

Humanitarian Intervention: A Critique

Indra Mohan Jha*

*[*Dr. Indra Mohan Jha, Senior Lecturer, teaches in ARSD College, University of Delhi, New Delhi, India.]*

Humanitarian intervention, a euphemism for military intervention, has become a popular term in the strategic parlance of the west under the leadership of the USA. Its recent origin lies in new world order slogan of the former American President George Bush in a unipolar world in the aftermath of the collapse of another pole – Soviet Union.

In the midst of the first Iraq war Bush Sr. propounded his idea of new world order when bombs were raining on Baghdad and Basra. Addressing to a joint session of the American Congress on March 6, 1991 Bush proclaimed, “Now, we can see a new world coming into view. A world in which there is very real prospect of a new world order”. In the words of Winston Churchill, a “world order” in which the principle of justice and fair play — protect the weak against the strong”— a world in which freedom and respect for human rights find a home among all nations”.^[1] These righteous words were only to hide true American intentions—new world order to be ordered by the USA; in a unipolar world with the pole centered in Washington and; strong would respect only those weak who accept to behave as a servile yes-man. Certainly, Bush was influenced by the demigod of British imperialism – Winston Churchill who envisaged a world order to be constructed after the Second World War, “The government of the world must be entrusted to satisfied nations . If the world government were in the hands of hungry nations, there would always be danger — Our power placed us above the rest.”^[2] Nothing is new in the new world order. There is an ongoing process of dominance of rich and strong over poor and weak. Democratic values, human rights and justice are often used to camouflage the true intentions of powerful ones.

To add teeth to this global political vision, NATO enunciated a new strategic concept in the Rome summit on 7-8 November 1991, to begin with. Even after the collapse of the Soviet bloc, the Rome communiqué said, “ the alliance will maintain for foreseeable future an appropriate mix of nuclear and conventional forces in Europe and keep up to date where necessary— and retention and further development of a limited but militarily significant proportion of rapid reaction elements for eventualities many of which are unforeseeable.”^[3] It was further consolidated in Washington on the occasion of the 50th anniversary celebrations of the NATO held from 23 to 25 April 1999. The summit formally recast NATO’s cold war era mission from one of collective defence to one that would guarantee European security and uphold democratic values “within and beyond NATO borders”.

The strategic concept unveiled at the summit identified the UN Security Council as having primary responsibility for the maintenance of any international peace and security but did not tie the alliance action to the Security Council authorization.^[4] Thus, the western military alliance

psyched itself up to use military force even out of NATO area or in any part of the world if and when they perceived threat to their security or values they claim to stand for— open market economy, democracy, human rights etc.

The US foreign policy today, is embedded in the rise of American unipolarity, which ensures that no other nation could rival its hegemony i.e., political or military. Its ever preparedness is upheld in the doctrine of pre-emption, contradicting the precepts of the UN Charter. True to the characteristic of a hegemon, the USA often defied the UN when the latter did not behave like a rubber stamp. The statements by the US leaders in the context of preparations for attacking Iraq (Operation Iraqi Freedom 2003), show their abhorrence for supranationalism (UN)— “we do not need the Security Council, the US would not consider itself bound by the Council’s decision, would act alone if the UN failed to cooperate”[5].

It is in this geopolitical reality that the doctrine of humanitarian intervention is being propounded and practised by the west. This is defined as: Coercive action by states involving the use of armed forces in another state without the consent of its government, with or without authorisation from the United Nations Security Council, for the purpose of preventing or putting to a halt gross and massive violations of human rights or international humanitarian law.[6]

