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## The Doctrine of Humanitarian Intervention: Lessons from the Chilcot Report

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In the midst of what can only be described as the tumultuous climate that defines Britain's current political scene, the release of [The Chilcot Report](#) should not be forgotten as one of the most significant moments in the country's recent history. While many agonize over an uncertain future, Chilcot reminds us of a not so distant past which some people – most of all, former Prime Minister Tony Blair – would rather forget.

The Chilcot Inquiry was originally established in 2009 with a mandate to investigate over nine years of political decision-making that led to Britain's participation in the invasion of Iraq. Chilcot's findings may come as unsurprising to some. For the [millions](#) of people who demonstrated against the war, the logic that Saddam Hussain's regime was developing a sophisticated weapons programme that could threaten international peace and security was a blatant fallacy.

The report verifies this unequivocally. Despite the unanimous adoption of [Security Resolution 1441](#) – which gave Iraq a “final opportunity” to comply with its disarmament obligations – Chilcot's report shows Britain's unwavering commitment to follow the United States (US) onto the path of war. The sentiment of this devotion was expressed most clearly in Blair's [personal note](#) to Bush, saying “I will be with you, whatever” [\[1\]](#). It was a position that viewed international law as weak and inadequate in the face of powerful unilateralism; an exceptional form of “Empire's Law”[\[2\]](#) that sought to undermine the institutional premise of human rights, which in the minds of the interveners was a [“strategy of the weak.”](#)

Thirteen years later, one can only speculate what the political ramifications of Chilcot will be. Since its publication, [renewed calls](#) have rung out for Tony Blair to stand trial for war crimes (although the prospect of the International Criminal Court (ICC) having jurisdiction over this seems [increasingly unlikely](#)). Meanwhile, politicians have stirred from their backbenches to bring forward a motion of [contempt](#) against Blair, to ban him from public office for misleading parliament into voting for the Iraq War.

Yet, as Britain continues with its own soul searching, one should not forget the situation of Iraqis themselves. Iraq is a country that has since witnessed a [deteriorating security](#) situation, [ongoing violence](#) and [large-scale human rights abuses](#). The UNHCR estimates that [3.1 million displaced persons](#) currently reside in Iraq, with many desperately fleeing the brutal fighting between pro-government forces (supported by Coalition air strikes) and Islamic State. For Iraqi and Syrian refugees, the publication of Chilcot's report offers little in the way of closure.

### The doctrine for intervention

Undoubtedly, the long shadow of the Iraq War cast the very legitimacy of human rights into disrepute. Alongside Blair and Bush's ‘legal’ justification for war – what [Chilcot describes](#) as the “ingrained belief” that Iraq had “chemical and biological warfare capabilities” [\[3\]](#) – the moral language of human rights was unashamedly exploited to substantiate the humanitarian case for intervention. One only has to listen to Blair's impassioned [address to parliament in March 2003](#) to witness this [‘moralization of politics’](#). As the invasion ran its course, and it became ever clearer that chemical and biological warfare had never even been an immediate intention or long-term possibility for Saddam's regime, the case for humanitarian intervention became increasingly prevalent.

Despite the outcome of Iraq, humanitarian intervention continues to remain at the forefront of the [international agenda](#). Tellingly, David Cameron's response to the Chilcot report was a hastened defence of multilateral intervention, stating that [“we should not conclude that intervention is always wrong”](#). This was from the same man who voted for interventions in Iraq, Libya and Syria. This [overwhelmingly popular](#) political preference for intervention has been substantiated by a rich body of academic literature, which argues that the humanitarian threshold of *jus ad bellum* (the right to go to war) and *jus in bello* (the conduct of war) still holds truanacy.

Michael Walzer, in his influential book *Just and Unjust Wars*, argued that foreign intervention is justified in the face of atrocities that [“shock the conscience of mankind”](#). The use of this archaic phrase reflects the fact that the doctrine of humanitarian intervention is seen by Walzer as a *moral* response to what are the core *legal* principles laid out Article 2.4 of the [UN Charter](#): the principles of non-intervention and the territorial integrity of sovereign states.

Whilst from a purely legalist position, one might argue that the UN Charter clearly prohibits intervention from foreign states (unless it meets the clear threshold of self-defence), others decry the [“moral impotence of the concept of sovereignty”](#) that

international law so clearly privileges. How, after all, can you uphold the principle of state sovereignty when that very state is killing or violating the rights its own citizens?

It is from this particular logic that the doctrine of humanitarian intervention, somewhat paradoxically, places the values of human rights at its very philosophical centre. The idea that when states are unable or unwilling to uphold the rights of their citizens, they [should no longer be protected by international law](#). This is reflected in the conception of sovereignty as 'responsibility' that was laid out in the [landmark report](#) by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. This 'Responsibility to Protect' proposal, which sanctions the moral imperative for multilateral intervention, has since been adopted by the UN in the context of the Libyan and Syrian conflicts.

It is clear that the ['human right hawks'](#) utilised the language of human rights in favour of the Iraq occupation. For instance, philosopher [Fernando Teson](#) made an interesting distinction between the (humanitarian) "*intention*" and the (political or even imperial) "*motivation*" of the Coalition forces. By making this distinction, Teson was able to argue that the *intention* of the US-led Coalition to supplant the tyranny of Sudan's regime, made the Iraq War decisively humanitarian in its nature.

With the benefit of hindsight, it is easy to dismiss this line of argument, especially when we look at Iraq's catastrophic legacy. However, in response, some may argue that the aftermath of Iraq could just as easily be attributed to the military and political incompetence of the Coalition forces[\[4\]](#).

Although such a response is certainly valid, the real contradiction that lies within the fact that doctrine of humanitarian intervention should be more critically exposed. To reveal this contradiction one must look to Michael Walzer's concession that ["states do not send their soldiers into other states, it seems, only in order to save lives."](#)

This is a revealing admission indeed. The doctrine of humanitarian intervention fails to acknowledge the important fact that motivation and intention are impossible to disentangle. Needless to say, the moral argument in 2003 that the UK and US could fly the flag for democracy and freedom was an idea severely tainted by the intervener's own appalling [human rights record](#). What Iraq and subsequent interventions in Libya and Syria have shown us is that, as Ayça Çubukçu aptly points out, sovereignty is the ["bloody licence to kill."](#)

Keeping in mind the [hundreds of thousands of Iraqis](#) who have lost their lives since 2003 and the millions more who are now displaced, the Iraq invasion should have important implications for the legitimacy of humanitarian intervention. Human rights should not be used to give credibility for such political and imperialist agendas, but should exist to hold state power to account against the protection of individuals.

One must wonder whether the lessons of Iraq will ever be learnt.

[\[1\] Executive Summary](#), paragraph 94

[\[2\] Bartholomew, A \(2007\) Empire's Law: The American Imperial Project and the 'War to Remake the World', p.165](#)

[\[3\] Executive Summary](#), paragraph 496

[\[4\] Executive Summary](#), paragraph 814

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