

The Darfurian Rebellion and the Moral Hazard of Humanitarian Intervention

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'Never Again.' These two words have been echoing in the United Nations' halls since the day it was created. They are reiterated in its founding documents, shouted by global leaders at forums and conferences, and painted on cardboard signs in marches throughout the world. After the Holocaust and other atrocities of World War II, after the Balkans, Rwanda, Burundi or Sierra Leone, this short phrase has been the expression of a rising worldwide concern for humanitarian atrocities and the emergence of a certain norm of humanitarian military intervention.

The end of the Cold War and the amplification of ethnic violence in the 1990s led the international community to render this concern into a doctrine. U.S. President Bill Clinton declared in 1999: "If the world community has the power to stop it, we ought to stop genocide and ethnic cleansing."¹ In 2001, the International Commission on Intervention and State Sovereignty enunciated this doctrine to be a "Responsibility to Protect."² Three years later the UN High Level Panel on Threats, Challenges and Change embraced the doctrine and made it a norm.³ In theory then, the global community has been given the responsibility and mandate to end large-scale violence, genocide and crimes against humanity.

The 2003 outbreak of the Darfur Crisis uncovered a region that had long been ignored. As images of burnt villages, refugee camps crowded by starving children, or stories of sexually abused women flooded the Western media, appalled American, French, and Canadian citizens and non-governmental organizations started to criticize the absence of international intervention and called for a greater political will to react. How was it possible for the UN to remain still? How could the world let nearly 500,000 innocent civilians be killed and three million displaced, not even ten years after the failure to stop the Rwandan Genocide and its 800,000 victims? Many humanitarians, desolated to see that Darfur civilians did not weigh enough in the eyes of the Western leaders for them to be willing to intervene, argued that the international community was failing once more in its 'Responsibility to Protect.'

The tragedy in Darfur however is not the result of a lack of intervention, but of the prospect of more intervention (Anderson 2004; Belloni 2006; Kuperman 2006, 2008, 2009; Whitty 2008; Nzelibe 2009). In fact, some have argued that intervention, as "the norm, intended as a type of insurance policy against genocidal violence, exhibits the pathology of all insurance systems by creating moral hazard that encourages risk-taking."⁴ Sub-state groups are encouraged to rebel, as they expect a third-party to intervene and stop genocidal retaliation from the state. However, because lack of will or logistical issues delay intervention, this retaliation cannot be stopped. The 'Responsibility to Protect' thus creates more violence than would otherwise occur had the international community not embraced the norm.

Borrowing from Alan Kuperman's moral hazard theory, this paper will argue that the 'Responsibility to Protect' doctrine is partially responsible for the outbreak of violence in Darfur since 2003. While acknowledging the role of Khartoum's leadership and the state-supported Janjaweed militias in the tragedy, it will survey the responsibility of actors that are often disregarded in the Western media – the Darfurian rebel forces. Militarily inferior, and aware of the probability of an extremely violent retaliation from the government of Sudan, the rebels nonetheless launched a suicidal uprising. Said uprising was meant to provoke state retaliation, causing a humanitarian catastrophe that would acquire international attention and intervention, ultimately fulfilling the rebels' political objectives.⁵

After laying the theoretical framework developed by Kuperman on the moral hazard of humanitarian intervention, this paper will examine the theory on the Darfur Crisis and attempt to explain why Darfur rebel groups have launched attacks on the Sudanese state despite the extremely low chances of success and the tremendous human costs entailed by this rebellion. In a third section, this paper will offer some policy recommendations, both addressing the ongoing Darfur Crisis and urging a certain rethinking of the 'Responsibility to Protect' doctrine.

Theoretical Framework and Hypothesis Development

In “Suicidal Rebellions and the Moral Hazard of Humanitarian Intervention,” Kuperman argues that the emerging ‘Responsibility to Protect’ norm has been responsible for the escalation of genocidal violence. In the demonstration of his theory, Kuperman works backwards. Questioning the causes of violence at its motive cause, he finds that ethnic rebellions have very often been responsible for violence as they generally lead to aggressive retaliation from the attacked state. He then asks why sub-state groups rebel, and offers the different alternatives and rationales that would lead them to rebel. Refuting four of the five plausible explanations to rebellion, he argues that outside intervention, as an insurance against violent retaliation, encourages the risky behavior of rebellion – a phenomenon known as moral hazard. He concludes by asserting that the emerging ‘Responsibility to Protect’ norm has deepened the security guarantee of intervention and amplified the incident of moral hazard. This section will work through the reasoning in detail.

