

# Protecting the Human Family: Humanitarian Intervention, International Law, and Bahá'í Principles

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## *Abstract*

This article explores the moral and legal problems raised by the recent experiments of the world community with using some kind of military force to come to the rescue of human rights victims—or “humanitarian intervention.” It then examines a variety of ethical principles in the Bahá'í Writings that bear on these problems. Finally, it investigates how these principles might assist us to discover and implement practical measures to reform existing international law to better protect all members of the human family.

## *Résumé*

L'auteur explore les problèmes éthiques et juridiques découlant des récentes tentatives de la communauté mondiale pour venir en aide aux victimes de violations des droits de l'homme en ayant recours à la force militaire, dans le cadre d'interventions dites « humanitaires ». Il se penche sur divers principes éthiques énoncés dans les écrits bahá'ís portant sur ces questions. Enfin, il examine comment ces principes peuvent nous aider à trouver des solutions pragmatiques pour réformer la législation internationale actuelle afin de mieux protéger les droits de tous les membres de la grande famille humaine.

## *Resumen*

Este artículo sondea los problemas morales y legales surgidos a raíz de los experimentos recientes de la comunidad mundial en el uso de algunas formas de fuerza militar para llegar al rescate de víctimas de violaciones de los derechos humanos,

es decir, “intervención humanitaria.” Pasa a investigar una variedad de principios éticos en los Escritos Bahá'ís que recaen sobre estos problemas. Por último, explora la forma en que estos principios podrían llevarnos a descubrir e implementar medidas prácticas para reformar el derecho internacional, ayudándonos así a mejor proteger todos los miembros de la familia humana.

As so eloquently conveyed by the theme of the 2002 Association for Bahá'í Studies Annual Conference, long-term solutions to the many vexing problems facing the world, including the problem of preventing and ending human rights abuses, must ultimately be inspired by spiritual principles. In its visionary statement, *The Promise of World Peace*, issued in 1985, the Universal House of Justice provided the following guidance:

There are spiritual principles, or what some call human values, by which solutions can be found for every social problem. . . . The essential merit of spiritual principle is that it not only presents a perspective which harmonizes with that which is immanent in human nature, it also induces an attitude, a dynamic, a will, an aspiration, which facilitate the discovery and implementation of practical measures. Leaders of governments and all in authority would be well served in their efforts to solve problems if they would first seek to identify the principles involved and then be guided by them. (8–9)

In this paper, I will explore the moral and legal problems raised by the recent experiments of the world community with using some kind of military force to come to the rescue of human rights victims—what I will refer to as “humanitarian intervention.” Next I will briefly review a variety of ethical principles in the Bahá'í Writings that bear on these problems. Finally I will offer my own perspective on how these principles might help us discover and implement practical measures to reform existing international law so that it can help us better protect all members of the human family.

## THE MORAL PROBLEM OF PROTECTING THE HUMAN FAMILY

The last century, and even the last decade, has witnessed some of the worst atrocities against innocent populations that the world has ever known. In its 2000 *Riḍvān* Message, the Universal House of Justice observed, in surveying the state of the world during the Four-Year Plan (1996–2000), that “wars fomented by religious, political, racial or tribal conflict raged in some 40 places; sudden, total breakdown of civil order paralyzed a number of countries; terrorism as a political weapon became epidemic [and] a surge of international criminal networks raised alarm” (par. 21). Genocide, war crimes, and torture have become rampant in many parts of the globe. Also evident are often less visible, but no less insidious and destructive, human rights violations, such as the perpetuation of racism, which the Universal House of Justice has called “one of the most baneful and persistent evils”; the “inordinate disparity between rich and poor”; and the continued subjugation of women in many cultures (*Promise* 7–8). Furthermore, violations of the right to religious freedom are on the rise. In this connection, the statement of the Universal House of Justice to the world’s religious leaders issued in April 2002 refers to “the horrors being visited upon hapless populations today by outbursts of fanaticism that shame the name of religion” (3).

## PROGRESS MADE IN THE TWENTIETH CENTURY

Despite the ubiquity of human rights violations and atrocities today, the twentieth century saw groundbreaking efforts on the part of the international community to institutionalize safeguards of basic human rights in international law. More importantly, towards the end of the century, it witnessed attempts, however sporadic, by the international community to enforce these standards through military action in cases of shocking violations that attracted the attention of the great powers.

