JUST WAR AND GENOCIDE

THE OTTAWA PAPERS

8-9 December 2000

EDITOR: STAN WINDASS
COORDINATOR: IRENE SAGE

JUST WAR AND GENOCIDE

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VENUE

DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE
125 SUSSEX STREET, OTTAWA, ONTARIO K1P 5G4

AGENDA

FRIDAY 8 DECEMBER

0900   Opening Session:
- Welcome by Steven Lee, Canadian Centre for Foreign Policy Development
- Programme Overview, Stan Windass, Foundation for International Security

09.30-10.15   Session I
Stan Windass:
- **Just War and Human Rights**
- The United Nations: A Problem of Authority by Brian Urquhart.

10.15-10.45   Coffee

10.45-12.45   Session II
Steven Haines:
- **Genocide, Humanitarian Intervention and International Law**

Tim Laurence:
- **Humanitarian Assistance and Peacekeeping: Future Roles, Future Prospects**

12.45-2.00   Lunch

2.00-3.30   Session III
Barbara Harff and Ted Robert Gurr:
- **Genocide and Politicide in Global Perspective: The Historical Record and Future Risks**

3.30-4.00   Coffee

4.00-5.30   Session IV
Saul Mendlovitz and John Fousek:
- **A United Nations Constabulary To Enforce the Law and Genocide and Crimes Against Humanity**

7.30   Dinner – venue to be announced

SATURDAY 9 DECEMBER

09.00-10.00   Session V
Jonathan Dean
- **A Strategy For Ending War**

10.00-10.30   Coffee

10.30-12.30   Session VI
- General discussion

12.30   Sandwich lunch

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Stan Windass is Director of the Foundation for International Security, which he established as a Track II diplomacy organisation concerned with East/West security issues in the 1980s. Prior to that, he worked on a consensus-building symposium of defence experts which was published by Brassey's in 1985 under the title *Avoiding Nuclear War*. At the beginning of 1985 he launched the first Common Security Programme, which was a high level international problem-solving network in which decision makers and their advisers were involved. The FIS continues to work in the field of international peace and security building. Through quiet diplomacy it has been closely involved with peace initiatives in the Middle East and Northern Iraq. In the course of peacemaking initiatives in Cambodia, attention was drawn to the need for humanitarian action to help mine victims. This led to the formation of the Cambodia Trust of which Stan Windass was a co-founder and director from 1989-2000.

PROFESSOR TED ROBERT GURR

Ted Robert Gurr, a graduate of Reed College (1957) and New York University (1965), is Distinguished University Professor at the University of Maryland. Before joining the Maryland faculty in 1989 he taught at Princeton University (1967-69), Northwestern University (1970-84, serving as department chair in 1977-80), and the University of Colorado. He has written or edited twenty books and monographs including the award-winning *Why Men Rebel* (1970), *Violence in America* (1969, 1979, 1989, with Hugh Davis Graham), *The Politics of Crime and Conflict* (1977), and *The State and the City* (1987, with Desmond S. King).

Professor Gurr founded and directs the Minorities at Risk project, based at the University of Maryland's Center for International Development and Conflict Management, which tracks and analyzes the status and conflicts of some 300 politically active communal groups throughout the world (see www.bsos.edu/cidcm/mar). The project has provided the basis for most of his recent publications including *Minorities at Risk* (1993), *Ethnic Conflict in World Politics* (1994, with Barbara Harff), and *Peoples versus States: Minorities at Risk in the New Century* (2000).

In 1993-94 Professor Gurr was president of the International Studies Association and in 1996-97 he held the Swedish government's Olof Palme Visiting Professorship at the University of Uppsala. Since 1994 he has been senior consultant to the White House initiated State Failure Task Force.

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PROFESSOR BARBARA HARFF

Barbara Harff received her Ph.D. in political science, with specialties in international relations, comparative politics, and jurisprudence and international law, from Northwestern University in 1981. She held faculty positions at LaTrobe University in Melbourne, Australia, and the University of Colorado before joining the political science faculty at the U.S. Naval Academy in 1986. She was promoted to full professor in 1996. In Spring 1993 she was on sabbatical leave with an appointment as PIOOM fellow at the Center for the Study of Social Conflicts, University of Leiden. In 1996-97 she was awarded a senior research professorship by the Swedish Government's Council for Research in the Humanities and Social Science, which she held at Uppsala University's Department of Peace and Conflict Research.

Professor Harff's books include *Genocide and Human Rights: International Legal and Political Issues* (1984) and, with T. R. Gurr, *Ethnic Conflict in World Politics* (1994). She also has written more than three-dozen articles, chapters and monographs on the international and comparative dimensions of massive human rights violations. Much of her work explores the relationship between ethnic conflict and humanitarian disasters, such as genocide and political mass murder (politicide), and analyzes how to respond to and constrain intra-national aggression. Her current research is concerned with early warning of genocide and politicide. Since 1996 she has been a senior consultant to the State Failure Task Force, established at the initiative of Vice President Gore to develop empirically based early warning models of political crises. Recently she has prepared data-based analyses of the preconditions and accelerators of genocide and politicide for the Task Force, for use by the Clinton Administration's new center for early warning of humanitarian crises.

LT GEN SATISH NAMBIAR PVSM AVSM VRC INDIAN ARMY (RETD)

Born on 30 Aug 1936 in Mumbai, Lt Gen Satish Nambiar was commissioned as an infantry officer into the Indian Army in December 1957. He saw active service in Jammu and Kashmir, participated in counter insurgency operations in the Northeast, and in the 1965 and 1971 operations in the sub-continent. He held command and staff appointments at various levels: he commanded two battalions of the Maratha Light Infantry, raised and commanded a mechanized brigade and later a mechanized division. A graduate of the Australian Staff College, he served with an Indian Army training team in Iraq, and as the Military Adviser at the Indian High Commission in London.

Lt. Gen. Nambiar was the Director General of Military Operations at Army Headquarters in New Delhi, during which period he led two defence delegations for talks with Pakistan. He was deputed as the first Force Commander and Head of Mission of the United Nations forces in the former Yugoslavia, and set up and ran the Mission from 03 Mar 92 to 02 Mar 93. Declining an offer of extension, he returned to the rolls of the Indian Army and retired as the Deputy Chief of the Army Staff on 31 Aug 94. Lt. Gen. Nambiar is currently Director of the United Service Institution of India, and continues to take keen interest in matters of national and international security, peacekeeping operations, and international relations.

COMMANDER STEVEN HAINES ROYAL NAVY

Commander Steven Haines first joined the Royal Navy in 1971 and spent ten years as a Regular Officer and five years as a Mine Warfare specialist in the Reserve. Awarded a PhD by Aberdeen University in 1993, he has since carried out further post-graduate studies in International Law at King's College London.

From 1995 to 1998 he served on the Naval Staff in Whitehall with responsibility for maritime doctrine, future concepts and operational analysis. He ran the RN Delegation to the annual RUKUS Talks with Russian and UDS navies in Newport, Rhode Island in 1997 and St Petersburg in 1998. He also travelled extensively within the former Soviet Union as part of the Naval Staff's contribution to Defence Diplomacy. In 1998 he was re-appointed within the Ministry of Defence to be the RN member of the Joint Defence Centre Study Team, which established in September 1999, the new Joint Doctrine and Concepts Centre (JDCC) at Shrivenham

Steven Haines was author of the latest edition of the RN's military-strategic level doctrine (*BR1806: British Maritime Doctrine*) published in May 1999. He is a member of the Greenwich Forum and has been on the committee of *Naval Review* since 1992. Alongside his professional duties he maintains an active academic career that is currently focussed on writing the RN's *Handbook on the Law of Maritime Operations* and teaching International Law for Cranfield University.

COMMODORE TIM LAURENCE ROYAL NAVY
DIRECTOR ADVANCED COMMAND AND STAFF COURSE

Tim Laurence is an Executive Branch officer in the Royal Navy who has spent most of his 27-year career either at sea or in the Ministry of Defence Headquarters in London. He took up his current post at the Joint Services Command and Staff College at Shrivenham in June 1999, after spending 2 terms at St Antony's College, Oxford, writing a paper on the relationship between Peacekeeping forces and Humanitarian Organisations (later published by RUSI as a Whitehall Paper). He has commanded the patrol boat CYGNET (1981/82), and the frigates BOXER (1989/90), CUMBERLAND (1995/96) and MONTROSE (1996/97). From the latter vessel he also commanded a squadron of 7 Type 23 (Duke Class) frigates. MOD appointments include Military Director of the Strategic Defence Review Implementation Team (1998), Assistant Director in the Naval Staff (1997/98), Assistant Private Secretary to the Secretary of State (1994/95) and a desk officer in the Directorate of Navy Plans (1992/94). He served as Equerry to Her Majesty The Queen from 1986 to 1989.

SAUL H. MENDLOVITZ

Saul Mendlovitz is currently Dag Hammarskjold Professor of Peace and World Order Studies at Rutgers School of Law-Newark and Co-Director, World Order Models Project. He is in the Steering Committee of Global Action to Prevent War, Genocide and Internal Armed Conflict. He is participating in transnational coalition, Global Action to Prevent War, Genocide and Internal Armed Conflict where he is a member of drafting committee. He teaches on Seminar on Genocide, International Law and a Just World Order, and Law and Humanities. Saul Mendlovitz is a Board Membership of the Arms Control Association, Global Education Associates, Lawyers Committee on Nuclear Policy, International Association of Lawyers Against Nuclear Arms, UN Representative: The International Peace Research Association; The International Association of Lawyers Against Nuclear Arms; and The World Federation of Future Studies.

Recent publications include: *The Prospects for Abolishing War: A Proposal for the Twenty-First Century*, Vol. 52, Rutgers L.Rev, 621-648 (2000); *A UN Constabulary to Enforce the Law on Genocide and Crimes Against Humanity*, Saul Mendlovitz and John Fousek. Chapter 6, Protection Against Genocide; Mission Impossible (2000); *An Affirmative Appraisal of the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons* (with Merav Datan) (1998); Judge Weeramantry's Grotian Quest (with Merav Datan) (1997); and *Preferred Futures for the United Nations*, with Burns Weston (1995). Forthcoming publications: Defensive Security, International Physicians for Social Responsibility; The Realization of PAX United Nations, Hyung Hee University, South Korea

JOHN FOUSEK

John Fousek is Executive Director of the World Order Models Project and Associate Director at the Center for Global Change and Governance, Rutgers University.

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BRIAN URQUHART

Brian Urquhart was scholar-in-residence in the Ford Foundation's International Affairs Program from 1986 to 1996. From 1939 to 1945 Sir Brian served in the British army in infantry and airborne units in North Africa and Europe. His UN career began with the birth of the institution itself – from 1945 to 1946 he was personal assistant to Gladwyn Jebb, he executive secretary of the Preparatory Committee of the United Nations in London. He held many posts in his 40 years with the UN; he was personal assistant to Trygve Lie, the first Secretary-General, for three and a half years, and from 1954 to 1971, during the tenure of Ralph J. Bunche, he served in various capacities in the Office of the Under Secretary-General for Special Political Affairs, which dealt with peacekeeping and conflict control.

