

# An Answer to War: Conflicts and Intervention in Contemporary International Relations

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In moral terms, the problem we face is that of the rights of others beyond our borders: not merely the moral rights of other states, which have been enshrined in international law for a long time, but the rights of other human beings, either as members of other communities or simply as human beings.

—Stanley Hoffman<sup>1</sup>

## 1. Conflict at the End of the Twentieth Century

One is almost embarrassed at having to stress once again the depth and radical nature of the changes brought about by the year 1989, the historical defeat of Communism, the end of the Cold War. And yet it is from this still recent turning point, unforeseen and still far from being fully decanted, that a discourse on conflict must be begun.

In the first place, what has changed is the perception of a threat. We will not presume to interfere with historians as they debate up to which point the nuclear holocaust has ever constituted a real danger. What is certain, however, is that, both politically and psychologically, the counterposition of the two Superpowers in the field of nuclear armaments has contributed in a very fundamental way to determining the specific features of European (and in part, world) history throughout the second half of the twentieth century. It did so by determining alliances, marking borderlines, defining thresholds and activating "safety valves" not only for tensions between Moscow and Washington, but also for conflicts between others, even at times when such conflicts were played out in areas that were politically or geographically marginal.

If we want to ready ourselves for an understanding of the conflicts of our time, we will have to jettison the main bulk of the tools used for about half a century by the theory of conflict.

The risk that nuclear weapons may be used by someone somewhere has not disappeared, and may even be made more acute by proliferation. However, we should at last free ourselves from an obsessive fixation on the ghost of a World

War III. As we were anxiously waiting (ourselves in—nuclear—arms) for the dreaded coming of the nuclear barbarians, we did not lend sufficient attention to real wars, less apocalyptic but much more possible. For decades we expounded on "Megadead," and now that we are facing thousands, tens and hundreds of thousands of real dead, we find ourselves lacking a state-of-the-art, interdisciplinary culture of conflict capable of helping us understand and react.

One of the main reasons is that during the Cold War years the study of peace and war advanced mainly in the barren and disembodied terrains of technology, at times drifting into virtual reality. The discourse was disproportionately focused on the instruments of conflict: their number, their type, their possible uses and effects. Weapons held the center stage to the detriment of politics and history, the values and interests of men, both leaders and peoples. We will certainly not endorse the captious and disingenuous slogan of the NRA: "*Guns don't kill people. People kill people.*" And yet even those who favor the control and limitation of the production and commerce of arms should have the intellectual honesty to admit that the slogan embodies a minimum of truth. How could we do otherwise when we have just witnessed the extermination in Rwanda, with machetes, of the equivalent in victims of at least seven Hiroshima-type nuclear bombs? Leaving aside games theory and the theology of deterrence we should at last focus our attention upon a real subject, on the mechanisms that bring about conflict and on those that can prevent it or stop it once it has started.

Another distortion typical of the study of conflict during the Cold War is the product of the systemic view that led inevitably, when considering any conflict, anywhere, to ask "who is behind it?" The planetwide confrontation of the two systems made such a question plausible, though not necessarily—and not invariably—well founded. What is true is that lingering on it today means losing precious time. It is banal and tautological, maintaining that those who have power exert it by the very fact of existing and moving (or even refraining from moving) on the international scene. It is quite a different thing, however, to interpret the clash among Somali clans or Rwandan ethnic groups in a mainly external key, be it neoimperial or neocolonial.

The fact is that inserting each individual conflict in the framework of the Great Confrontation was not only a handy key to understanding their causes, but also pointed at a path leading to their management and settlement. In the end, be it the Suez War in 1956 or the War in Vietnam, someone "was in charge," someone supplied military balance, diplomatic support, negotiated "ways out."

Today we live instead in a world that, when we speak of conflicts, is impressively polycentric and pluralistic. For decades many have hoped that someday we would overcome the division of the world in two opposed camps, the overbearing interference of the two Superpowers in the affairs of countries, peoples, ethnic groups, and political movements. Now, with a "regionalized" Russia and the U.S. as an evermore reluctant hegemonic power, one remembers what Saint Theresa had to say about answered prayers as being those apt to generate the bitterest of tears.

Irreconcilable claims of all sorts, nationalist obsessions, ethnic paranoias, demential fundamentalisms<sup>2</sup> reach the threshold of armed conflict without anyone (once the mobilizing effect of the Cold War is over) being willing to spend money or risk lives in order to prevent or stop the clash.

We will definitely not indulge in an obscene nostalgia for the good old days of the Cold War, and yet we are forced to live in a "postmodern" world that has been deprived of a handy interpretative tool and of an arbitrary but real international governance. We are all orphans of the Cold War, but instead of weeping the not-so-dear deceased we should try to grow up.

Focusing on the quantity of conflicts, on their pluralism, is important, but it cannot by itself supply the full measure of the problems we are facing in this disconcerting end of the twentieth century. As a matter of fact, the most disturbing feature is not the quantity, but the quality of present-day conflicts.

The term "war," indicating "organized violence carried on by political units against each other"<sup>3</sup> turns out not to be sophisticated enough to account for an important differentiation between two different types of conflict. The Greeks, for example—and especially Plato in *The Republic*—referred to organized violence using two different terms: *stasis*, i.e., a conflict between groups mutually recognizing a basic affinity, though seeking to solve by force a divergence of interests; and *polemos*, i.e., total war against the totally "Other," the barbarian, the threatening stranger, the alien.<sup>4</sup>

It is a fact that instruments created to prevent, limit for humanitarian purposes, or settle conflicts (from consuetudinary and treaty-based international law to the UN Charter) were developed by the international community with reference to war/*stasis*, and not to war/*polemos*, the latter not recognizing, by definition, either rules or limits. Thus it is false that, as critics often maintain, those instruments are invariably useless or ineffective.