*The Rise of International Human Rights Law*

With respect to standards, the United Nations Charter, adopted in 1945, affirmed for the first time in a multilateral treaty that all human beings have equal rights and called upon UN members to promote and safeguard those rights. The Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948, attempted to specify the moral rights which all human beings, as members of one “human family,” are entitled to enjoy. Eventually many of the rights mentioned in the Declaration were codified in human rights treaties, which impose binding legal obligations on those states ratifying them. These treaties and conventions multiplied in the last five decades of the twentieth century. Indeed, there has been a veritable “explosion” in human rights lawmaking at the international level—a truly stupendous achievement in a remarkably short period of time.

The Universal House of Justice itself has commented favorably on this “human rights revolution.” In *The Promise of World Peace* it referred to these human rights treaties and declarations and called for their widespread expansion and, more importantly, “courageous” enforcement (6–7). Furthermore, the impressive document *Century of Light*, written under the supervision of the Universal House of Justice, affirms that “together with world peace, the need for the international community to take effective steps to realize the ideals in the Universal Declaration of Human Rights and its related covenants is an urgent challenge facing humanity at the present moment in its history” (121).

*Collective Security Action in Defense of Human Rights*

Another important development during the twentieth century was the use of UN-authorized collective military action to defend human rights victims. This development accelerated in the last decade of the century and will come to be seen in hindsight, I believe, as one of the most important signs of the achievement of the unity of nations as part of the process of the Lesser Peace. It represented an attempt, however tentative, to courageously

enforce international human rights law and make it more than a mere paper promise. It is helpful to recount just a few examples of humanitarian intervention in the last decade.<sup>1</sup>

In 1992, famine ravaged Somalia, exacerbated by civil war and the systematic looting of humanitarian relief by bandits and rival factions. With UN authorization, the United States provided troops to protect humanitarian relief. The U.S.-led coalition operation was followed by a UN-commanded peace operation that was the first UN peacekeeping mission authorized to use force for purposes other than the self-defense of the participating military personnel.

Also in the early 1990s, the state of Yugoslavia disintegrated as its republics sought independence. Ethnic groups led by cynical, prejudiced leaders jockeyed for domination and sought to repress and even extinguish members of long-hated rival groups. The UN deployed a peacekeeping force to the region but did not give it a strong mandate and military capability suitable for the state of war and the horrific campaign of so-called ethnic cleansing into which it was inserted. UN troops failed to prevent many massacres, including most famously the slaughter of thousands of Bosnian Muslim men and boys at Srebrenica in the summer of 1995. In hindsight, UN officials, including Secretary-General Kofi Annan himself, have acknowledged that the lesson of this experience is that intervention to protect victims of such a systematic campaign of persecution and extermination must be swift and forceful.

In Rwanda, in April 1994 a calculated campaign of genocide was unleashed by Hutu leaders against the Tutsi population in that country. The world watched in horror, but at first the UN Security Council refused to authorize intervention. Indeed, the Security Council decided to decrease, rather than increase, the size of the small peacekeeping force that already happened to be stationed in the country. That inaction exacted a terrible toll: in a few short months, over 800,000 Tutsis were slaughtered, often in the most sadistic ways imaginable. In the last few years the UN and many other international institutions, feeling a sense of shame at their complacency, have soberly reflected on their behavior and concluded that they should have taken more decisive and courageous action

to prevent the genocide in Rwanda, and have vowed to do better in the future.

Perhaps in part because of this apparent vow, when the government of Yugoslavia appeared to be launching a new campaign of ethnic cleansing against the Albanian population of the Serb province of Kosovo in early 1999, members of NATO decided that forceful military action against that government was required to prevent massacres on the scale so recently witnessed in Bosnia. Because disagreement was viewed as forthcoming from the governments of countries that wielded vetoes on the Security Council, they did not seek Security Council authorization for such an operation. Instead, for several months, NATO forces pounded Serbian cities with bombs. A massive refugee crisis ensued, but eventually the government of Yugoslavia agreed to a UN-approved peace plan which included the placement of Kosovo under temporary UN administration and the deployment of a NATO-led military force in Kosovo, KFOR. Many governments, while happy that the immediate human rights crisis was resolved by the NATO action, felt that it was nevertheless illegal under the Charter and may have used force excessively against civilians.