In 1974 Sir Brian was appointed Under-Secretary-General for Special Political Affairs, a post he held until his retirement. Among his responsibilities was the direction of peace keeping operations and negotiations in Cyprus, the Middle East, Namibia and other conflict areas.

The most recent of his many books are *Ralph Bunche: An American Life* (1993) and (with Erskine Childers) *Renewing the United Nations System* (1994) and *A World in Need of Leadership* (1996).

AMBASSADOR JONATHAN DEAN

Former Ambassador Dean, now adviser on International Security Issues to the Union of Concerned Scientists, has worked mainly on national security, European security, nuclear arms control and international peacekeeping. He was United States Representative to the NATO-Warsaw Pact force reduction talks in Vienna (the MBFR talks) between 1978-1981, having served as Deputy US Representative from the beginning of these talks in 1973. Before that, he was deputy US negotiator for the 1971 Four Power Berlin Agreement with the Soviet Union that ended three decades of dangerous East-West wrangling over Berlin.

Ambassador Dean began his Foreign Service work in 1950, subsequently serving as desk officer for East Germany in the Department of State, as First Secretary at the American Embassy in Prague, as Principal Officer and Consul in Elisabethville, Katanga and as Deputy Director of the United Nations Political Affairs in the Department of State where he worked on peacekeeping and economic sanctions. He participated in negotiations lading to the Four Power Agreement in Berlin and in 1973 moved to the Vienna negotiations on Mutual and Balanced Force Reduction. In 1982 joined the Carnegie Endowment for International Peace as Resident Associate for arms control and European security issues. In 1984, he joined to the Union of Concerned Scientists one of the largest public interest organizations working on issues of environmental and international security. He has written extensively on national security policy, arms control, peacekeeping, and European security problems.

DR IRENE SAGE

Irene Sage is Deputy Director of the Foundation for International Security and has extensive academic, field and administrative experience in international relations with special expertise in food security, community development and conflict resolution. In 1997 she was Research Associate at the University of Kent at Canterbury, and prior to that Deputy Director of the MICOM, an international consortium of experts in the fields of community development and conflict resolution established MICONI, an NGO whose purpose was to initiate and sustain embryonic community development and conflict resolution in Moldova/Transdniestria. She was Manager for Research and Administration, Centre on Foreign Policy and Federalism, University of Waterloo/Wilfrid Laurier University (1982-91) and Administrative Coordinator, Waterloo-Laurier Centre on Soviet Studies (1989-91). Irene is a Canadian citizen of Russian (Ukrainian) background currently resident in the UK.

PAPER 1

JUST WAR AND HUMAN RIGHTS

Author: Stan Windass

I   JUST WAR AND PEACEKEEPING: TWO TRADITIONS IN TENSION

What is the world community to do when faced with a calculated act of aggression which constitutes a crime against humanity? It has happened many times and it will happen again. Though we may not have the answers yet we cannot evade the question.

(i)   There is a dichotomy between peacekeeping and war fighting. The two simply do not mix. War and peace are different modalities, and obey different rules. The rules of war follow the inexorable logic of war, as established in millennia of traditions from Sun Tzu to Clausewitz. Failure to understand the transition from peace to war is a sure recipe for defeat. This is how Kofi Annan perceives this underlying dichotomy:

> 'With the benefit of hindsight, one can see that many of the errors the United Nations made flowed from a single and no-doubt well-intentioned effort: we tried to keep the peace and apply the rules of peacekeeping when there was no peace to keep. Knowing that any other course of action would jeopardize the lives of the troops, we tried to create - or imagine - an environment in which the tenets of peacekeeping - agreement between the parties, deployment by consent, and impartiality - could be upheld. We tried to stabilize the situation on the ground through ceasefire agreements, which brought us close to the Serbs, who controlled the larger proportion of the land. We tried to eschew the use of force except in self-defense, which brought us into conflict with the defenders of the safe areas, whose safety depended on our use of force.' [1]

Whatever our views about the responsibility for the events leading up to the tragedy of Srebrenica, the response of the world community at that time was a devastating failure, which devalued the UN in the eyes of all threatened peoples. It generated a crisis of conscience to which we must respond. We are on an ice face, and we must climb up or descend into barbarism.

(ii)   Behind the contradictions in UN policy which the Secretary General identified lies a much more profound polarity which is as old as western civilization.

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On one side of this polarity is the just war tradition, which enshrines the belief that war is a necessary instrument of justice in the global community of nations. The central concept of the Just War tradition, most clearly expressed by Thomas Aquinas in the thirteenth century, was that war is regarded as an instrument of justice in the international community. The concept depends on a comparison between the internal life of a nation, in which individuals are ruled by the State, with the life of the international 'community', in which states themselves are like individuals (though there is as yet no world State).

The logic is compelling. In the international community, as in the national one, there must be order. Internally, every state finds it necessary to have some system of judicial restraint and punishment in order to restrain its criminals; clearly, someone must do the same job in the international community. But in the international community, there are 'sovereigns' - that is, states of princes who are, by definition, supreme; and as they have no superiors, no one could keep order if they did not do so. Therefore sovereigns must have a right of duty of judicial restraint and punishment in international matters, just as they have in internal matters. The only alternative would be international anarchy. This idea gives positive status to war as an instrument of justice; and, in spite of all the careful restrictions as to its use, this is the central light which illuminates the whole system.

(iii) **The 'conditions' of the just war are best understood under the three categories of St Thomas: legitimate authority, just cause and right intention.** There must be legitimate authority: that is, the war must be declared by a genuinely **sovereign** state, since this is the basis of the whole system, and only sovereigns have judicial capacity. There must be a **just cause**: that is, a crime must have been committed, a grave right violated, for which there is no remedy other than war. Finally, there must be **right intention**: that means that the warring state must **intend** to promote the good and avoid the evil - and under this last condition we could group the **'rules of proportionality'**, which require the sovereign to weigh up the possible good results of the war against the possible evil results. The sovereign must decide whether victory itself is probable enough to justify such a dangerous means of achieving it.

(iv) **The second side of the polarity in western civilization is the tradition of nonviolence.** Outside the United Nations headquarters in New York is a magnificent bronze emblazoned with the prophecy from Isaiah which envisions the time when 'swords shall be beaten into ploughshares, nation will not lift up hand against nation, neither shall they make war any more'. The just war tradition seems dry and inhumane in comparison with the deep resonance of the prophetic anti-war tradition. In Christianity the anti-war tradition has its roots in the New Testament and the martyrdom of Jesus Christ. This is taken as the ultimate proof that non-violence is a greater

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power than violence, and the practical lesson which was embedded in the Easter story was that 'He who takes the sword shall perish by the sword'.

(v) **As long as Christianity was a protest movement within the Roman Empire the pacifist tradition was dominant, and for centuries Christians could not undertake military service**. However, when Christianity became more 'respectable' and eventually, under Constantine, the official religion of the Roman Empire, there had to be some accommodation to political realities. Nonviolence might be a sustainable position for an individual, but difficult for a vast empire surrounded by hostile forces. The Just War tradition emerged out of this tension between the ideal of pacifism and political reality.

(vi) **Great cultural traditions are never discarded. They remain part of us, the raw material for the future.** The non-violent tradition remained very much alive, and eventually gave rise to the political and legal humanitarian movement which took shape in the Hague Conventions at the beginning of the nineteenth century. One of the original inspirations of the humanitarian international-law tradition was the work of Henri Dunant, a Genevan who had seen the suffering of wounded soldiers on the battlefield who were deprived of medical care.

In accord with this original inspiration, the humanitarian tradition was not at all concerned with just wars. It was concerned rather with the injustice manifested in all wars. A central concern of international regulations has always been subjects like the treatment of prisoners, the treatment of wounded, the treatment of noncombatants, the conduct of neutral states - all those problems, in fact, which were peripheral for the just-war theorists; problems which they touched on very lightly, if at all.

(vii) **The sharpest contrast in the manner of treating these subjects between the just war and the humanitarian tradition was in the question of neutrality.** Instead of being a regrettable situation in which some nations find themselves uninformed, neutrality in international law acquires a privileged and assured status. Neutrals have international privileges of inviolability, and must observe a strict code of conduct in return for these privileges. In the just war tradition on the other hand, the rules drawn up depend entirely on the judge-criminal relationship. Strictly speaking, there are no general 'rules of warfare'; there are only rules for the conduct of war by the just side. So far as the just side is concerned, it must not do unnecessary harm, but at the same time it must not neglect its function as judge and punisher. Neutrality in a just war is wrong. It is like being neutral when you are a witness to a serious crime.

The fact is that the two traditions in some ways start from diametrically opposed viewpoints. The just-war theory, for all its restriction, remains essentially a theory regarding the **justice of war** and the sovereignty of nations, whereas the anti-war tradition, from the very necessity of effectiveness, starts from an implicit assumption of the **injustice of war** and the interdependence of nations.

(viii) **The difficulty with the humanitarian anti-war tradition has always been that it does not take *realpolitik* seriously enough.** The focus on saving lives and exclusively humanitarian intervention in conflict is noble and prophetic, but the logic of war dictates that the humanitarian intervener will become a pawn in the war game, seen by either side as a means to the end, which is victory. The difficulty with the Just War tradition has always been that it invites "sovereigns" to become both judges and executioners in their own cause.

(ix) **The United Nations in its theory and practice over the past fifty years has incorporated both conflicting traditions.** The Security Council was in its foundation essentially in the just war tradition. It was an alliance of the victorious powers to enforce the world's peace. For the first time in history there was to be an undisputed legitimate authority for enforcement action. There was due process for identifying and judging criminal states, and a joint military command for restraining them by force if necessary. All this was enshrined in Chapter 7 of the UN Charter, under the heading of enforcement action.

(x) In fact, the Security Council as world peacekeeper was stillborn. The Cold War split it down the middle, and the opposing sides divided the Security Council. The opposing sides had a much deeper commitment to their ideology than to enforcing global justice through the United Nations. What did emerge, from the General Assembly rather than from the Security Council, was a complex array of peacekeeping initiatives which depended entirely on the consent of the conflicting parties, on the principle of non-intervention, mediation and on humanitarian relief. **All this activity was very much in line with the non-violent tradition, and bypassed both the just war theory and the original concept and purpose of the Security Council.**

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II   GENOCIDE

(i)   **During the past century a third force, the human rights movement, has emerged which combines the energies of compassion embodied in the non-violent tradition and the structural energies of the just war tradition.** In the generation following the Second World War the crime of genocide - the systematic killing of large groups of human beings because of their race or belief - was largely identified in public consciousness with the Holocaust. During the Second World War the Nazi regime in Germany, under the leadership of Adolf Hitler, undertook the destruction of the Jewish people in Europe. Destruction of the Jews in concentration camps was proclaimed as the final solution of the Jewish problem. During the war over six million Jews - men, women and children - were killed in accord with the deliberate policy of the Third Reich and in pursuit of this 'final solution'. Images of piled-up and wasted human bodies: the living hardly distinguishable from the dead, waiting to be fed into the furnaces of Auschwitz, were seared into the consciousness of our society and left an indelible mark. Genocide was identified with the Nazis and, more broadly, with the Fascists, the defeated enemy of the triumphant allies.

