The politics of intervention

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In the usual leaden language of diplomatic communiqués, this one opens in expected form. 'Chinese President Jiang Zemin and Russian President Boris Yeltsin held the second informal summit on December 9 and 10, 1999, during which they had an in-depth exchange of views on issues of common interest.' What were the issues of common interest on which in-depth exchanges of views were had? Three times in the communiqué the Chinese and Russian authorities poke at the raw nerve which evidently ran, exposed and twitching, through the meeting:

'The two leaders maintained that all members of the international community should be treated equally, enjoy the same security, respect each other in their choice of development paths, respect each other's sovereignty, not interfere in each other's internal affairs...'.

'The two sides also stressed that the equal status of all sovereign states should be guaranteed...'

'The two sides point out that negative momentum in international relations continues to grow and the following is becoming more obvious: the forcing of the international community to accept a unipolar world pattern and a single model of culture, value concepts and ideology... and the jeopardising of the sovereignty of independent states using the concepts of "human rights are superior to sovereignty" and "humanitarian intervention"...'.

This repeated and principal anxiety about the dilution of state sovereign rights has one or two other 'negative momenta' attached to it, of which, not unexpectedly but interestingly, a purported weakening of the role of the United Nations and the Security Council is prime. '...The seeking of excuses to give irresponsible explanation or amendment to the purposes and principles of the UN Charter' is the precise term and is one which this essay will return to examine shortly. But the sentiment -- and the passion -- expressed through the communiqué is not in doubt. It provides the first point of departure.
The second is equally contemporary in its relevance but rather older in its provenance. Thucydides relates that during the Peloponnesian War, the Athenians arrived at the island of Melos, to incorporate it within their maritime empire. Before any hostilities began, a debate took place between the Athenians and the Melians in which the Athenians set out their view of the options before the Melians and the Melians gave their response. Accept the extinguishing of your sovereignty without fighting, the Athenians suggested, and you will find that the burden of our rule is not heavy: we are civilised people and demand reasonable tribute only. Resist us, however, and we will crush your city-state. We will then slay all the men and make slaves of the women and children. These are your choices, the Athenians suggested: not palatable, we agree, but practical and unavoidable; and you really should not take it personally. That is because it is in the natural order of things that the powerful seek to impose and enlarge their rule, whereas the weak have to put up with what they have to put up with. The Melians replied bravely, that, whereas they heard what the Athenians had to say, they would take their chances, trusting in their military abilities and in the justice of their cause. The Athenians had no place in their logic for that sort of consideration. They received the Melian response, established a siege, conquered Melos and did to its population exactly as they said that they would.

Plainly, the Chinese and Russian Presidents were feeling Melian; for they had no hesitation in providing a thinly-veiled, but nonetheless agitated description of what they perceived to be the behaviour of the last remaining superpower (or 'hyperpower', as Hubert Védrine has more accurately described the United States). Their assent to the soi-disant eternal truth of the cynical realism of the Athenian position in the Melian debate resonates throughout. The powerful are doing what comes naturally to them, and the weak are not enjoying having to put up with what they have to put up with.

Among those, as the quotations from the communiqué given above make plain, the hardest burden to bear is that pattern of military and diplomatic/military interventions around the world, interpreted through the two Presidents' eyes. The 'humanitarian' justification is merely a smokescreen. These interventions are conducted at Washington's behest, and in circumstances where the United Nations is either ignored or misrepresented with clever lawyerly words as having assented to such interventions. For if fear and anger at the erosion of state sovereignty is the principal neuralgia in the communiqué, the other repeated theme is that 'the two sides stress that one diplomatic priority for both China and Russia is safeguarding the authoritative role of the United Nations in international affairs'.

That role, the two Presidents asserted, is straightforward and easy to understand. Articles 2(4) and 2(7) mean what they say: all members shall refrain from the threat or use of force against the territorial integrity or political independence of any state and
nothing in the Charter authorises the United Nations to interfere in the domestic jurisdiction of any state. The UN was created in an international system of nation-states and it is both creature of and protector of those states, or it is nothing. Therefore, the apparently arbitrary behaviour of the United States and its cat's paws, seen from the summit in Beijing, looks all the more threatening.