Thus, human rights violations are put forward as conditions for challenging not only the concept of sovereignty but also the authority of the United Nations. The champions of humanitarian intervention trace its origin to the natural law and early international law as propounded by Hugo Grotius (1583-1645) who defined natural law as a dictate of right reason ordained by the author of nature –God. According to him, this may vary from people to people, and which also may dictate practices looking to the advantage of all nations in their international dealing. But certain broad principles of justice are natural that is universal and unchangeable — and upon these principles are erected the varying systems of municipal law, all depending upon the sanctity of covenants, and also international law, which depends upon the sanctity of covenants between rulers.[7] Sanctity of covenant concerned respects for sovereignty and contracted agreement by rulers (state) internally as well as externally. However, he also subscribed to just war against those who violated it. He bestowed in the people the right to revolt against extreme cases of tyranny and foreign powers were supposed to offer help to oppressed victims. However, the ultimate reason for intervention is the liberty to serve the interest of human society through punishment. This general right to punish the wrong doer or to protect innocent persons, all rights which are vested in human society, entitle every foreign state to such intervention. This is ultimately based on the mutual tie of kinship among men, and therefore permissible according to the law of nature. Grotius even admits that through intervention punishment or redressal of wrong can be exacted not only for violations of the law of nature, but also for injuries that excessively violate the law of nations in regard to any person whatsoever.[8]

This very offer of external help for the oppressed is taken as a justification for humanitarian intervention. Moral and political validity of humanitarian intervention is sought in the emergence of new – weak states following de-colonization and collapse of the Soviet bloc in the late 1980s. These so-called new states are weak not in military sense but in terms of internal legitimacy, efficacy and stability. With new states also emerged new warfare. In the post – Second World War period more than 75 per cent of wars were intra-state and not traditional inter-state war,

where armed combat was not against another state but against the authorities within the state or between armed communities.[9] These wars are generally fought by militias, guerrillas and armed civilians having little discipline and ill-defined chains of command. They fight with vengeance against peoples of other race, religion or ethnicity. Civilians are the main targets suffering loot, plunder, rape etc. without any protection from the state.

In most of the cases state machinery is either hostile, biased or incapable of bringing peace and normalcy. As a consequence the number of refugees registered with the office of the UN High Commissioner for Refugees has increased from 13 million in 1987 to 26 million at the end of 1994. The number of internally displaced persons has increased even dramatically.[10] These wars have killed far more civilians than military personnel. In the First World War, roughly 90 per cent of those killed were soldiers and only 10 per cent civilians. In the Second World War civilians were just over half, of all those killed. But in many of today's conflicts, civilians have become the main targets of violence. It is now conventional to put the proportion of civilian casualties somewhere in the region of 75 per cent.[11] Naturally, by early 1990s more peace-keeping operations have been organised by the UN to tackle intra-state conflicts. Of the five peace keeping operations that existed in early 1988, four related to inter- state wars and only one to an intra-state conflict. As opposed to this, of the 21 operations established since then, only 8 are related to inter-state wars, whereas 13 are related to intra-state conflicts. Of the 11 operations established since January 1992, all but two relate to intra-state conflicts.[12]

Therefore, humanitarian intervention is supported by putting forward massive violations of human rights in intra-state conflicts. Such conflicts are also projected as threat to international peace and security. By combining rights, peace keeping, peace and security; an attempt is being made to get legal and moral legitimacy for military intervention. Partial and pragmatic interpretation of existing inter-national law along with exaggerated propaganda by western media is intended to evolve state practised law in this regard because they are well aware that sufficient support cannot be gathered in the UN General Assembly to amend the Charter for the same.

Legal Position

It is imperative to draw attention to the fact that Grotius always emphasised the idea of the right, of justice, and obligation and good faith. As jurist and philosopher his sole great concern was that war should be waged only for just cause and as a last resort, and then only lawfully.[13] Wherever, states failed to act according to law, he would see just cause for international intervention. Nevertheless, solution in the realm of international law itself is based on the higher concept of justice and not on the arbitrary will of the states. It presupposes the existence of proper international procedures and authorities.[14] However, Grotius was aware, though, that intervention on behalf of foreign persecuted subjects was often used as a pretext to cover selfish ends of a unilateral action of a foreign state.[15] Since Grotius did not see any practical possibility for an organised world community, he did not consider the possibility of collective intervention. According to later opinions a collective action supposedly could take from intervention the stigma of selfishness which is usually associated with any unilateral intervention. [16]

Collective, not unilateral action, is also prescribed by Oppenheim: Intervention is likewise admissible, or even has a basis of right, when exercised in the interest of humanity....But whether there is really a rule of law of nations which admits such interventions may well be doubted. Yet, it cannot be denied that public opinion and the attitude of the powers are in favour of such interventions, and it may perhaps be said that in time the Law of nations will recognise the rule that intervention in the interests of humanity are admissible provided they are exercised in the form of a collective interventions of powers.[17]

It is clear that Grotius and later jurists believed that international law should work to protect human rights even by “punishing” the sovereign state. This was to be done, however, only on the basis of impartiality and just cause for humanity as a whole. Relating the argument with the spirit of Grotius’ vision, an idea of institutional arrangement was taking shape to determine the justice of war to organise collective action, on the just side in principle, Grotius’ theory opens the way for international protection of human rights through the United Nations.[18] And United Nations is based on the principle of collective action involving all, against the whims and fancies of one nation or a group of nations, for whatever be the cause.

In this perspective, it can strongly be argued that there is no international law which allows arbitrary humanitarian intervention encroaching upon the sovereignty of a nation – state. For whatever be the slogan of globalism, regionalism or role of other actors within state itself, “nation – states will remain the most powerful actor in the world affairs”.[19] Sovereignty is the most significant attribute of a nation-state. Sixteenth century French philosopher Jean Bodin defined sovereignty as supreme power. It is undelegated, inalienable and not subject to prescription. It is unrestrained by law because sovereign (state) is the source of law.[20] The test of a sovereign nation – state is most pronounced in its external relations. Mere declaration of independence has little meaning. This was duly voiced by leaders like Jawaharlal Nehru, Nasser, Tito, Nkrumah etc. in their policy of non-alignment. Non-alignment was basically an urge of newly independent countries to assert their national sovereignty in international arena by deciding their positions on the merit of a particular issue and not by being dictated/directed by others.

Moreover, in international context sovereignty means that no power tops the state. Therefore, international law is not above the state. It is one of them agreed by states. International law thereby doesn’t distract from state sovereignty. It is a way for states to exercise their sovereignty by creating or adopting an international legal obligation. Whatever limitations follow, are only to gain from other states on the basis of mutual benefit. Precisely for this reason participation in the International Court of Justice is voluntary and states are reluctant to accept compulsory jurisdiction of the Court. By the end of the year 2000, only 60 members of the UN have accepted the compulsory jurisdiction of the Court, albeit in many cases with reservations, which tend to limit or narrow the effect of the compulsory jurisdiction clause.[21] Such a system is often characterised as “consensual jurisdiction”. It vividly speaks of cooperative nature of international law.

The United Nations Charter upholds not only protection and promotion of human rights as one of its purposes but also emphasises equality of nations, large and small.[22] It clearly rejects one-upmanship of one nation or a small group of nations. Further, the UN Charter enjoins: All

members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered; All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state...; Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state... but this principle shall not prejudice the application of enforcement measures under Chapter VII.[23]

The UN Charter unequivocally upholds the principle of non-use of force except under Chapter VII, when all other possible means of peace and security have been exhausted under the Chapter VI— Pacific Settlement of Disputes. Even under Chapter VII use of force is prescribed as a last resort when economic and diplomatic sanctions fail to bring peace and repel aggression.[24] Thus, the use of force to counter force is perceived as a necessary evil; that too can only be put into practice with the authorisation of the Security Council.

