FOREWORD

by Pierre Sané, AI Secretary General

SOLDIERS IN THE NAME OF HUMAN RIGHTS

Are invasion and bombardment by foreign forces justifiable in the name of human rights? And have external military interventions succeeded in winning respect for human rights?

These issues are at the heart of the debate within the human rights community and the UN over the use of external armed force to counter massive human rights abuses. The debate has intensified in the light of last year's interventions in Kosovo and in East Timor, justified explicitly in terms of protecting civilians from the brutality of the authorities, and in the context of the international community's muted response to the Russian bombing of Chechnya.

We welcome this debate. At stake are the lives and futures of millions of people.

While we welcome the debate, we do not accept the terms in which it is generally posed. Invasion or inaction should never be the only options. Ethnic cleansing or bombing — this is not a choice that human rights activists should ever have to make.

I want to use this opportunity to clarify AI's position on humanitarian intervention — external military intervention in the name of human rights. AI has long refused to take a position on whether or not foreign armed forces should be deployed in human rights crises. We neither support nor oppose such interventions. Instead, we argue that human rights crises can, and should, be prevented. They are never inevitable.

AI does not reject the use of force: laws have to be enforced. When AI calls on governments to protect people from human rights violations and to bring perpetrators to justice, we understand that this may require the use of force, even lethal force. When we address those who have turned to armed struggle to achieve their aims, we do not call on them to lay down their arms, but to respect the basic rights of civilians and their opponents. We are not opposed to the use of force in order to gain justice. But we question whether justice is the driving factor in the international community's decision-making.

Supporters of intervention

Governments who support foreign intervention argue in terms of morality and universal values. US President Bill Clinton justified the NATO bombing of Belgrade on the grounds that to turn away from ethnic cleansing would be a "moral and strategic disaster". Prime Minister Tony Blair of the United Kingdom (UK) said, "This is a just war, based not on territorial ambitions but on values." French President Jacques Chirac called the intervention "a battle for the rule of law and for human dignity" and said, "What is at stake today is peace on our soil, peace in Europe..." .

Supporters of external intervention also cite the development of international law to back their arguments. They point to the Charter of the UN, which allows the UN Security Council to take coercive measures, including military action, if it determines that there is a threat to "international peace and security". The Genocide Convention, which emerged from the ashes of the Holocaust, allows states to call for action by the UN under its Charter to prevent and suppress genocide.

As someone who grew up in Africa, there have certainly been times where I personally would have welcomed intervention to save people's lives.

Opponents of intervention

Governments opposed to foreign intervention base their position on the principles of national sovereignty and non-interference in the internal affairs of a state. The same UN Charter says: "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...".

China has long contended that human rights should not be subject to international scrutiny. "We are resolutely opposed to such an act of interference in another country's internal affairs under the pretext of human rights", said a government spokesman in response to criticism of China's human rights record. Russia claims that its bombing of civilians in Chechnya is an internal affair.

The President of Algeria, and Chairman of the Organization of African Unity, Abdelaziz Bouteflika, has argued similarly. He compared international intervention with breaking into a neighbour's house because a child had allegedly been beaten by his parents. "That would be a very serious violation of freedom. New theories [are] being invented solely to deprive peoples and states of their national sovereignty."

Opponents of foreign intervention claim the moral high ground in terms of protecting smaller nations from greater powers, and Algeria, China and Russia all have a history of colonialism or foreign invasion.

Having been born and spent my youth in a former colony, Senegal, I fully understand and support the desire to be free of foreign domination.

States' rights and victims' rights

Both sides of this debate therefore have legitimate arguments. Both sides can justify their positions in terms of internationally accepted principles.

For most individuals who engage in the debate, the issue is the need to react to human tragedies such as mass killings and amputations in Sierra Leone, ethnic killings in Afghanistan or forced mass displacement in the former Yugoslavia and East Timor. For members of AI, the debate is triggered by distress at the suffering in states torn apart by armed conflict or by the collapse of governmental structures. It is fuelled by frustration that AI's traditional techniques of focusing on

ISBN: 0 86210 290 1
AI index: POL 10/001/00

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individual victims seem to be ineffective in chaotic situations and in the face of mass abuses.

The motivation of the individuals and non-governmental organizations who engage in humanitarian interventions is not in question. There is no doubting their commitment to human rights and their personal courage in defending those rights.

Dubious motives

There is grave doubt, however, about the motives of governments. And at the end of the day it is governments who take the decisions about whether to intervene or not, and governments who send and finance military forces.

If government decisions to intervene are motivated by the quest for **justice**, why do they allow situations to deteriorate into such unspeakable injustice?

