Can Military Intervention Be Humanitarian?

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During the last century the world community gradually built up a fragile system of international law which stamped the use of force against the integrity or independence of other countries as the chief international crime. A main foundation for this peace system was the United Nations Charter, under which all member states committed themselves to settle their international disputes by peaceful means. Certainly, some states some times neglected this commitment. Even after the Second World War, which probably killed more than one hundred million people, mankind has experienced numerous cases of military aggression across international borders. But it seemed all the same that the prescription to promote human security by the use of peaceful means was slowly gaining ground in the world.

Never before has this emerging culture of peace been threatened as much as after George W. Bush acquired the presidency of the United States. Political leaders of the US even before him resorted to unlawful interventions in other countries. But none of them defied international law as arrogantly as George W. Bush, neglecting the purposes, principles and decisions of the United Nations and insisting on the right of the US, which he sees as "the finest nation, full of the finest people on the face of the

earth,"[1] to intervene unilaterally with massive military force wherever its leaders feel that their national interests are threatened. In violation of international law Bush has even claimed the right to carry out "preventive wars" against perceived dangers. During the last century a consensus emerged among established nuclear powers that the only acceptable purpose to possess nuclear weapons (which have been declared generally unlawful by the International Court of Justice) was to deter attacks with similar weapons. Disregarding this understanding Bush has now adopted a policy which he cryptically terms "offensive deterrence,"[2] implying that the US is again developing atomic bombs for offensive use.

Preparing his war against Iraq president Bush repeatedly warned the world of the danger that the United Nations might become irrelevant. This is obviously a real danger. But to Bush relevance does not mean that member states – including the US – respect the decisions of the world organisation. It means that the United Nations does what it is told to do by the leaders in Washington.

The new US-led interventionism was demonstrated in 1999, as NATO member states started their war against Yugoslavia, realising that neither the Security Council nor the General Assembly would allow the intervention, but accepting the US position that the Western military alliance had a sovereign right to use force without a UN mandate. Two years after this violation of international law the members of the Security Council blessed the US war against Afghanistan on the basis of a resolution whose operative paragraphs called on UN member states to bring the perpetrators of the 11th September attacks to justice, without any mentioning of the use of military force.[3] A third example was given this year, as the US and its "coalition of the willing" unleashed the war against Iraq in flagrant neglect of the principles and procedures of

the "irrelevant" world organisation.

The first of these interventions was originally advocated as a means to prevent the civil war in Kosovo from spreading to other countries in the region, – which it partly did after NATO intervened. Bush carried out the second war to capture Osama bin Laden dead or alive and destroy the Al Qaida network, which he did not quite achieve, as bin Laden has not been captured and the fighting still goes on. The reason given for the third war was to eliminate Saddam Hussein's weapons of mass destruction, which did not exist.

In all the three cases the argumentation shifted as the wars went on. Humanitarian reasons were more and more given to defend the killings and damages. As the Serbian military responded to NATO bombings by driving the Kosovo-Albanian population forcefully out of the province, this was presented as a justification for the bombings which caused the expulsion. As it turned out that none of the perpetrators of the 11th September attacks against the United States were Afghans, the dominating aim of the war was quietly shifted to liberating the Afghan population from a suppressive regime. The same thing happened in Iraq, as it became increasingly difficult for the US leaders to present Saddam Hussein as a credible threat to the United States. The reason given for the attack was therefore switched to eliminating the Iraqi regime in order to open the Middle East for freedom and prosperity. Those limited parts of the Western public which supported the three wars also emphasised what they conceived to be humanitarian concerns.

Whatever parts of the public imagined, reasons may be given for doubting the sincerity of the official proclamations about humanitarian motives. When Soviet troops were withdrawn from Afghanistan in 1989, after a ten years highly contested war, the

country was soon forgotten by the international community. Launching the new Afghan war twelve years later, Bush and his followers solemnly assured the Afghan people that this time they would not be let down. They could count on help to establish peace and prosperity. But two years later not even the Iraq capital is safe, and the new president has to be protected by American military. Outside Kabul lawlessness reigns, the warlords are again in command, criminality and opium production is increasing, women are suppressed as before and real development is lacking. Even Kosovo is still a war worn society. Serbs and other minority groups were persecuted and driven away after NATO had come to protect them. To-day the province has more than sixty per cent unemployment, poverty, high criminality, internal strife and little or no community building. It remains to be seen if the Iraqis will fare any better.