Most recently, the Security Council approved the deployment of a security force in Afghanistan after the U.S.-led military campaign aimed at ousting the terrorist al-Qaida organization from that country and installing a new government. Many other examples of humanitarian intervention may also be cited, including interventions in Haiti, East Timor, and Sierra Leone.

Alongside these military experiments, the UN fostered the creation of new international courts and tribunals to try individuals accused of genocide, war crimes, or crimes against humanity. During the Yugoslav conflict, the Security Council created the International Criminal Tribunal for Yugoslavia to try such crimes committed in the territory of the former Yugoslavia. And it created a sister tribunal, the International Criminal Tribunal for Rwanda, to try similar crimes committed as part of the Rwanda conflict. Perhaps most importantly, in 1998 the UN facilitated the adoption of the Statute of the International Criminal Court, the world's first standing international criminal court empowered to try individuals

for gross violations of the basic norms of human dignity. The court came into existence in July 2002.

Despite their shortcomings and failures, the experiments with humanitarian intervention I have mentioned reflected a new willingness on the part of the international community to come to the rescue of those persons who have experienced the most flagrant human rights abuses. In its 2000 Riḍvān message, the Universal House of Justice pointed out, perhaps with these types of collective humanitarian interventions in mind, that during the period 1996–2000 “attempts at implementing and elaborating the methods of collective security were earnestly made, bringing to mind one of Bahá’u’lláh’s prescriptions for maintaining peace” (par. 21). The Universal House of Justice has likewise praised the establishment of the International Criminal Court, noting that this action “accords with Bahá’í expectations” (par. 21).

#### INTERNATIONAL LAW AND HUMANITARIAN INTERVENTION— ADVANCES AND CHALLENGES

These moral and political developments relating to humanitarian intervention have occurred within an ambiguous international legal framework that, in turn, reflects a great deal of moral confusion about the propriety of such intervention and the institutions that should regulate it. I will highlight here five important legal issues.

#### HUMAN RIGHTS VERSUS STATE SOVEREIGNTY

First, humanitarian intervention, which necessarily involves intervention within a sovereign state for the ostensible purpose of preventing or stopping human rights violations, forces us to confront a conflict in international law in general, and the UN Charter in particular, between human rights and state sovereignty. Article 2, Paragraph 7 provides that nothing in the Charter shall authorize the UN “to intervene in matters which are essentially within the domestic jurisdiction of any State,” but goes on to declare that “this principle shall not prejudice the application of

enforcement measures under Chapter VII." I will refer to Chapter VII below. However, in Articles 55 and 56, the UN Charter simultaneously imposes duties on UN member states to take "joint and separate action in co-operation with the Organization" for the achievement of the purpose, among others, of promoting "universal respect for, and observance of, human rights and fundamental freedoms for all." As mentioned earlier, fundamental human rights were later elaborated in the 1948 Universal Declaration of Human Rights and have been codified in many human rights treaties, including the International Covenant on Civil and Political Rights, adopted in 1966. It is not clear how to reconcile this conflict between the legal norms of sovereignty and human rights.

#### THE USE OF FORCE VERSUS THE PEACEFUL SETTLEMENT OF DISPUTES

Second, the practice of humanitarian intervention in the last decade brings to the fore the legal question of whether the use of force is appropriate or justified or whether peaceful negotiations are legally the preferred, or indeed only permissible, way to stop civil wars and human rights atrocities. The UN Charter in general calls for the peaceful resolution of disputes between states (see, for example, Article 1, Paragraph 1), and it prohibits the use of force by one state against another, except in self-defense or as part of Security Council-authorized collective security action, which is provided for by Chapter VII of the Charter (see Article 2, Paragraph 4; Articles 39–51). But collective security action under the UN Charter was originally envisioned exclusively, or at least primarily, as a means of protecting the security of states, not people. Accordingly, international lawyers have been sharply divided on the issue of whether the Charter authorizes the Security Council to mandate the use of force to protect human rights victims. Furthermore, many policy makers believe that the use of force in the long run simply produces more conflict and more pain for the very people such intervention is claimed to help. On the other hand, in the cases of Bosnia and Rwanda, for example, many critics maintain that a much more forcible response by UN peacekeepers was required in order to forestall the orgy of bloodshed that occurred in those troubled lands.