Two things are evident as the new century opens. The first is that, whether for noble or ignoble reasons, state sovereignty has become much more conditional than the Sino-Russian position would wish; and more pervasively so than in response to the Diktat of any one state, even if it is a 'hyperpower'. There has been a phase change facilitating this, whose result is the empowerment of individuals in technical, political and cultural ways that were previously impossible. The second is that the views expressed with brutal clarity in the Sino-Russian communiqué of December command considerable sympathy among the political élites of many post-colonial states, which have become autonomous within the General Assembly of the UN in the last 50 years.

Plainly, there is risk of a deep gulf opening between two camps. The agitated and conspiratorial language of the Sino-Russian account, plus an understandable and continuing hankering for the reconstruction of an anti-western front in the minds of their respective political élites, which came to maturity during the last years of the Cold War, make that all the more likely if left unchecked. In a paradoxical sense, the degree to which (for very different reasons) both China and the economically-active parts of Federal Russia have been drawn into the economic and cultural web of globalised capitalism has served to heighten both the sense of powerlessness and anger at that powerlessness felt by authoritarian leaderships whose power to dictate and to dominate their own populations without hindrance is slipping from their fingers. Therefore, it becomes all the more urgent to distinguish where there is and is not common ground, to be as precise as possible about the sources of authority and legitimacy which are offered as the underpinnings of interventions when they occur and to present intervention accordingly.

However, in order to do these, it is important first to clarify further the nature of divisions between the parties. The Sino-Russian instinct is to present the matter in bipolar terms, underpinned by a shallowly-concealed ambition to reconstruct leadership of others against the West. But, in the post-Cold War world, the terminology is anachronistic.

In a helpful essay, the British diplomat Robert Cooper suggested that a more realistic categorisation divides the world community not in half but into three: the first group he described as 'pre-modern'. 'Pre-modern' meant '...a pre-modern world, the pre-state, post-imperial chaos...where...the state no longer fulfils Weber's criteria of having legitimate monopoly on the use of force'. This category contains almost all the
candidates of recent interventions (Kosovo being an important exception), and most likely future ones. The second category Cooper called 'modern'. 'Here the classical state system remains intact', which means that balance-of-power thinking is and remains appropriate. He took the Gulf as an example of such an area precisely to underline the point that modernity, in this definition, has little to do with western values. Indeed, a 'clash of civilizations' approach is explicitly to be set aside. The third element he calls 'post-modern'. 'Here the state system of the modern world is also collapsing: but unlike the pre-modern it is collapsing into greater order rather than into disorder'.

The sinews of 'post-modern' societies tend to be both more numerous and stronger than the 'modern' state's suspension from the sole ligament of state sovereignty. Accordingly, such 'post-modern' societies tend to be far less defensive about the concept of sovereignty, far more prepared to pool sovereignty in alliances or unions in the expectation of receiving a whole that is more than the sum of the parts. To what extent the United States, acting in the unilateral pursuit of its own interests, may be described as part of this category is moot in Cooper's view. Nor is this an academic point, since the degree of American engagement or disengagement is a quite fundamental variable in the modern politics of intervention.  

The Cooper tripartite categorisation enables us efficiently to ask the first of four questions, which will occupy the rest of this essay.

I. Who conducts interventions, when, where and why?

The first three parts are already answered: the prime actors are drawn from the community of Cooper's 'post-modern' societies; the interventions have occurred in a boom to bust to boom(let) cycle since the ending of the Cold War world in 1989-91; they have occurred in regions with failed or collapsed states, with three notable exceptions, these being the Gulf War (Operation Desert Shield/Desert Storm); the breaking of the Bosnian Serbs after the massacres of Srebrenica in the summer of 1995 and the Kosovo enterprise of 1999. Why did all these interventions occur? Clearly, for mixed motives. It would be disingenuous to pretend that the fact that Kuwait sits on top of the last large remaining puddle of oil proven in the world was irrelevant to the scale of effort which the industrial states mounted under American leadership and under a 'sub-contracting' mandate from the UN. The summer 1995 operations against the Bosnian Serbs by NATO were a defining point in the politics and practice of intervention since the end of the Cold War. The resolve to act was painfully assembled within the NATO Alliance only when the bankruptcy of the UN mission had become staringly evident, with the humiliation and withdrawal of the Dutch battalion of UNPROFOR and when the evidence of genocidal purpose and practice in the laughably-named 'safe area' of Srebrenica shamed civilised opinion
also. By the time that the Kosovo intervention occurred, the community of intervening states was psychologically better prepared and politically more robustly led. Thus, in Prime Minister Tony Blair's Chicago speech of 22 April 1999 we possess, from the lips of the prime mover in the military operations, an unusually reflective and clear exposition of the motivation and justification of the act as he saw it. But the formal and noble reasoning despite, it was still necessary to bet the shop -- to put the entire credibility of NATO in question -- to galvanise the speed and scale of action that was required. The Kosovo justification opens immediately the second question, which is one that clearly worried the Russian and Chinese leaders greatly in their discussions.

