

(iii) **Genocide, Humanitarian Intervention and International Law**

Author: Steven Haines

Steven Haines suggests a paradigm shift in the concept of humanitarian intervention, based on established jurisprudential theory and evolving human rights law. The concept of the right to intervention in cases of crimes against humanity should be replaced by the concept of an obligation to intervene, related to a duty to the victims. The concept is ground breaking, but in tune with the evolution of public opinion and of international customary law. Nor is it an abstract concept removed from political reality. The conditions of the just war, which were updated and repeated in the UN Charter, ensure that political realism is an integral part of any decision to act forcibly. Both the just war tradition and the UN Charter emerge from a marriage of idealism and *realpolitik*. Without such a marriage our endeavours are sterile.

(iv) **Humanitarian Assistance and Military Intervention: Future Roles, Future Prospects**

Author: Tim Laurence

Humanitarian assistance and military intervention represents two contrasting traditions, and are uneasy bedfellows. Nevertheless they are necessary bedfellows, and neither can exclude the other. Much confusion has been caused in previous operations by failures of communication between these two bedfellows. Tim Laurence, working on the basis of a careful analysis of past intervention, makes a forceful and coherent set of recommendations for strengthening this relationship. Above all, there must be firm political control at the apex of the political-military-humanitarian triangle embodied in the key post of Special Representative of the Secretary-General. Tensions will not be eliminated, but vastly improved cooperation is possible with a clearer definition of tasks. Both the humanitarian organizations and the military share an identical long-term objective, which is the restoration of a condition of peace, stability and justice.

(v) **A UN Constabulary To Enforce Law and Crimes Against Humanity**

Authors: Saul Mendlovitz and John Fousek

An embryo international criminal court now exists with responsibility for genocide and crimes against humanity. However, an international criminal court cannot function unless it has an associated constabulary with the responsibility of preventing crime and arresting and punishing criminals. Such a constabulary would be complementary to but in no way replace other enforcement mechanisms such as military intervention forces. It would however present less political obstacles, at least in the early stages, and be less expensive. It is clear that the functions of the constabulary must be performed by someone, and that the time to begin to build an