Let us take a rather recent case: the war for the Falklands/Malvinas. It was a real war with many dead, and with the utilization of modern and lethal military hardware. Yet in carrying out this particular war, both the Argentinians and the British showed that their aim was neither the extermination nor the total crushing of the adversary. It was clearly a test of force with a very specific object performed by two subjects showing, even as they were fighting, that they were fully aware of the fact that after the war there would again be coexistence, relationship, mutual recognition. Hence the respect of certain self-limitations, rules of the game, internationally recognized norms (be it for the respect of noncombatants or the treatment of prisoners of war).

The problem is that such a kind of conflict is today the exception, not the rule. The rule is the proliferation of wars/*polemos*. And the real tragedy is that, contrary to what was true in ancient Greece, today the enemy is no longer the barbarian with an unusual appearance and an incomprehensible language, but literally (see former Yugoslavia or Rwanda) the next-door neighbor. It is indeed the neighbor that is to be identified as a threat to one's survival and identity. It is the neighbor that

must be either forcibly removed or exterminated, with no space for compromise, coexistence, compassion, or respect for limits or rules in the clash.<sup>5</sup>

One may be tempted to maintain that, today as well as in the past, civil wars are invariably conducive to the concept of *polemos*, with its load of totality and ferociousness. But it is hardly so: the American Civil War—a wide, prolonged, bitter conflict—was basically fought as a war/*stasis*. Suffice it to say that it was during that very conflict that the foundations of what was later to be called international humanitarian law were laid.<sup>6</sup> Alternatively, one could suggest a differentiation between countries and cultures conceiving conflict in the former or in the latter variant: i.e., as a death struggle deprived of all rules or rather as a confrontation that is violent but limited both in its means and in its goals (the defeat, not the annihilation of the enemy). But history does not allow us to sustain this hypothesis either. The same country (Germany) in the same conflict (World War II) behaved vis-à-vis two enemies (allied between themselves) according to two different concepts of conflict: *stasis* on the Western front (as shown by the treatment of allied prisoners of war, as well as by the murky, but historically factual, attempts at a separated, negotiated peace) and *polemos* on the Eastern front (here too the treatment of Russian war prisoners, of which hundreds of thousands were starved to death in captivity, is revealing).

What is then the origin of this phenomenon, definitively not a new one as far as its roots are concerned, but ominously new for the breadth of its proliferation?

A methodological footnote is in order here. One would hope that the intellectual dominance of single-factor theories is at last waning. All the more so in a field such as the study of conflict (international and noninternational), one of the most complex due to the multiplicity and variety of factors at play, and where only a multidisciplinary approach and multicausal hypothesis can help us understand. We must at last rid ourselves of artificial dichotomies such as economics versus politics, ethics versus interests, diplomacy versus use of military means, internal versus international aspects: conflicts must be examined simultaneously under all these angles.

Turning now to the specific case of the kind of conflict characterizing our time, we see that the inevitable interaction between socioeconomic and politico-cultural factors unfolds in profoundly differentiated patterns according to different situations, geographical realities, levels of development, cultures.

For example, the conflict between Serbs and Moslems in Bosnia does not have the same causes (thus it does not demand the same "treatment") as the confrontation between Hutus and Tutsis in Rwanda and Burundi. But let us linger on these two so-called ethnic conflicts.

In the first place one has to reject the fatalistic pseudorealism of those who maintain that for certain peoples and certain ethnic groups—be it the Serbs or the Hutus—violence is more "normal" than coexistence. We must reject it not only because it is a more or less consciously racist statement, but also because it is a false one. History, even in the bloody Balkans, supplies evidence of alternating

periods of coexistence and conflict, as matter of fact the former usually longer than the latter. Were it not so one could not account for the formation and the duration throughout several centuries of complex multiethnic communities. If today someone is trying to enforce ethnic cleansing it is indeed because groups coexisted for a long time, living together in the same territory. Who said, and on which grounds, that multiethnic coexistence is less "natural" than ethnic conflict? Can we not suspect the opposite to be true, so that only violence can separate what naturally tends to mix?<sup>7</sup>

And yet, we must make an effort to understand the roots of these conflicts.

In the first place, we must say that there are *also* material, socioeconomic causes. Let us take Rwanda. A Senagalese international civil servant, with extended experience in the country, wrote after the tragedy: "This small country, with the highest demographic density in Africa, is characterized by the most extreme proximity among its inhabitants. Yet individualism is sovereign, and fear of the other marks daily life."<sup>8</sup> African reality in general is often defined by a severe lack of resources and by a deep imbalance in person-to-land, person-to-environment ratio.<sup>9</sup> Such an imbalance creates situations that are "zero-sum," or can be presented as such by reckless and criminal political leaders. Given these premises, conflict becomes a paroxysmal and anomic clash described by the awful saying *mors tua, vita mea*, and that Hobbes rather than Clausewitz can help us understand.

And yet even in this instance what we are confronted with is neither "natural" nor automatic. Conflict between groups remains in the realm of politics, and not in that of nature, such as the mutual aggression among rats confined in ever more cramped spaces. What is needed to spark the conflict is a detonator: the "ethnic lie." If one wants the next-door neighbor to be considered as a threatening alien (to be exterminated before he exterminates you) the first step is describing him as such, exasperating the elements that make him different, or inventing them if they do not exist.<sup>10</sup> We detect here a task for intellectuals and propaganda workers, for the creators of positive myths about one's own group and of negative myths regarding the neighbor/rival. Such a process is very clear in the case of the Hutu-Tutsi confrontation.

