, there seems little doubt that apocalyptic terrorist groups like Al Qaida would use WMD if given an opportunity to do so.

The significant intensification of international cooperation to fight terrorism and the spread of WMD since September 11th is therefore welcome news. Many diplomatic and economic initiatives have helped to reduce the risk of WMD falling into the wrong hands, but there is general agreement that non-military measures cannot stand alone. Use of military force will, on occasion, be required to defeat the new threats, and it is the use of force beyond self-defence, which creates the challenge for international law, peace and stability, that is at the heart of this report.

The option of using force preventively as a last resort against “rogue” states and terrorists to prevent them from acquiring and using WMD is central to the international debate on how the new threats should be addressed. The reason for this is that the US National Security Strategy of 2002 (NSS) suggests that it should be possible to use preventive force as a last resort in exceptional circumstances because the new threats significantly increase the risk of surprise attacks with WMD. Since it is impossible to deter “rogue” states and

terrorists from WMD use, the NSS argues, it should be possible to use military force to prevent these actors from acquiring such weapons before the risk of a WMD attack becomes imminent.

The use of military force against non-imminent threats has traditionally been regarded as “preventive”, and such action is illegal according to current international law without authorization from the Security Council. The American proposal consequently seeks to legalise the preventive use of force by broadening the existing right to anticipatory self-defence/pre-emptive use of force to include the preventive use of force against “rogue” states and terrorists. Anticipatory self-defence/pre-emption is already considered legal by many states and by the UN Secretary General in situations in which the threat of a military attack is imminent.

There is widespread international agreement that the new threats have served to blur the traditional distinction between the pre-emptive and preventive use of force, and that it may be necessary to use force in situations where the threat of a WMD attack is real but non-imminent. The principal source of international disagreement has centered on the questions of how preventive force should be used, and who should take the legal and legitimate decision to employ such action.

The American proposal to expand the right of self-defence to include the preventive use of force against “rogue” states and terrorists seeking to acquire WMD has very little international support. The EU, the Non-Aligned Movement, the UN Secretary General’s High-level Panel and the Secretary General himself are of the opinion that the preventive use of force should be multilateral and authorised by the Security Council in order to minimise the destabilising consequences and to ensure that the UN and international law are not undermined.

The prospects for creating a new international consensus on the preventive use of force against the new threats will depend on how often states are likely to feel compelled to resort to this option without a mandate from the Security Council. The strategic chapter in the report therefore asks how often the need for preventive military action is likely to arise and how often states are likely to consider such action as feasible.

The analysis suggests that the preventive use of force will be used more often against terrorists than states. The case for using force against apocalyptic terrorist groups seeking to acquire WMD is strong. Apocalyptic terrorists are much harder to deter than states because they

have no fixed territory that is vulnerable to retaliation and tend to be prepared to die for their cause. Such terrorists are likely to continue their terrorism until they are captured or killed, and there is little risk of escalation because they are already trying to inflict mass casualties on their enemies. If actionable intelligence can be obtained, the preventive use of force can be effective with respect to destroying bases and killing or capturing terrorist operatives. Such attacks are likely to be small-scale, limited in scope and duration, and conducted in countries which are either unable or unwilling to prevent terrorists from operating on their soil. Even though the number of such attacks can be expected to grow, the destabilising consequences are likely to be small because most states consider such attacks legitimate after September 11th.

The strategic case for using force preventively against states that are seeking to acquire WMD is less compelling. Deterrence is more likely to work and the risks and costs of preventive action are far greater, since the scale of the operations will typically be much greater too. The record with respect to deterring states from using WMD in attacks on other states with a credible capacity for retaliation is good. Saddam Hussein's Iraq, the state in recent history that has used WMD (chemical weapons) most frequently, was effectively deterred from using them against coalition forces and Israel in the first Gulf War. States are also unlikely to transfer WMD to terrorists because they would be unable to control what the terrorists might do with them and because of the high risk that such transfers would be discovered. States are consequently most likely to use WMD or transfer them to terrorists as a last line of defence or as a final gesture of defiance if all else is lost. Unauthorised WMD transfers to terrorists carried out by rogue elements out of central control in weak and failing states already in possession of WMD seem more likely than transfers from governments in control of their WMD.

The preventive use of force against WMD states has had a low rate of success in the past. Limited military action in the form of air strikes and commando raids has generally failed to stop WMD programmes. Their effectiveness has been hampered by the difficulty of obtaining adequate intelligence, the fear of causing collateral damage and casualties, and the fear of escalation. Full-scale military operations culminating in regime change have a greater rate of success but are very costly and very difficult to carry out.

