

A charter to intervene

Human rights interventions can only be divorced from imperialism with new UN rules

The survey that the BBC conducted in Iraq last week is shocking to those of us who opposed the war. Most respondents say that life is now better than it was before the invasion. Those who thought the US was wrong to attack are outnumbered by those who thought it was right.

Our instinct is either to ignore these findings or to dismiss them. When the questioner is employed by the state broadcaster of one of the occupying powers, the respondents might be expected to answer warily. But this is not how the poll looks to me. When asked, "Do you support the presence of the coalition forces in Iraq?", 39.5% said yes, and 50.9% said no. Fewer than 10% said they had confidence in the occupation forces; over 40% said they had confidence in Iraq's religious leaders. These are not the answers you would expect from people too frightened to speak freely.

Until we see persuasive evidence to the contrary, in other words, we should take this survey seriously. We know that the Bush and Blair governments lied about their motives for war. We know that humanitarianism was used as a cover for imperialism. We know that thousands of civilians were killed. But we do neither ourselves nor the Iraqis any favours by using them to ventriloquise our disgust. We can say without contradiction that the war should not have happened, and that it has been of benefit to the Iraqi people by ridding them of one of the world's most abhorrent dictators.

Outside Iraq, the effects of the invasion have been overwhelmingly negative. The fury it generated among Muslims has created a hospitable environment for Islamist

terrorism. International law, which, for all its flaws, provides a diplomatic alternative to war, has been gravely wounded. A group of unquestionably dangerous and questionably sane old men in Washington strengthened – until their campaign fell apart – their grip on global politics.

But to document the lies that led to the war and the dangers that arose from it is to answer only half the question. The other half – what should have been done instead? – still hangs above our heads. If we are not to be torn to bits by the hawks – as Harold Pinter was by Kenneth Adelman on Newsnight last week – then we have to provide an answer.

Let us picture a small, comparatively weak, nation, governed by someone who commits any number of atrocious crimes to stay in power. Let us assume that the citizens are incapable of overthrowing her by themselves. Let us assume, too, that all non-violent means have been exhausted, that the dictator shows every sign of living for another 30 years and has children to succeed her. What, if anything, should the people of more powerful nations call on their governments to do?

Some members of the anti-war movement would say “nothing more”, and would put forward the following arguments to support that position:

First is that any force with the power to intervene will have interests that extend beyond the liberation of the oppressed. It will use the intervention to further those interests. This was demonstrably the case in Haiti last month, when the US used the restoration of order as a pretext for deposing a disobedient leader. As Noam Chomsky says: “One choice, always, is to follow the Hippocratic principle, ‘First, do no harm.’ If you can think of no way to adhere to that elementary principle, then do nothing.” As it is impossible to send in an army and do no harm, or to exercise power in another nation without affecting the balance of power elsewhere, this surely means that it is always better to do nothing.

In which case, it is better for the powerful nations to stand back and watch as the Ugandan army and a handful of paltry militias carry out mass killings in the Democratic Republic of Congo; the rich world’s decision not to intervene effectively in Rwanda was the right one; Nato should not be sending reinforcements to Kosovo this week. Is hypocrisy always worse than cynicism? Chomsky would appear to say yes. But I would rather a flawed power intervened in a flawed manner in the Congo than no one intervened at all.

The second argument against intervention is that it will only ever be exercised against the weak. As David Rieff points out, it is impossible to conceive of force used against Russia on behalf of the Chechens, or against China on behalf of the Tibetans. Humanitarian action will always be a matter of victors’ justice. But there are surely

circumstances in which victors' justice is better than no justice at all. Just because other countries cannot invade the US to free the Chagos islanders does not in itself constitute a case against invading Iraq to depose Saddam Hussein.

The third argument is surely the strongest. This is that as soon as we accept that an attack by a powerful nation against a weak one is legitimate, we open the door to any number of acts of conquest masquerading as humanitarian action. As Chomsky points out, Japan claimed that it was invading Manchuria to rescue it from "Chinese bandits"; Mussolini attacked Abyssinia to "liberate slaves"; Hitler said he was protecting the peoples he invaded from ethnic conflict. It is hard to think of any colonial adventure for which the salvation of the bodies or souls of the natives was not advanced as justification.

Faced with this dreadful choice, a sort of moral numbness comes over us. To accept that force can sometimes be a just means of relieving the suffering of an oppressed people is to hand a ready-made excuse to every powerful nation that fancies an empire. To deny it is to tell some of the world's most persecuted peoples that they must be left to rot.

It seems to me that there is no instant or reliable answer to this dilemma. But one thing is clear: that the current framework of international law is incapable of resolving it for us. Even if other nations wished to act selflessly on behalf of the oppressed by attacking a despotic state, the charter of the United Nations forbids it. What this means is that any government can then claim it has a moral duty to ignore the law. In attempting to prevent unjustified acts of aggression, in other words, the charter's lack of discrimination may have encouraged them.

Surely then we need a new UN charter, not just to save the oppressed from the likes of Saddam Hussein, but also to save both humanitarianism and world peace from the likes of George Bush. We need a charter that permits armed intervention for humanitarian purposes, but only when a series of rigorous tests have been met, and only when an overwhelming majority of all the world's states have approved it. We need a charter that forbids nations with an obvious interest in the outcome from participating.

Only then will international law be able to distinguish an act of aggression from an act of compassion. Only then can humanitarianism be divorced from imperialism. #