

NOTES:

¹ The experience of the ad hoc Tribunals on the former Yugoslavia and Rwanda shows that charges of genocide may be hard to prove, and individuals suspected of genocide may more easily be convicted, and more readily indicted, on the related but broader charges of crimes against humanity. As defined in the Rome statute, crimes against humanity are specific atrocities "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." Even more restrictively, such an attack must be a better of state or organizational policy. This definition sets a high threshold for establishing crimes against humanity, and it is to be hoped that the Court will interpret its mandate broadly in this area.

² On Bosnia, see Misha Glenny, "Yugoslavia: The Great Fall," New York Review of Books (March 23, 1995); and his "Letter from Bosnia: The Age of the Parastate," The New Yorker (May 8, 1995); and see David Rieff, Slaughterhouse: Bosnia and the Failure of the West, New York: Simon and Schuster, 1995, p. 22. On Rwanda, see Helen Fein, "An Interview with Alison L. Des Forges: Genocide in Rwanda was Foreseen and Could Have Been Deterred," in Fein, ed., The Prevention of Genocide: Rwanda and Yugoslavia Reconsidered (A Working Paper of the Institute for the Study of Genocide, 1994). See also Milton Leitenberg, "U.S. and U.N. Actions Escalate Genocide and Increase Costs in Rwanda," in the same volume; and Leitenberg, "Rwanda, 1994: International Incompetence Produces Genocide," Peacekeeping and International Relations (November/December 1994).

⁴ This discussion of assertive safe havens is largely drawn from a statement to the editor "Safe Havens in Bosnia," New York Review of Books (May 13, 1993), from the Citizens' Committee on Bosnia-Herzegovina. The senior author was a member of that committee and helped to formulate the proposal presented in that statement.

⁵ The following discussion draws on material presented in Robert C. Johansen and Saul H. Mendlovitz, "The Role of Enforcement of Law in the Establishment of a New International Order: A Proposal for a Transnational Police Force," Alternatives VI(1980), 320-24; and Saul H. Mendlovitz and John Fousek, "Enforcing the Law on Genocide," Alternatives XXI (1996), 237-258.

⁶ Carl Kaysen and George W. Rathjens, "Send in the Troops: A UN Foreign Legion," Washington Quarterly (Winter 1997). See also Lionel Rosenblatt and Larry Thompson, "The Door of Opportunity: Creating a Permanent Peacekeeping Force," World Policy Journal (Spring 1998).