Veto power is cited as an impediment to prompt action by most of those countries who possess it. Therefore, in case of serious human tragedy there is fervent plea for humanitarian intervention. Besides many other reasons, collapse of the Soviet bloc has exacerbated intra-state wars in 1990s. This period also witnessed rather unanimity in the Security Council. Rarely veto is used. Moreover, deadlock in the Council has been tackled by adopting uniting for Peace Resolution by the General Assembly on 3 November 1950 to conduct Korea type operations, even if there is a deadlock in the Council. The resolution provides that: If the Security Council, because of lack of unanimity among the permanent members, fails to exercise its primary responsibility of maintenance of peace and security, the General Assembly shall consider the matter immediately with a view to making appropriate recommendation for collective measures; including the use of armed forces. If not in session, the General Assembly may meet in emergency special session within twenty- four hours of the request thereof.

In this regard the UN has evolved sufficient flexibility. Some important UN operations were successfully conducted under this resolution to restore peace and normalcy despite deadlock in the Council.

Having perceived the inherent dangers of arbitrariness on the part of some states, the UN General Assembly in 1970 adopted a Declaration on Principles of International Law concerning Friendly Relations and Cooperation among states. The declaration states: No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. Consequently armed intervention and all other forms of interference or attempted threats against the personality of the state or against its political, economic or cultural elements are in violation of international law. No state may use or encourage the use of economic, political or any other type of measures to coerce another state...Also no state shall organise, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed toward the violent overthrow of the regime of another state, or interfere in civil strife in another state.[25]

The declaration is only a recommendation but it reflects the content of the principle of non-intervention in contemporary customary international law. This view is also upheld by many

decisions of the International Court of Justice and supports the broad interpretation of domestic jurisdiction/prohibition in article 2(4) of the UN charter. Long back in 1949 in the Corfu channel case the Court rejected the British allegation by maintaining that: The court can only regard the alleged right of intervention as the manifestation of the policy of force, such as has, in the past, given rise to most serious abuses and such as cannot, whatever be the present defect in international organisation, find a place in international law. Intervention is perhaps still less admissible in the particular form it would take here; for, from the nature of things, it would be reserved for the most powerful states, and might easily lead to perverting the administration of international justice itself.... Between independent states, respect for territorial integrity is an essential foundation of international relations.[26]

More significantly, the Court in the Nicaragua case from 1986 rejected intervention in another state even to redress violations of human rights. The court observed: In any event, while the United States might from its own appraisal of the situation as to respect for human rights in Nicaragua the use of force could not be the appropriate method to monitor or ensure such respect. With regard to the steps actually taken, the protection of human rights, a strictly humanitarian objective, cannot be compatible with the mining of ports, destruction of oil installations or again with the training, arming or equipping of the contras. The Court concludes that the argument derived from the preservation of human rights in Nicaragua cannot afford a legal justification for the conduct of the United states....[27]

Not only that, even the Conference on Security and Cooperation in Europe, 35 participant states including the USSR and USA, in 1975 adopted a declaration on principles. They resolved to refrain in their mutual relations as well as in their international relations in general, from the threat or use of force in accordance with article 2(4) of the UN Charter that they would abide by the principle of non-intervention in internal affairs, "they will accordingly refrain from any form of armed intervention or threat of such intervention against participating states".[28]

More contextual is the report of the Lakhdar Brahimi Committee on peace keeping operations as they involve serious humanitarian issues. Its report is also against unilateral forceful intervention. It rightly suggests that "consent of the local parties, impartiality and the use of force only in self-defense should remain the bedrock of peace keeping operations." [29] Therefore, the consideration of human need, impartiality, neutrality [30] etc. should always be behind the action even by the United Nations.

