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CHALLENGES TO WESTPHALIA: FRENCH REVOLUTION

TO KOSOVO

by

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Introduction

The Peace of Westphalia (1648) is usually held to be the beginning of the modern international system. Since then most sovereign states most of the time have paid at least lip-service to the idea that the basis for international peace lies in states being willing to respect the integrity of existing borders, which may be changed only by consent, and to accept that states' internal arrangements should not be subject to external interference. This outlook has recently been fundamentally challenged by those who believe that 'humanitarian' concerns permit and even require that international interventions, with or without the approval of the United Nations Security Council, should take place. The US-led attack on Yugoslavia in 1999 was the most striking move so far in this direction.

The French Revolutionary Era

By 1792 the French Revolutionary Government had embarked on extremely radical courses at home and abroad. At home aristocrats were systematically being guillotined because they symbolised the Ancien Regime; and in January 1793 even the King and Queen were executed. And abroad the new regime, effectively led by Maximilien de Robespierre, had come to see it as its duty to spread the benefits of Liberty, Equality and Fraternity. Hence it issued the Edict of Fraternity — which gave France the right to interfere on behalf of congenial rebels in, for example, Ireland or what is now Belgium. The British went to war with France in 1793 and claimed to be defending Westphalian principles against the Edict of Fraternity. Austria and Prussia,

on the other hand, went to war because they objected to the class conflict taking place in France. (Marie Antoinette was an Austrian Princess). This justification was of course in its own way another challenge to Westphalia. Later Napoleon Bonaparte came to power and engaged in several wars against combinations of anti-revolutionary European powers (including of course Russia). He claimed to be serving the ideals of the French Revolution but maybe this was actually a cloak for the promotion of French national interests. At all events, by 1815, when Napoleon was finally vanquished, the Westphalian system had been brought into disarray.

The Congress System and the Concert of Europe

In 1815 the victorious powers met at the Congress of Vienna and paid lip-service once more, largely under pressure from the British who were true believers, to the Westphalian principles. But fearing a revival of revolutionary extremism under the cloak of liberalism, the autocracies of Austria (led by Count von Metternich), Russia and Prussia gradually moved during the next decade towards a policy of intervening in the internal affairs of states supposedly menaced by radicals. At first, in order to try to keep on good terms with British Foreign Secretary Viscount Castlereagh, they adduced other reasons for intervening — claiming, for example, that those trying to overthrow the King of Naples had wider ambitions in the Italian Peninsula and hence represented an international threat to other states. By the early 1820s, however, the so-called Holy Allies became quite blatant in their justification for intervening in other states: ideological conservatism was sufficient. Hence the Holy Allies instigated an intervention by the now-reactionary France in Spain to put down a liberal revolt on behalf of the Spanish old order. In short, Metternich openly used arguments that would have been familiar to Leonid Brezhnev in 1968.

The British, now represented by Foreign Secretary George Canning, were isolated for a time as defenders of Westphalia. But after 1825 they regained the initiative. First, the Russian Tsar, Alexander I, died and his successor, Nicholas I, promptly quarrelled with Metternich over a Greek revolt against Ottoman rule. National interest and sympathy for co-religionists led the new Tsar to refuse to assist Constantinople. Suddenly non-interference in internal affairs seemed appropriate — as the British had been arguing. Then in 1830 France underwent a liberal revolution, ending her association with Metternich. Thus an isolated Austria was unable to intervene to crush a struggle for independence by the Belgians against Dutch rule: events there were allowed to take their course and Westphalia was back in favour.

The middle decades of the Nineteenth Century were marked by the so-called Concert of Europe — an informal collective security system accompanied by a set of broadly-agreed rules based on Westphalian principles. For example, non-interference in internal affairs generally prevailed in the advanced world as a whole. This applied even to the American Civil War, though the British Cabinet had an interesting high-minded debate as to which side to support if intervention should come to seem appropriate, W. E. Gladstone favouring the South on states-rights grounds and John Bright favouring the North because of the inhumanity of slavery. And when one Great Power, Russia, attempted to disturb the balance of power in the Near East the others combined successfully to check her. In the Crimean War Great Britain and France fought against her and Prussia and Austria lined up diplomatically with London and Paris. Russia was again checked by the other Great Powers at the Congress of Berlin

in 1878. Russia pleaded in vain that its purpose in the Balkans was to promote human rights of Bulgarian Christians and others against the cruelties of their Ottoman rulers. Otto von Bismarck replied memorably that he would remember the Bulgarians in his prayers but could not make them the object of German policy. In our own day Bill Clinton, Madeleine Albright and Tony Blair took a different but not necessarily a wiser line when confronted with the suffering of the Kosovans.