2. If interventions occur, and are deemed to be permitted actions, does it therefore follow that we witness the beginning of a new and universal regime of intervention? Or is it rather the case that interventions are exceptions, which, by definition, serve to strengthen a rule of non-intervention?

There is a view emerging from think-tanks and academics in particular, which suggests that we should be tidy. If we have a series of interventions, explicit universal principles and an articulated set of rules and criteria, then logic suggests that we have entered a new regime in international affairs. Professor Adam Roberts has argued persistently and persuasively during the period of the recent episodes of intervention that they do not compose evidence of a new universal regime however they may be justified. Rather, the exceptional justifications made show that the implicit rule of non-intervention is reinforced. In the world of practical politics, where states may be changed but remain nonetheless significant actors, it is, in Professor Roberts's words, the principle of non-intervention that makes the world go round.

I subscribe to that view. One might add, furthermore, that the difficulty still encountered ten years after the renewed willingness to conduct interventions re-emerged shows that, compared to the range of possible claims for intervention, the actuality is still unusual. The report by Ingvar Carlsson, heavily criticising the United Nations Department of Peace Keeping Affairs when under the direction of the present Secretary-General, and in particular in respect of UN inactions in face of the genocide in Rwanda, makes this point in sombre and incontrovertible manner. Conversely, one should note that, where relatively speedy and effective intervention has occurred, as was the case with the mounting of UNIFET to enter East Timor in 1999, this was only possible because the principal parties, notably the Australians, had already made extensive and detailed military preparations upon which intervention could build.

How then should one regard the fact that these exceptional and hard to achieve interventions occur upon a formal premise of universal rights? If the claim to exercise duties beyond borders is universal -- and must be so if interventions are not to be seen as purely partisan -- how then to square the circle?
One reply is the simple and pragmatic observation that the fact that the means do not exist to take action everywhere all the time, where circumstances might warrant it, does not compose a case for denying the legitimacy of those actions which are taken where they can be. Indeed, in Blair's Chicago speech he explicitly included among his criteria of legitimacy one stating that practical feasibility was a prerequisite requirement. Secondly, there is no difficulty in reconciling the articulation of criteria and rules with the continuation of an ad hoc procedure of intervention, thereby escaping from an eyeball-to-eyeball confrontation with the Sino-Russian type of position. One can take comfort and strength in the construction of mandates for interventions from the nature of their universal basis.

Professor Joseph Rotblat, among others, has rightly pointed to the inherent tension that lies within the behaviour of the UN in the post-Cold War world. Certainly, Art. 2(4) and 2(7) can be read in the manner that they were for the purposes of the Sino-Russian communiqué of December 1999. But, as is done elsewhere in this collection by M. Pellet, Art. 2(7) needs to be carefully glossed. Indeed, within the substantive clauses of the Charter, as M. Pellet argues, these structural tensions between the priorities of human and state's rights are to be seen and may be reconciled to some extent.

However, it may be simpler for the practising politician or concerned member of the general public to rely not upon internal glossing of the substantive clauses, but more upon a simple logical priority in the construction of the Charter, which may be taken to reveal the moral and logical order of priorities in the minds of those who drafted it. The Preamble is the place where the purposes in creating the UN are expressed, and the Preamble shows, in its priorities, that other than Realist premises played their part (which is not to say that there were no Realist considerations in mind: on the contrary, the very conception of a Security Council reflected the salutary lesson of the failure of the League of Nations in that regard).