It is amply clear that in no circumstances military intervention is permissible by one or a group of nations. UN Secretary General, Kofi Annan, rightly points out that only the Security Council has the authority to decide that the internal situation in any state is so grave as to justify forceful intervention.[31] He cites the examples of Indian intervention in East Pakistan in 1971, Vietnam in Cambodia in 1978 and Tanzania in Uganda in 1979. In all these cases the character of the internal regimes they acted against, provided justification by and large. However, even in these cases world was divided and felt disturbed because these interventions were unilateral without any mandate and it laid an uncomfortable precedent.[32]

Some Examples

It has been observed that the western countries in general and the USA in particular has shown little respect for the UN principles and practices whenever they desired to exercise military prowess to serve their global interests. UN is used only to seek international legitimacy for their actions. Examples are many – Korea (1950-53), Congo (1960-64), Iraq, Yugoslavia etc. It is widely believed that Americans would have intervened in the Korean crisis even without UN approval. Before the Council resolution on 27 June 1950, President Truman had already ordered the US forces to give air and sea support to South Korea. General Douglas MacArthur directing the US operations in Japan was designated as the commanding General of the unified forces.[33] US (Dulles) treated Korea as a “pure US business”[34] and the actual motive was to teach lesson to emerging communist countries including China. Unified forces did not stop by 38 parallel even after repelling North Korean forces, but moved ahead towards the Yalu river separating Korea and China. As a result China intervened and peace in Asia became more endangered. In Congo, mysterious death of Lumumba, a pro-Soviet Prime Minister, exposed the dirty game of west (US intelligence agency CIA).

In the recent past, after humbling Saddam Hussein in 1991, the USA is hell-bent on punishing Iraq on one or the other pretext. Attempts were made to separate the northern Kurdish territory and the southern Shia Arab territory from Iraq. Thanks to the Turkish objection, a NATO ally of the USA who faces even more violent Kurdish separatist movement, that prevented the US from separating and recognising an independent Kurdish state. Joint Anglo-American attack on Iraq in December 1998 on the pretext of UNSCOM’s report written by Richard Butler with the help of US officials was yet another example of western aggression. In the sequence of events the second Gulf war (2003) was launched by the US-UK allies on a very rudimentary grounds by defying world public opinion and the United Nations. This time again, the same old slogans were raised—weapons of mass destruction, terrorism, democracy, dictatorship etc.

NATO’s Yugoslavian operations were a unique combination of media and military might. Serbs were projected as notorious criminal, murderer, rapist etc. with false and fabricated figures to justify the NATO attacks. Slobodan Milosevic’s Yugoslavia did not invade any neighbouring states. Milosevic only tried to preserve old Yugoslavia as much as possible. Alleged Serbian aggression was contrived by recognising the internal provinces of Yugoslavia as independent states. In pursuance of NATO policy Serbs were demonised worse than Nazis for generating sympathy for Croats, Muslims and Albanians. Claims by news media that 2 to 3 lacs people were killed, and that 20 to 60 thousand women were raped by Serbs was a fabrication as George Kenney, a former state department official who headed the Yugoslavia desk has protested the figures. He wrote, “Starting in mid-1993, using statistics given by Bosnian officials, virtually every large media organisation published a boilerplate figure of 200,000-250,000 killed and they continue to do so. But the respected SIPRI yearbook 1996 estimated 30-50 thousand total by the end of the war, on all sides, which is most likely to be right.[35] Such a disproportionate distortion of facts lies at the root of the so-called humanitarian intervention by those who believe in nothing but might is right. This tendency on the part of some of the powerful countries endangers life, liberty and property, the most fundamental human rights, all over the world.

The practice of humanitarian intervention by western countries goes against the very spirit of human rights. It is being used to punish adversaries and protect friends. Hence, self-selective application of human rights must be checked. The USA has often misused this noble ideal to address to its hegemonic goals having least humanitarian concern. They established an ad hoc International Criminal Tribunal for Yugoslavia (ICTY) for executing Serbs. To create some semblance of fairness a few Croats and Muslims were also thrown in. Selectivity and insensitivity of the USA manifested its ugly face when it failed to take suitable actions during planned genocide of Tutsis by Hutus in Rwanda in March – April 1994. About one million Tutsis were slaughtered. Only a feeble attempt was to set up a war tribunal for Rwanda which barely worked and no one paid attention. These Africans were all Catholics irrelevant compared to white Muslims and Catholics in the former Yugoslavia, emphasis being on the preferred race and not religion.[36] Such a racial discrimination was clear in US opposition to the International Criminal Court negotiations in Rome in 1998. It would not like its citizens being subjected to such tribunals. After all American record on war crimes is far from clear. It would not tolerate that the bombing of purely civilian targets such as Hiroshima and Nagasaki, My Lai civilian massacre in Vietnam war killing 3 million Vietnamese or nearly 1000 civilians killed by US forces in Somalia be tried as war criminals.