The NATO governments which bombed Belgrade are the same governments that were willing to deal with Slobodan Milo evi 's government during the break-up of Yugoslavia and unwilling to address repeated warnings about the growing human rights crisis in Kosovo. Thousands of lives might have been saved if the international community had responded to appeals like that issued by AI in 1993: "If action is not taken soon to break the cycle of unchecked abuses and escalating tensions in Kosovo, the world may again find itself staring impotently at a new conflagration."

Similarly, western governments supported Saddam Hussain's government in Iraq during the Iran-Iraq war, and turned a blind eye to reports of widespread human rights violations. AI called for international pressure on Iraq again and again, especially after the 1988 chemical weapons attack on Halabja which killed an estimated 5,000 unarmed Kurdish civilians. Nothing was done until Iraq invaded Kuwait in 1990.

And isn't it ironic that the state chosen to lead the intervention in East Timor, Australia, is one of the few states that formally recognized Indonesia's illegal occupation of East Timor.

If the motivation of governments is the protection of **universal values**, why is the international community so selective in its actions? The imposition of UN sanctions on Libya or Iraq, for example, stands in stark contrast to the non-imposition of sanctions on Israel for refusing to comply with UN Security Council resolutions. The actions over Kosovo and East Timor invite comparison with the international community's inaction over Chechnya or Rwanda.

In Turkey, an estimated 3,000 Kurdish villages have been destroyed, three million people internally displaced and thousands of Kurdish civilians killed by the Turkish security forces in the context of the 15-year armed conflict with the PKK. There have been no threats of action by the international community, Turkey has been accepted as a candidate for European Union membership and western arms supplies have continued unabated.

If the motivation of governments is **peace**, why do they fuel conflicts by supplying arms? There are at least 10 international wars and 25 civil wars being fought around the globe, many in sub-Saharan Africa, yet arms exports to the region nearly doubled last year. While international attention focuses on nuclear, chemical and biological weapons, the proliferation of small arms (assault rifles and sub-machine guns) has been virtually ignored.

In the case of East Timor, two of the major powers who argued for international intervention – the USA and the UK – were also the two major suppliers of arms to the Indonesian government, whose security forces were responsible for widespread and systematic violations of human rights in East Timor.

If the motivation of governments is **human rights**, why do they send refugees back to danger? The very states that take a leading role in arguing for humanitarian intervention have undermined the fundamental principles of refugee protection. They obstruct access to their borders, send refugees to countries where their lives will be at risk, detain asylum-seekers and exploit xenophobia. Their response to refugee crises elsewhere is selective and inadequate. For example, the refugees from Kosovo have received far more international assistance than the many refugees in western and central Africa whose desperate plight has been virtually ignored by governments outside the region.

The motivation of the governments who oppose intervention is equally dubious. They oppose the use of force to counter mass abuses in other countries, but do not hesitate to use force unlawfully themselves against their own citizens. **National sovereignty** is not a licence to torture, imprison and kill. National sovereignty was won by people fighting for freedom and national liberation; they did not make their sacrifices only to succumb to oppression and violence at the hands of their own leaders.

These governments argue that foreign intervention is not legitimate, but what is the **legitimacy** of a government whose democratic credentials do not stand the test of Article 21 of the Universal Declaration of Human Rights: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections...".

These governments cite **international law** to back their positions, but many break international human rights law by abusing their powers and committing human rights violations. They use the UN Charter to justify their arguments, but resist the scrutiny of international bodies established by the UN to promote and protect human rights.

Failed interventions

Besides the moral arguments for and against humanitarian intervention, there is the fundamental question: does the strategy work in the interests of the victims? For those who argue against intervention there is plenty of evidence of failure.

In Kosovo, six months after NATO air strikes, violence was being committed on a daily basis against Serbs, Roma and moderate Albanians. In December 1999, murder, abductions, violent attacks, intimidation, and house burning were reported at a rate almost as high as in June when KFOR troops were

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first deployed. Some 200,000 Kosovan Serbs had been forced out of their homes. Serbs and Roma were almost all living in enclaves protected by KFOR troops, and Serbs in Pri tina and other mixed communities needed a military escort to leave their homes and conduct daily tasks such as buying food.

In Somalia, seven years after a UN military intervention, there is no functioning government and no judiciary. Continued fighting, especially in the south of the country, imperils hundreds of thousands of people already at risk of famine. UN forces sent in to protect aid convoys in a country ravaged by civil war and famine themselves committed serious human rights abuses. Their unsuccessful attempts to arrest clan leader General Aideed diverted them from the ostensible purpose of their mission, and they killed and arbitrarily detained hundreds of Somali civilians, including children.

Can governments really expect that we will sit and watch images of unutterable misery and do nothing about it?

Angola, where the UN intervened in the 1990s, is again in the grip of full-scale armed conflict and civilians are losing their lives. Some are deliberately and arbitrarily killed in indiscriminate shelling of towns. Others are dying from disease and starvation. Last year people in besieged cities were reportedly eating seeds, roots, cats and dogs in order to survive.