Despite popular belief and conflicting with the portrayal of genocidal violence in the Western media, literature on ethnic conflict and group claim-making finds that large-scale violence, although carried out by the state, is very often provoked by a minority group. In the game of ethnic bargaining, minorities constantly make claims to the majority state. Depending on the state’s response, the availability of democratic processes to the realization of their claims, the signals sent by the state, or the chances of successful insurrection, these groups may decide to challenge the state authority into launching a rebellion. “The majority [the state] moves next and can either challenge the minority – large-scale violence – or back down.”⁶ Harff and Gurr (1988) have identified forty-four incidents of genocidal or politicide violence between 1943 and 1987⁷ and found that “at least 30 of the 44 cases (68%) exhibit the phenomenon in which rebels provoke their own group’s demise by violently challenging the state’s authority.”⁸ While we may deplore the mass killings of civilians carried out by the state, we must understand that the carnage is often a rational “calculated military response to the unique challenges posed by guerrilla warfare rather than simply the consequence of racist hatred, frustration or military indiscipline.”⁹

Scholars have offered various explanations for sub-state group rebellions, analyzing the types of claims minori-

ties make and tying the intensity of these claims to the necessity of a rebellion. Davies (1971) asserted that it was relative deprivation – a gap between what people want and what they actually have – that triggered frustrations leading to rebellion.¹⁰ Gurr (1970) argued that the political opportunity for success and the ability for the group to mobilize were also important.¹¹ Whether victim of discrimination, deprivation, or oppression, minorities sometimes see rebellions as windows of opportunities to change the status quo and achieve better lives for their ethnic kin. However, the literature fell short of explaining why some rebel groups, conscious of the massive violent retaliation that could result from rebellion, still choose insurgency over any other means towards equal treatment, state control, autonomy or secession. While the minority might be politically or economically weakened by the majority government in the current circumstances, its leadership is aware that state retaliation in the form of genocidal violence will only make the group worse off, making rebellion a suicidal venture.

In the setting of ethnic bargaining, the minority leadership evaluates the costs, benefits and risks of each strategy by carefully analyzing the environment and the signals it receives from other actors. Misinterpreting these signals can lead the group into a detrimental course. Given the tremendous costs of rebellion, leaders must thus be very meticulous in decoding the environment surrounding them. Kuperman argues that there are four explanations for rebel groups to defy the deterrent threat from the state, or rather, four assessments that rebels use to consider the benefits of rebellion as offsetting its costs, thus engaging in revolt.

First, there could be a gap between the state’s threats of retaliation and the rebel leadership’s perception of these threats. If the state is willing to pursue genocidal violence as punishment to rebellion, but fails to clearly communicate these threats, rebel groups will not expect their rebellion to trigger large-scale violence. However, this hypothesis does not explain the perpetuation of violence in the face of retaliation. This yields the first hypothesis:

H1: If the minority leadership fails to perceive the credible threat by the state to retaliate, it will not see insurgency as suicidal and will engage in rebellion.

Second, the state could fail to communicate credible reassurances, so that rebel groups would expect genocidal violence no matter what. If it expects the state to inevitably

launch large-scale violence against its group's civilians, the rebel leadership will assess it has nothing to lose in launching rebellion, even if the uprising fails. The second hypothesis is thus:

H2: If the rebels expect victimization anyway, they will have nothing to lose in rebelling and will thus launch an insurgency.

Third, the insurgent group could legitimately expect a successful outcome to its uprising, without outside intervention. Here, the rebel leadership could very well perceive the threats of retaliation from the state or its reassurances, and understand that rebellion incurs significant human costs, yet it could find these costs worth paying in the event of a victorious (and unassisted) insurgency. This yields the third hypothesis:

H3: If the insurgents expect victory at a tolerable cost without outside intervention, they will be willing to engage in rebellion.

Fourth, "it is the prospect of humanitarian intervention – moral hazard – that leads rebels to expect their armed challenge to succeed at tolerable cost."¹² State retaliation as punishment to rebellion could trigger a worldwide concern for the lives of the group's civilians, leading to humanitarian military intervention against the oppressive state, and thus success of the rebels' objectives. This gives the fourth hypothesis:

H4: The minority group leadership will engage in rebellion if it expects outside intervention to enable victory at a tolerable cost.

