6 Second Thoughts on First Principles
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THE QUESTION OF INTERVENTION

What is to be done about war in its contemporary form of inter-communal conflict now becoming a security dilemma for the whole world? It goes without saying that the best remedy by far is prevention. There is an obvious need for governments to promote tolerance of minority populations within their own borders and sometimes to grant some measure of autonomy. Countries must refrain from stirring up trouble among their own nationals living in other lands. (NATO's criteria for new membership explicitly include this point.) The setting of standards for rights of minorities would help, as would commonly accepted rules on citizenship. Again, NATO's criteria for new membership explicitly include this point and it is reflected in the recent treaty between Hungary and Romania. This requires both countries to protect the civil liberties and cultural identity of national minorities, particularly the use of their historic languages in education, the courts and administration generally.

Measures to promote economic and social development are equally fundamental. When things start to go wrong much can be achieved by early warning, preventive deployment of monitors and observers, conciliation and mediation. These measures have received much attention of late and figure largely in Dr Boutros Boutros-Ghali's *An Agenda for Peace* (1992). They are always preferable to the use of military force. But try as the international community will, only too often matters get out of hand and violence breaks out. The questions then to be addressed and which form the principal focus of this chapter are the following. Under what circumstances should intervention be attempted (or indeed withheld) and according to what principles should it be conducted?

Another of the great Helsinki principles is non-intervention in the internal affairs of other countries. It is stated explicitly that participating states will refrain from any intervention, direct or indirect,

individual or collective, in the internal or external affairs falling
within the domestic jurisdiction of another participating state,
regardless of their mutual relations. Countries will accordingly
refrain from any form of armed intervention or threat of intervention
against another participating state. This clause was inserted, largely
at the insistence of the Western powers, hoping it might slightly
reduce the chance that the Soviet Union would again intervene in
Eastern Europe as it had done in Hungary in 1956 and Czechoslo­
vakia in 1968. But the principle is of far wider application. In Africa,
for example, during the Cold War outside powers provided some of
the most repressive regimes with arms and aid for no better reason
than that their rival superpower was supporting another faction. The
Americans supported Savimbi in Angola, Mobutu in Zaire, and Doe
in Liberia. The Soviet Union supported Neto in Angola and Meng­
gistu in Ethiopia. These regimes helped to bring already poor coun­
tries very close to the bottom of the UN Human Development Index.
During the whole of this period a policy of non-intervention would
have been far preferable. But over the past five years this situation
has been turned on its head. The time is now ripe for quite different
principles to be adopted, pointing towards legitimate and cooperat­
ive international interventionism.

The question of armed intervention on behalf of the international
community in the internal affairs of a state, even against the wishes of
the government of that state, in order to prevent widespread death or
suffering amongst the population is certainly not a new issue. Rome
grappled with the same problems in Dalmatia and Judaea during the
60s BCE as the international community does in those same regions
today. The UN Charter, in Article 2(7), says bluntly that nothing
contained in it shall authorise the UN to intervene in matters which
are essentially within the domestic jurisdiction of any state. But it
half-contradicts itself by saying that this principle shall not prejudice
the application of enforcement measures under Chapter VII of the
Charter. That Chapter relates not only to acts of aggression but also
to threats to the peace and breaches of the peace. Until very recently
it seemed as though this implied an international threat. Thus UN
Security Council Resolution (UNSCR) 688 of 5 April 1991
described Iraqi repression of the Kurds and Shias as a threat to
international peace and security. It was on the strength of this
resolution that France, followed by the US, Britain and a number
of other countries, took action with ground and air forces to compel
the Iraqis to desist. But the supposed threat to international security