

## Next US president should set rules on when and how to step in abroad

by Chibli Mallat

On his historic African tour in 1998, Bill Clinton admitted that the killings in Rwanda four years earlier had constituted “the most intensive slaughter in this blood-filled century we are about to leave.”

“The international community,” the US president continued, “must bear its share of responsibility for this tragedy” because “all over the world there were people like me sitting in offices who did not fully appreciate the depth and the speed with which you were being engulfed by this unimaginable terror.”

It is good that the American leader acknowledged this responsibility, but his ambassador to the UN, Richard Holbrooke, was worried, only two months ago, of a repeat of the Rwandan tragedy in the civil war unfolding in the Democratic Republic of Congo. Alas, examples since the end of the Cold War are not hard to find: Kurdish Iraq, Kurdish Turkey, Liberia, Bosnia, Kosovo, East Timor, Aceh, Northern Ireland, Chechnya, etc. In a prescient book in the early 1990s entitled *Pandemonium*, Daniel Moynihan had warned against the spate of internecine fighting across the planet. But how does the international community bear its share of responsibility in such elusive and tragic matters ?

For better or for worse, responsibility rests at the door, first and foremost, of the US government, which must set the standards of armed intervention for the foreseeable future: only the United States enjoys so much ability to project its military might in regions that are not contiguous with its territory. This makes the search for criteria compelling. First, the principle must be that armed intervention should and must remain the exception. This is because of a host of reasons, primarily moral: “Why should Americans be the policemen of the world ?” the rest of the world rightly asks. It is echoed, from a domestic US point of view, by another question: “Why should our boys die abroad?”

There are also eminently practical reasons: why should America project its weight thousands of kilometers away if a local regional power is closer to the action? And even if it does, what are the guarantees for success? The 1992 Somali fiasco, in which “mission-creep” (also known as Mogadishu syndrome) doomed a UN mission that was supposed to avoid taking sides by dragging it into clan warfare, still haunts policy-makers in America today.

It remains true, with all those caveats, that people in a position of responsibility and leadership cannot shut the doors of their offices while they wait for the killing frenzy to pass. But how does one define intervention and the means needed to make it successful?

Once the principle of military intervention as a matter of last resort is established, two considerations are in order. The first is related to the role of outside powers in an ethnic, national, or religious conflict abroad; the second to the timeframe for any intervention.

With regard to a US role, the question is whether America should take the lead. Whether the US should be a principal or secondary agent depends on a principle of subsidiarity to be tested and refined in each particular case.

As a rule of thumb, multilateral intervention is always better than a unilateral one, even if ridicule and impotence are more often than not attached to the current

structure of the UN Security Council. Less weighty powers Britain and France; sullen dictatorship China; and erratically opportunistic Russia carry more weight through their veto power than other equally deserving countries such as Japan or India. The credibility of the Security Council's five permanent members can hardly be sustained so long as some new apportionment is not effected. But if these powers fail to move, whoever can do something must and this means usually the US government. With regard to the timeframe for intervention, it is important to remember that in any major crisis, there is a pre-explosive phase, known as the locus for "preventive" diplomacy, and a post-stabilization role, which should be viewed as one of "accountability."

Nothing is more difficult than delineating preventive diplomacy, which is typically discreet and unrewarding, insofar as the person or country that succeeds in preventive diplomacy rarely reaps the glory they deserve for saving millions of lives by anticipation.

In contrast to preventive diplomacy, post-stabilization always gains from being public and well advertised. It should be centered on the notion of accountability, which runs the gamut from South Africa's Truth and Reconciliation Commission to the International Criminal Tribunals for Rwanda and Former Yugoslavia. This includes encouragement to commissions of enquiry developed domestically, as in Argentina, or Pinochet-like legal processes under universal jurisdiction.

In other words, stabilization of the world, under the impulse of an American president, should be made real under the principle of equal justice for all, starting with massive crimes that are all too common in the post-Cold War world. Perhaps Madeleine Albright's greatest legacy will have been the establishment and unflinching support for an effective and competent Office for War Crimes in the State Department.

What about military intervention as such? Here is the rub for any American president. While each situation bears its own complexities, surely the principle of intervention must be to help the helpless in a genocidal environment. The trigger for any armed intervention should be the massive and systematic character of a brewing or actual storm: silence in these cases is criminal and responsibility for positive action, including military intervention, compelling.

Crimes requiring intervention by the United States or any other outside powers should be of a certain order of magnitude, and the threat actual or imminent.

While the devil is in the details, and we shall try to approximate them more closely later, the moral duty to help the helpless in genocidal environments has become binding in terms of responsibility.

The confessions of Bill Clinton in Rwanda, four years after the fact, must offer a precedent for the next US president's huge historic responsibility to never allow such crimes to happen again.

*Chibli Mallat is a lawyer and professor of law. This is the 14th article in his Daily Star series on the US presidential agenda*