(ii)   The victorious powers initiated criminal proceedings against the vanquished, and established a new category of **'Crimes Against Humanity'**, in which genocide was included, and the surviving leaders of the Third Reich were duly tried and punished by the International Tribunal in Nuremberg.

(iii)   **The Nazi regime functioned for a while as a suitable scapegoat, but in the past half-century many other images of genocide have forced their way into our consciousness.** One of the victorious allies, the regime of Joseph Stalin, turned out to be responsible for the deaths of between 500 000 and 1 100 000 of his own Soviet people, tortured and executed and often starved to death in the frozen wastes of Siberia because they were politically incorrect. In 1988 Saddam Hussein's henchmen (still in power) dug holes in Northern Iraq ten meters square and three meters deep; then lined up Kurdish people (equal in dignity and rights) beside the pits, shot them, and bulldozed the mass graves without checking that all were dead (the rare survivors bear witness). In 1994, a genocidal war erupted in Central Africa between the Hutu and the Tutsi in the course of which between 500 000 and 1 000 000 Tutsis (1993, 50 000 Hutu) were systematically massacred. A Catholic Church in which thousands of terrified women and children had taken refuge in 1994 was turned into a slaughterhouse from which there was no escape. Ten years later, a similar tragedy was enacted in East Timor, where a church full of East Timorese were massacred and incinerated by Indonesian militia as part of a systematic scorched earth policy to 'teach the East Timorese a lesson' for voting for independence.

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(iv) **We can no longer rest comfortably on the assumption that such behavior is a freak of history** which was eliminated by the victory of the forces of light at the end of the Second World War. Neither can we blame all genocide on fascism, on barbarism, or on religious belief. Uncomfortable as it is, we have to accept that genocide and the potential for genocide is part of the human condition. And that means part of us.

To an extent we do not like to acknowledge, the political landscape which we inherit has been shaped by war, and war and genocide have always been close companions. The sacking of cities was not invented in the second millennium AD, but in the fourth millennium BC. Victorious armies celebrated in the classical epics of Greece and Rome had no compunction about 'putting to the sword' entire populations identified as alien and hostile to the conquering powers. And what of ourselves - our own recent and glorious history? What would have been the outcome had Winston Churchill been indicted for war crimes in connection with the systematic incineration of the city of Dresden in Germany in 1944, at a time when it was known to be packed with tens of thousands of refugees fleeing from the Russian onslaught in the East?

And what of the United States? How did it come about that there were 50 million Indians in North America at the beginning of the expansion to the West, and only 100 000 at the end? And, in much more recent history how close was the collusion between the USA and genocidal regimes in Central America where crushing the communist menace was seen as the paramount security objective of US policy?

(v) **War is about identity – such as imposing a dominant identity through conquest, breaking free from a dominant identity through wars of liberation.** War and genocide are as old as civilization. The history of civilization as seen from outer space would be a turmoil of competing empires, cultures, identities, periodically devouring each other and amalgamating, and then exploding in fragments. The motive power of this turmoil has been war, and it has frequently been accompanied by the shadow of genocide.

Genocide is the flip side of an affirmation of identity. When tribal identity is at stake there is an almost irresistible biological force which causes the warring tribes to perceive the enemy as alien - as not really belonging to the same species, but fundamentally evil or corrupt and therefore to be destroyed. They are usually given dehumanizing hate names like Huns (Germany) in the Second World War, or 'Slants' (Vietnamese) in the Vietnam War. Such feelings are potentially present in us all.

(vi) **This is however just one half of the picture. The age of the empire has abruptly come to an end.** The world is shrinking in size through the

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extraordinary explosion of communications. The globe is becoming a village. Satellite communications and information sharing have generated a transparency revolution which has changed totally and irreversibly the space and territory which we inhabit. Artificial state boundaries have been frozen, creating ethnic stress for which there is no longer any resolution by war and bloodshed.

(vii) **In parallel with this revolution in transparency is a massive spiritual shift manifested in the human rights movement.** The depth and scope of this movement cannot be overestimated. The central pillar of the human rights movement, resonating down the centuries from the time of the French Revolution and the American Declaration of Independence, and enshrined after the Second World War in the first article of the Universal Declaration of Human Rights, is that 'All human beings are born free and equal in dignity and rights'.

This is in essence the countervailing force that is being mustered against genocide. In the human rights perspective, there is no more fundamental right than the right of life. There can be no more radical assault on universal human rights than the systematic slaughter of a group of human beings because of their ethnic origin, political affiliation or beliefs. This is indeed the archetypal crime of crimes in the human rights perspective. If this is tolerated or condoned anywhere in the world, then the whole human rights edifice is undermined.

(viii) **The human rights movement however is not just a juridical theory. It is a new perception, a 'paradigm shift', in response to the shrinking world and the end of empire.** Seen in another context, it is an explosion of compassion; breaking out of the confines of nationalism and local identity and flooding out to the furthest corners of the globe. Compassion and the human rights movement are basically an assertion that there is only one tribe, and that its home is the planet.

(ix) **This paradigmn shift carries political impact. The world's public in democratic countries is increasingly vociferous in its demand for action when confronted with images of human suffering,** especially when this is caused by genocidal activity. It does not matter whether the victims are Serb or Albanian, Hutu or Tutsi, white or black, Moslem or Christian. The demand for action is insistent and political leaders ignore it at their peril.

It is worth recalling that at the height of the Vietnam War, in 1972, the American public was rocked by a press photograph of a naked nine year-old Vietnamese girl fleeing in terror from her village, burning with napalm that had been dropped by US bombers, in an act of territorial cleansing. The impact of that one photograph was immense, and could be seen as a turning point in the war. The universal perception was that this child was reaching

out for our help. This child was our child. A quarter of a century later when this same child, Kim Phuc then 34 years old, appeared at a mass rally of Vietnam Veterans in the Mall in Washington, tears fell like rain.

(x) **The world is in a state of transition. The transition is profound, rapid, disorientating. It is essentially a transition from a many-tribe culture to a one-tribe culture. There are no longer any aliens.** This transition will not be achieved without pain, and it will take generations. But the transition is taking place, and it is irreversible. It is a metamorphosis as radical as that which takes place when a caterpillar changes form and becomes a butterfly. In the chrysalis phase, which is in between, the caterpillar dissolves into a kind of biochemical soup which appears to have no structure. Yet there is a starting point and an end point, and there is a simultaneous process of destruction and building. We are in such a chrysalis phase.

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III   WORK IN PROGRESS

We need vision, and we need prophets. Without them we have nothing to aspire to, and no sense of direction. Nothing however can be a greater mistake than to imagine that the evolution is complete when we are still in the chrysalis phase. Everything we do must lead towards the end point, which is in this case the total abolition of war. The end is achievable, perhaps in a shorter time than we think. But in the meantime, there is a great deal of hard work to be done. The transformation is by no means automatic but depends on sustained endeavor and on the ability to hold a vision while coping with all the chaotic messiness of *realpolitik*.

The following chapters outline work in progress, and provide an agenda for the beginning of the millennium.

(i)   **Genocide and Politicide in Global Perspective: The Historical Record and Future Risk**
Authors: Barbara Harff and Ted Robert Gurr

If we are serious about tackling the problem of genocide we must first of all make sure we now exactly what we are talking about. Barbara Harff and Ted Robert Gurr apply a rigorous sociological discipline to defining and analyzing the problem as a prerequisite to purposeful action. They first of all draw attention to the scale of the problem and provide clear and workable definitions. They then develop a structural model for the preconditions of genocide and politicide, and identify accelerators and decelerators in at-risk situations. Finally applying their defined criteria they identify current high risk cases and point the way forward from early warning to early response. Their work is an essential basis for systematic preventative action.

(ii)   **The Military Dilemma: Lessons from Experience**
Author: Satish Nambiar

General Satish Nambiar speaks with the authority of experience, derived from his service as Field Commander in the most tragic and confused of UN interventions, in former Yugoslavia. He records in detail the problems which he faced, and presents a series of powerful structural recommendations for future intervention Prominent among his recommendations are the need for structural reform of the Security Council, proper definition of mandate, clear command and control, and the availability of resources necessary for the carrying out of mandates.

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(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

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inappropriate structure is now. The authors do us a service by examining the conceptual basis and the practicalities of launching this initiative.

(vi)   **The UN: A Problem of Authority**
         Author: Brian Urquhart

Speaking from the vantage point of Secretary-General for Special Political Affairs in the UN for 20 years, Brian Urquhart provides a masterly overview of the history of UN peacekeeping operations since 1945. He explains how the global peace enforcement concept established by the alliance of victors in World War II collapsed because of the Cold War, and the confusing compromise of peacekeeping by consent emerged in its place. The sudden end of the Cold War in 1990 caused an intervention euphoria, in which forceful interventions were carried out almost indiscriminately and with totally inadequate planning and resources. This short-lived euphoria evaporated leaving behind a "morning after" cynicism. While making forceful suggestions about steps to be taken in the immediate future, Brian Urquhart insists that no substantial progress can be made without a shift in attitudes to sovereignty. There cannot be any effective global peacekeeping without some pooling of authority in relation to enforcement measures.

(vii)   **A No War Strategy**
         Author: Jonathan Dean

Jonathan Dean has dedicated most of his life to the intricacies of arms control. In this paper he presents a thirty-year strategy aimed at the virtual elimination of war from human history. He puts the problem of just war and genocide into a wider context which includes disarmament and the creation of the structures of world security. While respecting the many diverse objectives being pursued individually by governments and NGOs, he believes that they will be far more effective if combined into a global strategy with a long-term vision. The energy to make such a strategy effective must come from a coalition between governments and civil society. He draws attention to Global Action to Prevent War, an international initiative which is developing precisely such a long-term vision, and describes the detailed proposals for action which it is at present developing.

(viii)   **Regional Peacekeeping Organisation**

Ambitious programmes for developing UN forces seem at present unrealistic given that the UN is over three billion dollars in debt and that most member states refuse to renounce any element of sovereignty over their armed forces. However, regional peacekeeping organizations such as NATO,the Organization of American States and (potentially) the S.E. Asia Treaty Organization are provided for in the UN Charter and they have been effective. Regional organizations are much more likely to take local threats to security seriously, and to dedicate forces and resources to responding to

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them. An important element of the future strategy for global peacekeeping must be to promote regional peacekeeping organisations which can act with the authorization of the Security Council of the UN.