The dangers and difficulties associated with the preventive use of force against WMD states have generally induced governments to think twice before resorting to this option in the past. The number of preventive operations has proved low, and this is likely to remain the case. Iraq has served to underline the problems that regime change by force may involve and thus helped to ensure that the threshold for such operations remains high. Limited military operations in the form of air strikes are more likely, but their number is also likely to remain low due to their limited effectiveness.

The fact that a preventive use of force will rarely be regarded as a feasible option eases the intensity of the political-legal dilemma that unauthorised military prevention poses to international law, peace and stability. First, it gives states a strong incentive to work harder to ensure that the need for military prevention does not arise in the first place. The logical way of doing this is to enhance the effectiveness of the existing control regimes aimed at preventing WMD proliferation. Secondly, it is likely to make it easier for the Security Council to agree on authorising a preventive use of force in situations where a good case for such action can be made. Preventive military action against states is likely to seem more palatable if it reserved for exceptional cases only.

2. Preventive use of force and the right of self-defence

Under international law, only the right of self-defence provides a legal basis for states to use force against another state without prior authorisation from the Security Council. Consequently, self-defence is the natural starting point for assessing the options available to states confronted with threats emanating from international terrorism and WMD proliferation. The right of self-defence allows a state, whether acting individually or collectively, to use military force that is both necessary and proportionate to counter an armed attack until the Security Council has taken the measures necessary to restore international peace and security (Article 51 of the UN Charter).

Reactive self-defence, that is, responding to an attack which has already been launched, is at the core of the right of self-defence (Article 51). In the case of an ongoing attack, the necessity of a military response is evident. If the attack has already been completed, the right of self-defence depends on the existence of a continuing threat of fur-

ther attacks from the same source and the necessity of preventing or deterring such further attacks.

The status of anticipatory self-defence, that is, the use of force to pre-empt an imminent (threat of) attack, is controversial. Whereas such a right was well established prior to 1945, Article 51 provides only for a right of self-defence “if an armed attack occurs”. States have been reluctant to rely on anticipatory self-defence in concrete cases, preferring instead a flexible reading of Article 51. However, several states maintain a right of anticipatory self-defence, and strong arguments based on common sense and necessity speak in its favour. A credible legal argument may thus be made for a right of anticipatory self-defence in cases where there is compelling evidence of the existence of an imminent threat of attack. In any case, anticipatory action in such circumstances will presumably be regarded by most states as legitimate.

“Preventive self-defence”, that is, the use of force to eliminate a perceived potential threat of future attack in the absence of previous attacks or an imminent threat of attack against (a) specific state(s), has no legal basis in current international law. Neither Article 51 nor state practice provides any basis for invoking self-defence on the grounds that a state or a non-state actor is likely to strike sometime in the future, somewhere in the world.

Self-defence and international terrorism by non-state actors

To the extent that the use of military force may be an adequate response to the threat posed by international non-state terrorism, the current scope of the right of self-defence, as adapted by the events following 11 September 2001, to a large extent provides a suitable framework.

Most terrorist attacks are pin-prick acts, leaving the victim state unable to respond on the spot. Resolution 1368 (2001) and subsequent events have affirmed that the right of self-defence applies to terrorist attacks and continues to apply even after a terrorist attack has occurred if this is necessary to prevent further likely terrorist attacks from the same source. It also seems to have been established that the threshold of state complicity in attacks by non-state actors has been lowered from the previous standard of “substantial involvement”, so that a regime which has knowingly harboured the terrorists responsible can also be targeted by forcible measures of self-defence. It can be argued that the right of self-defence against terrorist attacks is independent of state

involvement, in which case, however, the terrorists responsible must be the sole target of action in self-defence, and only if, exceptionally, the state unwillingly hosting terrorists proves unwilling or unable to eliminate the threat itself.

The issue of anticipatory self-defence against an imminent threat of attack is unlikely to arise often in the context of international terrorism, since presumably, in the absence of previous attacks, the risk of attack will most often remain concealed until it is too late. For the same reason, the issue of taking purely preventive action against terrorists is unlikely to be very relevant, since international terrorist groups and organisations will most often appear as such only after they have made an attack, in which case the right of self-defence provides a legal framework for hunting down the relevant group or organisation. However, should it be the case that a private organisation or group without a previous record of terrorist attacks has made credible threats of attack against (a) specific state(s), a case for the existence of an imminent threat of attack and thus a right of anticipatory self-defence might reasonably be argued.