Let us quote the General Secretary of "Medecins sans frontieres," Alain Destexhe:

"When the colonizers arrived, there were groups, social entities distinguished from the others, but differences were not perceived in the guise of ethnic groups or races. Building stereotypes and supporting one group against the other, the colonizers contributed to the reinforcement, structuring and heightening of separate identities. After independence, such categories have been strengthened every time rulers have tried to overcome a politically difficult phase by exasperating the ethnic issue. What is true is that, though the Hutu-Tutsi confrontation does not coincide with a true ethnic differentiation, it has been assumed by the population as a whole, and has therefore become politically relevant."<sup>11</sup> Thus in Rwanda "human beings have destroyed each other in a conflict belonging to other times in the name of a fiction."<sup>12</sup> In other words, it is not enough, in order to account for

genocide, to recur to history (Tutsi feudal power over which colonizers implanted their power and their administration), sociology (Tutsi herdsmen against Hutu peasants), economics (a country with dwindling resources subject to strong demographic pressures). These factors are only premises, and the same factors could have led to completely different outcomes if one had embarked on a different political path. What is still missing, in order to explain the tragedy, is the role of party and government leaders, of intellectuals, of media (in the first place the sinister "*Radio milles collines*"). Here too, when facing a specific case of conflict in which the degree of "material determination" is highest, naturalism and fatalism are absurd, if not suspect.

Even more blatantly absurd is a pseudo-realist interpretation on the inevitability of conflict in former Yugoslavia, and especially in Bosnia. Here the "material foundations" of conflict are even more flimsy than those applicable in the case of African conflicts. Here, on the contrary, we are in the realm of unabashedly creative politics. Bosnia: an ethnically homogeneous population (all Slavs), with the same language, and with religious-cultural differences that are not more marked than those existing between a Protestant of the Piedmontese valleys and a Palermo Catholic living together in the city of Turin. The only real difference, one which served as the starting point for a deliberate political project, is that between the city and the countryside: a sociocultural difference with political undertones on which was artificially superimposed a would-be ethnic mold. In a way, a sort of grotesque caricature of Lin Piao's vision of countryside-versus-cities: in this specific case, closed, sectarian, authoritarian countryside against open, multiethnic, cosmopolitan, democratic city.

## 2. An Answer to Conflict: The Issue of Intervention

We said that an analysis of conflict in our times can only be interdisciplinary. By the same token, the same interdisciplinary approach must preside over the search for a strategy aimed at preventing conflicts, at subjecting to rules and limitations those that break out, at stopping them.

But first we must make an effort at philosophical, and not merely terminological, exactitude. Conflict means, in this context, armed and organized violence. It does not refer to any divergence, radical opposition, dissent, dissonance. Paradoxically, the dream of eliminating not only war, but all conflict in the sense of contrast, rivalry, disharmony, has constituted, historically, one of the main roots of armed and organized violence. The utopia of ridding humanity of all conflict and contrast, of a "final solution of the political problem" has generated horrible wars-to-end-all-wars, sinister dictatorships meant to introduce the kingdom of freedom and harmony.

Every people, every group, has a precise and inescapable responsibility to embark on the path of coexistence instead of that of conflict. But having stated this self-

evident principle, we cannot pretend we do not see its limits. In the first place, responsibility is directly linked to power (a commodity that, as is well known, is not equitably distributed among countries, peoples, groups). Secondly, washing our hands of alien responsibility does not seem to make much ethical or political sense.

On first sight, the "disconnection" between different crises brought about by the end of the unifying function of the Cold War may justify the belief that we are sheltered from the consequences of limited conflicts. Indeed, if we apply strictly geopolitical criteria, it is hard to see why we should consider ourselves threatened by genocide in Rwanda, conflict in Chechnya, or by war in Bosnia unless we happen to live in those unhappy places. Actually, wars are all near, thanks to CNN, but all equally distant insofar as the fact that they do not affect our daily lives. Today a citizen of Trieste may be morally and psychologically shaken by the war in Bosnia (distant only a few hundred miles), but does not feel more menaced than a resident of Washington's affluent Northwest section feels threatened by the piling up of murder statistics in the black areas of the city. And yet it is a mistake: that of believing that the negative effects of conflicts spread only by contiguous lines, as gangrene, whereas they spread the same way as blood poisoning. The very "blood" of the international community is being poisoned by the proliferation of "small wars." The defenses of the entire international organism are being weakened. Thus, in order to understand where our interest lies, in order to perceive the nature of the threat, to awaken our responsibility and prompt our action, we must not limit ourselves to measuring the repercussions of conflicts on international trade, lines of communications, refugee flows—but ask ourselves what will be the global effects of a creeping banalization/legitimization of the use of violence in the pursuit of the ends of more or less extended, more or less "historical" groups. In short, of the weakening of rules: both of those that tend to prevent conflict and of those that aim at regulating or limiting it for humanitarian ends. This is exactly what we are dealing with today.

A first level of action relates to the material conditions in which billions of people live. We should definitely refrain from drifting into the banal equation underdevelopment-conflict. We know of too many cases proving that conflict and violence can arise even without poverty and backwardness. We even know that the breach of previous solidarity, the fragmentation of previous political entities (the most frequent detonator of conflict) are often the work not of the most backward and poor, but of those who, from a position of relative advantage, feel they no longer want to share their destiny (especially in economic terms) with those who are more backward.