Neither were the humanitarian costs of the military invasions in these countries realistically reflected by Western media. Journalists tended to accept uncritically the language chosen by people in charge of "media relations" in the US military establishment, for instance describing the exploding of Iraqi soldiers in their bunkers as "softening up" the defenders, and referring to slaughtered Iraqi units as "degraded" or "attrited." The Canadian writer Russell Smith has condemned this timid journalism succinctly:

> To recite from a Pentagon press release that an Iraqi division has "been degraded by 70 percent" is an astounding abdication of journalistic responsibility. A journalist these days must not just report the facts, but explain the news, give it colour and significance. The graphic reality of "degradation" is a large pile of dismembered bodies. Surely some picture or explanation of what the wiping out of an entire division with high explosives actually looks like is called for.[4]

War is an unpredictable enterprise. When Hitler attacked Germany's neighbouring countries to create a "New European Order," he did not expect that the fighting would end with his own suicide in the ruins of Berlin. And when the military leaders of Japan attacked the United States in their effort to create "the great Asian Co-prosperity Sphere," they did not foresee that the inhabitants of Hiroshima and Nagasaki would be massacred by atomic bombs and the Japanese Empire turned into an occupied country. War leaders on both sides of a war tend to convince themselves that they and their soldiers will prevail. At least one of the parts is always wrong. Even empires come to an end. Whatever motives and objectives wars are started for, the only consequence which can be predicted with certainty is that the use of weapons   imply intentional violence, pain and losses. Even war is terror.

According to the US Cornell professor Mark Selden both international and US law define terrorism as activities involving violent acts or acts dangerous to human life which appear to be intended (1) to intimidate or coerce a civilian population, (2) to influence the policy of a government by intimidation or coercion, or (3) to affect the conduct of a government by assassination or kidnapping." This definition shows that terrorism never has been exclusively the acts of individual criminals in defiance of states. On the contrary, states are committing similar acts on a massive scale. With good reason Mark Selden uses the term *state terror* about systematic state violations of international agreements which forbid intimidation, coercion and killing of civilians. During the Second World War Germany, Japan, the United States and Britain committed cruel acts of this kind. Despite all the international agreements since 1945 to strengthen and respect humanitarian law, state terrorism has continued:

Over the past six decades, the United States has pioneered the routing targeting of civilians from the air as the centerpiece of a war strategy predicated on US technological supremacy and designed to minimise US military casualties and maximise casualties among opposing military forces and civilians. We have traced this pattern from the firebombing, napalming and atomic bombing of Japanese cities to the use of antipersonnel bombs and Agent Orange intertwined with search-and-destroy and strategic-hamlet approaches to pacification in Vietnam and of depleted uranium weapons in the Gulf war, cumulative strategies that assured the heavy toll of civilians, including the dispossession and destruction of life and society in successive nations that dared defy US fiat. In the wake of September 11, Washington has extended its reach and claimed the right to invade and attack anywhere in the name of counter-terrorism, with no limits on the right of intervention or the use of weaponry, and has scorned all forms of international attempts to limit the inhumanities of war and protect human rights.[5]

The right to self-defence is established by international law. Even offensive wars may occasionally lead to some good results as unintended consequences. But "military humanitarian intervention" is a self-contradictory term. War consists of killing and destroying. Any war creates killers and victims, cripples and mourners. To start a military intervention in the expectation that these human distortions and sufferings will weigh less than the pain which the population would be exposed to if the war did not take place, is to base human development on extremely uncertain computations. What is more, this intellectual exercise reduces the ethical question of killing or not killing to a kind of cost calculation. To take lives is permitted if estimated to reduce other sufferings by a larger quantity than the killing itself inflicts. Certainly aggressors will insist that their own atrocities bring a benevolent surplus of this kind. But we can't, without undermining the moral foundation of human society, issue licenses to kill on the basis of cost/benefit analyses. We need the support of some moral imperatives.

There is an alternative to deciding international conflicts through the use of weapons. That is to try to solve them with peaceful means. International law insists that relentless efforts in this direction must be pursued before any consideration of the use of force is legitimate. All countries "shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."[6] This obligatory approach was not utilised fully in any of the three war cases mentioned above. On the eve of the war over Kosovo NATO neglected a resolution adopted by the Serbian national assembly, which declared that Yugoslavia was willing to discuss the size and character of an international presence in the province and to agree on wide-ranging autonomy for Kosovo, with guaranties for full equality between inhabitants and ethnic groups. Two days before the war against Afghanistan started, the Taliban regime declared that it was willing to bring Osama bin Laden to a court, provided that the United States presented solid material about his complicity in the 11. September suicide attacks. Bush refused any negotiations. The majority of the Security Council were unwilling to give the US and its coalition any mandate to use force against Iraq until the UN inspectors had completed their search for weapons of mass destruction. But Bush and Blair decided to launch the war anyhow, probably fearing that there were no prohibited weapons to be found. In all these cases the leaders of the war party, while publicly professing their love for peace, gave priority to military as opposed to peaceful means. Several years after the Cold War our world is still beset by a tendency to militarise international conflicts.