Self-defence and threats emanating from states

As regards threats emanating from states, the right of self-defence applies in the case of an ongoing attack. Presumably, the right of self-defence also applies after the attack has been completed if there is evidence of an ongoing threat of further attacks from the aggressor state. The latter may not occur as frequently as in the context of terrorist attacks.

More relevant as regards attacks by another state is the fact that a credible legal argument can be made for a right of anticipatory self-defence on compelling evidence of an imminent (threat of) attack. However, purely preventive action against states perceived as a threat is not covered by the current right of self-defence. This holds true even if the relevant state possesses or is developing WMD and even if the regime is considered irresponsible by many states. Thus, the 2002 US National Security Strategy, to the extent that it advocates purely preventive action of this sort, has no legal basis in current international law.

The general limit of self-defence

In sum, the right of self-defence does not cover preventive action against potential future threats in the absence of prior attacks or a truly

imminent threat of attack against (a) specific state(s). Under the current system, preventive military action against general threats to international peace and security, whether emanating from terrorists or states with WMD, is a matter not for self-defence but for collective action by the Security Council.

3. Preventive use of force with Security Council Authorisation

Security Council authorisation is the only legal option available to a state wanting to launch a preventive attack against a non-imminent threat emanating from terrorists or the proliferation of WMD. Nothing in the Charter prevents the Security Council from authorising the preventive use of force against a non-imminent threat arising from e.g. WMD. The Security Council seriously considered such preventive action in the case of Iraq in 2002-2003, the concern of all states engaged in the decision-making being that Iraq was continuing to develop such weapons in contravention of its international obligations. Ultimately, however, no fresh authorisation could be obtained in March 2003, since Council members disagreed as to whether or not military force had become warranted as a measure of last resort. In this case, the governments supporting the US-led Operation Iraqi Freedom claimed that the use of force against Iraq had a legal basis in previous Security Council Resolution 678 of 1990.

A Security Council authorisation requires nine votes in favour (out of 15) and no vetoes from the five Permanent Members. However, obtaining these votes is likely to be difficult in most situations because of the controversial nature of preventive attacks. Indeed, it is likely to be much harder to obtain a Security Council mandate for the preventive use of force than has been the case with respect humanitarian intervention. Other things being equal, it will be harder to prove that a threat in time may become imminent than to document gross and systematic violations of human rights. Recently, therefore, efforts have been made to define general criteria that would make it easier for the Security Council to identify situations in which the use of force is legitimate. The five general principles of legitimacy offered in the 2004 Report of the High-level Panel appointed by Kofi Annan seem to offer the best hope of building an international consensus in this area because they

are based on the age-old doctrine of a just war that states have relied on to justify their use of force for centuries:

- 1) *Serious threat*. There must be a serious threat *prima facie* justifying the use of force.
- 2) *Proper purpose*. The primary purpose of military force must be to avert the threat.
- 3) *Last resort*. There must be reasonable grounds for believing that non-military measures will not succeed in eliminating the threat.
- 4) *Proportional means*. Military force must include only the minimum necessary to avert the threat.
- 5) *Balance of consequences*. There must be a reasonable prospect that the military action will succeed and will not do more harm than good.

These criteria are inherently vague. However, the decision-making procedure of the Security Council is presumably a strong guarantee that the option of preventive collective military action will not be abused. The five criteria will, almost by definition, be hard to meet with respect to the preventive use of force, since in most cases it is likely to prove difficult for states that are in favour of taking preventive action to make a convincing case that the threat is sufficiently serious to warrant military action, that force is being used as a last resort and that it will not do more harm than good.

This is not to say that it is impossible. The size of the problem should not be exaggerated.

First, as pointed out above, the problem is not likely to be great in relation to terrorists. This is partly because terrorist groups seeking to acquire WMD are seen as a deadly threat by all states, and partly because in most situations military action against terrorists will be covered by the right to self-defence (see above). It follows that the problem of obtaining Security Council authorisation for the preventive force is essentially limited to the threat posed by states seeking to acquire WMD.

Secondly, most states view the threat posed by WMD proliferation as a source of real and growing concern. At the same time, however, military prevention against states is not an option that is undertaken lightly. As already noted, states usually think twice about using prevention against other states because this is an option fraught with dangers and

difficulties. Military prevention is never a first choice option and is therefore unlikely to be seriously contemplated and brought before the Council unless the state(s) doing so perceive the WMD threat emanating from the state in question to be real, and unless non-military measures have first been tried and found wanting.