The Era of the First World War and the Creation of the League of Nations

The outbreak of the First World War in 1914 is not easily analysed through the lenses of a supporter of Westphalia. For it is not clear that any Great Power saw itself as an enemy of Westphalian principles. None sought to interfere in the internal affairs of any other state unless it was the case that Austria-Hungary wanted to do this to Serbia — the apparent cause of the wider conflict. Yet Austria-Hungary probably saw itself merely as provoked by Serbia. As George Bush the Younger and Blair put it today with reference to Taliban-controlled Afghanistan, Serbia harboured terrorists and so deserved to be disciplined — particularly after the assassination of Archduke Franz Ferdinand at Sarajevo. But the Western Powers and Russia certainly did not see themselves as allies of a terror-sponsoring state. Instead, they believed that Germany was seeking an excuse to embark on a long-planned bid for European hegemony — which, if true, was clearly incompatible with the Westphalian tradition. All we can say with certainty is that neither camp proclaimed hostility to this tradition. And it was to be at the centre of the peacemaking in 1919 when a formal system of collective security was established for the first time in the form of the League of Nations. The emphasis in its Covenant, largely drafted by Woodrow Wilson, was very strongly on the sanctity of frontiers with provision for economic and ultimately military sanctions against those who broke the rules. There was of course no provision for collective action against alleged wrong-doers within state frontiers.

The greatest challenges to Westphalia in this period came about as a result of the Bolshevik Revolution in Russia in 1917. V. I. Lenin's regime, after making a unilateral peace with Germany, proclaimed a belief in proletarian internationalism, established the Communist International and called the League of Nations (which it initially refused to consider joining) a League of Burglars. The conduct and rhetoric of the new regime provoked the armed intervention of the Western Allies — though whether this in turn was anti-Westphalian in spirit or a practical defence of Westphalia against those who were its proclaimed enemies is debatable. At all events, the Intervention petered out after the Germans asked for an Armistice and Russian help against the Central Allies was no longer needed. Thereafter the Soviet Union was to be something of an enigma. Its rhetoric even into the 1980s suggested to many that it was not averse to the use of force to promote global Communism. But its conduct was less radical in practice. For example, it even joined the League of Nations in 1934 in an apparent acceptance of the need for collective security against external aggression. And it also was to point in different directions even following the death of Josef Stalin in 1953. For it was certainly not a normal state under Nikita Khrushchev and Brezhnev: its singularity being shown, for example, by the role of the Leninist ideologist Mikhail Suslov in policy-making. Yet it found some aspects of the Westphalian tradition congenial, not least the idea that Jimmy Carter and Ronald Reagan were out of order in endlessly preaching sermons about human rights abuses within the Soviet Union.

The Failure of the League and the War of 1939

Westphalian principles were at the heart of the League Covenant but soon came under challenge. For too few Great Powers were committed supporters of the approach. The United States withdrew into 'isolation' after Wilson was defeated in the Senate. Germany did not join until 1925 and left again after Adolf Hitler came to power. Italy and Japan resigned during the 1930s and the Soviet Union joined only in 1934. Thus only Great Britain and France were to be consistently in the leadership of the League and they became increasingly unwilling to bear a disproportionate burden in enforcing the Covenant. Hence when Japan intervened in Manchuria (legally Chinese territory) to protect its trading interests neither France nor Great Britain was willing to go beyond a declaratory condemnation of Tokyo.