The organization is set up to save succeeding generations from the scourge of war. How? The second paragraph of the Preamble is the one that is now central to the successful reorientation of the UN in 21st century circumstances: 'to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ...'. These three complete the bulk of the paragraph and when -- and only when -- these are established is faith in the dignity and worth '...of nations large and small' ...added. Man was not made for the Sabbath, but the Sabbath for Man. That is the simple conclusion which we may draw about the drafters' views of the relative standing of individuals and states. It leads directly to the third question.

3. Onto what grounds may the authority and legitimacy of interventions be anchored?
The answer rotates around the issue of standing; and standing in turn cannot be discussed without a clear definition of agency. If the only legitimate agents are states, then the answer can be delivered in familiar and forthright terms within the rubric of Robert Cooper's 'modern' category. By choice or circumstance, the answer can be Athenian from the Melian debate, or French in a more elevated form. By this is meant the bargain struck in the French Revolution, whereby the moral and legal identity of the individual was fused with that of a morally and legally energised state in a manner which Emer de Vattel had earlier explained in 1758: 'nations or states are political bodies, societies of men who have united together and combined their forces, in order to procure their mutual advantage and security. It thus becomes a moral person (sic) which has understanding and will and is competent to undertake obligations and to hold rights...'. This being agreed by all, '...by the act of civil or political association, each citizen submits himself to the authority of the whole body' (emphasis added).

What happens when that bargain breaks under either pre-modern or post-modern conditions? This is the nub of the politics of intervention in our times. How has this bargain been kept during the 20th century? Professor Rudi Rummel's ghastly figures are eloquent in their simplicity: 35 million people killed as a direct consequence of wars and 140 million dead at the hand of their own pathological, totalitarian, authoritarian or communist governments. These sorts of figures give salience and centrality to the question, and add to the caution which is to be seen about any easy renewal of the bargain that Vattel described. Another form of agency gains standing and, increasingly, legitimacy. We are witnessing the spectacular emergence onto the world stage of powerful citizens' organizations whose mandate is not democratic in the traditional sense of the ballot box, but which certainly possess a differently expressed cosmopolitan democratic mandate arising from the subscription or engagement of their members.

The claim embodied in the first three items of the second paragraph of the Preamble to the UN Charter straightforwardly predates the striking of that bargain in the French Revolution, which prepared the way for that regime's other revolutionary children in Russia and China to claim tight moral and political authority over their citizens. In a quite direct sense, the current debate about the politics of intervention returns to and reopens a late 18th century debate about what are ends and what are means which was prematurely foreclosed by 1789.

In the *Groundwork of the Metaphysics of Morals* of 1785, Immanuel Kant gives his clearest formulation of the categorical imperative: 'So act that you treat humanity, both in your own person and in the person of every other human being, never merely as a means, but always at the same time as an end'. But what does he mean by that in practice? Should it be some sort of vague respect? In *The Metaphysics of Morals* of
1797, he gives a useful clarification. Ends are also duties and the ends which are also duties are pursuit of one's own perfection and the happiness of others: 'When it comes to happiness, the promotion of which as an end is my duty, it must be the happiness of other people whose permitted end I hereby also make my own.' And it is from this that Kant derives his universal principle of right that 'every action is right if it or its maxim allows each person's freedom of choice to coexist with the freedom of everyone in accordance with the universal law'.

There is something both surprising and striking about the manner in which these hotly contentious issues of choice have come to be focused in the current debate on the politics of intervention. How are the sufferings of the Kosovar Albanians an issue in Britain's national interest? Because, answered the Prime Minister in Chicago, these sufferings demand the attention of the rest of the world. One could desire no clearer statement of the emergence of a cosmopolitan moral and political regime of obligation. What seems to be happening is that in the swirling waters of personal insecurity, where the ship of state either cannot be or is not dependable to keep its passengers safe, people are seeking other, more trustworthy vessels. The global citizens' movement, which has propelled human rights during the decade since the end of communism, is a prime example of the way in which a different vessel has been built. To be sure, there are and will be occasions when the priority of human rights involves the breach ing of sovereignty. When the Genocide Convention is invoked, it becomes a legal requirement to breach sovereignty. But, as earlier observed, the difficulties which have constrained intervention in support of human rights, while they have included concerns of sovereignty, may have been blocked by other constraints of resources or of general lack of political will or of specific sensitivity to risk of casualties before the issue of sovereignty is ever reached.