(ix) **The Use of a Private Military Company; A Case Study from Sierra Leone** - *Jonah Schulhofer-Wohl*
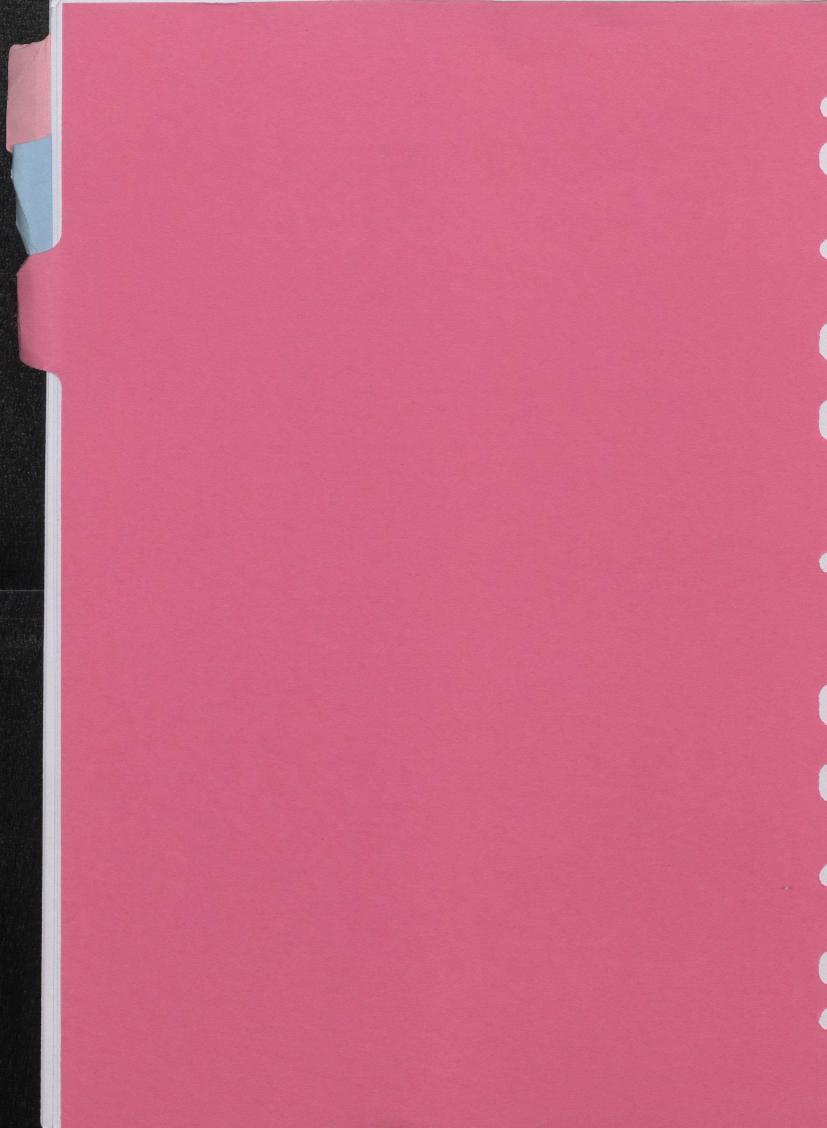
In our search for the way forward we must not close our minds to unconventional approaches. The use of a private military company in Sierra Leone in cooperation with the UN was an important learning experience. It had all the familiar benefits of discipline, focus, accountability and efficiency which politicians of all hues have become familiar with in successful delegation of authority from the public to the private sector in national affairs. We cannot neglect useful lessons from experience, and Jonah Schulhofer-Wohl has done us a service by providing an extremely well researched account of this aspect of the Sierra Leone operation.

(x) **Report of the Panel of UN Peace Operations**

The Secretary-General asked the Panel of United Nations Peace Operations, composed of individuals experienced in various aspects of conflict prevention, peacekeeping and peace-building, to assess the shortcomings of the existing system and to make frank, specific and realistic recommendations for change. Their recommendations focus not only on politics and strategy but also, and perhaps even more so, on operational and organizational areas of need. The report of this Panel is complementary to the work of the Ottawa Forum, and reinforces its conclusions. It is therefore reprinted here in full.

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[1] Report of the Secretary-General pursuant to General Assembly Resolution 53/55 (1998), Srebrenica Report, para.488.

PAPER 2

GENOCIDE AND POLITICIDE IN GLOBAL PERSPECTIVE:
THE HISTORICAL RECORD AND FUTURE RISKS

Authors: Barbara Harff and Ted Robert Gurr

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SUMMARY

This chapter is concerned with the collective victimization of ethnic, religious, national and political groups by the state or its agents. Since World War II we estimate that at least 50 genocides and political mass murders have occurred. We contend, as scholars and observers of international policy, that these crimes against humanity are preventable. It is not only the lack of political will that puts people at risk, but also the lack of timely information about the threat, magnitude, and nature of impending humanitarian crises. This chapter aims to contribute to a better understanding of what causes contemporary genocides and political mass murder. In addition the chapter summarizes some results of a recent empirical study—one designed and directed by thus — whose purpose is to help policy planners in the United States and elsewhere identify countries and groups at high risk of genocide and politicide in the early years of the new century.

PART ONE: THE HISTORICAL RECORD

DEFINITIONS

The working definition used by the first author to identify episodes of genocides parallels the Genocide Convention adopted in December 1948. Genocides and politicides *are the promotion, execution and/or implied consent of sustained policies by governing elites and their agents–or in the case of civil war, either of the contending authorities–that result in the death of a substantial portion of a communal, political or politicized ethnic group*. In genocides the victimized groups are defined primarily in terms of their communal characteristics. In politicides, by contrast, groups are defined primarily in terms of their political opposition to the regime and dominant groups.

- The Genocide Convention prohibits "killing members of the group" and "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part." The definition used in this study excludes that part of the Convention which prohibits actions "causing serious...mental harm to members of the group" because this encompasses a great many groups that have lost their cohesion and identity, but not their lives, as a result of processes of socio-economic change.

- The Genocide Convention does not include groups of victims defined by their political positions and actions. Raphael Lemkin–a tireless advocate for passage of the Convention and responsible for coining the term–did advocate the inclusion of political groups. For political reasons, however, the final draft of the Convention omitted any reference to political mass murder, not least to get the USSR and its allies to support the document. We coined the concept of politicide, now widely used by other researchers, to identify cases with politically-defined victims. Scholars who have done case studies of recent genocides argue that the Convention's definition does not fit well any major genocide since WW II. This is not surprising because the original definition is closely tied to the Holocaust. The point can be illustrated by applying the Convention's definition to the Cambodian genocide (1975-78). Most victims of the Khmer Rouge were other Khmers–real or imagined class enemies, hence politically defined groups. The genocide victims were the small Cham minority (Muslims), Vietnamese and ethnic Chinese. The episode was a politicide not a genocide, and if we were to exclude Khmers from consideration we could not account for the vast majority of the estimated 2 to 3 million victims.

GENOCIDES AND POLITICIDES SINCE WORLD WAR II

We have identified some 50 episodes of genocides and politicides since WWII that fit the first author's working definition. Table 1 identifies 46 unambiguous cases, many of which had multiple victim groups, and five possible cases. The listing identifies the country in which each episode occurred, its beginning and ending dates, the identity of victims, their estimated numbers, and the circumstances in which they were victimized. For example, Bosnian Muslims were targeted in 1992-96 primarily because they were Muslims and the episode is classified as a genocide. In contrast the Kurdish victims of the Al Anfal campaign in Iraq in the late 1980s were targeted not because the Iraqi government sought to eliminate all Kurds–many of whom serve in the Iraqi government and army–but rather because they supported a nationalist rebellion. In other words the Kurdish victims were targeted because of their political activities rather than their communal identity per se and the episode is classified as a politicide with communal victims. Other episodes in table 1 had both communal and political victims.

The episodes in Table 1 occurred in every world region, but were more numerous and claimed more lives in Asia and Africa than elsewhere. These are the regional breakdowns:

The Americas: 5 episodes with 130,000 to 300,000 victims

Middle East and North Africa: 5 episodes with 150,000 to 240,000 victims

Europe: 6 episodes with 1 to 1.7 million victims, most of them in the USSR

Africa south of the Sahara: 19 episodes with 4 to 5 million victims

Asia: 16 episodes with 7 to 14 million victims

Estimates of victims are notoriously unreliable and even where a seemingly exact figure is given in the table it almost always reflects a midpoint between high and low estimates. Using the most conservative estimates, more than 12 million noncombatants died in these episodes.

Table 1. Genocides and Politicides from World War II to 1999[1]

Country and Dates	Type of Episode	Perpetrators	Victims	Nature of Victimization	Numbers of Victims[4]
USSR:[2] 1943 - 1947	Politicide	Communist government	Repatriated Soviet nationals	Executions, forced labor under conditions leading to death	500,000 - 1,100,000
USSR:[2] 11/43 - 1/57	Genocide	Communist government	Chechens, Ingush, Karachai, Balkars	Forced deportation of suspect nationalities to remote areas under conditions of severe privation	230,000
USSR:[2] 5/44 - 1968	Genocide	Communist government	Meskhetians, Crimean Tatars	Forced deportation of suspect nationalities to remote areas under conditions of severe privation	57,000 - 175,000
China: 2/47 - 12/47	Politicide with communal victims	Kuomintang government	Taiwanese nationalists	Repeated massacres, executions of nationalists opposed to Kuomintang rule	10,000 - 40,000
Madagascar: 4/47 - 12/48	Politicide with communal victims	French colonial administration, colonial military	Malagasy nationalists	Massacres, executions, starvation	10,000 - 80,000
USSR:[2] 10/47 - late 1940s	Politicide with communal victims	Communist government, security forces	Ukrainian nationalists	Execution, deportation, imprisonment of Ukrainians thought to oppose Communist rule	?
China: 1950 - 1951	Politicide	Communist government	Kuomintang cadre, landlords, rich peasants	Executions, repeated massacres, imprisonment under conditions of severe privation	800,000 - 3,000,000
North Vietnam: 1953 - 1954	Politicide	Communist government	Catholic landlords, rich and middle peasants	Executions	15,000
Sudan: 10/56 - 3/72	Politicide with communal victims	Government dominated by Muslim Northerners	Non-Muslim Southerners	Indiscriminate violence against civilians thought to support secessionists, deaths from starvation and disease	400,000 - 600,000