Finally, the null hypothesis suggests that rebel groups do not behave rationally so that it should not be expected of them to pursue strategies that will maximize their utility:

H5: The rebels do not behave as unitary rational actors.

Kuperman puts forward the fourth hypothesis, stating that it is the dynamics of and discourse on humanitarian intervention that play as the exogenous variable to the insurgents' decision to rebel. It is thus important to look more closely at this phenomenon of moral hazard. "Moral hazards occur when insured parties engage in activities that increase their chance of being victimized by the risk against which they are insured. In other words, moral hazard refers to the tendency of people with insurance

to change their behavior in a way that increases claims against the insurance company."¹³ For example, the unemployed receiving government financial assistance (employment insurance) may sometimes behave irresponsibly and choose to live off government welfare instead of looking for employment. Similarly, car theft insurance may inspire some to park their cars in unsafe neighborhoods at night. Recently, when the U.S. government bailed out numerous failing banks, it indirectly encouraged these institutions to adopt the same irresponsible behaviors that led them to near bankruptcy. Humanitarian intervention is no stranger to moral hazard: the international community, as "the third party (principal) provides a security guarantee (contract) to a domestic minority (agent) who wants protection from genocide, civil war, or other bad outcome."¹⁴ As such, it "fosters rebellion by lowering its expected costs and raising its likelihood of success."¹⁵

Timothy Crawford (2006) distinguished four types of moral hazards tied to humanitarian intervention. First, if a third party has made a specific threat of intervention in a particular country, rebellion is said to be caused by an acute moral hazard. Second, a long history of intervention in a specific country would be the source of a chronic moral hazard. Third, moral hazard is said to be contagious if intervention in support of rebels in one state spurred rebellion in a neighboring state (or region). Finally, moral hazard is pervasive when an emerging norm of humanitarian intervention inadvertently encourages rebellions more broadly.¹⁶

This first part has laid the theoretical framework on the moral hazard of humanitarian intervention. The second part will now test the theory and hypotheses on the Darfur Crisis.

Empirical Testing, Understanding the Darfurian Rebellion

This section will now assess the exportability of Kuperman's theory from the Balkans to the Darfurian upheaval. Before testing each of the five explanations for the deterrence failure represented by rebellion, it is necessary to evaluate if the framework actually allows these hypotheses to be tested. In other words, were the Darfurian rebels really the first ones to take up arms, so that genocidal violence was only a state retaliatory response?

Darfur is populated by two main groups: the 'Arabs,' pas-

toralist nomadic herdsman, and the 'Africans,' subsistence farmers. The two have been fighting over land and resources for decades. When the current President General Omar al-Bashir and the National Islamic Front seized power in 1989, a certain discourse on the superiority of the Arab ethnicity arose and 'African' communities became the target of a series of discriminatory policies. With Africans constituting 80% of the population, Darfur was quickly left out of the government agenda and neglected to the point that Khartoum's investment in the region became nonexistent. "During the 1990s, the African Darfurians grew frustrated by political marginalization and government support for the Arabs. The 'blacks' complained about the central government's lack of interest in building and repairing roads and financing local schools and hospitals."¹⁷ These frustrations were expressed in May 2000 in *The Black Book: Imbalance of Power and Wealth in Sudan*, "a thoroughly documented catalogue of the hardships Darfur had endured at the hands of the government of Khartoum."¹⁸

Politically and economically weakened, Darfur was however not the target of full-scale violence from Khartoum. In fact, before 2003, despite some "endemic low-level violence between Darfur's farmers and herders [...] and a few attacks by government-sponsored Arab militias on African villages, [there had been] no large-scale government-militias campaign."¹⁹ The Darfuri rebels, organized as the Sudan Liberation Movement/Army (SLM/A) or the Justice and Equality Movement (JEM), were thus the first ones to take arms: "In February 2003, [they] killed 200 soldiers in Golu, in Western Darfur. More spectacularly, in April 2003, both rebel groups attacked two army outposts in central and southern Darfur, killing dozens of soldiers, destroying several fixed-wing aircraft and helicopters, and capturing a base commander. Over the next four months, the rebels killed hundreds more soldiers in three attacks on north Darfur."²⁰

In the early days of the rebellion, Khartoum attempted to negotiate with the insurgents. Peace talks proving unsuccessful, the government of Sudan engaged in a large counter-insurgency campaign in June 2003. Genocidal violence was thus in fact the state's retaliatory response to the rebels' challenge to authority. The hypotheses proposed in part one can then be put to test in trying to explain the suicidal venture that was this rebellion.

