

- (v) The principle of **proportionality** must be observed in the sense that the amount of good to be achieved must outweigh the harm that is done in using force. In simple terms, if the destructive consequences of the military campaign result in more death and destruction than was likely if genocide was allowed to proceed, the justness of the intervention must be doubted. Again, this is an extremely difficult issue to judge. In the case of Kosovo some have argued that the NATO air campaign allowed genocide or so-called 'ethnic cleansing' to proceed in a more intensive way than would otherwise have been possible. What is clear is that this condition provides a just reason for applying restraint in circumstances that would prove militarily very difficult to prosecute
- (vi) Finally, force must be applied in strict accordance with the **laws of armed conflict**. The fact that the target state is committing genocide is no reason for using methods that would otherwise be illegitimate.

The Just War doctrine provides first of all a traditional legal basis for intervention without recourse to UN Security Council action in support and, secondly, it avoids the convoluted and unsound reliance on an erroneous 'right' to intervene. Although the practical outcome may be very much the same as future practice justified by a claimed 'right' of intervention, in jurisprudential terms a rationale based on an obligation would be much more rigorous and defensible.

- (iii) Third, military intervention must be regarded as a last resort measure and only be applied if all other means have been exhausted or are regarded as unlikely to avert the envisaged humanitarian catastrophe. Diplomatic efforts, including the threat or imposition of economic sanctions, must be made to persuade the state concerned not to proceed with its supposed policy of genocide. These might legitimately include the threat to use force if it does not.
- (iv) Military intervention must have a reasonable prospect of success. For this to be likely the force intervening must be endowed with sufficient military capability of an appropriate type. In this respect the debate over NATO's chosen means of intervention in 1999 is especially relevant. At the time, the Alliance's heavy reliance on air power was seriously questioned by many, including by some who were otherwise sympathetic to the idea of intervention. Clearly, this will be a matter of both political and military judgement that has the potential to generate considerable controversy.