

Rethinking War in Order to Defend Human Rights

Durand Castro NDJIMOU

Dr Lysias Intelligence

Abstract:

By not adopting a straightforward approach in exploring the risk analysis to stakes of peace in a global world, the authors as convinced Durkheimian, presents a conceptual and empirical approach to conflict analysis. This offers a new look at the construction of a “social link” as a means to preserve peace. In the absence of that foundation, divergence becomes commonplace. Hence, the game of power stands out as determining factor for conflict that is restricted by its entropy. It is the unpredictable nature of these new conflicts that, henceforth, determines the strengths of weakness and establishes a new “perspective”.

Keywords: War, Human Rights, conflict, violations, law.

As fervent followers of the sociologist Emile Durkheim¹, we are committed to projecting the thinking of this illustrious sociologist onto the international arena and the notion of war. The conceptual and empirical approach to conflict analysis that emerges from this thinking casts a fresh light on the construction of the 'social bond' as a buffer for peace. In the absence of this basis, otherness becomes common currency. Thus, power challenges automatically become the factor that determines conflicts whose end cannot be foretold. It is henceforth the unpredictable nature of recent conflicts that now pits the power to weakness thus imposing a new 'point of view'.

In the book, "Rethinking war to address emerging conflicts",² a major innovation was to question war as appealing to the very nature of man. This first question, which was quickly raised, implies that war is not intended to bring about peace. Peace is a possible induced consequence. We have all too soon forgotten that war seeks victory, not peace. War does not bear the follies of man but, on the contrary, it is a rational process of establishing its being, in its humaneness, in the act. For there is nothing more rational than strategy in a relationship where men are seeking victory. It conveys ideas that reveal man's commitment to being Man at the very heart of a spirituality that is superior to him. Nevertheless, war is a threat to man's life and a real threat to his life in the face of conflict. Indeed, it is a challenge to his dignity. In our reflection, we note that the notion of "necessary war" is first and foremost concerned with the very essence of inevitable and seminal war. Waging war does not necessarily mean the death of the other, but rather the victory of the balance of power at the unstable border of two nations. Therefore, it can be a matter of economic war, financial war, military war, communication war, etc. If war does not lead to

¹ Émile Durkheim, (born April 15, 1858, Épinal, France—died November 15, 1917, Paris), French social scientist who developed a vigorous methodology combining empirical research with sociological theory

² Durand Castro NDJIMOU, Phd in International Relations and Diplomacy

peace, but to a state of balance in man's superior ability to found a society on the basis of a single notion of frontier, what happens to peace in this process?

War and peace are no longer necessarily linked, war seeks victory, but war and peace occupy balances. Peace occupies a 'non-war' space in a process of permanent adjustment in the face of unavoidable future rupture. War in its own right thus urges us to think of a process of dynamic equilibrium, whereas peace urges us to think of a stable equilibrium. Indeed, for more than four centuries, war has defined the international system by setting itself up as a common currency. By managing inter-state competition, it was intended to guarantee respective national interests. Thus, this culture has constructed the concept of the international as being synonymous to war and defined peace as an 'in-between war'. This negative definition of peace as the absence of war confirms the state of the international as a power competition.

Nevertheless, two historical facts have come to shade light on these concepts of power and victory. The first event concerns the Evian Agreements³ signed on 18 March 1962, which put an end to the War of Independence in Algeria. As statements of principle, these agreements laid the foundations and defined the frameworks for an Algeria and an Algerian State in the making, with which France hoped to establish new cooperation relations. However, one cannot help but notice that it was at the precise point of the military defeat of the National Liberation Front (FLN) that public opinion in France turned around and led to these agreements, which stipulated in particular that: "the consultation on self-determination will allow voters to express whether they wish Algeria to be independent and, if so, whether they wish France and Algeria to cooperate under conditions defined by these declarations". This episode in our post-Westphalian history highlights the growing gap between military and political victory.

The second event takes place a few years later, in 1967. While from a military point of view, the war was not working to the advantage of the "Viet Cong"⁴ and the North Vietnamese army was unable to confront the American military power and mobility, the great Tet offensive marked a turning point in the conflict between South and North Vietnam, against the backdrop of the Cold War. The Tet Offensive front began slowly in mid-January 1968 from remotest area of Southern Vietnam to the Northwest. But by 31 January, fighting broke out all over the country. This fierce fighting was reported by journalists who, for the first time in the history of the war, reported the facts and misdeeds of war almost daily. Whether true or not, the loss in human life among American soldiers came as a shock to public opinion, which was becoming increasingly resistant to the idea of commitment to such a distant war. In fact, the nationwide debate that shook the United States after the first communist attacks on Tet hinted strongly that the American people would not support a long, indecisive, and aimless war. In fact, the American public was totally stunned by the North Vietnamese attacks. US government leaders had persuaded the public that the war was being won, and by the end of 1967 this was true. However, public opinion suffered a kind of psychological dislocation because of the Tet offensive front. The reality of the attacks, or at least the media's portrayal of them, was almost the opposite of what the American people had in mind. No civilian had imagined that a coordinated attack of this scale and violence was possible.

Media were on the ground, covering a 'live' war for the very first time, and they had tremendous power to influence opinion and thus, in part, the choices of the government. On 31 March 1968, Lyndon

³ Evian II Accords. Government declarations of 19 March 1962 relating to Algeria. A) Chapter I of the General Declarations on the organization of public authorities during the transition period and self-determination guarantees.).