And yet how can one deny the linkage between poverty and reduction of the margins for compromise, struggle for scarce resources and temptation of *mors tua, vita mea*, social imbalance and readiness of entire social groups to identify an enemy, economic disorder and strength of demagogic and violent political leaders? Besides, it is hypocritical for Europeans to state that welfare does not eliminate conflict, when we know very well that a necessary, though not sufficient, condition

for overcoming the century-old (and for some "realists," natural) enmities among the countries of the Continent—starting from those between France and Germany—has been the generalized rise of standards of living after World War II.

This is the reason that more advanced countries should "accompany" the diffusion of development and well-being as not only a moral duty, but also an objective interest that can be justified on the basis of *realpolitik*—i.e., of our clear interest in containing and reducing conflicts worldwide.

With all its possible economic roots, conflict remains a political phenomenon. Thus the international community must face it on political grounds.

We are confronted here with the very actual and very delicate issue of intervention. Definitions of intervention have changed in time, and they can also vary according to specific doctrine or approach (legal, political, moral).<sup>13</sup> What is essential is not to lose sight of the fact that the defining feature of intervention is its coercive nature. This is important in order to free the discourse on intervention, in any case an already complex and controversial one, from the ballast of an improper polemical usage that has led to claim intervention in all cases in which, in the real world of international relations, a stronger and a weaker subject come into contact. One should be very clear about it: it is no intervention when noncoercive political pressures are brought to bear; when conditionality or linkage are applied in trade; when classical peacekeeping is performed (which by definition is consensual, and not coercive).

As international lawyers well know, intervention is certainly not new, neither as a concept nor as a reality. And yet today it confronts us in new and pressing terms. Facing the proliferation of conflicts, and the fact they often escape from the "classical" boundaries of *jus in bello*, the problem arises of how the international community may establish certainly not a utopian "world government," but at least a measure of "world governance" supplying a framework for converting war/*polemos* into war/*stasis*, and replace military violence with political negotiation.

It is fully legitimate to maintain our aspiration to move toward a world freed from collective violence, just as within each country we want to ban individual violence. But the pursuit of this sacrosanct future goal should not prevent us from working today in order to impose rules on conflicts. In other words, we must realize that the pretense to deny in all cases the existence of a *jus ad bellum* would prevent us from dealing with *jus in bello*: outlawing war means also removing laws from war. It means transforming every conflict into *polemos*, i.e., doing exactly the opposite of what should be the common endeavor of the international community in developing, and if necessary imposing, a set of "minimum standards" applicable in every conflict (both internal or international) to both human rights and humanitarian law.<sup>14</sup>

Today armed conflicts are less frequently interstate wars and ever more frequently clashes, within states, between ethnic groups and tribes. At the same time, the issue of the nation-state remains at the center of conflict in the contemporary world, now that the aggregations (and the mystifications) brought about by the confrontation between the two ideologies, the two camps, have fallen.



The issue lies at the center of the discourse on conflict in the first place as far as the "right to be born" of states (self-determination) is concerned. Self-determination is of course far from being a novel concept, but the way we look at it today is profoundly different from what had been the case in the previous historical stage, when the principle had been universally conceived, and vindicated, in an exclusively positive light stressing its value in terms of freedom, justice, equality, and consequently also of peace.

Today, facing the harsh realities that surround us, we must have the courage to say that the principle of self-determination, far from being a guarantee of peace, a prerequisite for preventing and overcoming conflicts, is a problem rather than a solution. It is so for a series of reasons:

- Because it is a right that is proclaimed in the absence of clear criteria for the identification of the subjects entitled to it. What is a "people," and how can one distinguish it from an ethnic, cultural, linguistic group that is not a people? We will not delve into the disconcerting, absurd exercises carried out by the "organic intellectuals" belonging to each group, embarked in sustaining that one's own tribe is a people, while the next one is deprived of national characteristics, and speaks what is not a language, but a mere dialect, and claiming for one's own group on ethnic grounds what one simultaneously denies the other group by quoting history (or vice versa).
- Because self-determination is proclaimed without recognizing the existence of principles that are in contradiction with it (in particular, that of territorial integrity of states), and that should be simultaneously "cross-read."
- Because, in the new nationalist orthodoxy that in too many countries has replaced Marxist-Leninist orthodoxy, the national principle is affirmed regardless of consequences, costs, repercussions.
- Because, finally, the paradox is that the universalization of the pretense of building one's own nation-state threatens the end of the nation-state as a result of a sort of nationalistic overdose. This means that the principle of self-determination, if claimed in a generalized, absolute, and indiscriminate way, is inevitably a source of crisis and instability for the whole international system.

We are saying, in other words, that the revindication of the principle of self-determination is legitimate in the abstract, but, since it is applied without criteria and limitations, it ends up producing devastating results. We certainly do not lack concrete cases to prove this point, starting with those deriving from the collapse of two multinational entities: the Soviet Union and Yugoslavia.

The point is not denying self-determination, nor—of course—considering absolute and unconditional the opposite principle, that of the preservation of existing political-territorial realities, in short of the status quo. On the contrary, if we want to deprive conflict of one of its most fundamental legitimations, we must continue considering the principle of self-determination as one of the fundamental rules

of international relations. But we must consider it as a relative, and not an absolute one.

We must stress in particular the following points:

- The international community lacks both instruments and legitimation to pass judgment on the foundations (historical, ethnic, political) of controversial and opposing claims in matters of self-determination, i.e., on whether in a specific instance we are or are not in the presence of "a people" having a right to its own nation-state. Instead, the international community is entitled to pass judgment, and to act consequently (to intervene, if it is necessary and possible on the basis of existing international rules), on the means to which groups of all sorts have recourse in order to pursue the goal of constituting—or preserving—their own nation-state. For example, we cannot plunge into the convoluted intricacies of Balkan history and ethnography, but we must react to aggression and ethnic cleansing, whatever the justifications that are advanced by those practicing them.
- The international community should mold its behavior, in matters relating to self-determination (and recognition of new state entities) to a sense of responsibility rather than to the adhesion to abstract principles whose application can bring about real tragedies. Such an ethic of responsibility implies a clear-headed calculation of the foreseeable consequences of actions that may be "just" in the abstract: we should beware of the terrifying logic embodied in the Roman saying *fiat justitia, pereat mundus* (let justice be done, though the world should perish).