The basic tenet of American foreign policy is that when its diplomatic initiatives are rejected, it must resort to bombs and sanctions, and only against those nations who are unable to retaliate. Moreover, this policy is pursued with insensitivity and selectivity depending on their national interest. War criminals were tried in Yugoslavia but not with same concern in Rwanda. USA usurped Somalian operation (UNOSOM) in 1992 but left the war torn-famine stricken country to a small UN force in 1994 when faced reverses. They would violate the principle of domestic jurisdiction in other parts of the world but would not allow Latin American issues to be discussed by the UN. Washington often insisted that they fell under the purview of the Organisation of American States (OAS), wherein USA is generally unchallenged.

Restoration of democracy was authorised by Security Council in Haiti (1993-1994) against a military coup. Same principle is not applied in the case of Pakistan. Islamabad remains a dear friend and ally. Gaddafi and Osama bin Laden are bombed but same Islamic terrorism aided and abetted by Pakistan unleashing reign of terror in Jammu & Kashmir are glossed over. At times Washington supports them by referring to Kashmir as the core issue between India and Pakistan or by reviving the plebiscite demand. Humanitarian concern is shown only for Indian side of J & K or in the Punjab but no tear is shed by western leaders, media or human rights bodies for inhumanity inflicted on people of Pakistan occupied Kashmir (Pok), Northern area or Sind. Certainly, human right yardstick is not to be applied against Pakistan and its espousal of Islamic Jihad as Americans themselves are to be blamed for all this. The rise of Islamic terrorism was indirectly financed by Washington during Afghan crisis when Pakistan was lavishly funded in the name of fighting Soviet expansionism. This gave birth to monstrous Taliban in Pakistan's midwifery. Examples are many of western aggression, human rights abuse or misuse to serve their narrow national interests, behaving themselves as rogue powers having little respect for international law.[37]

Violence to end violence, war to end war is the law of jungle and not that of the civilised world. It goes against UN's ideals and vision. UN emphasises positive aspect of peace—to eradicate

poverty, exploitation, oppression and to resolve conflicts by peaceful means. War brings more misery, death and destruction. War in itself is the most serious violation of human rights – right to life.[38] The case of Iraq provides the best example. UN(US) sanctions/actions have caused immense misery—about more than a million people have died due to sanctions, including about half a million children.[39] Cancer is on the rise in Iraq. It is caused by depleted Uranium shells used by the US against Iraq during operation Desert Storm,[40] and even afterwards. The US and its allies control Iraq today to provide its people a better life but situation continues to worsen everyday playing havoc with the innocent people of Iraq. Revelations by the International Committee of the Red Cross (ICRC) of harrowing tales of torture of Iraqi prisoners of war by Allied (US-UK) forces have brought shame to humanity. ICRC found, during its visits to detention camps between March – October 2003, that torture was not an individual and isolated case but had a pattern and broad system tolerated by US forces.[41] This heinous crime probably had sanction and support of top American policy makers, the so called votaries of human rights, and therefore, the champions of humanitarian intervention.

