READING INTERNATIONAL CONTROVERSIES THROUGH POSTCOLONIAL AND FORENSIC PRINCIPLES

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Abstract

It is a difficult task, to ask students to interpret contemporary international controversies. They will go to the corporate and state media, which mostly reflect the view of powerful states, or to agencies which often amplify these same messages. It is normally only after the dust settles that independent research begins to emerge. For example, the facts about claims of ‘weapons of mass destruction’ in Iraq only emerged many months after the invasion of that country in March 2003. An option many takes is simply to stay away from such controversies. However, as the consequences may be time critical, what appropriate tools are available to intelligent students, to read and build understandings?

This paper argues that a combination of postcolonial and forensic principles can help construct an informed and ethical approach to understanding contemporary international controversies. These principles include key elements of international law adopted in the post-colonial era, in particular the right of peoples to self-determination and its corollary, the prohibition of foreign intervention. The few limited exceptions are noted. Attempts to avoid anti-war norms through ‘exceptional circumstances’ can be tested with traditional forensic tools. The first step must be to identify ‘interested parties’. Second, sources of independent evidence can be identified and made central to an assessment. Third, the self-serving statements of interested parties should be excluded, except when they include ‘admissions against interest’. These principles draw on established rules of criminal law. This paper illustrates the value of these principles by applying them to examples of human development in Iran, food security in Venezuela and one of the chemical weapons incidents in Syria.

1 INTRODUCTION

To interpret contemporary international controversies, faced with many ‘gatekeepers’ and official narratives, students need techniques based on principles of post-colonial international law and basic forensic enquiry. This includes the means to identify ‘interest’ and independent sources in a conflict. This paper aims to assist that process.

2 METHOD

A combination of postcolonial and forensic principles can help construct an informed and ethical approach to understanding contemporary international controversies, in particular interventions and war. The postcolonial principles include key elements of international law adopted in recent decades, in particular: (1) the United Nations Charter (1945), on the need to defend a system of sovereign states and prevent war; (2) the Declaration on Decolonization (1960), on the rejection of colonial regimes; (3) the twin Covenants on Human Rights (1966), which both begin with the foundational right of peoples to self-determination, including sovereign control of their own resources; and (4) the subsequent body of treaty and humanitarian law, which opposes intervention in the affairs of sovereign states, while banning military and economic coercion.

In the post-1945 order, two exceptions to the ban on military intervention have been those on ‘collective security’ grounds (Chapter VII of the UN Charter only contemplates measures to maintain “international peace and security”), authorized by the UN Security Council, along with the right of nations to self-defence. The recent western doctrine of a ‘responsibility to protect’ has not changed international law.
Table 1: Relevant legal and forensic principles

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<tr>
<th><strong>Intervention is banned under international law</strong></th>
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<tr>
<td>Non-intervention in a sovereign state</td>
<td>UN Charter 1945</td>
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<td>Right of peoples to self-determination</td>
<td>ICCPR and ICESCR 1966</td>
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<td>Prohibition of colonialism, coercion and aggression</td>
<td>Body of international treaty and humanitarian law</td>
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<tr>
<th><strong>There are very limited exceptions to the ban on non-intervention</strong></th>
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<tr>
<td>Threat to ‘collective security’ (e.g. invasion of a sovereign state)</td>
<td>UNSC may authorise intervention but only to protect the international order</td>
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<tr>
<td>Legitimate self-defence</td>
<td>Threat must be actual or imminent</td>
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<tr>
<td>Responsibility to Protect (R2P) - collective action to prevent great crimes</td>
<td>No change to international law but concept of sovereignty undermined</td>
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<th><strong>Forensic principles can help understand pretexts for intervention</strong></th>
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<tr>
<td>Identify interested parties to the conflict (includes paid and allied agencies)</td>
<td>Interested party = engaged and with a material interest</td>
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<tr>
<td>Disregard the ‘self-serving’ claims of interested parties</td>
<td>Self-serving statements are unreliable and inadmissible in law</td>
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<tr>
<td>Look for independent evidence</td>
<td>The ‘gold standard’ in any dispute</td>
</tr>
<tr>
<td>Make use of ‘admissions against interest’</td>
<td>Admissions can be probative</td>
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The first step must be to identify ‘interested parties’, someone engaged and with a material interest in the conflict. That includes warring states, their proxies and paid agents. It should include agencies traditionally embedded with or advising a warring party. Typically the evidence of interested parties is excluded in law as self-serving and unreliable, as they have an interest in the outcome.