The issue of the nation-state, however, lies at the center of the discourse on conflict mostly under another angle: that of sovereignty. This principle—politically substantial, historically sound, legally robust—seems to represent a major obstacle to initiatives forcefully (and sometimes forcibly) taken by the international community in order to prevent, regulate, stop conflicts.

Leaving historical and legal analyses aside, we will just state that from a political point of view (and not very differently from what we just said about self-determination) it would be absurd to relinquish this fundamental criterion of interstate relations, which incidentally has the function of preventing the domination of the strong over the weak. But it would also be absurd and conceptually primitive to state that, since limited sovereignty imposed by one state on another is bad, unlimited sovereignty is good.

On the contrary, any hope for the prevention, limitation, and cessation of conflicts can only be founded upon the limitation of state sovereignty vis-à-vis principles and rules that are essential to coexistence. The Italian 1947 Constitution, in its Article 11, is extremely clear—and one could add very modern—in this respect: "Italy . . . accepts, in conditions of parity with other states, the limitations of sovereignty that are needed for an order assuring peace and justice among nations."

Nationalism threatens the end of the nation-state through mindless proliferation—and through the inevitable sequel of conflicts that such proliferation entails. Nonabsolute sovereignty, on the contrary, is the only way of ensuring that the nation-state may continue being—even in the imminent Third Millennium—the prevalent form of organized society. It is only a nonabsolute conception of sovereignty that makes the nation-state compatible (and European integration is there to show it) both with supranational linkages and with federal, regional, and local levels of government.

Only in such a way can the quest for identity that lies at the legitimate core of today's centrifugal drift avoid being turned into a pathological and conflictive denial of the other. Only thus can we defeat the urge to separate and lock oneself up with one's own tribe within the borders of an independent nation-state.

And perhaps we will also be able to dilute, mitigate, and balance through the introduction of rights tied to the person and to the community, wherever residing, the territorial obsession that lies at the very foundation of most armed conflicts.

We must in essence prove to groups that demand the recognition of their own identity that there exist other and more promising paths, besides self-determination, to acquire an institutional, political, economic, and cultural space of their own.

So far we have only mentioned the political and institutional elements favoring the prevention of armed conflicts. The most serious issue is, however, whether it is possible, in the contemporary international system, to intervene on conflicts from the outside in order to reestablish peace.

As we said before, one should be very clear about the fact that peacekeeping is *not* intervention<sup>15</sup>. The consensual nature that is one of its features represents one of its strengths, but also its gravest limitation, especially when one is trying (see today's Bosnia) to "keep the peace" where there is no peace to keep. And especially when the rule and the logic of peacekeeping must coexist, in a precarious and sometimes disastrous way, with instances and elements of intervention.

The limits of intervention do not derive only from classical international law (centered, as is known, on the principle of state sovereignty), but they are also embodied in the UN system. The UN Charter sets the principle of state sovereignty among its key foundations. The "interstate" nature of the system created in San Francisco half a century ago cannot be doubted: it is a system into which the founding states have injected many substantial guarantees against any hypothesis of loss of sovereignty or rise of "world government."

And yet in the Charter state sovereignty finds a limit on which it is worth lingering when discussing intervention. Let us read Article 2 (7), which indeed states that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state," but which continues: "but this principle shall not prejudice the application of enforcement measures under Chapter VII." In other words, domestic jurisdiction, the most tangible corollary of sovereignty, cannot render illegitimate an intervention decreed on the basis of Chapter VII of the Charter.

This limitation to sovereignty is so little theoretical and abstract that we find it included in every coercive action embarked upon by the UN or by individual states or groups of states with the legitimation supplied by a resolution of the Security Council. As a matter of fact, in its more recent praxis, the Security Council has had recourse to Chapter VII even in situations that one would have some trouble defining (as the heading of Chapter VII recites) "threats to the peace, breaches of the peace, and acts of aggression." The fact is that in the past few years the Security Council has utilized a reference to Chapter VII (thereby neutralizing the possibility of objecting national sovereignty) in a fashion that would be euphemistic to define "extensive" in cases such as: the protection of a minority (Iraqi Kurds and Shiites) against repression; peacekeeping bordering on peace enforcement (former Yugoslavia); instituting a tribunal to prosecute war crimes; protecting humanitarian activities (Somalia). It is true that on the basis of the Charter the Security Council has "the competence of defining its own competence." However, it remains difficult to accept that the repression against the Kurds in Northern Iraq or the pillaging of humanitarian supplies to Somali populations can really constitute a threat to world peace, the rationale for having recourse to Chapter VII of the Charter.

What is evident is that lately the instrument allowing the United Nations to overcome the limitation to international action represented by sovereignty (Chapter VII of the UN Charter) has been *de facto* extended from the field of international peace and security to other domains, i.e., to internal conflicts, to human rights violations, or to humanitarian concerns.