It is hard to believe the Darfuri rebels were not aware of the threat of state retaliation. In fact, the Sudanese gov-

ernment had overtly communicated its willingness to fight back if its authority was to be challenged. When trying to negotiate with the rebels, the government gave a ten-day ultimatum to surrender or suffer the consequences of rebellion: the threat was given that "If dialogue does not work in Darfur, the Army can solve the situation in twenty-four hours."²¹ After the massacre of nearly two million South Sudanese in the North-South civil war, no one could question the credibility of these threats. Local tribes, sharing a history of suffering from the government-backed militias, were "hesitant to take action that might exacerbate their suffering. They had bitter recent experience of how any action, however small, could escalate."²² The first hypothesis fails then to inform the rebels' decision-making process.

The second hypothesis, that the insurgents were expecting victimization anyway so that they had nothing to lose by rebelling, is also not convincing. It is true the region was not free from violence and insecurity prior to rebellion. However, things were far from genocidal violence. If Khartoum had used the Janjaweed militias as proxies in the past, it was only to take down insurgencies, never to target civilians. Concerns over a probable genocide plan against the 'Africans' were only expressed by the rebel leadership - "the government is planning to crush our people. What can we do?" said Ahmad Abdel Shafi, the SLA's first coordinator.²³ The African populace, however, not seeing violence as reaching genocidal levels, "refused to support mobilization for a rebellion" for years.²⁴ The term 'genocide' was then clearly used as a rebel strategy to gain moral and financial support. These rebels however undeniably knew that things would get much worse if they launched a rebellion. There is thus no evidence to support the second hypothesis as an explanation to the uprising.

At the eve of their insurgency, the rebels incontestably knew that they had no chance of triumphing over Khartoum on their own. Although trying to reorganize themselves, they remained relatively weak, facing both a strong state and a multitude of merciless Arab militias in the region. They had witnessed twenty years of struggle for recognition by the Sudan People's Liberation Army (SPLA) against Khartoum and the state's ability to take down the Southern (and better-armed) rebels. Furthermore, timing did not work in their favor, as Khartoum was engaged in a peace process with the South and could thus redeploy its troops in Darfur if needed.²⁵ The third hypothesis, that the rebels could expect victory at a tolerable cost without outside intervention, fails then also at explaining rebellion.

If the rebels knew they had no chance of military victory, if they understood state retaliation was inevitable, and if they were aware retaliation would be more violent than anything their people had ever endured, then rebellion could eventually be seen as irrational (null hypothesis) or the result of Kuperman's moral hazard of humanitarian intervention (hypothesis four). "A possible explanation based on irrationality would be that the 'blacks' reached such levels of frustration as a consequence of marginalization that they decided to rebel, without considering the likely costs associated with that course of action."²⁶ According to Kelly Whitty (2008), there are grounds on which to question the unitary rational nature of the Darfurian rebel leadership.²⁷ For example, there was little cohesion among the leadership: Not only were rebels divided between the SLM/A, the JEM, and others, but even within the SLM/A – the strongest and most active group – there were serious disagreements among the decision-makers.

Throughout the conflict, rebels would disagree about whom to put forward as their spokesperson, or the leadership would sign and then withdraw from peace deals because it lacked support from the rebel factions on the ground. "In 2006, Sudan's government signed a US-brokered peace agreement, but two of the three main rebel factions refused to join because they demanded additional concessions."²⁸ This confusion within the rebels' leadership suggests a lack of unified decisions based on shared preferences, which are dynamics necessary for the rebellion to be considered a rational strategic venture. The null hypothesis is thus a plausible explanation to rebellion, and it will have to be tested against Kuperman's hypothesis on the moral hazard of humanitarian intervention.

"Although non-strategic factors affected the rebels, their most fateful actions are better explained by strategic calculation."²⁹ In fact, although the dynamics within the decision-making stratum of the rebel groups seemed to suggest a certain irrationality of its leaders, one will appreciate the strategic calculations of the rebel leadership and understand the rationality of its actions once one endeavors to consider the perverse effects that the prospect of humanitarian intervention could have had on the rebels' decision-making process. "According to moral hazard theory, the rebel groups take offensive actions against the state to provoke violent retaliation on the civilian population in order to attract international attention and eventually intervention of some sort in their support."³⁰ In line with Crawford's four types of moral hazard, the rebels had legitimate reasons to expect an outside intervention if

large-scale violence was to erupt.