When the only remaining super power spends almost as much money on armaments as the rest of the world combined, it inevitably influences the postures of other countries. Seeing that the US does not feel secure without a preponderance of

power, others feel that they too have to secure themselves by rearming or by seeking the protection of the new empire. Even if they could never copy the enormous military spending of the US, they may increase their defence budgets by limiting health and school expenditures. Those who have the necessary know-how and technology to develop nuclear weapons may see little reason to abide by the nuclear non-proliferation treaty as long as the leading nuclear power seeks to develop offensive atomic bombs. But increased global armaments don't create a more secure world. They make the world more dangerous. Military build-ups lead to fears, suspicions and misunderstandings. One's own defence build-up is perceived as defensive. The arms of *the other* are taken as threatening. Wars may break out because states misinterpret each others' military preparations. The weapons become more dangerous than the perils which they were meant to protect against.

Not less dangerous is the undermining of international law. Other powers will obviously not accept that the US and its coalitions establish an exclusive right for themselves to use international force at will, while others are told to respect the peace rules of the UN Charter. It would be naive indeed to assume that when other regional or medium-sized powers feel that their own national interests are at stake somewhere, they will not insist on the same right to unilateral military action. An aggravation of this kind may not only undermine the law, but even change it. International law puts strong emphasis on the factual behaviour of states at the international level. Wide-spread and lasting disregard for an international law may be considered to have established new law. In this way international criminals might become lawmakers. We might end up with an unpredictable world where common efforts to manage global challenges are downgraded, power is reigning and states are seeking to protect

themselves at the expense of others. This is a kind of world which human beings have experienced before. But it is not an existence to hope for.

President Bush is right when he calls upon the United Nations to become relevant. But the world organisation is depending upon its member states. The Secretary General has no power to issue laws or collect taxes. He or she does not command any army. The successes and failures of the UN are the results of the decisions which member states take – or don't take – at the meetings of its bodies. What is needed to make the UN more relevant to the requirements of the modern world is for member states to respect the provisions and principles of its charter, to give the organisation the resources which it needs to fulfil its tasks and implement the decisions of its bodies – and to abide by these decisions themselves. To-day we are far from such a situation. With a total budget about the size of the annual expenses of the fire and police departments of New York City the UN is grossly under-financed. In several cases of humanitarian emergencies members of the Security Council have either failed to take the necessary action – as in Rwanda – or failed to provide the UN peace keepers with the resources which they needed to carry out their mission – as in Bosnia, in both cases with fatal consequences. Predictably, in each case the US and other leading member states have blamed the organisation for the catastrophic results of their own irresponsible resolutions.

The Charter of the United Nations forbids the organisation "to intervene in matters which are essentially within the domestic jurisdiction of any state."[7] At the same time the charter stresses that the organisation has the purpose of "promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion."[8] The world organisation has primarily

pursued this objective through international co-operation, adoption of international conventions and similar instruments, educational and informational policies, critical scrutiny of member states' human rights performances and the creation of judiciary bodies like the International Criminal Court. There can be no doubt that these policies, which were pioneered in 1948 by the adoption of the Universal Declaration of Human Rights, have contributed to improving human conditions all over the world. The promotion of human rights by peaceful means should continue as a main field of UN activity.

But for some decades increased media and public attention has been drawn to grave internal violations of human rights, questions which traditionally have belonged to "the domestic jurisdiction of any state." A number of governments as well as groups in the civil society have repeatedly called for redressing the imbalance between the obligation to secure human rights and the non-intervention principle. International law does not allow "humanitarian interventions." The Security Council is only permitted to take military action when this is necessary to restore international peace and security. Some resolutions adopted by the Council over the last years have doubtless masked the prospect of "humanitarian interventions" as actions to secure regional stability. Here the council has been aided by a wide public feeling that human responsibility to help the victims of violence can't stop at the borders.

This way of twisting the meaning of the charter is no satisfactory solution.