But the particular importance of the Kosovo case is that it has proved to be the ground in which, by choice, the political principals have planted their standard. I welcome this (for it is not appropriate in an essay of this sort to leave one's own colours concealed); but, at the same time, the precariousness of the elaboration of this new form of mandate should not be ignored. In the first place, as this essay has attempted to show, it would be a mistake to allow the debate to slip too easily into a bipolar tournament, where human rights and 'sovereignty' are the weapons with which protagonists attempt to bludgeon each other. It is neither logically entailed, nor politically necessary. There is a messier, but safer compromise to be had whereby exceptions to the rule of non-intervention are admitted, are soundly grounded in a universal politics of obligation, but are presented in a manner that does not inflame the neuralgia illustrated in the opening section above. The German sociologist Ulrich Beck has described this circumstance in the accurate but ungainly phrase 'contextualised universalism', as an aspect of his theory of 'reflexive modernisation'.7
4. A fourth question is left hanging at the end, and will require delicate but firm further exploration: Where does the United States stand in the politics of intervention?

Cooper observed in passing that it was not clear that the United States fitted within the category of post-modern states, and the evidence for this is manifold. To be sure, there are some, such as John Bolton, who argue intelligently and in detail why the United States is, by its history, its culture and its present circumstances, licensed and ready to act unilaterally. Undoubtedly, the United States has found it more difficult than other of its NATO allies -- to take its most proximate set of friends -- to agree to the principle of pooled sovereignty in any of a range of areas now under debate. These include not only the delivery of effective military and political control of interventions to the UN, but also the principle of the International Criminal Court and, indeed in the view of some American commentators, the very principle of 'international law' as a good quality form of law, at all.

Yet, ironically, at the same time, the United States is of all contemporary states the one whose constitution most directly and extensively reflects the priorities in the second paragraph of the Preamble of the UN Charter, and, indeed, the priorities of human rights and a regime of obligation that suffused the air at the time that the constitution was being written down. So it has been no historical accident that it was the United States which took the lead in creating the Nuremberg Tribunal, from which has sprung much of the last 50 years of human rights' practice. By the same token, the republic is well equipped intellectually and constitutionally to play a role among the post-modern states that seek to adjust the balance between the principles and instruments of power expressed in the post-Cold War world. Yet that is not the present state of affairs.

Under the shadows of Vietnam and, more recently, of the disaster in Mogadishu, the United States is reluctant to take a forward position in this new politics of intervention. Its political class, especially that part inhabiting Capitol Hill, contains voices which, while using a different vocabulary, would find little to disagree with in the sentiments expressed by the Presidents of China and Russia. Yet simply to observe this motley mismatch is to propose its transitory nature. Whatever the ills placed at America's door, it has not been a society that in its life has systematically put to death millions of its own citizens in the interests of some greater good. The nature, the constitution and (in Athenian terms) the self-interest of the United States lies surely on the cosmopolitan side of this debate?

In the large and largely over-hasty literature that has surrounded the recent interventions some have argued that most of the key issues they pose have now been identified: the task is one of developing practical modalities of operations. This essay
has not been of that view. Rather, it has suggested that we are at a quite early stage in the consideration of the politics of intervention. It has argued against analytic tidiness, and in favour of pragmatic messiness. It has also suggested that the issue stands centrally in a wider debate about the reconstruction of the social contract into a more cosmopolitan form than we have seen anywhere since before the French Revolution. A new regime of global politics is unlikely to spring fully armed like Athena from the head of Zeus. Its birth, we already know, is more protracted, more painful and problematic than that.

The essence of the Pugwash movement is to remind people that we should remember our common humanity and forget everything else. As the hands of the clock of the Bulletin of the Atomic Scientists move back from midnight, I would suggest that, contrary to any instinct to relax, the admonition has never been more true, or more necessary.

Notes


3 For a more extended discussion of this, see G. Prins, 'Why obey international law?', in Understanding Unilateralism in America's Foreign Relations.


8 J. Bolton, 'Unilateralism is not isolationism', in (ed.) G. Prins, Understanding Unilateralism in America's Foreign Relations.
Defence, and Senior Fellow in the Office of the Special Advisor to the Secretary General of NATO (Brussels). For 20 years he was a Fellow and Director of Studies in History at Emmanuel College, Cambridge. His early research was in African history and anthropology, and later he was Founder and Director of the University of Cambridge Global Security Programme (1989-1997).