First and foremost, the international community had just intervened in Southern Sudan. After years of civil war, the international community, led by United States, intervened to stop the humanitarian crisis and pressure Khartoum to share power and wealth with the southern rebels. The 2005 Peace Agreement eventually fulfilled the rebels' agenda, granting them autonomy, a share of the oil revenues, and the promise of a referendum on secession. This triggered a phenomenon of contagious moral hazard, as the Darfurian militants could hope to "emulate the southern strategy of attracting humanitarian intervention to gain a share of power and wealth."³¹

Second, as mentioned earlier, the 'Responsibility to Protect' doctrine had become law in the international community, it was deeply rooted in its moral principles and had been publicly embraced by all prominent global leaders. "Many of the SLA/M leaders were university-educated, making it reasonable to assume that they were at least peripherally aware of the international discourse on intervention in states where gross violations of human rights took place."³² After a series of high-profile humanitarian military interventions in the 1990s (Northern and Southern Iraq, Bosnia, Somalia, Zaire, Liberia or Kosovo), there was no reason to believe Darfur would not appear on the agenda for military intervention in the event of large-scale violence. In fact, rebel leaders would constantly make parallels to humanitarian intervention precedents, wanting things done "like in Bosnia" or Kosovo.³³ A phenomenon of pervasive moral hazard is thus observable.

However, there is no evidence to support the phenomena of acute and chronic moral hazard. In fact, there was, prior to rebellion, no direct threat of intervention targeting Khartoum, nor did Sudan have a particularly long history of outside intervention. Nonetheless, following the first waves of state violent retaliation, "there was a gradual escalation of intervention in Darfur starting with humanitarian aid in 2003 and peacekeepers in 2004; and persistent calls by Western states and non-governmental organizations for greater intervention in Darfur,"³⁴ suggesting that acute and chronic moral hazards did come into play later on in the conflict.

Darfurian rebels, then, had every reason to believe the international community would intervene if the state were to engage in a massive violent retaliation to rebellion. The concern was thus to send out the right signals in order

to garner the sympathy of the international community. Note for example that the rebels always targeted government installations, never the Arab militias or their civilian support base, therefore appearing as the victims of violence and not the perpetuator of atrocities against civilians. Western media, portraying the rebels as freedom fighters, triggered wide waves of support in the West for these 'heroes.' Yet these 'heroes' let their villages burn and their people die. In fact, the more images of suffering and death there were, the more sympathy in the West there was and the greater the pressure for intervention. As such, the rebels "have been very content to sit back, let the village burnings go on, let the killing go on, because the more international pressure that's brought to bear on Khartoum, the stronger their position grows."³⁵ Convinced that the international community would intervene, the rebels almost encouraged their civilian support base to take the beating – the SLA told the populace: "Hey, don't give up. The U.S. and England will come here and occupy this country and they will give you everything and take off the Arabs from Sudan."³⁶ The rebels' reluctance to explore peace deals with Khartoum also suggests an effort to make the crisis last, eventually obtaining greater intervention in the future. In 2003, the SLM abandoned peace talks. In 2004, both rebel groups refused to attend peace talks. In 2005, the rebels made unrealistic claims putting the peace process to a halt. In 2006, when the SLA/M signed the Darfur Peace Agreement, two internal rebel factions continued to fight, "not by irrationality, but by [the] strategic assessment that [they] could hold out for greater intervention."³⁷

The first three hypotheses fail to explain the insurgents' decision to rebel. After having challenged the null hypothesis against Kuperman's theory on the moral hazard of humanitarian intervention, it is hard to believe the rebels acted irrationally, as the decisions they took were the results of highly strategic calculations. Judging from the series of provocations, the violations of ceasefires and the marketing of their rebellion, it is clear that the rebels sought to have the eyes of the international community on the humanitarian catastrophe carried out by the state, eventually triggering outside intervention. The fourth hypothesis, on the moral hazard of humanitarian intervention, is thus the most convincing in explaining rebellion.

Research Findings, Implications and Policy Recommendations

Explaining rebellion in Bosnia and Kosovo, Kuperman's

theory on the moral hazard of humanitarian intervention can also explain the Darfurian puzzle: despite their military inferiority and aware of the massive campaign of violence the Sudanese state would engage in as punishment to rebellion, the Darfurian rebels launched an insurgency against the government in Khartoum. The idea was to provoke retaliation against their own people, triggering a humanitarian catastrophe that would make the news in the West, ultimately causing the international community to intervene and thus fulfill the rebels' political objectives.

