

the Cold War prevented the United Nations from enforcing global justice for ideological reasons. A complex array of peacekeeping initiatives emerged in line with the non-violent tradition, giving rise to a dichotomy between peacekeeping and war fighting. This dichotomy led to efforts aimed at trying to keep peace when there was no peace to keep. Other related trends emerged during the past century: a human rights movement and a revolution in transparency, which was brought about by the extraordinary explosion of communications. Both had a profound impact on how the politics of identity shape conflict. As the world shrinks and human rights awareness mounts, genocide comes into sharp focus.

Saul Mendlovitz raised a point that because the just war framework overwhelmingly reflects a Western perspective, it may prove constraining for some to endorse this idea wholeheartedly. Others, including Howard Adelman, expressed their uneasiness about framing the theory and practice of the United Nations within the just war tradition. The foundation of the UN is rooted as much in the peace doctrine as in just war theory.

The assumption that the maintenance of international order (i.e., the conduct of a just war) in the Middle Ages was squarely the sovereign's responsibility is false, Adelman went on to say. Instead, the sovereign was subject to a separate moral authority vested in the Church. Unlike the Church in the past, the UN does not have a separate moral authority today. It is self-constituted by member states that may or may not intervene in the international arena, bringing into focus questions related to the creation of international standards, the existence of moral and independent authority, the nature and membership of the international community, and other issues.

Tim Laurence said that even though there may not be a separate moral authority, the international community legitimises or condemns actions through *post facto* evaluations, as was the case in the aftermath of the Kosovo intervention. In this sense, NATO may have felt it had moral authority to intervene and the international community gave its actions moral approval, despite the structural barriers at the Security Council. In a similar vein, Steven Haines insisted that the decision to resort to force is legitimate when made within the international community collectively. The collective nature of decision making alleviates fears about potential abuse of power (i.e., neo-colonialism) and is indispensable precisely because the criteria for intervention have not been clearly mapped out. Nevertheless, the link between moral and legal considerations should be addressed better.

There is a need for individual states to be aware of risks and be able to react to them. However, when the UN fails to act collectively, it is important that member states recognise their obligations, said Haines. "States cannot hide behind the inherent political shortcomings of an organisation that they themselves created, in order to avoid meeting their broader legal obligations." The just war framework brings into focus states' third-party obligations (as formally acknowledged in the *Genocide Convention*) to intervene when there is substantial *prima facie* evidence of genocide being, or about to be, committed. Considerations which should be brought into play include: