

[A R G U M E N T]

Mercy Killings

Why the United Nations should issue death warrants against dangerous dictators

By Anne-Marie Slaughter

I n the wake of the diplomatic maelstrom over Iraq, many policymakers and pundits will be tempted to conclude that the United Nations is an ineffectual tool for confronting dictators like Iraqi President Saddam Hussein. That is the wrong lesson to draw. The United Nations speaks for the international community, and, when it speaks in unison, it projects moral authority that no individual government can match. The problem is that the power of the United Nations has not been properly applied.

The United Nations shouldn't punish countries held captive by murderous despots; it must punish the despots themselves while doing all it can to spare their victims. Making the clearest possible distinction between the oppressors and the oppressed, between the guilty and the innocent, will better enable the United Nations to achieve consensus and bring homicidal, dangerous regimes to book.

In acting against such regimes, the Security Council ought to target individuals, not countries, and impose sanctions that are personal and harshly punitive—sometimes even lethal. Instead of debating whether to employ military force against Iraq, the Security Council should have sought Saddam's indictment by an international criminal tribunal as a perpetrator of war crimes, crimes against peace, and crimes against humanity and authorized his capture and rendering for trial by any means possible. If the United States can offer \$25 million for the capture of al Qaeda operative Khalid Sheikh Mohammed, surely the United Nations could offer double or triple that

for bringing Saddam to justice. As an absolute last resort, it should have authorized the use of deadly force in the efforts to capture him—either by his own people or by the agents of foreign governments.

The United Nations offering bounties? Authorizing the use of deadly force against individuals? This course of action no doubt seems shocking. But had the United Nations followed it in Iraq instead of imposing sanctions over the past decade, hundreds of thousands of lives might have been saved—both innocent Iraqi citizens and the foreign soldiers sent to remove Saddam from power. Sanctions harmed the Iraqi people but left the government intact. And the use of massive military force, no matter how careful the planning and targeting, inevitably kills civilians as well as soldiers. In confronting the threats posed by dangerous dictators, the world needs not smart bombs but a smart strategy.

The logic behind targeting dictators is entirely consistent with the purposes of the United Nations itself. Wars used to be fought nation against nation. But the U.N. Charter bars the use of force against nations in their international relations and seeks to replace it with the collective authorization of force in response to a threat to the peace, a breach of the peace, or an

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act of aggression. When international peace and security are jeopardized, the Security Council is charged with determining the gravity of the threat and the appropriate remedy. When it does act, or when it authorizes a member state to act, the action is undertaken on behalf of the entire international community. The 1991 Gulf War was a textbook example.

Today, however, we are able to distinguish between nations and their leaders. Over the decades since 1945, two developments have made the targeting of dictators justifiable for the United Nations. First is the rise of human rights law in peacetime and the strengthening of international humanitarian law in wartime. The relationship between a government and its citizens has become far more transparent: We can hold individual government officials accountable for violations of human rights; we can hold individual officers accountable for violating the laws of war.

Second is the changing nature of warfare. A dictator can negate the potential of even the smartest weapons by deliberately basing weapons and soldiers in schools, hospitals, and residential areas. He must bear the ultimate blame, but a government or a world that chooses to use force against such a dictator must share part of the responsibility. Killing innocents to save innocents is an unacceptable moral choice.

With Iraq, both security and humanitarian factors drove the case for using military force. Saddam's possession of weapons of mass destruction was considered a threat to international peace and security not only because of his prior invasion of Kuwait (and Iran before that), but also because he used chemical weapons against his own people. In such circumstances, a decision by the Security Council to authorize the use of force would have been a decision to go to war not only on behalf of all U.N. members—to keep them safe—but also on behalf of Iraq's oppressed citizens.

But why, then, couldn't the United Nations have gone to war only against Saddam himself? Indeed, why couldn't it have targeted him directly, authoriz-



Judge, jury...executioner?

ing the use of force to capture and bring him to justice, and if all else fails, to kill him? After all, that is precisely what U.S. military plans have called for. In early March, Chairman of the Joint Chiefs of Staff Gen. Richard Myers announced that the U.S. military would seek to shock the Iraqi regime into submission by an intense initial round of bombing, followed quickly by ground troops. Other military

officials confirmed that this barrage would target leadership and command and control sites, as well as storage sites for weapons of mass destruction.

In this context, targeting dictators is not murder or assassination. Once the shift has been made to "war," army against army, killing becomes legitimate. But once war breaks out, even direct targeting of the political leadership is bound to involve many civilian deaths. Surely, in these kinds of situations, it would be far better to target an individual political leader from the beginning of a crisis, not with the force of arms but the force of law. Identify him as a criminal and seek his arrest by any means possible. If all else fails, authorize the use of force, but against an individual, not a nation.

Such a course would never be acceptable, or even thinkable, if undertaken by a single nation. But the United Nations, and specifically the Security Council, is charged with acting in the common interest. That common interest includes not only national security but also human security. The Security Council can thus identify a leader as a threat not only to the world's nations but also to his own people. And if the Security Council does so—with the votes of at least nine diverse nations with no veto by any one of the five major powers—it can issue an international warrant, even a death warrant. This course would be far more moral than careening toward war. And it would be a course far more consistent with the mission of the United Nations itself: "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." **FP**