Second, sources of independent evidence can be identified and made central to an assessment. These sources are the ‘gold standard’ in any serious dispute. They often exist, in international conflicts, and may include dissident officials, so long as they have not themselves become party to the conflict.

Third, ‘admissions against interest’ can be considered, just as confessions to crimes are often accepted in law. While there are such things as false confessions, the general rule is that people will not speak against their interests, unless there is some factual content.

Proper recognition of the principles of non-intervention in international law should form a basis for critical consideration of any ‘exceptional’ claim in favour of intervention and war. The presumption must be firmly against intervention.

3 APPLICATION TO CONTROVERSIES OVER IRAN, VENEZUELA AND SYRIA

Three examples are used to demonstrate application of these principles, the controversies over human development in the Islamic Republic of Iran, food security in Venezuela and the use of chemical weapons in Syria.

3.1 Iran ‘40 years of failure’?

On the 40th anniversary of the Iranian revolution US President Donald Trump published a series of propaganda graphics suggesting Iran had experienced ‘40 years of failure’ (AFP 2019). Such claims from a dedicated enemy cannot be taken at face value. As it happens there is independent evidence from the United Nations Development Programme (UNDP), whose human development measures have been collected from most countries since 1990. The Human Development Index (HDI), measures three elements: “a long and healthy life, being knowledgeable and having a decent standard of living” (UNDP 2019b).
The human development evidence on Iran in recent decades is not just good, it is outstanding. Iran was second only to the Peoples’ Republic of China in its growth in human development - amongst the world’s top 100 nations - from 1990 to 2017. Iran’s HDI grew on average 1.21% per year over those 27 years, and China’s 1.51% (UNDP 2018b: Table 2). In the case of China this was due to exceptional and sustained per capita economic growth. In the case of Iran it was due to exceptional and sustained improvements in life expectancy - mainly due to health care improvements and child survival - and to improvements in education. Between 1980 and 2017, average life expectancy in Iran rose a remarkable 22 years: from 54.1 to 76.2 years. Average years of schooling more than quadrupled, from 2.2 to 9.8 years, almost reaching gender equity (UNDP 1999; UNDP 2018a). Whatever one thinks of Iran such achievements should not be ignored.

3.2 Food security in Venezuela

A process of reading can follow the stages, set out in graphics 2 and 3, which review existing evidence (2015-2016) on the food security controversy in Venezuela. Students can begin with the claims or accusations, look for ‘the other side’, try to find independent evidence, locate it in time and work backwards to find the most ‘primary’ sources. After that a considered opinion can be formed.
Graphic 2: food security in Venezuela, steps 1 and 2

Step Two: check ‘the other side’, in this case government reports

The Venezuelan Government says food shortages are caused by (politcised) commercial hoarders, and that it is addressing the problem through social programs, such as school feeding. There is no general food crisis.

Government says: there is a politicised black market, hoarding and economic sabotage combine with inflation, foreign exchange problems.

Chavez Vive, 26 Sept 2016

Graphic 2: food security in Venezuela, steps 3 and 4

Step Three: check for independent evidence - in this case what appears to be that is reported in media aligned to the state

FAO reconoce nuevamente a Venezuela por labor alimentaria

Telesur, 5 June 2015

La FAO niega las falsedades sobre Venezuela

Venezuela Recognized by FAO for Halving Malnutrition

Venezuela Analysis, 8 June 2015

Step Four: work backwards to the source, to see if that independent evidence was cited correctly

Venezuela doesn’t need humanitarian aid: FAO envoy

Xinhua, 27 July 2016

Venezuela: ‘It’s a Battle Between 2 Kinds of Health Care’


The government of Venezuela has often denounced an “economic war” against it, and of course this is part of the current situation. The primary reason of mass destruction in this war is the black market for the dollar. It is no coincidence that there is no source of information for venezuelan patients.

Mark Weisbrot


Graphic 2: food security in Venezuela, steps 3 and 4
The process here suggests reading the north American media claims of starvation in Venezuela, looking at the proverbial ‘other side’ (the Venezuela government response), then checking for independent evidence (in this case from the FAO), then checking for sources as ‘primary’ as possible. What we find is that, for the 2015-16 period, the UN’s FAO (Telesur 2015; Xinhua 2016) contradicted the US media claims.