The international community clearly does not have the political will to intervene militarily in all the countries where mass human rights abuses are being committed. It has withdrawn its troops from Somalia and Angola, and, as this report shows, there are dozens of other countries where armed conflicts rage or human rights are being abused on a mass scale.

In those situations where the international community has chosen to intervene, the world's governments have not been prepared to commit the necessary resources. Rebuilding strife-torn societies on a basis of respect for human rights is a long-term commitment. By failing to sustain its efforts, the international community has often frustrated the stated aims of its operations. In Haiti, where the USA led a multinational intervention in the name of restoring democracy, the failure to invest in substantive reform of the judicial system has undermined efforts to improve the human rights climate by rebuilding the police force. In Kosovo, where 6,000 international police officers are needed according to the UN, only 2,000 had been deployed by the end of last year.

If the motivation of governments is the protection of universal values, why is the international community so selective in its actions?

Consequences of inaction

The supporters of intervention counter these examples with the appalling consequences of inaction. They point to the suffering of the victims in Rwanda, where the UN pulled out its forces as mass killings began and up to one million people died in the ensuing genocide. They point to the years of prevarication before the Second World War, when thousands of people were killed in Germany. Had Hitler confined himself to exterminating communists, gypsies and Jews within Germany, rather than invading neighbouring countries, it is highly unlikely that the Allied powers would have reacted. Similarly, Iraq's treatment of its own citizens was virtually ignored by the international community until Iraq invaded Kuwait.

Another powerful argument in support of humanitarian intervention is the assault on our own humanity. Can governments really expect that we will sit and watch images of unutterable misery and do nothing about it? We all, as human beings, share a responsibility for the fate of other human beings, wherever they live.

The risk to regional peace and security is also used to justify armed foreign intervention. This too is a valid consideration. The tragedy of Rwanda lies not only in the deaths of those slaughtered in the genocide, but in the continuing conflict in the Great Lakes area of Central Africa, where killings continue to this day.

Proposed criteria

At the UN, the debate on humanitarian intervention was advanced when UN Secretary-General Kofi Annan outlined some criteria which might guide the UN Security Council in authorizing interventions, whether by the UN or by a regional or multinational organization. These criteria include:

- the scale and nature of the breaches of human rights and international humanitarian law;
- the incapacity of local authorities to uphold order or their complicity in the violations;
- the exhaustion of peaceful means to address the situation;
- the ability of the UN Security Council to monitor the operation;
- and the limited and proportionate use of force, with attention to the repercussions upon civilian populations and the environment.

I think these criteria appear very sensible. Clearly, the gravity of the violations being perpetrated is the starting point. Concern for the rights of the victims must be central to the justification for any enforcement action. While a degree of politicization and national self-interest is inevitable, the humanitarian element must be credible, visible and override all other considerations.

Also, the use of force must be truly a last resort, and the force used must be proportionate and fully respect international standards.

Perhaps the most important criterion, and probably the most difficult to evaluate, is the last — the impact on the civilian population, the very people on whose behalf the action is being taken.

Outstanding issues

For AI, a movement committed to the impartial protection of human rights all over the world, there remain some difficult unresolved issues of principle and practice.

The UN is the principal source of authority for military interventions, whether carried out by the UN or by other states with some degree of UN authorization. But the UN is composed of governments acting in their own interests. Every military intervention, no matter how it is described, is linked to the strategic interests of the governments behind the

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troops. The UN Security Council is dominated by its five permanent members — the USA, Russia, China, France and the UK. Can they really claim to be objective guardians of the UN Charter, and fulfil the promises of peace and security for all, when they are the world's five largest arms exporters?

The disproportionate power of certain states in the current world order is reinforced by the actions of the intergovernmental organizations that they dominate. UN or regional military interventions inevitably reflect the interests of politically and militarily powerful states. Conversely, the economically and militarily impoverished states are the most vulnerable to intervention and the least able to resist. If AI supported particular military interventions, prompted by the suffering of the victims, it might, over the longer term, find that it had inadvertently supported a global or regional concentration of power and in the short term had backed action that itself contributed to human rights abuses. In Somalia, UN troops committed serious human rights abuses; in Bosnia they stood by as towns declared "safe areas" by the UN Security Council were devastated; in Kosovo, NATO air strikes breached internationally agreed rules on the conduct of hostilities.

What is best for the victims?

AI's stance in this debate is clear. Our starting point is always to ask what is best for the victims. And what is best for the victims is to prevent massive human rights violations.

None of the human rights tragedies of recent years were unpredictable or unavoidable. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions warned publicly in 1993 that Rwanda was in danger of slipping into genocidal violence. AI has repeatedly exposed the Indonesian government's gross violations of human rights, not only in East Timor, but also in Aceh, Irian Jaya and the rest of Indonesia. We fear now that our pleas for action on certain other countries featured in this report are similarly being disregarded or downplayed. When some human rights catastrophe explodes, will we again be expected to see armed intervention as the only option?