We should however ask ourselves whether the only way of legitimating intervention is pushing through this narrow door. The answer should be negative. Even before and outside the UN Charter, intervention can be legitimate. In the first place, the Charter itself, in Article 51, recognizes that "individual or collective self-defense" (which can imply acts of intervention) remains a right even in the new context and with the new rules of the game established by the Charter itself. Secondly, it is evident that the protection of one's own nationals in the territory of other states legitimates, in certain cases, forcible actions conducted even without the consent of the territorially sovereign states. The examples are numerous, even in recent times (it is enough to mention the operations repeatedly carried out in Africa by French and Belgian troops). What is interesting is to note that in certain cases such actions of armed intervention have been carried out also to rescue subjects other than the nationals of the intervening country. We are facing, here, a humanitarian action abstracting from the tie of a determinate individual to a determinate state, but that is legitimated by international law though it entails a violation of sovereignty.

The examples, however, are not only recent. It should be enough to mention radical, clear, and universally accepted instances of intervention in violation of the principle of sovereignty (evidently not considered absolute) such as those brought about in the framework of the long struggle of the international community against

piracy or the slave trade. These are the historical and legal examples we should keep in mind when trying to extend the legitimation of intervention even without having recourse (in ways that are often dubious and that in any case presuppose the convergence of the permanent members of the Security Council) to the "umbrella" supplied by Chapter VII of the UN Charter.

Intervention is, therefore, possible. State sovereignty does not constitute an unsurmountable limit. The international community does possess the tools that are necessary to handle conflicts. We must not think, therefore, that the problem is one of legitimation, nor that it is created by the inadequacy of institutions or instruments. The real issue is one of political will.

In just three years, the optimism reflected in a cautiously courageous text, Boutros-Ghali's *Agenda for Peace*, has collided with some devastating confutations: Somalia, Bosnia, Rwanda. It was demonstrated that it is not enough to brandish Chapter VII, to define mandates, to dispatch military contingents. It was demonstrated that the option of intervention will remain a theoretical one or, even worse, will entail false starts, withdrawals, operational disasters, if, instead of dallying on the relatively easy issue of how intervention can be legitimated, we will not prove capable of tackling the much more problematic issue of how to proceed politically and operationally.

We think it is possible to identify some useful criteria:

- (1) It is evident that there are differences in the power of individual states, and in their capacity to contribute to the definition and imposition of rules. Let us consider, for example, the differentiated status conferred by the quality of permanent member of the Security Council. More than that: no system of "world governance"—and in particular no system allowing the prevention, limitation, and cessation of conflicts—can abstract from what we could call real existing power. Whatever the process through which rules are defined (a process that, given present realities, cannot possibly be "democratic"), what is instead not acceptable are disparities in the respect of those rules, especially when vital issues such as state sovereignty are at stake. The fundamental principle of equality under the law does not mean that everyone contributes in the same way to the formation of law (and this is true both for the international system and for domestic legal systems: it would be absurd to deny the existence of legality except in cases where there is absolute egalitarian democracy). It must mean, however, that real existing power must be subject to those very laws to whose formation it has contributed more than proportionally.

Consistency is here of the utmost importance. No pattern of intervention that can be characterized by the formula "Strong with the weak, weak with the strong" can be, in the long run, neither credible nor functioning.

- (2) Proportionality is another very important criterion. To act, through intervention, against the principle of state sovereignty remains a fact of the utmost gravity, which the international community should resort to only as

an *extrema ratio* and only against true transgressors of international norms, not mere *provocateurs* or mavericks. Moreover, intervention should go only so far as is indispensable to the attainment of specific ends: one should rule out the goal of *debellatio*, total crushing of the adversary. It would indeed be a paradox if the international community were to conceive conflict as *polemos* and not *stasis*, and were to drift into overkill.

- (3) The option of intervention has to be matched by the will to support the costs it entails, including the possible cost in human lives for the military units that are employed in the operation. It is clear that, in highly conflictive situations and facing armed and bellicose groups, defining a "zero dead option" is the equivalent of espousing a doctrine of nonintervention. In Somalia the stern brandishing of Chapter VII, including the mandate of disarming the clans (definitely not a peacekeeping mission) did not last beyond the first casualties, with the consequences we all know. For example, the initial passivity vis-à-vis the crisis in Rwanda can be largely attributed to the devastating "lessons" from Somalia.
- (4) Any hypothesis of intervention must be previously analyzed in trying to assess the chances for its success. One must prevent the rhetoric of intervention from going beyond the actual capacity to carry it out.
- (5) One should think about the probable consequences of intervention even in case it "succeeds." It may well be, in fact, that intervention, though attaining its goals, ends up producing worse evils.
- (6) The means at the disposal of individual countries and of international organizations (starting with the UN) are clearly limited, though perhaps limitations are political rather than financial or military. It is therefore necessary to carry out a certain triage among competing needs. One cannot do everything, but it would be absurd to maintain that, since you cannot do everything, you should do nothing.
- (7) In situations of internal conflict, implosion of states, separatism, ethnic struggle, the possible goals of both coercive and noncoercive international action are necessarily manifold: from the respect of cease-fires to humanitarian assistance, from the prosecution of war criminals to the construction of a security framework allowing the search for political compromise.

We should not forget, on the other hand, that such objectives can turn out to be contradictory, sometimes downright incompatible:

- How is it possible to identify an aggressor, decree against him coercive measures under Chapter VII, and at the same time carry out peacekeeping and humanitarian activities that imply his consent?<sup>16</sup>
- How is it possible to maintain in war zones "peace soldiers" who cannot keep a peace that is not there, but cannot impose it either, in the absence not so much of a mandate but of adequate military capability, and especially of the necessary political will?