3.3 Chemical weapons in Syria: Douma hospital (2018)

Most of the voices over the war in Syria have been parties to the conflict, or paid agents of those parties. To simplify matters we should discount ALL the claims and arguments of interested parties. That is, discount everything said by the Syrians, Russians, Iranians and their media; and everything said by the armed groups and their supporters, that includes the governments and media of the USA, Britain, France, Saudi Arabia, the UAE, Qatar, Turkey and Israel, and their agents, including the UK-US funded ‘White Helmets’ (Beeley 2018). We should also discount the statements of Human Rights Watch and Amnesty International, which are both closely and historically linked to the US State Department. Amnesty International backed the false ‘incubator babies’ story that helped drive the 1990-91 Gulf war against Iraq; in 2011 it backed (but later retracted) false allegations against Libyan President Muammar Gaddafi; and in 2012 it praised the NATO occupation of Afghanistan (Anderson 2018). Human Rights Watch is also closely linked to the US foreign policy elite, and has been criticised for its ‘revolving door’ relationship with the US State Department (Bhatt 2014).

<table>
<thead>
<tr>
<th>Interested parties</th>
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<tr>
<td>Syrian govt &amp; media</td>
<td>Directly involved in the conflict</td>
</tr>
<tr>
<td>Syria allied (Russian, Iranian) govt &amp; media</td>
<td>Directly or indirectly involved in the conflict</td>
</tr>
<tr>
<td>US/UK/France govt and media</td>
<td>Directly or indirectly involved in the conflict</td>
</tr>
<tr>
<td>Human Rights Watch</td>
<td>Strongly linked to the US State department, ‘revolving door’ of officials between the two</td>
</tr>
<tr>
<td>Amnesty International</td>
<td>Strongly linked to western governments, in particular to Washington</td>
</tr>
<tr>
<td>‘White Helmets’ aid workers</td>
<td>Embedded with armed groups (Jabhat al Nusra) and paid by US &amp; UK governments</td>
</tr>
<tr>
<td>Syrian Observatory, Ghouta Media Centre, Bellingcat, etc</td>
<td>‘Media activist’ groups paid by US/UK/French govt and associated foundations (e.g. NED)</td>
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In an alleged 7 April 2018 attack on Douma hospital, the US-UK-France-Saudi backed armed groups and their ‘White Helmet’ partners issued video which showed people rushing around the hospital reception area, washing others including children with water. They claimed there had been a chemical weapons air attack by the Syrian Army and/or Russia (White House 2018; MyVueNews 2018). What did independent evidence say?

- 11-year old Hassan Diab, a child in the video, would denounce the story, saying he was dragged into his film role and experienced no toxic chemicals.
- 12 Douma hospital workers said both in Damascus and in The Hague that there had been no air attack on the hospital, there were no fatalities and there was no evidence of chemical weapons (RT 2018b).
- The OPCW went in and found no trace of any nerve agent (OPCW 2018). They did find some chlorine substances but could not “confidently determine whether or not a specific chemical was used as a weapon” (OPCW 2018).

There were also some broader ‘admissions’, around the time of this incident:

- US Defence Secretary James Mattis, both before and after the Douma incident, said that he had “no evidence” Syria had used sarin, but was relying on media including social media stories (Burns 2018). In April, just days after the Douma claims, he said: “We are not engaged on the ground there so I cannot tell you that we have evidence, even though we certainly had a lot of media and social media indicators that either chlorine or sarin were used” (RT 2018a).
• Former SAS commander British General Jonathan Shaw asked: “Why would Assad use chemical weapons at this time? He’s won the war … There is no rationale behind Assad’s involvement whatsoever. He’s convinced the rebels to leave occupied areas … why would he be bothering gassing them?” (Basu 2018).

• Lord Alan West, former head of the British Navy said: “Just before he [Assad] goes in and takes it [Douma] all over, apparently he decides to have chemical attack. It just doesn’t ring true, it seems extraordinary because, clearly he would know that there is likely to be a response from the allies … what benefit is there for his military? … Whereas we know that in the past some of the Islamic groups have used chemicals, and of course there would be huge benefit for them in labelling an attack as coming from Assad, because they would guess quite rightly that there would be a response from the US” (NewsVoice 2018).

When we remove the clamour of the warring parties, their media and their paid propagandists, the independent evidence points in one direction: this was most likely an incident fabricated by the armed (al Qaeda aligned) groups (Webb 2018).

4 CONCLUSIONS

It is difficult if not impossible for students to investigate each new international scandal, however some basic principles and a systematic approach can help properly orient understandings and reactions. This paper has argued that a combination of postcolonial and forensic principles can help construct an informed and ethical approach to understanding contemporary international controversies. It applied these principles to examples from contemporary controversies over human development in Iran, food security in Venezuela and chemical weapons in Syria.

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