## OBLIGATIONS TO INTERVENE

Third, the new experiments with humanitarian intervention have highlighted the problem of whether the UN and its member states are obligated to intervene to prevent genocide, mass killings, or other widespread and severe violations of human rights. While the UN Charter imposes on the Security Council an apparent duty to decide on measures necessary “to maintain or restore international peace and security” (Article 39), it is completely silent on the question of whether there is any kind of obligation, legal or moral, of states or the UN to intervene in the case of gross human rights violations. And while the Charter in Article 43 obligated member states to agree to provide contingents for collective security action at the request of the Security Council (Article 43), this provision of the Charter has been a dead letter. Therefore at present there is no generally recognized legal obligation to support UN-authorized humanitarian intervention operations.

## THE SECURITY COUNCIL’S DECISION-MAKING PROCESS

Fourth, humanitarian intervention authorized by the Security Council has raised weighty questions about its voting procedure and the method it uses to take decisions. Any decision of the Council requires not only nine affirmative votes out of fifteen, but no negative votes by any of the five permanent members—China, France, Russia, the U.K., and the U.S. (see Article 27). Thus, any single permanent member can “veto” and prevent action by the Security Council. Vetoes or threatened vetoes have often prevented Security Council action with respect to gross human rights violations, for example, in the case of Kosovo. This raises the question: Is the veto ethically or legally justified?

Furthermore, the Security Council, as a political body, also makes decisions concerning humanitarian intervention after extensive bargaining and compromises, many of which are aimed at placating the permanent members. But the result of such a process has been decisions that many observers criticize as inconsistent and as biased towards the interests of

the permanent members—for example, a willingness to intervene in Eastern Europe, but not in Africa.

#### THE LEGALITY OF UNAUTHORIZED INTERVENTION

Fifth, and last, the NATO intervention in Yugoslavia without the authorization of the UN Security Council directly forces us to confront the question of whether intervention without the blessing of the Security Council can ever be legal. In this connection, Article 2, paragraph 4 of the UN Charter prohibits the threat or use of force by any UN member state against the political independence or territorial integrity of any other state. Under Chapter VII of the Charter, only the Security Council can authorize enforcement action in the case of a threat to the peace, breach of the peace, or act of aggression, although Article 51 allows each state to exercise a right of self-defense until the Security Council has taken appropriate measures. Articles 52 through 54 of the Charter relate to regional security arrangements and organizations. Article 53 provides that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council” (Article 53). Taken together, do these provisions prohibit humanitarian intervention by a state or regional organization if it has not been authorized by the Security Council?

How can these legal problems be resolved? Ultimately these legal questions relate to moral issues, and to fundamental spiritual values. They can only be resolved through reference to a sophisticated framework of moral and spiritual principles. The Bahá'í Writings can help to provide such a framework of principles, and we can speculate on how these legal problems may be resolved in the future as these principles are gradually recognized and internalized by world leaders.

#### IDENTIFYING RELEVANT BAHÁ'Í PRINCIPLES

I now turn to a consideration of a number of important Bahá'í ethical and spiritual principles that appear to be directly relevant to the legal questions

concerning humanitarian intervention that I have just identified. Many of these principles are also reflected in the sacred scriptures of other Faiths, as I have demonstrated in *Rethinking Humanitarian Intervention*.

#### THE UNITY OF THE HUMAN FAMILY AND RESPECT FOR DIVERSITY

The first, and most important, relevant Bahá'í principle is that of "unity in diversity." The pivotal teaching of Bahá'u'lláh is the fundamental unity of humankind. Bahá'u'lláh proclaimed: "The well-being of mankind, its peace and security, are unattainable unless and until its unity is firmly established" (*Gleanings* 286).

