

III THE DECISION TO DEPLOY

The actual decision for deploying U.N. constabulary personnel should be delegated to the Secretary General by the Security Council. This would be a major departure from the existing system. We will now sketch out the manner in which the Secretary General's authority would be defined and implemented.

- (i) **Early warning.** As an initial matter, an early warning system needs to be developed to provide guidelines for when the police force would be brought onto the scene. Bosnia and Rwanda provide perhaps the most notorious cases where early warning signs existed but went essentially unheeded.³ An International Crime Watch Advisory Board(ICWAB) should be established under the Secretary-General of the United Nations. This Board should be charged both with developing a detailed early warning system to identify advance signs of any incipient episodes of genocide or other crimes against humanity, monitoring conflict situations in which even a latent threat of these crimes seems present, and overseeing the Constabulary's activities to protect against potential abuse of police powers. In these tasks, this new Board should work in conjunction with transnational citizens' groups, such as Human Rights Watch and Amnesty International, already engaged in similar pursuits.

The ICWAB could be established and selected by the Security Council, and would be composed of respected, senior members of the world diplomatic community. Its membership should be constitutionally structured to ensure adequate representation of the world's cultural, socio-economic, linguistic and religious diversity, and to prevent it from serving simply as a policy instrument of permanent members of the Security Council.

- (ii) Following an investigation of any situation involving a threat or genocide or crimes against humanity, the ICWAB could make a recommendation to the Secretary General to deploy a UN Constabulary. The Security Council would have an advisory but not a mandatory role. The ultimate authority to deploy would be vested in the Secretary General as the chief executive accountable to the member states. The Secretary General would have authority, delegated by the Security Council, to deploy the constabulary in two situations:

- First, when individuals have been indicted on charges of genocide or crimes against humanity by the prosecutors of the ICC. In cases where genocide or other crimes against humanity do occur, the creation of the International Criminal Court will make available a new and very clear set of guidelines for deciding when to deploy a UN Constabulary. Under the Rome Statute, the prosecutors of the Court will have considerable independence to issue indictments for individuals they reasonably suspect to have committed any of the crimes under the Court's