- How is it possible to handle a situation characterized by downright genocide (demanding the identification and punishment of the perpetrators) by operating almost exclusively in the humanitarian field, which by definition demands the indiscriminate protection of all human beings in need, without asking them (and without asking ourselves) whether they are victims or hangmen?<sup>17</sup>
- How is it possible, in the search for a political solution, to negotiate with interlocutors who are simultaneously defined and prosecuted (or should be prosecuted) as "ethnic cleansers" or genocides?<sup>18</sup>
- And most of all: how is it possible to increase the tasks mandated to the United Nations (from peacekeeping to humanitarian action) and at the same time insist for zero real growth in the UN budget or even, as the U.S. Congress is presently doing, for a significant reduction in assessed contributions?

These dilemmas are all very clear and real, but they do not lend themselves to easy answers. What is important, however, is not to hide them behind a veil of rhetoric. In the first place, not to find refuge in the great alibi of humanitarian action, a most important aspect of international reaction to armed conflicts, but something that possesses its own logic that cannot be arbitrarily extended outside its legitimate framework. We must not occult behind humanitarian flags the inescapable problem of the use of force by the international community. Not only of its legitimation (possible), but of its political, financial, human costs. Costs—especially the latter—that are very difficult to accept especially for all those whose moral and political urge to intervene derives from a rebellion against violence and death. And yet, inescapable costs, unless we decide to give up any attempt to contain, if not totally stop, the proliferation of conflicts that is today affecting the very texture of the coexistence among states and among human beings.

## Notes

1. Stanley Hoffman, *The Political Ethics of International Relations* (Seventh Morgenthau Lecture on Ethics and Foreign Policy), Carnegie Council on Ethics and International Affairs, 1988, p. 19.
2. See Bernard-Henri Levy, *La pureté dangereuse* (Paris: Grasset, 1994). According to Levy (93) in order to understanding today's world we must set aside the concept of totalitarianism, indispensable to understand the century that is now ending, and replace it with the concept of fundamentalism (*intégrisme*).
3. The definition belongs to Headley Bull, quoted in Geoffrey Best, *War and Law since 1945* (Oxford: Clarendon Press, 1994), 4.
4. The differentiation between these two types of conflict is taken up by Massimo Cacciari, *Geo-filosofia dell'Europa* (Milano: Adelphi, 1994), who centers his whole reasoning about the peculiarities of the European essence on the possibility of pluralism, diversity, and the existence of the Other without having to accept the inevitability of violent conflict.
5. Van Creveld speaks of "non-Clausewitzian war," that he defines as war for existence (Martin van Creveld, *The Transformation of War* [New York: The Free Press, 1991], 142. It would be a serious mistake if we were to attribute the origins of this ruleless war to modern ideologies, to a nation-state that is organized and technologically equipped for the annihilation of the enemy. To quote

- just one example, the Old Testament describes *milchemet mitzneh*, a true war of extermination against the enemies of the God of Israel. Ibid., 134-35.
6. At the start of the Civil War, the Union government assigned to an emigre German jurist, Franz Lieber, the task of codifying the basic principles applicable to war. The result was the so-called Lieber Code, which was to supply the basis for further work leading eventually to the Hague Conventions of 1899. Best, op. cit., 40-41.
  7. Referring to class struggle, Simone Weil wrote: "Class struggle definitely has a meaning, but it is a struggle, not a war, and it is effective only insofar it is not a war. When, lured by the mirage of vacuous entities, we feel we have to turn it into war, when we aim at the annihilation of an adversary considered as an absolute evil, then class struggle, after bloody turmoils, can only attain illusory results. On the contrary, it is effective only if it is a permanent struggle pursuing exclusively the restoration of a balance that is continuously broken." Quoted in Simone Petrement, *La vita di Simone Weil* (Milano: Adelphi, 1994), 393.
  8. Assane N'Diaye, "Rwanda-Burundi. Qu'est-ce qui me commande de parler?," *Africa International*, Sept.-Nov. 1994, 7. N'Diaye writes about "Hutu-Tutsi bilateral paranoia" (p. 9). The world is today generous with examples of the systematic ideological endeavor aimed at building up group identity on the basis of an exasperated (and usually artificial) differentiation vis-à-vis other groups, with which one has often co-existed on the same territory for centuries. It is the phenomenon that someone has called "the narcissism of minor differences." Michael Ignatieff, *Blood and Belonging* (London, 1993).
  9. Robert D. Kaplan, "The Coming Anarchy," *Atlantic Monthly*, February 1994, 44. Kaplan paints an apocalyptic, but hardly questionable, picture of "disease, overpopulation, unprovoked crime, scarcity of resources, refugee migrations the increasing erosion of nation-states and international borders, and the empowerment of private armies, security firms, and international drug cartels."
  10. See Eric Hobsbawm and Terence Ranger, *The Invention of Tradition* (Cambridge, 1983) and Benedict Anderson, *Imagined Communities* (London, 1983).
  11. Destexhe speaks of "tribalism with no tribe," and "ethnicity without ethnic group." Alain Destexhe, Rwanda. *Essai sur le genocide* (Bruxelles: Editions Complexe, 1994), 58. "Hutus and Tutsis have always spoken the same language, called themselves by the same names, have shared the same religion (Catholic) and have often mixed through marriage. Many Rwandans maintain that divisions in their society are not ethnic, but rather those that differentiate cattle herdsman from peasant serfs, a reality that one could also find in monarchical societies in Tanzania, Uganda, and Zaire. They also say that a rich Hutu can become a Tutsi after a special ceremony." Julian Bedford, "The Roots of Rwanda's Strife," *Reuters*, May 25, 1995.
  12. N'Diaye, op. cit., 7.
  13. Among the possible political definitions of intervention, the following seems to be one of the most adequate: "International intervention . . . connotes only those coercive actions (economic and military sanctions) taken by the community of States to alter the domestic affairs, behavior or policies of a targeted government or insurgency that flouts international norms and resists the expressed will of the international community." Thomas G. Weiss, "Intervention: Whither the United Nations?" *The Washington Quarterly*, Winter 1994, 110. It is a definition that coincides with the legal definition according to which intervention is "any authoritarian pressure exerted in order to bend the will of an international subject so as to obtain the performance or nonperformance of a specific act." G. Balladore Pallieri, *Diritto Internazionale Pubblico* (Milano: Giuffrè, 1962), 257. For a very stimulating approach to the issue of intervention (examined in close relationship with the "relativization of sovereignty") see J. Bryan Hehir, "Intervention: From Theories to Cases," *Ethics & International Affairs* 9 (1995), 1-13.
  14. See in particular the "Declaration on Minimum Humanitarian Standards," a document drafted by a group of experts in Turku, Finland, in December 1990 (published in *International Review of the Red Cross*, (May-June 1991). The text aims at overcoming a rigid distinction between human rights law and humanitarian law—a distinction to which, on the other hand, both states and practitioners in both fields remain very attached. On the relationship between human rights/humanitarian law and on minimum standards see also Best, op. cit., 67-79. As usual, practice tends to overcome the quandaries of theory: facing the conflict in Chechnya, international bodies (from the UN to the European Union) have taken positions through resolutions and declarations in which human rights and humanitarian law are jointly and simultaneously taken as a point of reference.