At the same time, the Bahá'í Writings indicate the legitimacy of identification with one's family, nation, and religious community. But they stress that human beings morally ought to recognize, above all, their membership in one human family. The Bahá'í Writings thus emphasize that the central Bahá'í principle of the oneness of humankind "can conflict with no legitimate allegiances, nor can it undermine essential loyalties. Its purpose is neither to stifle the flame of a sane and intelligent patriotism in men's hearts, nor to abolish the system of national autonomy so essential if the evils of excessive centralization are to be avoided. . . . Its watchword is unity in diversity" (Shoghi Effendi, *World Order* 41–42).

#### RESPECT FOR HUMAN RIGHTS

The Bahá'í Writings also emphasize respect for the fundamental human rights of all members of the human family, including women, as a foundational ethical principle. For example, in numerous passages the Bahá'í Writings stress the omnipresence of human rights violations by governments. In the words attributed to 'Abdu'l-Bahá, "kings and rulers have been able to control millions of human beings and have exercised that dominion with the utmost despotism and tyranny" (*Promulgation* 276–77). This reality must be transformed, according to the Bahá'í Writings, through the adoption and implementation of international human rights standards. In this connection, 'Abdu'l-Bahá stated, quite presciently given

the later human rights revolution of the twentieth century: "Bahá'u'lláh taught that an equal standard of human rights must be recognized and adopted" (*Promulgation* 182).

#### TAKING ACTION TO RESPECT HUMAN RIGHTS

The Bahá'í Writings further emphasize the importance of taking action to protect the human rights of others. For example, Bahá'u'lláh enjoined individuals not to tolerate violations of human rights, including violations of the rights of women: "As [the friends of God] do not allow themselves to be the object of cruelty and transgression, in like manner they should not allow such tyranny to visit the handmaidens of God" (*Compilation of Compilations* 2:379). And he instructed all human beings to be "as a lamp unto them that walk in darkness, a joy to the sorrowful, a sea for the thirsty, a haven for the distressed, an upholder and defender of the victim of oppression" (*Gleanings* 285).

The Bahá'í Writings also suggest the imperative of prosecuting and punishing individuals who commit egregious assaults upon the human rights of others, so as to protect the human community. In this connection, 'Abdu'l-Bahá indicated that human rights violators must be dealt with justly, not compassionately: "Kindness cannot be shown the tyrant, the deceiver, or the thief, because, far from awakening them to the error of their ways, it maketh them to continue in their perversity as before" (*Selections* 158).

#### A TRUST THEORY OF GOVERNMENT AND LIMITED STATE SOVEREIGNTY

The Bahá'í Writings furthermore advocate a trust theory of government under which governments are to exercise their powers as trustees for the benefit of the people, and a concomitant limitation of absolute state sovereignty. Bahá'u'lláh called upon rulers to recognize their duty to aid the oppressed and safeguard human rights: "For is it not your clear duty to restrain the tyranny of the oppressor, and to deal equitably with your subjects, that your high sense of justice may be fully demonstrated to all mankind? God hath committed into your hands the reins of the government

of the people, that ye may rule with justice over them, safeguard the rights of the down-trodden, and punish the wrong-doers" (*Gleanings* 247). 'Abdu'l-Bahá explicitly emphasized the importance of governments ensuring "the free exercise of the individual's rights, and the security of his person and property" (*Secret* 115).

For these and other reasons, according to the Bahá'í Writings, the world's leaders must abandon an extreme doctrine of state sovereignty. In the words of Shoghi Effendi: "The anarchy inherent in state sovereignty is moving towards a climax. A world, growing to maturity, must abandon this fetish, recognize the oneness and wholeness of human relationships, and establish once for all the machinery that can best incarnate this fundamental principle of its life" (*World Order* 202).<sup>2</sup>

#### CONSULTATION

The Bahá'í Writings repeatedly stress the importance of open-minded consultation among individuals and all social institutions as a means of finding the truth and discovering solutions to practical and moral problems. 'Abdu'l-Bahá described consultation as follows:

[C]onsultation must have for its object the investigation of truth. He who expresses an opinion should not voice it as correct and right but set it forth as a contribution to the consensus of opinion, for the light of reality becomes apparent when two opinions coincide. . . . Before expressing his own views he should carefully consider the views already advanced by others. If he finds that a previously expressed opinion is more true and worthy, he should accept it immediately and not willfully hold to an opinion of his own. By this excellent method he endeavors to arrive at unity and truth. (*Promulgation* 72)

#### THE IMPORTANCE OF PEACE

Another essential ethical principle in the Bahá'í Writings is that of the peaceful resolution of disputes. 'Abdu'l-Bahá declared: "O ye beloved of

the Lord! In this sacred Dispensation, conflict and contention are in no wise permitted. Every aggressor deprives himself of God's grace" (*Will and Testament* 13).