Conclusion

Today, the world stands at a crossroad where the only existing super power is using UN fora, particularly Security Council to pursue its hegemonic foreign policy goals. There is almost no challenge as Russia is weak and China has accepted to play second fiddle to the USA. That is why, USA has indulged in arms-twisting tactics even in paying its dues to the UN by putting several weird conditions – “respect US sovereignty and ‘cultural values’ and not to force America to violate its constitution”.[42] Boutros Ghali was not allowed to continue for the second term though he had support of all members of the Council but that of USA.[43] In this situation when there is no countervailing power to the USA, freedom of smaller countries is endangered. International law cannot have fair play. Rightly, Oppenheim called balance of power an indispensable condition of the very existence of international law: Law of nations can exist only if there is an equilibrium, balance of power. If the powers cannot keep one another in check, no rules of law will have any force, since an over powerful state will naturally try to act according to discretion and disobey the law.[44]

In contemporary world balance of power may be perceived as unity among weak countries against expansionist menace of powerful ones. Powerful countries create conditions to intervene in weak nations. Order and justice are projected as their goals for victims in war ravaged countries of Asia and Africa. But they forget that in all cases of intra-state wars the basic cause is poverty, poor governance and broadly underdevelopment. Need of the hour is to help them develop as right to development is the foremost condition for the realisation of human rights. This has duly been accepted by a declaration on the right to development adopted by the General Assembly on 4 December 1986. Article 1 of the Declaration emphasised: The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.

Therefore, realisation of humanist values is not possible without helping poor people to come out of their colonial conundrum of under-development. Are the advocates of humanitarian intervention willing to do that? Certainly not. They have not done so in the past, nor have any

inclination in the future. Their only game is to perpetuate a rule of strong, not of law. After all, it is futile to expect the practice of humanism from those who indulged in massive massacres in Nagasaki-Hiroshima and Vietnam; those who supported criminal regimes in South Africa, Cambodia and Pakistan.

Thus, the profession and practice of so called humanitarian intervention with insensitive selectivity and bias has no moral, legal or political justification. It is dangerous, pernicious, and therefore, must be resisted. None other than Kofi Annan (US choice for Secretary – General) also strongly expressed concern against this trend when he said: We face global challenges which oblige us to work together, if that is true in economic and social sphere, it applies even more to the challenge of massacre and war. The instinct of human solidarity, which impels some states to come to the aid of each other's citizens or to indict each other's former dictators is laudable. But when such actions are taken by one or a few states on their own authority, they bring with them the danger of world anarchy.[45]

Military intervention in the name of human rights without UN approval, threatens the world with anarchy, terror and tyranny. Message of Iraq war is clear that the US military might alone cannot restore peace there. Immediately after the war, the Bush administration realised the importance of the UN Security Council unanimously adopted resolution 1483, granting the UN a significant role in Iraq. There is a realisation that only the UN has legitimate right to intervene in a sovereign state, all else is violation of the principle of sovereign equality of nations.[46] Unfortunately arrogance of power fails to accept the principle of equality and pursues the policy of dominance. One must remind the powerful countries, particularly the USA, of President Harry S. Truman's words at the San Francisco conference on 25 April 1945. He warned big powers, "we can no longer permit any nation or group of nations to attempt to settle their arguments with bombs and bayonets... we must once and for all reverse the order (might makes right), and prove by our acts conclusively, that right has might.[47] Events in Iraq would emphasise the words of Truman in the corridors of power. Hope, USA has realised that its military might can win a war, but cannot establish a humane world without multilateral cooperation based on purity of purpose, honest intention and sincere action.

Endnotes

1. *US Information Service*, March 7, 1991.
2. Winston Churchill, *The Second World War*, Vol.5, Houghton Mifflin, 1951, p.382, cited in Noam Chomsky, *World Orders, Old and New*, Delhi : OUP,1998, p.5.
3. Lee Feinstein, "NATO Approves New Strategy", *Arms Control Today*, vol.21, no.9, November 1991, Washington, p.15.
4. Wade Boese, "NATO Unveils 'Strategic Concept' At 50th Anniversary Summit", *Arms Control Today*, vol. 29, no.3, April – May 1999, p.40.