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Country and Dates	Type of Episode	Perpetrators	Victims	Nature of Victimization	Numbers of Victims[4]
South Vietnam: 1958 - 4/75	Politicide	Government military and paramilitary forces	Civilians in NLF areas	Executions, reprisal killings, and bombardment of villagers thought to support the Viet Cong	400,000 - 500,000
China: 3/59 - 12/59	Genocide and Politicide	Communist government army, security forces	Tibetan Buddhists, landowners, nationalists	Executions, torture, imprisonment, forced resettlement of "counterrevolutionary elements"	65,000
Angola: 5/61 - 1962	Politicide	Portuguese colonial administration, settler militias	Kongo tribe, Assimilados	Repeated massacres, forced resettlement under conditions of severe privation	40,000
Iraq:[3] 7/61 - 3/75	Politicide with communal victims	Governments of Col. Qasim, Ba'athists	Kurdish nationalists	Military carries out repeated massacres, air attacks on Kurdish villages	30,000 - 60,000
Algeria: 7/62 - 12/62	Politicide	Militant nationalists	Harkis (French-Muslim troops), OAS supporters	Executions, destruction of homes and property of Europeans and Muslims who collaborated with French authorities	9,000 - 30,000
Paraguay: 1962 - 1972	Genocide	Government agents, vigilantes	Ache Indians	Repeated massacres, forced labor, forced resettlement	900
Rwanda: 12/63 - 6/64	Politicide with communal victims	Local Hutu government officials	Tutsi activists, peasants	Vengeance attacks and massacres prompted by cross-border incursions of Tutsi rebels	12,000 - 20,000
Zaire: 2/64 - 1/65	Politicide	Rebel government in Stanleyville	Educated Congolese, missionaries, Europeans	Repeated massacres	1,000 - 10,000
Burundi:[3] 10/65 - 12/73	Politicide with communal victims	Tutsi-dominated government and army	Hutu leaders, peasants	Widespread and systematic killings of Hutu leaders and peasants in response to Hutu resistance	140,000
Indonesia: 11/65 - 7/66	Genocide and Politicide	Right-wing Muslim vigilantes, Army	Ethnic Chinese, Communist cadres, suspected leftists	Widespread and systematic killings and imprisonment prompted by coup attempt allegedly inspired by Communists	500,000 - 1,000,000

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Country and Dates	Type of Episode	Perpetrators	Victims	Nature of Victimization	Numbers of Victims[4]
Nigeria: 5/66 - 10/66	Genocide	Vigilantes, northern-dominated military	Ibos living in the North	Massacres in retaliation against Ibos who supposedly supported an abortive coup	9,000 - 30,000
China: 5/66 - 3/75	Politicide	Red Guard youth gangs suported by a Party faction	Cultural Revolution victims	Harassment, arrest, forcible resettlement under conditions of privation, torture, and execution	400,000 - 850,000
Guatemala: 7/66 - 12/96	Politicide and Genocide	Military-dominated government, death squads	Leftists, indigenous Mayans	Death squad killings of urban activists, military massacres and summary executions of indigenous villagers	60,000 - 200,000
Equatorial Guinea: 3/69 - 1979	Politicide and Genocide	Macias government	Political opponents of Macias, Bubi tribe	Repeated massacres	1,000 - 50,000
Pakistan: 3/71 - 12/71	Politicide with communal victims	Military-dominated government	Bengali nationalists	Military imposes martial law and uses indiscriminate force against nationalists	1,000,000 - 3,000,000
Uganda: 2/72 - 4/79	Politicide and Genocide	Amin government's military, secret police	Amin's political opponents; Acholi, Karamojong, and Lango; Catholic clergy	Massacres in rural areas; summary arrests, torture, and execution in urban areas	50,000 - 400,000
Philippines: 9/72 - 6/76	Politicide with communal victims	Marcos government, army and Christian militias	Moro (Muslim) separatists	Military and paramilitary terror tactics in which many Moros die in massacres and napalm bombing	60,000
Pakistan: 2/73 - 7/77	Politicide with communal victims	Military-dominated government	Baluchi tribesmen	Indiscriminate attacks on civilian supporters of Baluchi rebellion	5,000 - 10,000
Chile: 9/73 - 12/76	Politicide	Military-dominated government, death squads	Suspected leftists	Imprisonment, torture, summary executions	20,000

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Country and Dates	Type of Episode	Perpetrators	Victims	Nature of Victimization	Numbers of Victims
Angola: 1/75 - present	*Politicide*	*Marxist government and UNITA rebels*	*Civilians*	*Government forces and UNITA use untrestrained force (bombardment, mines, killings) in areas controlled by opponents*	*500,000*
Cambodia (Kampuchea): 4/75 - 1/79	Politicide and Genocide	Khmer Rouge government	Old regime supporters, urban people, disloyal cadre, Muslim Chams	Massacres, summary executions, forced relocation of urban people under conditions of severe privation	1,900,000 - 3,500,000
Indonesia: 11/75 - 7/92	Politicide with communal victims	Military-dominated government	East Timorese nationalists	Repeated massacres, summary executions, starvation in rural areas that support rebels	100,000 - 200,000
Argentina: 3/76 - 12/80	Politicide	Military-dominated government, death squads	Leftists	Campaign of torture, murder and "disappearances" of suspected leftists and their families	9,000 - 20,000
Ethiopia: 7/76 - 12/79	Politicide	Military-Marxist government, security forces, civilian defense squads	Elites, workers, students, bureaucrats	Massacres and executions of suspected opponents of revolutionary regime	10,000
Zaire:[3] 3/77 - 12/79	Politicide with communal victims	Mobutu government, military	Tribal and political opponents of Mobutu	Killings of political opponents, dissident tribesmen, and prisoners in response to rebellions, agitation	3,000 - 4,000
Afghanistan: 4/78 - 4/92	Politicide	Communist Party faction, Afghan and Soviet military forces	Supporters of old regime, rural supporters of Mujahidin rebels	Systematic terror, air and artillery attacks on villages, execution of prisoners	1,800,000
Burma: 1978	Genocide	Military-dominated government, militant Buddhists	Muslims in Arakan region	Region depopulated by destruction of homes and property, torture, murder, executions, forcible expulsion	5,000
El Salvador: 1/80 - 12/89	Politicide	Military-dominated government, military death squads	Suspected leftists	Harassment, imprisonment, and killings of suspected leftists among clergy, peasants, urban workers, intellectuals	40,000 - 60,000

Country and Dates	Type of Episode	Perpetrators	Victims	Nature of Victimization	Numbers of Victims
Uganda: 12/80 - 1/86	Politicide and Genocide	Obote government, military, militias	Supporters of Amin regime; Bugandans and other Obote opponents	Massive reprisal killings in north and in the Luwero triangle	200,000 - 500,000
Syria: 4/81 - 2/82	Politicide	Ba'ath government, military and security forces	Muslim Brotherhood	Massive force used to crush revolt centered in cities of Hama and Aleppo	5,000 - 30,000
Iran: 6/81 - 12/92	Politicide and Genocide	Islamic government, security forces	Mujahidin, Baha'is	Arrest, imprisonment, and execution of Muslim opposition and Baha'is in efforts to consolidate Islamic revolution	10,000 - 20,000
Sri Lanka: 7/83 - present	*Politicide*	*Government, Tamil rebels*	*Tamils*	*Government, Tamil Tigers perpetrate repeated killings: government against civilians in Tamil areas, Tigers against Tamils who do not support them*	*9,000 - 15,000*
Sudan: 9/83 - present	Politicide with communal victims	Government dominated by Muslim Northerners	Southern Dinka and Shilluk tribes; Nuba of central Sudan	Civilian supporters of separatist rebels targeted by indiscriminate military attacks, massacres by militias, and government-induced privation and displacement	2,000,000
Iraq: 3/88 - 6/91	Politicide with communal victims	Ba'ath government	Kurds	Al-Anfal campaign of indiscriminate killings of civilians in areas supporting Kurdish rebels	180,000
Somalia: 5/88 - 1/91	Politicide with communal victims	Siad Barre government	Issaq clan (Northerners)	Massive military campaign against Northern centers of support for Somali National Movement targets civilians	15,000 - 50,000
Burundi: 8/88	*Genocide*	*Tutsi-dominated army*	*Hutus*	*Extensive massacres of Hutu villagers in reaction to rural violence against local Tutsi officials*	*5,000 - 20,000*
Sri Lanka: 9/89 - 1/90	Politicide	Military and police death squads	Supporters of Marxist JVP	Summary killings of JVP leaders and Sinhalese youths in poor rural areas	13,000 - 30,000

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Country and Dates	Type of Episode	Perpetrators	Victims	Nature of Victimization	Numbers of Victims
Bosnia: 5/92 - 9/96	Genocide	Serb military and militia; later Croat militia	Bosnian Muslims	"Ethnic cleansing" including massacres and executions, rape, use of concentration camps, and destruction of property	225,000
Burundi: 10/93 - 12/93	Genocide	Tutsi military	Hutus	Hutu electoral victory followed by armed clashes and massacres by Tutsis against Hutus	50,000
Rwanda: 4/94 - 7/94	Genocide	Hutu-dominated government, military, Interahamwe militia	Tutsis, moderate Hutus	Systematic massacres and house-to-house killings	500,000 - 1,000,000
Congo-Kinshasa: 10/96 - 1997	Politicide with communal victims	Kabila's rebel forces and post-revolutionary government	Hutu refugees from Rwanda	Massacres by Tutsi members of rebel army, aimed at eliminating support for attacks by Hutu exiles on Rwanda	?
Kosovo: Summer 1999	Politicide with communal victims	Belgrade govern-ment, local Serb militia	Kosovar Albanians	"Ethnic cleansing" including summary executions, rape, forcible explusions	10,000

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1. Episodes in italics are possible cases, that is, episodes of mass killing that do not fully meet the criteria for geno/politicide. This is an updated version of a list last published in Barbara Harff and Ted Robert Gurr, "Victims of the State: Genocides, Politicides and Group Repression from 1945 to 1995," in Albert J. Jongman (ed.), *Contemporary Genocides: Causes, Cases, Consequences* (Leiden: PIOOM [Interdisciplinary Research Program on Root Causes of Human Rights Violations], University of Leiden, 1996). It has been updated under the direction of the first author for the State Failure project, whose latest results are reported in Daniel C. Esty, Jack A. Goldstone, Ted Robert Gurr, Barbara Harff, Marc Levy, Geoffrey D. Daabelko, Pamela T. Surko, and Alan N. Unger, "State Failure Task Force Report: Phase II Findings," *Environmental Change & Security Project Report*, Issue 5 (Summer 1999) (Washington, D.C.: The Woodrow Wilson Center). A comprehensive dataset on all instances of state failure from 1955 to 1998, including genocides and politicides, is provided on a University of Maryland website at www.bsos.umd.edu/cidcm/stfail

2. The first three Soviet episodes all began during and as a consequence of World War II but continued well past the war's end; hence they are regarded as postwar episodes. The second, third, and fourth Soviet episodes all involved the rapid, forced deportation of national groups to remote areas under conditions in which many died of malnourishment, disease, and exposure. Few of these victims were deliberately murdered. The terminal dates for the second and third cases represent the dates on which rights of citizenship were restored to the survivors. Estimates of deaths vary widely, as in most other episodes. Our coding of deaths is based on the more direct and detailed analysis of A. M. Nekrich in *The Punished People: The Deportation and Fate of Soviet Minorities at the End of the Second World War* (New York: W. W. Norton, 1978) rather than the demographic projections of J. G. Dyadkin in *Unnatural Deaths in the U.S.S.R., 1928-1954* (New Brunswick, N.J.: Transaction Books, 1983).