#### RESPECT FOR TREATIES AND INTERNATIONAL LAW

The Bahá'í Writings furthermore evidence a basic ethical principle of respect for treaties and international law. For example, they call for the conclusion of a binding collective security treaty, with severe sanctions against violating states, thereby suggesting the sanctity of international treaty obligations. 'Abdu'l-Bahá affirmed that the sovereigns of the world "must conclude a binding treaty and establish a covenant, the provisions of which shall be sound, inviolable and definite. . . . In this all-embracing Pact the limits and frontiers of each and every nation should be clearly fixed, the principles underlying the relations of governments towards one another definitely laid down, and all international agreements and obligations ascertained" (*Secret* 64–65).

The Bahá'í Writings also support the development of international law by recommending the establishment of a world federation among independent states in which "the autonomy of its state members and the personal freedom and initiative of the individuals that compose them are definitely and completely safeguarded" (Shoghi Effendi, *World Order* 203). This statement indicates that one of the purposes of the federation will be to protect human rights. This world federation will include an international court, a democratically elected world parliament, and a world police force (*World Order* 202–4). In the words of Shoghi Effendi, "A world executive, backed by an international Force, will carry out the decisions arrived at, and apply the laws enacted by, this world legislature, and will safeguard the organic unity of the whole commonwealth" (*World Order* 203).

#### COLLECTIVE SECURITY ACTION AND JUST WAR

At the same time that Bahá'u'lláh advocated peaceful relations among states, he called for the implementation of a system of collective security

to deter aggression by states against one another. He exhorted world leaders to consult on establishing

the world's Great Peace amongst men. . . . Should any king take up arms against another, all should unitedly arise and prevent him. If this be done, the nations of the world will no longer require any armaments, except for the purpose of preserving the security of their realms and of maintaining internal order within their territories. This will ensure the peace and composure of every people, government and nation. (*Gleanings* 249)

There is also some evidence in the Bahá'í Writings of support for certain just wars undertaken by a single state, pending the establishment of a functioning collective security system, as a last resort to stop an aggressor or end civil strife that is claiming the lives of innocents. 'Abdu'l-Bahá stated:

[T]here are times when war becomes the powerful basis of peace, and ruin the very means of reconstruction. If, for example, a high-minded sovereign marshals his troops to block the onset of the insurgent and the aggressor, or again, if he takes the field and distinguishes himself in a struggle to unify a divided state and people, if, in brief, he is waging war for a righteous purpose, then this seeming wrath is mercy itself, and this apparent tyranny the very substance of justice and this warfare the cornerstone of peace. Today, the task befitting great rulers is to establish universal peace, for in this lies the freedom of all peoples." (*Secret* 70–71)<sup>3</sup>

#### HUMANITARIAN LIMITATIONS ON THE CONDUCT OF WAR

The Bahá'í Writings repeatedly condemn inhumanity and cruelty in war.<sup>4</sup> Nevertheless, they indicate that sufficient force must be used against the government (but apparently not the people) violating the comprehensive and sacrosanct collective security treaty envisaged in the Writings. In the words of 'Abdu'l-Bahá:

The fundamental principle underlying this solemn Pact should be so fixed that if any government later violate any one of its provisions, all the governments on earth should arise to reduce it to utter submission, nay the human race as a whole should resolve, with every power at its disposal, to destroy that government. Should this greatest of all remedies be applied to the sick body of the world, it will assuredly recover from its ills and will remain eternally safe and secure. (*Secret* 65)

#### HUMANITARIAN INTERVENTION TO RESCUE HUMAN RIGHTS VICTIMS

Finally, and most directly relevant to the subject of humanitarian intervention, there is evidence in the Bahá'í Writings of support for the proportionate use of military force to rescue victims of extreme human rights violations.