The supreme test came for the League in 1935 when Italy invaded Abyssinia. This was clearly contrary to the Covenant, which unlike the Concert of Europe covered all continents including even Africa, which had largely been carved up into imperial possessions during the late Nineteenth Century - with Abyssinia being almost alone in having retained its independence. The fact that within its frontiers a form of slavery prevailed was widely considered as completely irrelevant — not least among League enthusiasts. Hence the League imposed partial economic sanctions on Italy. But the British and French Governments would run no risk of getting into war with Rome over this issue and hence Abyssinia went down to defeat. Collective security in support of the sanctity of frontiers was not, however, at an end. Agitation by Winston Churchill and others eventually led Great Britain and France to try to resist Hitler's run of conquests: guarantees were given to Poland, Romania and Greece in March 1939 and in the following September the two Western Powers declared war on behalf of Poland. Westphalian principles had triumphed after all. Two points deserve emphasis. First, Poland was a right-wing dictatorship with a poor record on human rights, being not much less anti-semitic than Nazi Germany during the 1930s. This counted for nothing in London even, or rather especially, in 'progressive' circles. The main thing was then thought to be to resist incursions across international frontiers. Secondly, Churchill and his allies vainly called for war with Germany in September 1938 when Czechoslovakia's territorial integrity was threatened, whereas they had more success a year later when Poland was threatened. But in between these dramas, in November 1938, came Krystallnacht in Germany, when Jewish shops and synagogues were systematically torched - evidently in the hope that it would speed up an 'ethnic cleansing' process that was already under way. Of course Churchill et al condemned this development (as did the Government of Neville Chamberlain). Interestingly, however, they made no demands for 'humanitarian intervention', still less for war. Clearly the Westphalian principle relating to non-intervention in internal affairs was still being widely upheld in London and Paris.

The Long Peace/Cold War

The main feature of the international system during this period was the essential bipolarity that operated, particularly in Europe. This meant that in one sense Westphalian principles largely prevailed. For neither the Soviet Union nor the United States attempted with all-out armed force to challenge the other's irreducible spheres of influence. And the United Nations was to be based on similar principles to those of

the League of Nations with no provision for UN interference in the internal affairs of member states. Yet there was another sense in which the spirit of Westphalia did not prevail. For the Cuban Missile Crisis showed that all-out war was by no means unthinkable; and even in more tranquil days each superpower determinedly and consistently tried by subversion to undermine the other. And each was willing to use armed force against other sovereign states to put down dissent within their respective spheres of influence, as when the Soviets intervened in Hungary and Czechoslovakia and the United States intervened in the Dominican Republic and promoted terrorism in Nicaragua. Moreover, the great power veto system ensured that in practice the United Nations did not function as an effective provider of collective security where international border disputes were concerned. Yet in the later stages of their global struggle a limited set of Westphalian-type rules came to be tacitly accepted by the two superpowers. And this was particularly the case in Europe, where the Helsinki Agreements of 1975 were to prove extremely durable. These Agreements were of course largely consistent with Westphalian principles — above all freezing the frontiers of all states as they had emerged from the Second World War, including those of the two Germanies. In the event, the Soviets, rather contrary to Western expectations, acted in conformity with Helsinki even with respect to Eastern Europe: Poland in the early 1980s did not suffer the same fate as Hungary and Czechoslovakia had done in 1956 and 1968 respectively; and in the late 1980s the Warsaw Pact fell apart as the former ‘satellite states’ were not prevented by Mikhail Gorbachev from turning away from Moscow and Communism.

From Kuwait to Kosovo

With the collapse of Communism, the dissolution of the Warsaw Pact and the fragmentation by consent of the Soviet Union into its 15 component parts, the world for the first time since the mid-Nineteenth Century appeared to be dominated by Great Powers that were unambiguously supportive of Westphalian principles and which held no strong grievances against one another — with a substantial question mark hanging only over the attitude of China. And the international system was also marked by the fact that its leading state, the United States, was, under George Bush the Elder, apparently eager and able to give a strong lead in favour of collective security against external aggression and non-intervention in internal affairs. It was suddenly as if after all Wilson had won and not lost in the Senate in 1919. Soon the first big test for the ‘New World Order’ (Bush’s term) came with Iraq’s unprovoked invasion and indeed outright conquest of Kuwait. A surprisingly large global coalition was assembled to take on the aggressor and Kuwait was duly liberated. It was suddenly as if Italy had after all lost rather than won in 1935. The cynics who said that states would never go to war for an abstract principle like collective security appeared to have been confounded.