3. These episodes are discontinuous, including two or more distinct periods of mass murder.

4. Estimates of victims are invariably imprecise and often vary widely among scholars, journalists, human rights observers, and spokesmen for the victimized group. Some of the figures are little more than guesses. If a detailed and reliable study is available, a single figure is used in the table. A single figure also is used when several sources offer similar estimates. When different estimates are reported and we have no basis for choosing among them, a range is shown in the table.

CRITERIA FOR IDENTIFYING CASES

These are the five criteria used to identify the cases in table 1 and to distinguish them from similar events such as ethnic massacres, pogroms, state terror, and criminal warfare. The key is that genocides and politicides are carried out at the explicit or tacit direction of state authorities, or those who claim state authority.

State Complicity: First, the complicity of authorities in mass murder must be established. Any persistent, coherent pattern of action by state authorities and their agents, or by a dominant social group, that brings about the destruction of a group, in whole or in part, is *prima facie* evidence of state responsibility. Some episodes of mass murder are perpetrated by rebel groups during civil wars, for example by Serbs in Bosnia in the early 1990s. If the contenders have a territorial base from which to challenge state authority–the Bosnian Serb Republic in this instance–then their actions also are instances of geno/politicide.

The Question of Intent: The second guideline concerns the intent of authorities to destroy a group. Article II of the Genocide Convention defines genocide as "acts committed with intent to destroy, in whole or part, a...group." This is the element in the Convention that distinguishes these episodes from other criminal offenses identified in international human rights law such as discrimination, detention without trial, and torture. Some human rights scholars argue that there is no need to include intent among the preconditions of genocide. For purposes of early warning, this may be accurate. However we have written extensively on why genocide is a crime under international law,[1] arguing strongly that it is essential that genocide scholars look for evidence that would allow us to infer intent, so that genocide can be distinguished from related phenomena. Having said this, a word of caution is in order. In many cases intent can only be inferred from the type of actions taken and by whom. How to detect intent?

- Typically potential perpetrators are agents of the state, for example part of the military or police. They can be members of a militia either authorized by or connected to agents of the state.

- Their leaders have political or organizational connections to the state or its agents.

- Potential perpetrators routinely endorse ruling elites, even if they deny close ties to the government.

- Governments and local security forces ignore isolated killings and maltreatment of individuals (malign neglect).

There are additional ways to infer intent. Physicians for Human Rights reportedly infer the means and patterns of attack by systematically assessing evidence of bodily injuries among victims. Others include testimonies from refugees or analyze geographic patterns of attacks.

It is by far more difficult to assess intent prior to victimization than during or after an episode is underway. Here area experts are of great help. Expertise helps to identify conditions or past patterns which distinguish "normal" state behavior from abnormal behavior. Thus, past patterns of oppression, discrimination, ideologies professed by leaders, and lack of democratic experience are indicators pointing to genocides in the making. Seldom, however, do we have situation like Nazi Germany in which Hitler's *Mein Kampf* clearly advocated that a people should be eliminated. Pol Pot comes close, in the sense that Khmer Rouge ideology clearly identified its future victims.

Identity of Victims: This guideline concerns the identity of the targeted group. We count all victims who the perpetrators identify and target as members. Thus in some cases victims may not identify with a group but are ascribed characteristics that lead to their victimization. In Nazi Germany, people who changed their religion from Judaism to Christianity were still identified as Jews by their perpetrators. New revolutionary elites may define their enemies in class terms, for example merchants and landlords (China 1950-51) or all educated city people (Cambodia 1975-79). In situations of ethnic warfare the target group is often defined to include all those who live in proximity to the rebels, irrespective of whether they share the rebels' ethnicity or support their cause.

Duration: A fourth guideline concerns the duration of a group's victimization. The physical destruction of a people requires time to accomplish: it implies a persistent, coherent pattern of action. Thus table 1 includes only episodes that lasted a number of months. Brief episodes of killings such as the massacres of Palestinians at the Chatilla and Sabra camps in Beirut in 1982 are not listed, though some observers have called them a genocide. Like many other massacres, they do not meet the criteria used here for geno/politicide. They were spontaneous eruptions of mob anger or one-time acts by armed bands or out-of-control soldiers, not part of a sustained campaign carried out by or with the acquiescence of authorities. At the other end of the time spectrum are attacks on a group that recur episodically and reflect the objectives of different regimes within a single state. We treat events such as a series of Iraqi campaigns against Kurds from 1961 to 1975 as a single episode of victimization. The Iraqi Kurds were targeted again in 1988-1991, long enough after the previous killings ended to be treated as a new episode.

Threat to Group Survival: It is wrong to assume that most or all members of a group have to be killed before we conclude that a genocide or politicide has occurred. It is enough to "take the life of out of a group"–in other words to eliminate or disperse so many people that the group ceases to function as a social or political entity. Therefore "body counts" do not enter into the definition of what constitutes an episode of victimization. A few hundred killed constitutes as much a genocide or politicide as the death of tens of thousands if the targeted group is small in numbers or if the victims are chosen to maximize the destructive effect for the group. This is especially important in cases where the destruction of small groups goes without note, for example when it occurs in the context of larger episodes of massive state repression. Table 1's list of victimized groups probably omits some such small groups.

The list of episodes in Table 1 excludes some cases that might meet the guidelines if we had sufficient information about them. One example is a campaign of reprisal killings of southerners in Chad 1985-86 by a newly empowered regime dominated by northerners: we probably never will know enough to add it to the case list. An example that is included as a possible case occurred during the rebellion which began in eastern Zaire in October 1996. Rebel forces under the nominal leadership of Laurent Kabila massacred Rwandan Hutu refugees because they sheltered militants responsible for the Rwandan genocide of 1994. It is plausible to regard Kabila's movement as a "contending authority" because it seized power in May 1997. But the killings were reportedly perpetrated by Rwandan Tutsis acting under cover of the rebellion, and UN efforts to document the scope and nature of the killings have failed.

Other cases are well documented but difficult to interpret. One instance is the indiscriminate killings of civilians during the two Russian assaults on Chechnya in 1994-95 and 1999. In this and similar cases the difficulty lies in detecting malicious intent in practices which lead to a group's victimization. Sometimes what starts as a violent encounter between military forces and opponents leads to a coherent policy of repression that culminates in geno/politicide, as in southern Sudan, Iraq, and many other civil wars. In other such conflicts the state targets rebels in such a way that many unarmed civilians are killed but does not pass the threshold between sporadic killings and geno/politicide. This is our interpretation of conflicts in Chechnya, as of this writing, and also in Turkish Kurdistan – authorities did not cross the threshold between repression and group destruction.

TYPES OF EPISODES AND VICTIMS

It is useful for scholarly and policy purposes to distinguish among different kinds of episodes, taking into account the circumstances in which they occur and the kinds of groups targeted for destruction.[2] Of the 51 episodes in Table 1 eight are classified as pure genocides, i.e. the victims are defined solely in terms of their communal characteristics. In eight other episodes, characterized as genocides **and** politicides in Table 1, there were multiple victims, some of them defined communally and others politically. In Kampuchea, for example, the Khmer Rouge sought to eliminate not only the urban and educated people but also the rural Muslim Cham minority. Two types of genocide can be distinguished, **hegemonic** genocide and **xenophobic** genocide. In the former the primary motive of the ruling group is to subordinate a communal group by killing enough of its members that the survivors have no will or capacity to resist, whereas in the latter, elite ideology calls for the elimination of the 'offending" communal group.

Three **xenophobic** episodes occurred in the less-developed world, their victims numbering indigenous tribes such as the Ache Indians in Paraguay, a prosperous immigrant minority (the Ibos in Northern Nigeria), and members of a religious minority (the Arakanese Muslims of Burma). In these xenophobic cases there was no deliberate and sustained policy of extermination dictated and organized by ruling groups. Rather, rulers tacitly encouraged or acquiesced in genocidal actions initiated out of private animosities. This was quite different for the **hegemonic** genocides. Stalin's policies against Meshketians, Crimean Tatars, Chechens, Ingushi, Karachai and Balkars were part of a sustained policy to eliminate any threat from these suspect groups–suspected of disloyalty to the USSR - by killing or dispersing virtually all of their members.

Two-thirds of the episodes in Table 1–34 of 51–are politicides in which the victims were distinguished primarily by their political orientation and actions. In half of these the targeted groups had a communal identity, like the people of East Timor, but were targeted because they posed a political threat to the regime–usually because of protracted rebellions. There are several variants of this type of mass murder. A common variant is **repressive** politicide, in which ruling groups retaliate against adherents of political parties, factions or movements because they openly oppose the regime. Common tactics are operations by death squads or vigilantes in which Communist sympathizers were executed or murdered, for example in Argentina, El Salvador, and Indonesia. Other cases have taken place in African states in which newly-empowered leaders used extreme and deadly repression against any and all groups suspected of opposition, tactics followed by Macias in Equatorial Guinea and, on occasion, by Mobutu in Zaire (now the Democratic Republic of Congo).

Repressive/hegemonic politicides differ from purely repressive politicides in that the political opposition coincides with, or is based upon, the victimized group's communal identity. If the regime's intent is to suppress a security threat, regime repression will end when acts of resistance end, implying that the political rather than communal characteristics of the group determines their victimization. In 1947 the mainland Chinese nationalists who had taken over control of Taiwan from the Japanese killed at least 10,000 Taiwanese political activists, not because they were Taiwanese but because they had supported nationalist resistance to mainland control. The Serbian government's abortive attempt to cleanse Kosovo of rebellious Albanians in 1999 is a very recent instance, though the ultimate

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intentions of the Serbs cannot be ascertained because of international intervention. There are sixteen such episodes in Table 1, characterized as politicides with communal victims.

Revolutionary mass murder, another type of politicide, was relatively common during the Cold War. In these instances new regimes committed to bringing about fundamental social, economic and political change sought to eliminate those seen as blocking the path of revolutionary progress. The victims sometimes included cadres who lacked revolutionary zeal (in Cambodia), rich peasants and landowners (in China and North Vietnam), and supporters and former officials of old regimes. Marxist-Leninist regimes which came to power through protracted armed struggles provide most of the post-1945 examples. The Nazis' treatment of political opponents after 1932 and the Iranian revolutionaries' persecution of Baha'is and Mujahidin in the 1980s suggest that politicide is a common consequence of revolutions irrespective of their ideological foundations.