In 2001 an international commission on intervention and state sovereignty sponsored by the government of Canada issued a report entitled *The Responsibility to Protect*. The commission stated that where a population is suffering serious harm as a result of internal war, insurgency, repression or what it calls "state failure," and the

state in question is unwilling or unable to halt or revert it, the principle of non-intervention should yield to the international duty to protect. The report underlines that the single most important dimension of this responsibility is prevention and that less intrusive and coercive measures should always be considered before more coercive and intrusive ones are being applied. But though military intervention is seen as an exceptional and extraordinary measure, the commission wants to allow it in extreme cases in order to halt human suffering.

The main difficulty is probably not to arrive at an international agreement about the responsibility to protect, but to agree on who should be authorised to react by launching military intervention. The commission sees no better or more appropriate body for this function than the Security Council. This means that UN member states should accept the trend of a Security Council continuing to strengthen its own power in the world organisation, eroding that of the General Assembly. With the UN charter member states have only agreed to let the Security Council act on their behalf when it is needed to maintain international peace and security. They have not given up the right of the General Assembly to consider measures for the adjustment of any situation resulting from the violation of the purposes and principles of the UN charter. Questions relating to "universal respect for and observance of human rights and fundamental freedoms for all" belong to the agenda of the General Assembly, not to the dossier of the council.

With good reason developing nations fear that military interventions will continue to take place in their own countries, not in the countries of the rich and privileged peoples. They know well that the fifteen members of the Security Council, where five victorious powers from the Second World War have provided themselves

with permanent seats and veto rights, is not likely to take good care of the interests of the South. They are familiar with the pressure and intimidation which powerful countries apply to enforce the voting behaviour of the economically weak members. Though this practice has even been extended to the General Assembly, the assembly is, with its universal membership, by far the most democratic and representative body of the United Nations. This is the forum where developing nations can form alliances, raise their voices and try to claim their rights.

Even the South Centre, a highly appreciated institute of the South, has proposed an arrangement for the UN to address internal emergencies. The centre is naturally asserting the responsibility of the General Assembly for humanitarian affairs. It asks the assembly to establish a high level intergovernmental expert group to review the causes of complex crises and emergencies. "The group should make policy, institutional and operational recommendations on how the UN should address emergencies in the future in a more democratic, broad-based and demilitarised approach to humanitarian assistance."[9] This might be the basis for the elaboration of a declaration of general principles and guidelines for decisions by the United Nations on international action in grave domestic situations. The South Centre advises the assembly to establish its own machinery for this purpose, with participation of relevant UN bodies and programmes. The General Assembly might act itself on the basis of the recommendations of this machinery, or it might forward the case to the Security Council for consideration and action. A need certainly exists for putting an end to the irregular way in which internal crises and emergencies till now have been dealt with by the Security Council. It is high time that the UN establishes regular rules for dealing with such situations. Until charter reforms might be adopted, this need can best be

served by the elaboration of a declaration containing strict guidelines for intercessions in internal emergencies, stressing the priority which the UN charter gives to peaceful means. In order to obtain broad support from member states in all regions and acquire wide legitimacy these guidelines should be adopted by the General Assembly. Even in cases where the General Assembly calls upon the Security Council to act, the rules should make sure that the assembly is properly informed in the course of the actions and able to verify that the charter principles and the relevant rules are being adhered to.

The commission which Canada sponsored on intervention and state sovereignty, proposed that the Security Council might authorise "coalitions of the willing" to carry out humanitarian interventions. However, to entrust enforcement tasks to groups of member states can lead to difficulties, as Secretary-General Boutros Boutros-Ghali pointed out, and "have a negative impact on the organisation's stature and credibility." There is "the danger that the states concerned may claim international legitimacy and approval for forceful actions that were not in fact envisaged by the Security Council."[10] A much more appropriate alternative is to apply wholeheartedly the relevant charter provisions and provide the United Nations with the resources and manpower which it needs to carry out enforcement actions under its own command. At least – and until such an alternative is implemented – the rules should make sure that contractors mandated to use force on behalf of the UN are clearly placed under the authority of the Security Council, which should control their use of power and regularly pass information about the military actions on to the members of the General Assembly.