5. Michael J. Glennon, "Why the Security Council Failed", *Foreign Affairs*, vol. 82, no. 3, May/June 2003, New York, pp. 17-27.
6. *Human Intervention: Legal and Political Aspects*, Danish Institute of International Affairs, 1991, p.11.
7. George H. Sabine, *A History of Political Theory*, New Delhi: Oxford, 1973, pp. 393-94.
8. Peter Pavel Remec, *The Position of Individual in International Law according to Grotius and Vattel*, The Hague : Martinus NiJhoff, 1960, pp.222-23.
9. K. J. Holsti, *The State, War and the State of War*, New York : Press Syndicate of University of Cambridge, 1996, p.21.
10. Boutros Boutros-Ghali, *Supplement to An Agenda for Peace*, New York: UN, 1995, p.9.
11. Kofi A. Annan, *The Question of Intervention*, New York: UN Pub., December 1999, p. 5.
12. Ghali, n.10, pp. 7-8.
13. WSM Knight,ed., *The Life and Works of Hugo Grotius*, London : Sweet and Maxwell, 1925, pp.220-21.
14. Remec, n.8, p.204.
15. Ibid., p.224.
16. Ibid., p.225.
17. Cited in Ibid., p.223.Emphasis added.
18. Quincy Wright, Preface, p. VIII, in Ibid.
19. This view is accepted even by Samuel P. Huntington in his famous formulation - "The Clash of Civilizations" which is the product of the Olin Institute's project on "The Changing Security Environment and American National Interest", *Foreign Affairs* , vol.72,no.3, Summer 1993, p. 22.
20. George H. Sabine, n.7, p. 377.
21. *Prevention of Armed Conflict: Report of the Secretary-General*, New York: UN Pub., 2002, p. 26.
22. See *Preamble* of the UN Charter.
23. See *Article 2* of the UN Charter.

24. See, *Articles 40-42*, UN Charter.
25. *UNGA Res. 2625 (XXV)*, 1970.
26. Corfu Channel Case, *ICJ Report*, 1949, p. 35.
27. Military and Paramilitary Activities Case, *ICJ Reports* 1986, para 268.
28. Human Intervention, n.6, p. 90.
29. Report of the Panel on Peace Operations, United Nations, August 2000.
30. See John Harriss, ed., *The Politics of Humanitarian Intervention*, London: A Cassell Imprint, 1995, pp. 4-8.
31. Kofi A. Annan, n.11, p. 11.
32. *Ibid*, p. 10.
33. A LeRoy Bennett, *International Organisations*, New Jersey: Prentice Hall, 1995, p. 162.
34. Brian Urquhart, *Hammaraskjold* , London: The Bodley Head Ltd., 1973, p. 59.
35. Raju G. C.Thomas, "Bombs,Sanctions and State Destruction : US Action in a Unipolar World", *World Affairs* New Delhi, vol. 3, no. 1, Jan-March 1999, p. 87.
36. *Ibid.*, pp.82-83.
37. See Chomsky, "Rogue States : The Rule of Force", *World Affairs*, New Delhi : India Research Press, 2000.
38. *ICJ Review*, Geneva, no. 57, December 1996.
39. Raju G. C. Thomas, n. 35, p. 85.
40. *Times of India*, New Delhi, 7-8 April 1998.
41. *Times of India*, 8 April 2004.
42. *Times of India*, 11 April 1997.
43. The then US ambassador to the UN and former Secretary of State Madeleine Albright is said to have carried a personal dislike and antagonism towards Ghali and wished to replace him with Kofi Annan.

44. Cited in Hans J. Morgenthau, *Politics among Nations*, Calcutta: SBA, 1969, p. 266.
45. Kofi Annan, "Let us set a new Course for the world", *Times of India*, 6 September 2000.
46. See Shashi Tharoor, "Why America Still Needs the United Nations", *Foreign Affairs*, vol. 82, no. 5, September-October 2003, pp. 67-80.
47. See Michael S. Prosser, ed., *Sow the wind, Reap the Whirlwind: Heads of State Address at the United Nations*, vol. I, New York: William Morrow & Co., 1970), pp. 19-23.