Citizens and non-governmental organizations in the West ought then to be careful when articulating their concerns for the lives of the civilians in Darfur, or when advancing plans for military intervention. In fact, the emerging norm which dictates that the international community is justified in intervening militarily to prevent human rights violations when a state is unable or unwilling to protect its own citizens has had perverse effects on state and sub-state actors, paradoxically creating more violence than expected. Misunderstanding the dynamics that led to the conflict in the first place and this phenomenon of moral hazard can lead one to pursue policies that would be counter-productive or harmful. This third section will highlight the complexity of preventing moral hazard in the international realm. It will also offer some policy recommendations that could help reduce the incidence of moral hazard. In Darfur, it is essential to show that the international community will not reward the irresponsible behavior of rebellion, while more broadly, it is necessary to rethink the 'Responsibility to Protect' doctrine.

In "Principal-Agent Problems in Humanitarian Intervention: Moral Hazards, Adverse Selection, and the Commitment Dilemma," Robert W. Rauchhaus (2009) offers a clear picture of the complexity of dealing with moral hazard in the anarchic international system. While "in the insurance industry and many of the other domains explored by economists, principals have a variety of pricing mechanisms – premiums, deductible, and co-payments – to prevent or punish bad behavior, in international politics [...] third parties often lack effective instruments for preventing or punishing bad behavior."³⁸ While an insurance company can tackle moral hazard with the legal tools it is given in the domestic realm (courts, binding arbitration, special clauses, etc), the anarchical nature of the international system and the absence of an external binding enforcement mechanism renders impossible the prevention of free-riding and the punishment of fraud. Countries considering humanitarian intervention are thus confronted

by a commitment dilemma: “If a third party credibly commits to intervening in a dispute, the domestic minority may take advantage of the situation and engage in provocative or risky behavior. In contrast, if a third party avoids credibly committing to intervention, then the government may discount the warnings as merely bluffing or cheap talk, and continue engaging in violence.”³⁹ If the ‘Responsibility to Protect’ doctrine, as a security guarantee, offers incentives for minorities to rebel, then should we nullify this security guarantee? But if we do, are we allowing a humanitarian crisis as we disengage from the conflict?

The international community is facing this dilemma in Darfur. Intervening would absolve the rebels of their responsibility and strengthen their legitimacy and their cause, rewarding them for the humanitarian catastrophe they have indirectly provoked. Yet disengaging would leave millions of innocent civilians at the mercy of violence. In choosing to intervene, one must thus distinguish the militants from the civilians and design a strategy that will save civilian lives without strengthening the rebels. Costantino Pischedda (2007) in “A plan for military intervention in Darfur” suggests an intervening force of about 30,000 personnel that would focus on the protection of refugee camps, the prevention of their militarization, and the protection of humanitarian aid delivery.⁴⁰ By screening the populations at the entrance of the camps, rebel forces would not be able to make these camps their bases or benefit from the food, medicine, vehicles and communication equipment provided by the humanitarian aid. “[Because] Khartoum wants the ‘blacks’ to ‘behave’ rather than to exterminate them, the government would not be interested in attacking camps inhabited by unarmed elements. The intervention may actually be seen in a positive light by Khartoum, as it would reduce the negative publicity associated with the violence on IDPs [Internally Displaced Persons], while depriving the rebels of important resources.”⁴¹ While the rebels will most likely oppose this type of intervention, if successful it will prove to be an efficient solution to the ongoing dilemma. The humanitarian catastrophe will be addressed, yet the intervention will not reward the irresponsible behavior of rebellion and will not register a precedent encouraging other rebellions in the future.

But a lot of damage has already been done in Darfur, and although the intervention mentioned above would certainly alleviate much of the suffering, it does not absolve the international community from seriously questioning the norm that has indirectly contributed to the carnage. It

is in fact necessary to rethink the ‘Responsibility to Protect’ doctrine so as to decrease the incidence of moral hazard in the future. Kuperman in “Rethinking the Responsibility to Protect” proposes five reforms of intervention policy that could help reduce moral hazard and thus genocidal violence.

First, “the international community should refuse to intervene in any way – diplomatic, economic, or military – to help sub-state rebels unless state retaliation is grossly disproportionate.”⁴² Making such a statement should discourage both provocations by sub-state actors and disproportionate retaliation by the state in the event of a rebellion. Various issues remain however. The international community yet has to agree on what constitutes a disproportionate retaliation. Moral hazard also fails to be clearly addressed, as sub-state actors might harden their rebellion in an attempt to provoke even greater retaliation. But more importantly, the phenomenon of moral hazard could also affect the state: because the international community sets a threshold, the state is given the reassurance that it can engage in retaliation without having its sovereignty disputed, as long as it does not cross said threshold.