Westphalia was all the same soon in trouble again. For many of the idealists who had supported the checking of Iraq now determined to try to promote human betterment and check wrong-doing (as they saw it) within states. Their endeavours took three principal forms: to support at least selectively the clamour for self-determination in the Federal State of Yugoslavia; to come to the assistance of victims of a breakdown in governance (as in Somalia) or of ‘ethnic cleansing’ (as in Bosnia and in Kosovo);

and to seek the internationalisation of the judgement and punishment of statesmen, generals and others who had allegedly committed acts of inhumanity even within their own frontiers (as with Slobodan Milosevic or Augustus Pinochet). These endeavours had mixed outcomes. The Americans simply ran away from Somalia when the bodybags began to mount up — leaving Somalia in a seemingly permanently ‘failed state’ condition. Rwanda was also essentially left to its grisly fate. And though Milosevic is now under arrest at The Hague awaiting trial, most other alleged domestic or even international wrong-doers among statesmen appear to be immune from ‘international justice’. For example, neither Robert McNamara nor Henry Kissinger have been charged with alleged misdeeds in Indochina; Gorbachev is not being pursued over any responsibility he may have had for deaths that occurred in the Baltic States during the last years of the Soviet Union; no legal proceedings seem likely to be taken against Ariel Sharon on account of his role in the Lebanon; and Li Pen is not likely to face trial at The Hague for his role in the Tiananmen incident. In short ‘international justice’ appears to be very uneven indeed. Only leaders of small states appear to be at all vulnerable and even they may have little to worry about if they are allied to the United States or if they obtain weapons of mass destruction (as, for example, Iraq’s Saddam Hussein, very understandably as he considers the fate of the hapless Milosevic, seems more eager than ever to do). As for the promotion of self-determination in Yugoslavia the outcome was again rather inconclusive in Westphalian terms. On the one hand, Helsinki was torn up when the European Union Powers, led by Germany’s Hans-Dietrich Genscher, recognised the breakaway from the Yugoslav Federation, without the consent of Belgrade, of Croatia, Slovenia, Bosnia and FYROM. On the other hand, the same Powers did not have the courage to support self-determination to its logical conclusion by intervening to redraw the boundaries of the new states. Hence large Serbian Communities were left within Croatia from which they were soon ‘ethnically cleansed’; Bosnia was prevented from fragmenting, with Serb and Croat regions being denied the right to join their respective ‘motherlands’; and Kosovo was initially deemed to be part of Serbia on the legalistic technicality that it had never had full federal autonomy under the old Yugoslav constitution. So in a variety of respects supporters of Westphalia were by no means comprehensively routed in the 1990s. All the same, the American-led victory over Yugoslavia in 1999 was a great triumph for interventionists in internal affairs. For, judging by public declarations, it was solely on humanitarian grounds that Kosovo was belatedly wrenched from Belgrade’s control and placed effectively under NATO management. And this was of course done without the initial approval of the Security Council. The irony was therefore that outraged Russia and China (who were unable to use their Security Council vetoes as the UN was bypassed) entered the Twenty-First Century as the noisy upholders of the Westphalian and Wilsonian tradition; whereas Clinton’s United States and Blair’s Great Britain emerged as the heirs of Robespierre, Metternich, Lenin and Brezhnev — though it is doubtful whether most US or British citizens (including, alas, Blair himself) would have had much idea who any of these people were or what they represented in the context of the history of the international system.

And The Future?

The events of 11 September 2001 may mean that there will soon be another decisive turn of the wheel. For there is a very clear tension between ‘humanitarian intervention’ and ‘waging war on terrorism’, given that most repressive regimes give

rise to terrorism before they attract the threats of the high-minded international community. For example, the rise of the KLA preceded US-led intervention in Kosovo. In the new circumstances it is thus unsurprising that the United States and other NATO leaders have gone silent about alleged Russian misdeeds in Chechnya and that fund-raising by the Real IRA in the United States is to be stamped on. And it seems unlikely that we shall see any early replay of the conduct of US Secretary of State Albright at Rambouillet on the eve of the US-led attacks on Yugoslavia when she effectively made common cause with the KLA terrorists. Of course the new circumstances will lead to interventions within sovereign states. But now the justification will be, as in Afghanistan, to destroy regimes that harbour terrorists possessing 'international reach' as George Bush the Younger puts it — which of course is compatible with Westphalian principles in that such support amounts to the waging of undeclared low-intensity wars across frontiers. Some anti-Westphalians will of course argue that 'humanitarian' interventions by the West are needed more than ever in order to counter Osama Bin Laden's propaganda about the West routinely acting as a supporter of repressive regimes and thus reduce the number of those volunteering to become terrorists. But it may be some time before such arguments become fashionable again — if indeed they ever do.