In this connection, 'Abdu'l-Bahá stated: "The communities must protect the rights of man. So if someone assaults, injures, oppresses and wounds me, I will offer no resistance, and I will forgive him. But if a person wishes to assault [someone else], certainly I will prevent him" (*Some Answered Questions* 271). Bahá'u'lláh, too, instructed all human beings to be "an upholder and defender of the victim of oppression" (*Gleanings* 285). One passage from the writings of Bahá'u'lláh might be interpreted as endorsing collective military intervention for purposes of preventing gross human rights abuses. Bahá'u'lláh exhorted all the rulers of the earth to unite to implement a system of collective security. In describing this system, he affirmed: "We fain would hope that the kings and rulers of the earth, the mirrors of the gracious and almighty name of God, may attain unto this station, and shield mankind from the onslaught of tyranny. . . ." (*Gleanings* 249).

#### IMPLICATIONS OF BAHÁ'Í PRINCIPLES FOR HUMANITARIAN INTERVENTION

What are the implications of these ethical principles in the Bahá'í Writings for humanitarian intervention and for the legal problems I identified

earlier? First, it seems clear that the Bahá'í Writings are adamant in establishing the responsibility of the entire international community to care for and protect, through military force if necessary, all members of the human family. They are not strictly pacifist. But the Bahá'í principle of consultation also implies that military responses to human rights violations must be the product of careful and considered consultation among all the governments of the world, or at least as many of them as possible, and must not merely reflect the selfish political interests of the most powerful states.

Furthermore, we know from 'Abdu'l-Bahá's call for a comprehensive multilateral treaty addressing many global problems, including, we can imagine, gross violations of human rights, that such a treaty explicitly permitting humanitarian intervention under certain circumstances must ultimately be negotiated. This enterprise might take the form of a revision of the UN Charter or it might involve the negotiation of an entirely new treaty. In any case, this is a goal that we must constantly encourage present-day governments to pursue.

With respect to some of the conflicts among principles and doctrines evident in contemporary international law, Bahá'í ethical principles can point the way towards solution of some of these dilemmas.

First, on the problem of reconciling the principles of state sovereignty in the UN Charter with human rights obligations under international law, Bahá'í principles indicate that respect for the fundamental autonomy of states is essential, but such respect can in no wise affect the moral obligations of those states to rule justly and respect fundamental human rights. When governments fail to fulfill their "clear duty," in the words of Bahá'u'lláh, to "restrain the tyranny of the oppressor" and to deal equitably with their subjects, sovereignty cannot be used as a shield to excuse them from fulfilling this duty. The legal provisions of the UN Charter ought to be interpreted in light of these moral principles, which also are apparent in the teachings of other religions.<sup>5</sup>

Second, on the resolution of competing principles in the UN Charter that call, on the one hand, for the peaceful resolution of disputes, and on the other, for effective collective security action in response to a threat to the peace, the Bahá'í Writings clearly urge multilateral peaceful methods

of conflict resolution. They indicate that the presumption should always be in favor of such methods, particularly those that involve genuine and open-minded consultation with all relevant parties. But the Writings also envisage the need for an ultimate option of a multilateral military deployment by an international police force. We can surmise, therefore, that in certain circumstances Bahá'í principles would endorse, as already suggested, the multilateral measured use of force against a state as a last resort if necessary to prevent or stop widespread and severe violations of essential human rights. They would also endorse the establishment of a permanent "rapid reaction force," such as has been proposed by many scholars and governments, including the Government of Canada, with the capability of responding quickly to urgent human rights crises.<sup>6</sup> But any uses of military force to put an end to human rights violations must comply with existing legal limits aimed at protecting civilians, both because of the principle of respect for treaties and international law, and because such limits are, according to the Bahá'í Writings, a moral imperative.

At the same time that military intervention has a place as an emergency measure, it must be part of a multifaceted approach to human rights problems that includes judicial processes and moral education. It is clear from the Bahá'í teachings that perpetrators of human rights atrocities must be apprehended, prosecuted, and prevented from carrying out such unspeakable deeds again. It is for this reason that the Universal House of Justice has indicated that the establishment of the new International Criminal Court accords with Bahá'í principles and expectations. It is also evident from the Bahá'í teachings that long-term solutions to human rights crises must include the education of all individuals, but especially children and youth, in the foundational principle of the unity of the human family as well as the human rights concepts that principle entails.

