

Humanity Did not Justify This War

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Don't worry if Saddam Hussein's weapons of mass destruction never turn up. Don't worry if he had neither the capacity nor the intent to threaten the US or his neighbours. Don't worry if Iraq was not in breach of United Nations resolutions. The war, we are now told, can be wholly justified by the horrors Mr Hussein inflicted on his own people, the latest evidence of which was found this week in a mass grave south of Baghdad. The war was a legitimate "humanitarian intervention": tough, ugly but defensible. We did the right thing - just as we did in Kosovo, as we eventually did in Bosnia and should have done in Rwanda.

But did we? If the answer is Yes, there may be few limits to what can be done in the name of humanitarian intervention. There are many other repressive, dictatorial and murderous regimes against which the evidence and arguments are as strong as they were against the Saddam Hussein of the last decade. And that means many more temptations to re-write the rulebook of force, with all the risks that can bring.

The concern is not just that military action may be taken too often for insufficient reasons. It is that it will be taken too rarely for the right ones. We know from the 1990s how difficult it is to mobilise domestic or international support for intervention, even against the most egregious human rights violations. That may be why so many liberal internationalists - starting with Tony Blair, the UK prime minister - wanted to believe in the legitimacy of the Iraq war. So it is vital to get the principles of intervention right, to understand how they applied to Iraq and establish how they should apply in the future.

If the final message of the war in Iraq is that in dealing with the worst human rights violators the ultimate determinant of military action is just the gut feeling of those powers that can exercise it, we shall never agree on what are suitable cases for intervention. That would be a tragedy for those who believe that the international community has a responsibility to protect populations at risk from genocide and other man-made catastrophes.

This is not a new debate. It ran through the 1990s, stimulated by the hopelessly inadequate response to the massacres in Rwanda in 1994 and Bosnia a year later, and by the UN Security Council's failure to agree on intervention in Kosovo in 1999. With global opinion starkly divided, the Canadian government established an international commission to report to the UN on rules that might attract broad consensus. Our report* still offers the clearest list of criteria for intervention.

The first criterion, just cause, sets the bar high for military action. War is always ugly. It must be confined to exceptional circumstances - large-scale loss of life or "ethnic cleansing". For Iraq, this test is a close call. It would have been easily met a decade or more ago (when the west was indifferent or worse) but much less so in recent years. Subject human rights violators to targeted

sanctions and international prosecutions, the commission argued. But keep war for the worst cases, otherwise consensus will evaporate and there will be no sense of obligation even to deal with another Rwanda.

Even if Iraq passes the first test, the next four are harder. There is the question of right intention: was the primary purpose of this intervention to halt or avert human suffering? There is the question of last resort: were all reasonable non-military options exhausted? There is the issue of proportional means: were some 2,500 civilian and 10,000 military deaths an appropriate trade for the end of Saddam Hussein's capacity to persecute? And there is the test of reasonable prospects: were the consequences of the action worse than those of inaction? These are all tough calls, particularly the last one. We cannot answer it until we know how long Iraq's postwar misery will last, whether it is going to become a democracy or a theocracy, whether the war has concentrated other dictators' minds and whether al-Qaeda will now find it easier to recruit.

Last, there is the criterion of right authority, which essentially means having Security Council endorsement. This was lacking for Iraq and so ends the argument about legality but not necessarily the one about moral legitimacy. As the commission noted, if the Security Council declines to act in a clear and conscience-shocking case, when all other criteria for military intervention are met, it may put the credibility of the UN system at risk. But it is a very large call to claim that all the other criteria were satisfied.

The argument about whether the Iraq war was justifiable has a long way to run. Some relevant evidence has yet to emerge and there is room for disagreement on some of the principles involved. But, on the evidence and public debate so far, it would be deeply depressing - and utterly counterproductive for those working for a more decent international order - if the view were to take hold that this war was justified on humanitarian grounds.