Even so, it is still likely to be difficult to reach agreement in the Security Council in many cases. This does not necessarily mean that the Security Council has failed, however. “Failure” to authorise the use of (preventive) force in a situation in which a majority of Council members are opposed to such action, state support for such a step outside the Council is limited and the above criteria are not met is likely to enhance the legitimacy of the Security Council rather than weaken it. If, on the other hand, the Security Council fails to act due to a Great Power veto, even though there is broad international consensus that the criteria are met, then it may be legitimate for regional organisations or coalitions of the willing to consider bypassing the Security Council and taking action on their own.

4. Preventive use of force without Security Council authorisation

Nonetheless, even if the Security Council fails to act in the face of broad international agreement that the criteria are met, the preventive use of force without Security Council authorisation is likely to be difficult to legitimise. Because the preventive use of force against the new threats threatens to erode, if not entirely demolish, the authority of the principle of the non-use of force except in self-defence, even strict adherence to the principles discussed above is unlikely to buy states bypassing the Security Council much legitimacy. In the absence of procedural guarantees against abuse such as those built into Security Council decision-making, the inherent vagueness of the criteria and the absence of an international consensus concerning the specific conditions of legitimate preventive action makes any claim to the legitimacy of preventive military action much more controversial than is the case with respect to humanitarian intervention.

Even so, it cannot be entirely ruled out that a majority of states would tolerate, or accept, a preventive attack as a justified measure in exceptional circumstances. This report consequently identifies six “hard” crite-

ria (1-6) + two “preferable” criteria (7-8), observance of which may exceptionally support a claim that the preventive use of military force is justified even without prior authorisation from the Security Council:

- 1) *Serious threat*. There must be a serious threat *prima facie* justifying the use of force.
- 2) *Proper purpose*. The primary purpose of military force must be to avert the threat.
- 3) *Last resort*. There must be reasonable grounds for believing that non-military will not succeed in eliminating the threat.
- 4) *Proportional means*. Military force must include only the minimum necessary to avert the threat.
- 5) *Balance of consequences*. There must be a reasonable prospect that the military action will succeed and will not do more harm than good.
- 6) *The Security Council is blocked*. The Security Council must have failed to authorise the use of force due to a great power veto (actual or anticipated).
- 7) *Alternative forum of legitimacy is preferable*. A declaration of support should be sought from the General Assembly. If this is not feasible, endorsement or support should be sought from a (sub-)regional organisation or organ.
- 8) *Multilateral action is preferable*. In any event, action should be conducted by the broadest possible coalition of states to avoid allegations of abuse.

However, even when a majority of states view these criteria as fulfilled, it is still likely to prove difficult to justify purely preventive military action on moral and political grounds. These difficulties grow as one moves from the pre-emptive use of force against imminent threats towards the preventive use of force against non-imminent threats.

The best way to avoid ending up in a situation where unauthorised preventive action has to be considered is to ensure that it does not arise in the first place. The Security Council can do this by acting earlier and more decisively in the relevant cases (*Status Quo + Strategy*). Since the possibility that the Council may still fail to act against the new threats cannot be ruled out, consideration may be given to coupling this strategy with a distant readiness to carry out unauthorised preventive operations that are justified on moral and political grounds only, in the highly

exceptional situations in which there is general international agreement that all the criteria of preventive action have been fulfilled (*Ad Hoc Strategy*). When justifying unauthorised preventive action on political and moral grounds only, one recognises that the action is in violation of international law and that it should remain so. However, if, exceptionally, the specific political and moral justification finds favour in the international community, this might be regarded as constituting extenuating circumstances which mitigate the wrongfulness of the formal breach of the law. However, pursuing a strategy of legalising unauthorised preventive action under international law (*General or Subsidiary Right strategies*) is not to be recommended. Not only would such a policy have potentially devastating consequences for the international legal order, it would also hold out no prospect of succeeding in a change of international law. Unauthorised preventive action enjoys very little international support. Currently, only the United States and Israel unequivocally support a doctrine of unauthorised preventive military action, although Australia and the UK have indicated some support for a flexible concept of anticipatory self-defence to deal with specific terrorist threats.