Prevention work

Prevention work may be less newsworthy and more difficult to justify to the public than intervention in times of crisis. It requires the sustained investment of significant resources without the emotive media images of hardship and suffering. It means paying attention to the day-to-day work of protecting human rights. It means using diplomatic measures and other avenues of pressure to persuade governments to ratify human rights treaties, to amend their legislation in line with those treaties and to implement and enforce their provisions. It means ensuring that there is no impunity for human rights abuses, and that every time someone's rights are violated the incident is investigated, the truth established and those responsible brought to justice. It means ratifying and setting up speedily the International Criminal Court. It means ending discrimination and working to ensure the promise of the Universal Declaration of Human Rights, that governments work towards a world without cruelty and injustice, a world without hunger and ignorance.

Prevention work requires governments to condemn violations of human rights by their allies as well as their foes. It means that arms sales to human rights violators must be stopped. It means ensuring that economic sanctions do not lead to violations of socio-economic rights. In Iraq, after years of draconian sanctions, infant mortality rates in 1999 were the highest in the world. The rights of Iraq's children deprived of food and basic medical supplies do not appear to carry weight on the international community's agenda. Prevention work requires a serious commitment to protecting the human rights of all, wherever they live and whoever they are.

In those situations where the international community has chosen to intervene, the world's governments have not been prepared to commit the necessary resources.

The international community has begun to accept the need for intervention to bring an end to massive violations. It is still a long way from accepting "preventive" interventions. Yet these are more effective and far less costly in terms of human suffering and material destruction than intervention in a crisis.

Conduct of operations

AI's refusal to be drawn on whether military intervention is appropriate in a given situation does not mean that we have nothing to contribute. On the contrary, we lobby governments and the UN on a range of human rights issues related to international interventions. We do not call for military action, nor do we oppose it, but we do campaign on how such interventions should be conducted. We do not take a position on when to intervene or who should intervene (whether the UN, a regional coalition, a single state or even an armed group such as the RPF in Rwanda), but we focus on the conduct of the operation.

We call for human rights concerns to be central at all stages of conflict resolution, peace-keeping and peace-building.

We demand that all parties respect international law. The legal system governing a military operation which is in effect taking over a territory must be clarified at the outset and applied from day one. If the local law cannot be applied (because as in Kosovo much of the justice system was dismantled, or because as in East Timor it was unclear what law should apply), the UN should develop a basic code of criminal procedures, consistent with international human rights standards, to be applied as soon as the peace-keepers touch ground.

We call for human rights concerns to be central at all stages of conflict resolution, peace-keeping and peace-building.

This is much more than rules of engagement. It means recognizing that peace-keeping operations are about law enforcement as well as military control, and that human rights standards are therefore central.

It is inappropriate for soldiers, and unfair to them, to expect them to conduct themselves as police officers, let alone judges. Peace-keeping operations have gradually expanded to include a multitude of actors, from humanitarian assistance components to police and human rights monitors. The time has come to

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AI index: POL 10/001/00

ensure that police, judges and other legal professionals are present from the outset of those operations which, for all practical purposes, amount to the taking over of a territory.

Also key is proper human rights monitoring of international forces, to ensure that those engaged in an intervention do not consider themselves above the standards for which they have intervened.

International responsibility

International responsibility for the universal protection of human rights has gained wider acceptance over the past half century, as reflected in the growth of the UN human rights machinery and of international institutions of justice. For all of us working to promote the universality of human rights, this is cause for optimism in a turbulent world.

Both intervention and inaction represent the failure of the international community.

Many individual AI members believe that armed intervention is the logical next step in this process and that there are circumstances where soldiers should be deployed to prevent or end human rights violations. However, as an organization, AI recognizes the danger that the term "human rights" might be usurped to justify the military ambitions of powerful states. Standing apart from the clamour for armed action is difficult in the face of immediate suffering. It means acknowledging our own, painful, limitations.

However, I believe it is a wise position, indeed the most sustainable position, for an organization dedicated to the impartial protection of human rights.

So, in summary, AI neither supports nor opposes armed intervention, but argues that action should be taken in time to prevent human rights problems becoming human rights catastrophes.

Both intervention and inaction represent the failure of the international community.

Why should we be forced to choose between two types of failure when the successful course of action is known? Why should we be expected to give our seal of approval to either unacceptable option? The best we can do is to ensure that whatever route is chosen, we do what we can to contain the suffering and to let the powerful know our anger. Prevention of human rights crises is the correct course. The problem is not lack of early warning, but lack of early action. Only by protecting all human rights everywhere, every day, will we render the debate over humanitarian intervention obsolete. And that is a worthy goal for the 21st century.

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