⁴ Vietnamese Communist Party

JOHNSON⁵ announced that he would not run for a second term as President, and almost halted the bombing of North Vietnam by urging Hanoi to accept peace negotiations. What followed was the annexation of South Vietnam in 1975 by communists. These were boosted by the post-withdrawal political events that led to the evacuation of the last US contingent and a few privileged South Vietnamese by helicopter from the roof of the US embassy in Saigon during Operation Frequent Wind on 30 April 1975. The tactical defeat by the Tet offensive front led to a political defeat.

These two events, which went unnoticed in the analysis of war, raise questions regarding the Westphalian⁶ understanding of war. At the heart of this strategic myopia is the inability of the social sciences to move beyond empirical channels to adapt to change. Indeed, political science is essentially a continuum. It tends to describe contemporary phenomena based on paradigms that have forged its essence. What if these paradigms were to change?

The 'Treaties of Westphalia, signed in 1648 in Münster, a German city in the north of the state of North Rhine-Westphalia, marked a decisive turning point in relations between states. The international system born of these treaties put an end to the 30 Year-War in 1648. Under these treaties, the state is acknowledged as the privileged form of political organisation of societies and the birth of the modern inter-state system, based on three principles:

- External sovereignty (no state acknowledges any authority above itself and every state recognises every other state as its equal);
- Internal sovereignty (every state has exclusive authority over its territory and population and no state interferes in the internal affairs of another state);
- Balance of power (no state should have the strength to impose itself on all other states, and no state should strive for hegemony over any other state).

The die was cast.

The international system has thus functioned for at least four centuries on this immutable principle of a territorial, sovereign, juxtaposed and competitive political entity. Through this competition, war came to entrench this system by setting itself up as a common currency. Indeed, since sovereignty was not compatible with international law, because it was suspected of being illegitimate, war was used to regulate this balance. By regulating the competition between states, war was intended to guarantee the respective national interests. Thus, the Westphalian culture constructed a concept of the international as being synonymous to war. Raymond ARON⁷ defined peace as "in-between two wars". This negative definition of peace as the absence of war confirms the state of the international as a power competition.

However, since the Second World War and post-colonial episodes, a number of paradigms have challenged this state-war duality. Globalisation and its avatars of new actors are reshaping the international system with events that no longer correspond to the state grammar outlined above. Globalisation has created a world space characterised by interdependence, inclusion and mobility. In these respects, the analysis of a local event requires us to move back and forth between the sub-regional, regional and international levels. This unprecedented overlapping of global society, in conjunction with new communication and information technologies, is definitely ushering in a new era of international relations.

⁵ Lyndon B. Johnson, in full Lyndon Baines Johnson, also called LBJ, (born August 27, 1908, Gillespie county, Texas, U.S.—died January 22, 1973, San Antonio, Texas), 36th president of the United States (1963–69)

⁶ In reference to the Westphalian Treaty, signed on 24 October 1648, which ended the Thirty-Year War and instilled order in religious and political matters in Europe.

⁷ Raymond Aron, (born March 14, 1905, Paris, France—died Oct. 17, 1983, Paris), French sociologist, historian, and political commentator known for his skepticism of ideological orthodoxies.

From a paradigm where war allowed the construction of the State according to Charles TILLY's model (War Making and State Making), with the State as a consequence, which was also built by war, in an international system of competition defined by Thomas HOBBS as a gladiatorial combat, the new era of international relations is now imposing on us conflicts which are not essentially State-based.

Therefore, how can we understand these new conflicts with the rise of religious fundamentalism, nationalist wars and all the other forms of belligerent situations using conventional analytical tools, whereas they are not politically based?

Paradoxically, weakness, by becoming a cause, has irreversibly modified this axiom. The powerlessness of power is now obvious, while the strengths of weakness aim at striking 'blows' that have a 'cost'. This 'whatever it takes' option occurs mainly in the theatre of violation of human rights and human dignity. The shocking nature of these actions receives publicity on news channels. Owing to its impact on the international agenda, weakness has thus become more decisive than power. More than ever, the winner is the one who does not lose. At the heart of the search for what Pierre Hassner has referred to as the "incoherent midway" between law and power, a rigorous analysis engages the moral dilemmas of humanitarian intervention. What makes the use of power: Legitimate? A just cause? Respect for international law? A UN Security Council resolution? Proportionality of means to the threat? Discrimination between combatants and the civilian population? Does a positive outcome give legitimacy to an 'illegal' intervention after the fact?

What about the human element in all this?

In all conflicts, human dignity and human rights are always undermined and hijacked by the various propaganda of the different protagonists, and exploited for political purposes by all sides. There is a sort of emotional manipulation so that one camp is seen to mourn its dead while the other pushes out shouts of victory. Such trifling of human life reminds us of the animal side of humanity. This barbarity is instrumentalised and staged by the jihadists to shock the non-conformists and thus to create a real psychosis within the population. This is the sense in which the forces of weakness are disastrous for human rights. These forces operate in a way that offends human dignity, in gross violation of all rights.

"All human rights violations are equal, but some are more equal than others. At the heart of cries of outrage from non-governmental organisations, public figures and states, one of the greatest violations of human dignity lies in the selective myopia of indignation. Condemnations are projected on the basis of political positioning. Thus, support for a partner leads to disregarding violations of human rights and human dignity, while on the other hand, any violation of a non-associate country is treated with utmost severity through all possible channels. This for us, is the most despicable and fundamentally most harmful attack of human dignity. This only further discredits the whole condemnation game and does not serve the cause of human rights.

But should the predominance of the media agenda provide advantage for the forces of weakness? The question arises not to legitimise these actions, but to bring about a Durkheimian approach to the management of the society. The human being as a resource must be treated with equity and justice in order to forge and consolidate a true social bond, a pledge of stability at the very heart of nations. /-