Third, on the question of whether there is a legal obligation to intervene or to contribute to humanitarian intervention operations, the Bahá'í passages I referred to earlier suggest there is at least a strong moral obligation to come to the defense of "victims of oppression," to use the words of Bahá'u'lláh, by appropriate means, which may or may not warrant the use of military assets in particular cases. It is imperative that this type of moral

obligation, which is articulated in the scriptures of other religions as well, be universally recognized and used to guide interpretation of the legal duties prescribed by the UN Charter and modern-day international law.

Indeed, it suggests, together with the language of the Charter, that there may well be a *legal* obligation on the part of the UN to intervene in cases involving the most flagrant human rights abuses, such as genocide. And it suggests that Article 43 of the Charter, providing for the assembly of national contingents under the command of the Security Council, ought to be revived and used to constitute a rapid reaction force capable of conducting humanitarian intervention.

Fourth, on problems relating to the Security Council's decision-making process, Bahá'í principles strongly indicate that the veto cannot enjoy moral legitimacy because it grants a permanent privileged position to some states over others and can impede effective collective action against gross human rights abuses simply because of the self-interests of one of the permanent members. Indeed, as long ago as 1955 the Bahá'í International Community called for elimination of the veto (see *Proposals*). Members of the Council must also be trained in the ethical principle of consultation. They must come to see themselves as trustees for the entire world community who must consult openly and earnestly with one another to devise the most appropriate responses to severe human rights violations, regardless of their self-interests in the matter at hand. Too often they have viewed their Council seat as simply another opportunity to pursue "politics as usual." Such practices undermine the legitimacy of the Council.

Fifth, and finally, on whether uses of force for humanitarian purposes should require the prior authorization of the UN Security Council, the ethical principles of consultation and of human unity strongly imply the moral desirability of consultation among the states of the world, especially about such a morally complex issue as humanitarian intervention. These principles suggest that, morally and legally, attempts should be made to work through mechanisms like the UN Security Council that states intended to be primarily responsible for international peace and security. They imply that the apparent plain meaning of the Charter's

legal prohibitions on nondefensive military action not authorized by the Security Council ought to be upheld and respected. But because of the potential for the Council to be stymied by the veto, pending the conclusion of the comprehensive treaty foreseen in the Bahá'í Writings, it is possible that in extreme circumstances, after exhaustive diplomatic attempts have been made to work through the Council, individual states may be morally entitled to respond with the minimal amount of force required to thwart extreme human rights violations, such as genocide, even if such a response is best viewed as illegal. Such an exception is at least implied by the statement of 'Abdu'l-Bahá referring to the permissibility of action in certain cases by a "high-minded sovereign."

### CONCLUSION

I have attempted in this brief paper to give my own personal view of how Bahá'í principles can point to changes in our understanding of existing international law as it relates to humanitarian intervention, as well as to long-term reforms in the international legal system's ability to assist human rights victims. In the long run, the countries of the world need to reform contemporary international law so that it addresses the problem of humanitarian intervention and its legality explicitly in ways that accord with Bahá'í principles. As these principles, many of which are also promulgated by the scriptures of other religions, gain wider acceptance, we can hope that the leaders of the world will rise to the challenge and adopt the far-reaching reforms implied by them. But we must not only hope for this result; we must earnestly endeavor to bring it about —again, in the words of the theme of the 2002 Annual Conference, to put spirit into action. Our suffering brothers and sisters around the globe deserve no less.

### NOTES

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1. For more information about these examples, see Lepard 7–28.
2. See Shoghi Effendi, *World Order* 202–4.
3. In light of all of the passages from the Bahá'í Writings quoted elsewhere in this paper referring to the duties of rulers to protect human rights and to the prevention of over-centralization, the reference to uniting a “divided state and people” should probably be read as referring to putting an end to bloody civil wars, not to attempts by rulers to maintain their power through oppression.
4. See, for example, ‘Abdu’l-Bahá, *Paris Talks* 28–30, 108.
5. See generally Lepard 39–98.
6. See, for example, Government of Canada.

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