Second, as suggested by Pischedda, interveners should, when delivering humanitarian aid (food, water, medical supplies, etc), “do so in ways that minimize the benefits to rebels.”⁴³ In an attempt to prevent refugee camps from becoming safe-havens for the militants, interveners should escort humanitarian aid convoys and police the camps. This recommendation is promising, and appears to be easily implementable. However, rebel groups have no interest in bettering the lives of their civilians, as they struggle to spread the most images of suffering. As such, as Pischedda suggests, rebel groups will gladly attack the aid convoys, and escorting these convoys will require heavy military capabilities. Intervenors might also have to resort to bribes for them to be able to reach the refugee camps, which would significantly strengthen the rebels’ financial and military resources.

Third, “the international community should expand substantial resources to persuade states to address the legitimate grievances of non-violent domestic groups.”⁴⁴ Instead of punishing states when it is too late, because they have retaliated when violently challenged, the international community should encourage them to address the non-violent claims of minorities, for example through more democratic processes. This could be done through socialization or conditionality, but remains very idealistic.

Fourth, “the international community should not apply coercive leverage to compel a state to hand over territory or authority to a domestic opposition, unless it first deploys a robust peacekeeping force to defend against the potential violent backlash.”⁴⁵ Siding with the domestic opposition, without first ensuring the international community is willing to intervene and has the military capacity to do so, could backfire and lead to state to further retaliate against the civilians.

Finally, “interveners should avoid falsely claiming humanitarian motives for interventions that are driven primarily by other objectives, such as securing resources, fighting terrorism, or preventing nuclear proliferation.”⁴⁶ Although claiming to be driven by charitable purposes when intervening abroad may be a better strategy in an effort to gain popular support, it undeniably creates precedents for which other rebel groups could then point to in an attempt to obtain humanitarian military intervention. As we have seen in the debate unfolding over Iraq however, it is hard to expect countries to behave in perfect honesty and constantly claim the exact motives and objectives that bring them to intervene.

While imperfect, these reforms could, if considered by policy-makers, contribute to a certain rethinking of the ‘Responsibility to Protect’ doctrine, in an effort to reduce the incidence of moral hazard in the future.

Conclusion

The ‘Responsibility to Protect’ doctrine has been enthusiastically received by the global civil society. Challenging the Westphalian tradition by arguing that sovereignty is neither absolute nor an entitlement of statehood, but rather, a privilege that states may earn only by protecting their people, the doctrine has obligated the international community to intervene, militarily if necessary, to protect the at-risk populations.⁴⁷ For non-governmental organizations and human rights activists, this is a great innovation that will assist the international community in tackling the challenges of the post-Cold War world. But the ‘Responsibility to Protect’ could very well be the cause of these challenges: as a security guarantee against genocidal violence, the norm has the perverse effect to encourage risk-taking and eventually rebellion by sub-state actors, exhibiting the pathology of moral hazard carried by all insurance systems. As the case of Darfur confirms, the dynamics of and discourse on humanitarian intervention have had an impact on the decision-making process

groups and rebel forces, encouraging them to engage in the suicidal venture of rebellion in the hope of creating a humanitarian catastrophe that will acquire international attention and intervention. It is therefore urgent for the international community to rethink its rhetoric and the ‘Responsibility to Protect’ doctrine. In an effort to reduce the incidence of moral hazard, it is necessary in Darfur to show that if we are to intervene to address the humanitarian crisis, we will not reward the rebels’ irresponsible behavior. More broadly, policy-makers must consider reforming the doctrine to redefine the ethics driving intervention, tackle the phenomenon of moral hazard, and solve rather than cause challenges in the future.

¹ President Bill Clinton, interview by Wolf Blitzer. 1999. Late Edition, CNN. Web. 23 November 2010.

² International Commission on Intervention and State Sovereignty. 2001. The Responsibility to Protect. Web. 23 November 2010.

³ United Nations, High Level Panel on Threats, Challenges and Change. 2004. A More Secure World: Our Shared Responsibility. Web. 23 November 2010.