5. Preventive use of force and humanitarian intervention: looking towards the future

The challenges posed by humanitarian intervention and WMD prevention are similar in the sense that they had not been anticipated when the UN Charter was written. Both challenges require innovative responses and new thinking with respect to the collective use of force. It took remarkably little time for a practice of UN-authorised humanitarian intervention to emerge. While unauthorised humanitarian intervention remains controversial and will continue to be so for the foreseeable future, it is now widely accepted that the UN may authorise the use of force with the explicit purpose of stopping mass killings, genocide and ethnic cleansing. Even though the Security Council's responses to humanitarian disasters leave much to be desired, as the unfolding disaster in Darfur demonstrates, it has nevertheless been able to agree on a reinterpretation of the principle of sovereignty that allows it to authorise military intervention in internal conflicts for humanitarian purposes.³⁵⁰ A norm of humanitarian intervention is clearly emerging, and the criteria outlined above are likely to reinforce this development.

In less than two decades, we have moved from a situation in which humanitarian intervention in any form was considered both illegal and illegitimate to one in which UN-authorized humanitarian intervention is standard practice and unauthorized humanitarian intervention is likely to be seen as legitimate on political and moral grounds by many states provided that the criteria proposed by the High-level Panel are met. This is no mean achievement in terms of international consensus-building, since humanitarian intervention in the early 1990s was seen by many states as an “explosive doctrine” in much the same way as the unauthorized preventive use of force is today.³⁵¹ At the same time, however, there is very little support for creating a legal right of unauthorized humanitarian intervention because this would pose a threat to the current legal order. In this sense the *Ad Hoc Strategy* recommended by the DUPI report on humanitarian intervention still stands.

At present there is no sign that a similar development will take place with regard to the unauthorized preventive use of force. Unauthorized military prevention hardly enjoys any support at all, and the principles proposed by the High-level Panel will do little to change that in the short term because such action is seen as a direct challenge to the ban on the use of force in the UN Charter. Therefore, the recommendation in terms of political-legal strategy must be that military prevention should only be resorted to with Security Council authorization (*Status Quo + Strategy*), and that unauthorized use should be a distant option reserved for highly exceptional cases (*Ad Hoc Strategy*) and be guided by the eight principles outlined above.

Much of the writing on the preventive use of force and humanitarian intervention has been characterised by doom and gloom since the launch of the 2003 war in Iraq. To put things in perspective, it may therefore be useful to end this report by highlighting two factors which suggest that the negative fallout from the war is likely to be less damaging than many observers seem to think. First, even though the Bush administration to some extent sought to legitimise the war on preventive grounds, it did not create a legal precedent for preventive war because the legal rationale for the war was based on Iraqi non-compliance with UN resolutions.

Secondly, the doctrine of unilateral prevention currently articulated by Israel and the United States is very narrow, in fact much narrower than the doctrine of humanitarian intervention, which could be used to

justify military intervention in several countries. This would obviously change if the doctrine was broadened to allow the use of force for other purposes as well. This seems highly unlikely, however, because the narrow doctrine has so few supporters, and because it would not be in the interest of the single remaining superpower, which will have a determining influence on the future evolution of the doctrine. Finally, the risk of a broader doctrine is reduced by the fact that prevention is seldom an attractive option. It was for this reason that Bismarck, who was no stranger to the use of force, characterised preventive war as “suicide from fear of death”.³⁵²

That the preventive use of force in the form of regime change is a high-cost, high-risk option which is likely to be used only rarely not only gives states a much greater incentive to deflect the need for military prevention in the first place, it also gives them a greater incentive to seek Security Council authorization and multilateral solutions so that the risks and the burdens become less heavy if things go wrong. These factors, which are not based on moral or legal considerations but on naked self-interest, suggest that prevention will be used less often than humanitarian intervention.

The preventive use of force is consequently unlikely to make it impossible to launch new humanitarian interventions. The fear that this might happen has been very visible in the international debate on humanitarian intervention since September 11th.³⁵³ This fear is exaggerated for two reasons. Firstly, humanitarian interventions are far more legitimate than the preventive use of force and they enjoy strong public support in the Western countries. Secondly, the need for humanitarian intervention will continue to be far greater than the need for preventive military action against the new threats. The number of states that are potential targets for humanitarian intervention far exceeds the number that constitute likely targets for military action to prevent the future use of WMD. Humanitarian crises will consequently continue to trigger calls for military intervention on a regular basis and they cannot simply be dismissed with the argument that all military resources have to be held in reserve for fight against terrorism. The current debate on the possibility of a humanitarian intervention in Darfur is an example of this dynamics at work, and it will become more forceful, as the international forces currently deployed to Iraq begin to withdraw and are freed up for operations elsewhere.