The least common type of politicides is **retributive** mass murder. In these cases subordinate or opposition groups seize power and kill their former masters/oppressors in an act of vengeance. Examples are the Hutu rulers killing their former Tutsi masters in Rwanda (1963-64) and the Pinochet regime's retaliation against leftist supporters of socialist President Allende in the 1970s. The latter is an example of counter-revolutionary politicide, carried out by conservative forces in retaliation against the quasi-revolutionary policies of their predecessors. Kosovo in 1999 provides a recent example in which the former victims of ethnic cleansing have murdered and terrorized Serbs who remained in Kosovo. The presence of NATO forces and UN police has kept the attacks from escalating into a retributive genocide.

Some general observations can be offered about the victims of these episodes. Genocidal victims are most often minorities whose cultures are sharply distinct from the dominant group. The victims of politicide, by contrast, typically have either long-standing aspirations of independent nationhood or are members of groups actively opposing existing regimes. It is sometimes argued that communal membership is the underlying reason for oppositional activity. Certainly this was not the case of the Jews and Roma prior to the Holocaust. Jewish national consciousness prior to the Holocaust was barely an issue in Western Europe; Zionism had gained little support among Western European Jews. The Nazis did not persecute Jews because of their political activities, but because Nazi ideology excluded them as undesirables from the dominant group.

It may be difficult to ascertain whether or not persecution leads to national consciousness and the desire to break away from the dominant group or vice versa; usually repression and resistance reinforce one another in an ascending spiral. The case of Kurds in Turkey and Iraq illustrates the spiral of repression and resistance. Kurds have fought periodic wars for independence since the disintegration of the Ottoman Empire in 1919. They are a people with a distinct history and language and live in a geographically contiguous area now part of five different states. In the turbulent years after World War I, which saw the formation of many Middle Eastern states, the Kurds had neither the international support nor the good luck to become an independent state. Kurdish nationalism was and is well developed. The relentless pursuit of their national aspirations accounts for much of their present status as a persecuted minority. As individuals Kurds have had the option to work within the political establishments of Turkey, Iraq, and Iran and many have chosen to do so.

This categorization of episodes poses a question which lies at the center of this chapter: Which groups are the likely targets of repression and under which circumstances do states engage in the deadly destruction of a people? The next section discusses some results of a systematic effort to answer those questions, based on analysis of information on the historical cases discussed above.

10

WHY STATES VICTIMIZE GROUPS: ASSESSING THE RISKS OF FUTURE GENOCIDES AND POLITICIDES

Overview

What is it about the state, and the victims, that makes some kinds of groups targets for elimination? As mentioned above, in some instances a politically passive communal group is singled out for attack and dispersal because it stands in the way of national expansion. In other instances governments use tit-for-tat repression in an attempt to quell politically organized groups fighting to alter power relations within a state, as has happened in Turkish, Iraqi, and Iranian Kurdistan. When state repression is met with further resistance, leaders may be provoked to return violence disproportionately. This is the strategy of politicide, in which governing authorities choose to respond to challenges by killing as many members of the group as is necessary to shatter their capacity to persist and act as a collectivity. Many individual members of the group may survive such attacks, often as international or internally displaced refugees.

The worst of all possibilities is that in which a state systematically seeks to destroy, as a matter of policy, all members of a group irrespective of their actions. "Guilt" is established not by action or association, but is assigned to all those who share the defining ascriptive characteristics. This was the Nazis' intent with respect to Jews and Roma. It also was the intent of the Hutu militamen of the *Interahamwe* and *Impuzamugambi* who targeted all Rwandan Tutsis for extermination in April-May 1994. The same phenomena is sometimes seen in politicides, for example when death squads in Argentina, El Salvador, and elsewhere in Latin America targeted not only leftist sympathizers but their families as well - as if support for the left was the result of a flaw in the victims' genetic code.

A STRUCTURAL MODEL OF THE PRECONDITIONS OF GENOCIDE AND POLITICIDE

The first author has proposed and tested a theoretical model that identifies states at high risk of genocide and politicide. The model, which was first developed and tested in a series of comparative case studies,[3] specifies international and domestic background conditions for geno/politicide, which are described below.

The International Status and Connectedness of a Regime *are a function of its economic and political ties to other countries. Both resource-rich, high-status regimes and low-status regimes are likely to escape international scrutiny and sanctions for serious human rights violations. Low-status regimes are especially likely to be able to deal with minorities and other challengers without serious international repercussions. States with intermediate levels of economic and political interdependence face closest scrutiny of their actions and considerable risk of sanctions for gross violations of human rights.*

Political Upheavals *are abrupt changes in the political community caused for example by the formation of a state through violent conflict, the reformation of national boundaries, or the restructuring of a regime in the aftermath of a civil war or revolutionary takeover. Upheavals threaten the security of most or all groups in society and provide opportunities for challengers and regimes to reshape the political order. Geno/politicides often occur in the aftermath of political upheavals.*

Discrimination and Repressive Treatment *of minorities and challenging communal groups are major factors in the genesis of geno/politicide. Discrimination and repression create and reinforce polarization among groups and motivate disadvantaged groups to resist. Elites that represent and advance the interests of one communal group in a heterogenous society at the expense of others are likely to be challenged by disadvantaged groups. The greater their advantages and the narrower their support base, the greater their incentives for repressing challenging groups.*

Weak States *are more likely to engage in geno/politicide for several reasons. They have limited resources for managing conflicts by reform or accommodation and their elites are likely to be more insecure when challenged by communal or political opponents. Both factors make elites more likely to respond with extreme repression.*

Democracy and Autocracy: Established democracies typically tolerate a wide range of political participation, including violent protests, and rarely use extreme repression. Autocracies are more likely to use violence and coercion to quell internal opposition. Autocratic elites who have gained and held power by violent means are especially likely to use extreme means to contain real or perceived challengers.

Exclusionary Ideologies: *Geno/politicides are especially likely to be initiated by governing elites—including the leaders of contending authorities—who are committed to an ideology that excludes categories of people from what Helen Fein calls the universe of obligation.[4] Exclusionary ideologies are belief systems that identify an overriding purpose (such as building a national state) or principle (such as defending the true faith) that is used to restrict, persecute, or eliminate categories of people who are defined as antithetical to that purpose or principle. Examples are strict variants of Marxist-Leninism, doctrinaire anti-communism, and Islamic law (shari'a)—when used as the principle basis for governance, as in Iran and Saudi Arabia. Minorities are especially likely to be targeted by regimes that advocate doctrines which assert the superiority of the dominant communal or national group over others.*

Fragmentation/Competition within the Governing Elite *provides opportunities for challenging groups to intensify their efforts to improve their status. Elites weakened by defections and challenges are more likely to rely on repression than accommodation to maintain control. Note that elite fragmentation is a likely consequence of political upheavals.*

State Security Agencies that Operate with Few Legal or Institutional Restraints *give challenged elites the means to ratchet up repression. Such entities are specially common in post-revolutionary states and in autocracies generally, and usually are the principal agents of flagrant rights violations and of geno/politicide*

Charismatic Leadership that Generates Mass Followership, *especially by appeals to intangibles such as national pride, prestige, or racial or ethnic consciousness. This style of leadership, coupled with exclusionary ideologies, is especially likely to lead to attacks on communal and political enemies in periods of general insecurity, for example during and after international and civil wars.*

ACCELERATORS AND DECELERATORS OF GENOCIDE AND POLITICIDE

The background and intervening conditions in the structural model establish the potential for geno/politicide. A related model, also developed by us, identifies accelerators that are the immediate antecedents of systematic killings. Accelerators were specified, measured, and analyzed in a more recent comparative study of the antecedents of genocide in four episodes of the early 1990s: Rwanda and Bosnia, both of which had genocides, and Burundi and Abkhazia, where ethnic warfare did not lead, in the time-periods studied, to geno/politicide.[5] Accelerators and decelerators are variables that are subject to short-term change. Most are loosely linked to the general conditions but are treated as independent factors. They can be self-stimulating, that is they affect each other but also have feedback functions. They act together to rapidly increase the level or significance of the most volatile of the general conditions of geno/politicide, and thus exponentially increase the likelihood that an episode will occur. These are the eight categories of accelerators used in the most recent analyses and the reasons for their inclusion. Several examples are given of specific kinds of events coded for each accelerator.

Accelerator 1: *Occurrence of political opposition by kindred groups in neighboring countries and increases in refugee flows (including internally displaced people).*
Rationale: *There is a spillover effect when kindred groups become active. Either the regime perceives opposition as a greater threat, or conversely opposition leaders become emboldened. Refugee flows may enhance the fighting capabilities of opposition groups. They also stifle state capacity to deal with emergency situations.*
Examples: *Declarations against the government, verbal or written; riots; armed attacks.*

Accelerator 2: *Increase in external support for politically active groups, ranging from symbolic support by sympathetic groups to transfer of arms.*
Rationale: *A distinction must be made between existing support and instances of new support. The increase in support for a targeted group is key.*
Examples: *Statements, speeches, reports issued in support of targeted group; transfer of arms or other military aid to the targeted group.*

Accelerator 3: Threats of external involvement against governing elites, ranging from warnings of sanctions to the threat to intervene militarily, that are not backed by action.
Rationale: Since there is a time lag between threats and action (or decisions not to act), we identify all critical responses by international actors. The theoretical assumption is that the greater the external threat to a regime (short of a specific plan and timetable for action), the quicker it is act against targeted groups.
Examples: UN or regional international organization put a crisis situation on the agenda but no action is envisioned; IO's or individual states threaten collective or unilateral military intervention with no time-table or specific plans.

Accelerator 4: Increase in size of, or degree of cohesion in, opposition group.
Examples: Significant numbers of new members join opposition movement, emergence of charismatic leader in opposition movement.

Accelerator 5: Aggressive posturing or actions by opposition group.
Examples: Declarations against the government, verbal or written; riots; armed attacks.

Accelerator 6: Negative government responses to actions by opposition group.
Rationale: Accelerators (5) and (6) should reflect the tit-for-tat interactions between perpetrators and targeted groups. Accelerator 6 is coded only for events that occur in response to actions coded in 5.
Examples: Verbal attacks by representatives of the regime against the targeted group; government mobilization of armed units, militias, or gangs.

Accelerator 7: New discriminatory or restrictive actions by the government against targeted groups.
Examples: Vitriolic rhetoric that using derogatory terms to describe groups; increased restrictions on political participation (for example restrictions on free speech, assembly, political organizations, voting, etc.)

Accelerator 8: Life integrity violations by government or government-supported groups against targeted groups.
Rationale: Analysis of these events should identify any rapid increase in frequency and severity of violations against targeted groups.
Examples: Destruction of houses or property; forcible resettlement or expulsion; killings of opposition leaders.