⁴ Kuperman, Alan J. 2006. “Suicidal Rebellions and the Moral Hazard of Humanitarian Intervention” in Crawford, Timothy W. and Kuperman, Alan J. (Ed.) *Gambling on Humanitarian Intervention: Moral Hazard, Rebellion and Civil War*. Abingdon: Routledge. 2.

⁵ Whitty, Kelly. 2008. “Darfurian Rebel Leaders and the Moral Hazard of Humanitarian Intervention”. *Paterson Review* 9: 19-34, 20.

⁶ Jenne, Erin. 2004. “A Bargaining Theory of Minority Demands: Explaining the Dog that Didn’t Bite in 1990s Yugoslavia”. *International Studies Quarterly* 48(4): 729-754, 734. Harff, Barbara, and Gurr, Ted Robert. 1988. “Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945”. *International Studies Quarterly* 32(3): 359-371.

⁷ Kuperman in Crawford and Kuperman 2006, 3.

⁸ Pischedda, Costantino. 2007. “A plan for military intervention in Darfur”. *African Security Review* 16(4): 80-96, 84.

⁹ Davies, J. C. 1971. “Toward a Theory of Revolution” in Davies, J.C. (Ed.) *When Men Revolt and Why*. New York: Free Press.

¹⁰ Gurr, Ted Robert. 1970. *Why Men Rebel*. Princeton, NJ: Princeton University Press.

¹¹ Kuperman, Alan J. 2008. “The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans”. *International Studies Quarterly* 52: 49-80, 55.

¹² Rauchhaus, Robert W. 2009. “Principal-Agent Problems in Humanitarian Intervention: Moral Hazards, Adverse Selection, and the Commitment Dilemma”. *International Studies Quarterly* 53: 871-884, 874.

¹³ *Ibid*, 872.

¹⁴ Kuperman, Alan J. 2009a. “Rethinking the Responsibility to Protect”. *The Whitehead Journal of Diplomacy and International Relations* Winter/Spring 2009: 19-29, 22.

¹⁵ Crawford, Timothy W. 2006. “Moral Hazard, Intervention and Internal War: A Conceptual Analysis” in Crawford and Kuperman 2006.

¹⁶ Pischedda 2007, 82.

¹⁷ Belloni, Roberto. 2006. “The Tragedy of Darfur and the Limits of the ‘Responsibility to Protect’”. *Ethnopolitics* 5(4): 327-346, 333.

¹⁸ Pischedda 2007, 84.

¹⁹ Kuperman, Alan J. 2009b. “Darfur: Strategic Victimhood Strikes Again?” *Genocide Studies and Prevention* 4(3): 281-303, 285.

²⁰ Prunier, Gérard. 2008. *Darfur: A 21st Century Genocide* (3rd Ed). Ithaca,

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²¹ Flint, Julie, and De Waal, Alex. 2005. *Darfur: A Short History of a Long War*. African Arguments. London: Zed Books. 72.

²² *Ibid*, 70.

²³ Kuperman 2009b, 288.

²⁴ *Ibid*, 290.

²⁵ Pischedda 2007, 85.

²⁶ Whitty, Kelly. 2008. 26. Note that although Whitty questions the rebels' rationality, she endorses moral hazard as the ultimate explanation to rebellion.

²⁷ Kuperman 2009a, 24.

²⁸ Kuperman 2009b, 296.

²⁹ Pischedda 2007, 85.

³⁰ Kuperman 2009a, 24.

³¹ Whitty 2008, 29.

³² De Waal, Alex. 2007. "Darfur's Deadline: The Final Days of the Abuja Peace Process" in De Waal, Alex (Ed.) *War in Darfur and the Search for Peace*. Cambridge, MA: Harvard University Press. 276.

³³ Kuperman 2009b, 297.

³⁴ US State Department Official quoted in Anderson, Scott. 2004. "How did Darfur Happen". *New York Times Magazine*, 17 October 2004. Web. 26 November 2010.

³⁵ Ahmed Angabo Ahmed, Sudanese government commissioner for the town of Kas, quoted in Anderson 2004.

³⁶ Kuperman 2009b, 296.

³⁷ Rauchhaus 2009, 879.

³⁸ *Ibid*, 879.

³⁹ Pischedda 2007, 86.

⁴⁰ *Ibid*, 89.

⁴¹ Kuperman 2009a, 26.

⁴² *Ibid*, 27.

⁴³ *Ibid*, 27.

⁴⁴ *Ibid*, 27.

⁴⁵ *Ibid*, 27.

⁴⁶ *Ibid*, 19.

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