Doubtless the introduction of even modest and reasonable reforms of this kind will meet considerable resistance from the United States and other powers who are

happy with the free reigns which they have acquired through recent random practices. To change these practices will cost difficult negotiations. It is, however, a hopeful sign that the majority of the Security Council refused to endorse the war which the US and its followers unleashed against Iraq. Iraq was no imminent threat to international peace and security, which would have been the only legitimate ground for a council decision to use force against it. Legal procedures for humanitarian interventions did not exist. Neither did the US base its case on humanitarian concerns. It insisted that Saddam Hussein represented a threat to world peace because of weapons of mass destruction which it seems that he did not have (but of which the US itself has abundance). For once France, Germany and Russia had the courage to oppose the super power. Had they accepted some kind of compromise resolution which Washington would have interpreted as a mandate to wage an unlawful war, they would have contributed to undermining further the Charter of the United Nations.

But after US occupied Iraq its enormous military and economic strength is again tempting others to adapt to the policies of the super power. If they are to resist its global empire building, countries both in the North and the South will have to co-operate much more decisively for the respect of international law and for strengthening and democratising the United Nations. The international opposition to the Iraq war was not an expression of anti-Americanism. But it certainly was an outburst of deep disagreement with the methods of *state terror* employed by the Bush administration. The governments of countries who oppose his war-making have the support of all those US citizens who represent *the other America*. In addition they have one other formidable ally: a global civil society that has now been hailed as *the other super power*.

International militarization has several times been tempered by strong popular opposition. The Japanese and American anti-nuclear movements, together with peace movements all over the world, achieved successes in stigmatising nuclear weapons and – at least till now - prevent the use of atomic bombs in wars. Strong movements against atomic tests forced the United States and the Soviet Union to agree on international test ban treaties. An impressive public protest brought the United States to stop its war in Vietnam. Human rights organisations and other non-governmental organisations have contributed decisively to the adoption of humanitarian laws, the forbidding of land mines and the establishment of the International Criminal Law, which is empowered to prosecute genocide, crimes against humanity and war crimes (and from the jurisdiction of which Bush typically insisted on excepting US citizens). In all these cases scientists, writers, scholars and artists have allied with broad segments of the population and contributed to increased understanding of issues which are of critical importance to humanity.

Never before have the peace movements achieved as broad popular support as they did during the campaign against the US attack on Iraq. Opinion polls all over the world showed that a great majority of humanity opposed the war. Even in the United States a formidable opposition emerged against the war plans of the Bush team. Certainly some leaders, like Tony Blair in the United Kingdom and José Maria Aznar in Spain, disregarded the majority of the people and joined the war. But there can be no doubt that public opinion contributed decisively to the unfearful stand taken by the governments of some of the traditional allies of the United States. And what is more, this experience of world-wide popular mobilisation indicates what may be achieved by the peace movements in the future.

The revolutionary advances in information and communication technologies have led to the development of increasingly sophisticated and deadly offensive armaments. But they have also revolutionised the means for popular exchange of views, interaction and mobilisation. The massive demonstrations against the negative impact of the World Trade Organisation's rules and the overwhelming popular participation in the World Social Forum's Porto Alegre conferences about the harmful effects of globalisation on the terms of corporate capital, have demonstrated how much the internet and the world-wide web may contribute to global popular mobilisation for peace and human development. Continued and increased global network building among crucial segments of the populations may, with the strengthening and refinement of methods like boycotts, teach-ins, sit-ins and other Gandhian lines of action, force government leaders to pay heed to *the other super power*. After all, politicians depend on popular support. Neither can military leaders perform if soldiers refuse to obey. It is not impossible that peaceful means one day prevail over the means of war.

Notes

[1] President Bush's speech August 23, 2002, as recorded on the White House web site. See: http://www.mailtribune.com/archive/2002/0823/local/stories/03local.htm

[2] William M. Arkin, "Nuclear Warfare. Secret Plan Outlines the Unthinkable," *Los Angeles Times*, March 10, 2002.

[3] Security Council Resolution 1368 (2001), adopted by the Security Council on 12 September 2001.

[4] Russell Smith, "The New Newsspeak," *The New York Review of Books*, Vol. 1, No. 9, May 29, 2003.

[5] Mark Selden, "State Terrorism and Human Rights: The United States, Japan and the Civilian in Twentieth Century Asian Wars," Lecture given at the Hiroshima Peace Institute, November 12, 2002. See also Selden and others, "War and State Terrorism: The United States, Japan and the Asia-Pacific in the Twentieth Century," August 2003.

[6] Charter of the United Nations. Article 2, point 3.

[7] Charter of the United Nations, Article 2, point 7.

[8] Charter of the United Nations, Article 1, point 3.

[9] "For a Strong and Democratic United Nations: A South Perspective on UN Reform," South Centre 1996, Geneva, p. 146.

[10] "Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations," A/50/60. Paragraph 80.