15. For a definition of peacekeeping, peace enforcement, peacemaking, preventive diplomacy, peace building, see the Report by the Secretary General of the United Nations: Boutros Boutros-Ghali, *An Agenda for Peace* (UN Document A/47/277, June 17, 1992).
16. In synthesis, the goal of peace and the goal of justice can turn out to be incompatible: "If peace should take precedence, intervention should support the mightiest of the rivals, irrespective of their legitimacy. If the United Nations had weighed in on the side of the Serbs, or had helped Aidid take control in Mogadishu rather than trying to jail him, there might well have been peace in Bosnia and Somalia long ago. If justice takes precedence, however, limited intervention may well lengthen a conflict. Perhaps putting an end to killing should not be the first priority in peacemaking, but interventionists should admit that any intervention involves such a choice." Richard K. Betts, "The Delusion of Impartial Intervention," *Foreign Affairs*, November-December 1994, 32. Betts lists the following "rules" in order to prevent intervention from giving rise to confused or counterproductive outcomes: recognize that making peace means determining who rules; avoid half measures; do not confuse peace with justice; do not confuse balance with peace or justice; be sure that humanitarian intervention makes sense from a military point of view. One must say that, as far as this last "rule" is concerned, we have recently reached a true dead end, and have produced contradictions such as the one embodied in the following statement: "The use of force is authorized on the basis of Chapter VII of the Charter, but the UN remains neutral and impartial between the parties, and does not have the mandate to stop the aggressor (in case he can be identified) nor to impose the cessation of hostilities." Report of the Secretary General to the 50th UN General Assembly: *Supplement to an Agenda for Peace* (A/50/60, January 3, 1995), Para. 19. Impartiality between the victim and the aggressor? But then, why bother with Chapter VII, the chapter of enforcement and intervention; why not stay within the boundaries of Chapter VI, the chapter of prevention, mediation, dialogue, consensus?
17. Facing this dilemma, "Medecins sans frontieres" has adopted, in Rwanda, a very firm stand, stating that "you do not stop genocide with doctors," and that therefore the situation could not be tackled in a humanitarian mode (Destexhe, op. cit., 79). The same author, though a "professional humanitarian," formulates a thought-provoking denunciation: "In a world in which it has acquired a quasi monopoly of international action, humanitarian assistance—unwilling and unable to draw a distinction among victims—has the shortcoming of reducing catastrophes to their minimum common denominator: compassion. All victims are the same and they all deserve our attentive care: the Tutsis that are the object of genocide as well as the murderer seeking shelter in a refugee camp and struck by cholera. Such is the servitude of humanitarian action: facing the victim, it does not want to choose sides, but only cure and nourish. Such noble gesture is however doomed to failure if, at the same time, there is no justice nor any political action. . . . The evil eating away at humanitarian action is called mindless apoliticism, with its corollary, neutrality. It has become an easy escape justifying the worst policies. The concept of neutrality does not make any sense facing a war of aggression or systematic genocide: neutrality means, in these cases, favoring the stronger party. The humanitarian system does not need more than one neutral organization: the International Committee of the Red Cross (ICRC) is at the same time indispensable and more than sufficient. The other organizations, hiding behind this now perverse concept, insofar as they refuse to draw a distinction between aggressors and aggressed, victims and perpetrators, partake in the general confusion and in a way are accomplices" (ibid., 85-87).
18. The problem is especially acute in the case of the Tribunal on crimes in former Yugoslavia, deciding, in July 1995, to indict Bosnian Serb leaders Karadzic and Mladic. In a previous interview, Justice Goldstone, Chief Prosecutor of the Tribunal, proved to be fully aware of this problem, but stated very clearly that justice cannot be derailed by political considerations: "I can give you the assurance that we won't respond to the political consequences either in what we do or in its timing." He added that even though a possible peace agreement for Bosnia were to include immunity for Karadzic and Mladic, the Tribunal should continue to pursue the case, since "immunity is a political decision (by which) we would not be bound." Roger Cohen, "Dilemma on Bosnia Puts UN in a Bind," *International Herald Tribune*, April 25, 1995. One cannot pretend that those who have the mandate to affirm justice accept the logic of political compromise. Likewise, we cannot ask those who pursue humanitarian ends to give priority to justice or to politics. But if this is true, who will define priorities among incompatible logics?