

## **Crimes Against Humanity – Who Has The Right to Intervene?**

There is widespread agreement that respect for human rights sometimes necessitates intervention, but as so often where the goal is agreed, the controversy relates to the “how”. Traditionally the international community has looked to the UN as the only body capable of acting to prevent abuses of human rights, but successive UN failures have led to an increasing trend of members taking matters into their own hands. This form of unilateral action has developed the name “coalition of the willing”.

At one level this is uncontroversial. The secretary general of the UN, Kofi Annan, has used the phrase himself. He did so in the context of an international intervention force armed with a security council resolution. All phrases, however, are open to interpretation, and Annan’s use of the phrase stands in stark contrast to the other way it is used, which is to signify intervention on a unilateral basis, by a section of the international community, unrestrained by the niceties of UN convention.

This is the version favoured by President Clinton, and there are clear hints of it in Britain’s recent enthusiasm for an EU “rapid reaction force”. Proponents of the idea can point to Kosovo as an example of it working, and can contrast it with instances of UN inability to act effectively in similar circumstances. It is unlikely that UN internal wrangling could have been overcome soon enough to facilitate action in Kosovo and had that body not been effectively bypassed the world may have been left facing another Rwanda, powerless in the face of genocide.

“Coalitions of the willing” in this sense, however, are highly problematic. First, they encourage contempt for international law. This body of law is one of the most powerful weapons with which to attack errant leaders, but it loses its force if the

states invoking it have chosen to disregard it when it suited them. For example Russia's foreign minister, Igor Ivanov, referring to Kosovo, accused Western critics of Chechnya of displaying double standards.

Critics of the UN also have to be careful of self-fulfilling prophecies. Nothing is more apt to shatter international consensus, and thus render the UN ineffective, than action by a group of countries acting without authorisation. To then point to this lack of consensus as an *ex post facto* justification for taking unilateral action is disingenuous.

Most importantly, however, this concept does not provide the panacea that many hope it might. The principal reason for this is that "willing" partners for a coalition will not always be available. President Clinton has said that NATO intervened in Kosovo to "stop a vicious campaign of ethnic cleansing in a place where we had important interests at stake". Coalitions of the willing may be forthcoming in situations such as Iraq, where the interest in intervention is obvious, but the converse of this is that where it is in no country's self interest to act, then crimes against humanity will go unchecked, as is the case in Africa and Tibet.

Without the legitimacy afforded by UN approval, any intervention begins to look like the rule of the strong over the weak, or the furtherance of a political agenda clothed in the language of human rights, similar to America's involvement in Panama and Grenada.

The future of a body of human rights law that can be used to justify intervention, and which is also compatible with the idea of national sovereignty, must lay in the achievement of international consensus. President Bouteflika of Algeria has insisted that intervention should occur only with the consent of the state in question: "not only because sovereignty is our final defence against the rules of an unequal

world but because we are not taking part in the decision-making process by the security council". Countries are far more likely to make concessions in the field of national sovereignty if they feel they have a voice in the process by which decisions are taken to intervene. Otherwise it is difficult to resist the conclusion that far from seeking true consensus the UN simply seeks to legitimise the preferences of the few. What this means is a reassessment of how decisions are reached in the UN, and of the view that power should ultimately reside with the five second world war victors.

To justify its decision, any UN force must be effective in its intervention. Despite consistent demands for a permanent force of blue berets, the UN has no standing military force. This deficiency must be addressed if the UN is to resist the charge that it is a toothless tiger, competent to condemn but powerless to act. It is only as strong as its members allow it to be and it is unfair of the US to criticise its impotence whilst failing to meet the \$1.6b it owes in dues.

Of equal importance is the need for the UN to develop long term plans prior to intervention. Too often the UN has intervened, only to find itself enmeshed in interminable conflict with no prospect of resolution. For example Bosnia is less an intervention and more a permanent state of affairs. Although not sanctioned by the UN, Kosovo provides another example of the consequences of ill-thought out interventions. The genocide against the Albanians has been replaced by the ethnic cleansing of Serbs, and the long term status of Kosovo is still undecided.

The focus for any intervention, however, has to remain as the UN. It is only the UN that can invoke the necessary legitimacy. The danger is that frustration with its inability to act swiftly enough to prevent crimes against humanity will lead willing countries to take matters into their own hands, and remove decisions regarding intervention from the framework of international law and thus depart from the goal of

universal standards. If this is to be avoided, the UN must urgently address its deficiencies, such as its lack of a credible force and overly exclusive decision making process. East Timor and Pinochet demonstrate the will to safeguard human rights, but we are a long way from the day that these represent the rule rather than the exception.