Decelerators: Some decelerators are government initiatives, others require cooperation by oppositions.
Examples: Cease-fire (unilateral or mutually declared); competitive general elections; release of political prisoners; official promises of cooperation.

Data on these accelerators and decelerators have been coded for the two years prior to the onset of a number of recent cases of genocide and politicide. The analysis of these data is reported elsewhere.[6]

FINDINGS: A STRUCTURAL MODEL GENO/POLITICIDE

At the request of the State Failure task force (see note 7), the first author designed a statistical study that tests the structural model, above, using data on past cases of genocide and politicide. More precisely, the study focuses on 134 instances of *state failure* between 1955 and 1998. State failures include ethnic and revolutionary wars and adverse regime transitions. Thirty-five geno/politicides–all of them included in table 1–occurred during these "state failures."[7] We found that all but two began within several years of the occurrence of political upheavals generally or ethnic warfare specifically:

- 5 followed the onset of international war
- 6 followed independence
- 11 followed the occurrence of abrupt and disruptive regime transitions
- 13 followed the onset of revolutionary war.
- Most (23) also followed or coincided with ethnic wars.

We also examined the ethnic bases and ideological character of ruling elites in 32 cases of geno/politicide during the same time-span:

- 23 episodes occurred in countries where the ethnic character of the elite had previously been the subject of contention because it was not fully representative of the population
- 18 episodes occurred in countries in which the elite held an exclusionary ideology
- 8 episodes occurred in countries where elites were non-representative *and* held exclusionary ideologies
- 4 episodes occurred in countries with neither of these elite traits.

The challenge for risk assessment is to identify the combination of factors which distinguishes between state failures that lead to geno/politicide and those which do not. Logistic regression analysis is the statistical procedure employed in the study. The universe of analysis included all instances of state failure between 1955 and 1998. The cases to be explained are those state failures that include one or more geno/politicides, the controls are those without such episodes. These are the factors that proved to be most closely related to the occurrence of geno/politicides during these 44 years:[8]

Trade Openness: Countries with low trade openness–a country's total value of trade (imports + exports) as a percentage of Gross Domestic Product–are six times more likely to have state failures that include geno/politicide than countries with high trade openness. This is one of several indicators developed to test the theoretical argument that countries with low economic status and lack of international connections are able to carry out genocidal policies with impunity. We also measured a country's international status by its number of memberships in international organizations. This too was significant, but not as strong a predictor as was trade openness.

Political Upheaval: Countries with high magnitudes of state failure state failure during the previous 15 years were 3.6 times more likely to have a geno/politicide during a subsequent state failure. Also, the higher the mean level of civil conflict in a country during the 15 years before state failure, the greater the likelihood of geno/politicide.

Elite and Regime Characteristics:
Countries in which the ruling elite's ethnicity is politically salient and the elite is not representative of the entire population were 4.8 times more likely to have state failures that include geno/politicide. Countries in which the ruling elite adheres to an exclusionary ideology also were three times more likely to have state failures that included geno/politicide.
Countries with autocratic regimes were 2.5 times more likely than countries with partial or full democracies to have state failures that include geno/politicide.

Societal Characteristics: Countries with few and proportionally small religious minorities were 3.5 times more likely to have to have state failures that include geno/politicide. At first theoretically counterintuitive, this result nevertheless is plausible. Small religious minorities in relatively homogenous societies have been the target of discrimination, persecution, and pogroms throughout history. We also found that geno/politicides were more likely in countries whose public policies discriminated against one or more ethnic minorities, but this factor was not as important as the religion factor.

The six factors included in statistical analysis lead to correct classification of eight out of ten of the 1956-98 cases. That is, the indicators used make it possible to identify with 80 percent accuracy which past state failures led to geno/politicides and which did not. Twenty-six of the 33 geno/politicide cases included in the final analysis are correctly flagged, only seven are misclassified. Like all statistical studies this is a postdictive analysis. But we assume that the causes of geno/politicide will be essentially the same in the near future as they were during the past half-century. Therefore the results provide a powerful tool for identifying countries at risk of future episodes, and are being used for that purpose by the sponsors of the study.

FROM RISK ASSESSMENT TO EARLY WARNING: IDENTIFYING CURRENT HIGH RISK CASES

This chapter is concerned with risk assessment, not with early warnings as such. Risk assessments identify situations in which the conditions are present for a particular kind of conflict or humanitarian disaster - in this study, geno/politicide. They are not precise predictions in the sense that is usually meant by the terms "forecast" or "early warning" because risks are assessed on the basis of background and intervening conditions - the conditions that establish the potential for humanitarian disaster. Whether or not risks are realized depends on whether the preconditions remain unchanged *and* on the occurrence of accelerating or triggering events. Early warnings, by contrast, are derived from monitoring the flow of political events in high-risk situations, with special attention to actions that are likely to push a conflict over the threshold into mass murder. Risk assessments provide the context. Early warnings are interpretations that the outbreak of systematic killings in a high-risk situation is likely and imminent.

Seven countries that currently are high on most or all the risk factors for genocide and politicide are listed in Table 2. Afghanistan and Burma are the only ones in which all six risk factors are present. In Pakistan five of the six factors are present; in Indonesia, Algeria, and China four of the six; and in Burundi three of the six. These are more specific observations on the risks and the circumstances in which they might be activated.

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Table 2. Examples of Countries at Risk of Genocide and Politicide in the Early 21st Century

Countries	Salience of Elite Ethnicity	Exclusionary Ideology	Autocratic regime	Small religious minorities	Past upheaval	Trade openness	Possible victim groups
			Risk Factors:				
Afghanistan	High: Pushtuns dominate	Yes: Islamist	Yes	Yes: Shi'a	High	Low	Hazaris, Tajiks, Uzbeks
Burma	High: Burmans dominate	Yes: Nationalist	Yes	Yes: Muslims	High	Very low	Democratic opposition; Karen, Shan, Mon; Royhingya Muslims
Pakistan	High: Punjabis dominate	Yes: Islamist/ Nationalist	Transitional	Yes: Shi'a, Ahmadis, Christians	High	Low	Sindhis, Hindus, Shi'a, Christians
Indonesia	High: Javanese dominate	Yes: Nationalist	Transitional	Yes: Catholics, Buddhists	High	High	Aceh, other regional minorities, Chinese
Algeria	Low	Yes: Secular nationalist *vs* Islamists	Transitional	Yes: Islamist traditionalists	High	High	Islamists, government supporters
China	Low	Yes: Marxist	Yes	Yes: Muslims, Christians	Low	Low	Uighers, Tibetans, Christians
Burundi	High: Tutsis dominate	No	Yes	No	High	High	Hutus

Note: Risk factors for each country are characterized on the basis of information from the State Failure study and the authors' case files on countries and minority groups. Detailed assessments on the status and risks of some 300 minorities are provided on the second author's Minorities at Risk website at www.bsos.umd.edu/cidcm/mar

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Afghanistan: Most of the country is controlled by the Taliban, a militant Sunni sect based exclusively on the Pushtun majority who historically ruled the country. Afghanistan has been at war since the late 1970s and the Taliban continue to fight regionally-based Tajik and Uzbek opponents who earlier held or shared power in Kabul. In 1998 [ck. year] Taliban forces captured areas held by the Hazari, a Shi'a minority, and massacred many but stopped short of politicide in the face of threatened Iranian intervention. The risks are high of politicide against Tajiks and Uzbeks when Taliban seizes control of their areas.

Burma: The SLORC, the military council that controls Burma, has relied mainly on repression to control its domestic opponents, including communal separatists such as the Karen and Shan and the urban-based democratic opposition. They also targeted the Muslims of the northwest Arakan region for destruction or expulsion in 1978 and again in the early 1990s. The potential that any of these conflicts might escalate into geno/politicide is moderated by several factors. First, the SLORC has sought negotiated settlements with most regional separatists, which suggests that it is shifting away from exclusive reliance on repression. Second, the country is being opened up to foreign investment and international influence in ways that reduce its rulers' future options about how it deals with opponents.

Pakistan: Pakistan's past military-dominated regimes carried out politicides against separatist Bengalis and Baluchi in the 1970s though they failed to prevent the secession of Bangladesh. In the 1990s Pakistan has experienced serious intercommunal violence, for example between Sindhis and Mohajirs (descendants of Muslims who fled to Pakistan from India after independence) and between Shi'a and other Muslims. In the 1980s and 1990s both democratic and military governments have been cautious in their response to these and other challenges, none of which poses a direct threat to the government's stability. Moreover Pakistan's economic and military ties with a number of Western countries can be counted on to encourage moderation by Pakistan's leaders. Probably the main factor inhibiting gross human rights violations in Pakistan is not included among the general risk factors: it is the country's ongoing rivalry with India over Kashmir. International conflict helps build internal cohesion and displaces anger over internal divisions onto the external enemy. If the Kashmir conflict were settled on terms unfavorable to Pakistan, however, we would anticipate reprisals against scapegoats such as non-Islamic minorities.

Indonesia: Indonesians were responsible for two episodes of geno/politicides in the last 40 years, against suspected Communists and Chinese in 1965-66 and against Timorese rebels from 1975 to the early 1990s. Massacres against the rebellious Aceh of northern Sumatra have been widely reported. A potentially genocidal campaign by Indonesia-supported militias after East Timor's independence referendum in 1999 was checked by an Australian-led intervention force. Two factors may offset the risks of similar violence against other regional peoples who may resist Jakarta's control. Externally, Indonesia has substantial and expanding economic and political ties with other Asian countries and with the United States, which may exert more restraint than in the past on Indonesia's domestic policies. Internally, Indonesia has begun a transition to democracy under its newly elected president, Abdurrahman Wahid, who prefers accommodation with the regime's opponents. But the military, which was the principal agent of past geno/politicides, retains a great deal of influence.

Algeria: Islamist militants are the most likely perpetrators of mass murder in Algeria, not the nationalist-secular government. The issues are political and doctrinal: militants acting in the name of a distorted version Islam have massacred tens of thousands of pro-government villagers and defectors from their cause. It is likely that if the militants came to power, secular Algerians would be widely targeted. However it seems increasingly unlikely that the militants will gain power because the government has sought, with some initial success, to encourage moderate Islamists to participate in the electoral process and thus weaken support for the militants.

China: Three geno/politicides have been carried out during Communist rule in China, one after the Communists took power in 1950-51, the second in Tibet in 1959, the last during the Cultural Revolution from 1966 to 1975. Some of the risk factors remain high, but in our judgment they are declining. Beijing's rulers in the 1990s are more pragmatic in doctrine and practice than their predecessors. China is more engaged economically with the rest of the world, with the likely long-term result of constraining domestic policies that offend trading partners and investors. Nonetheless the regime responds harshly to resistance by Tibetans and by Muslim Uighers in Xinjiang province, and to imagined security threats from Christians and the Falun Gong movement. Unless and until the Chinese government becomes more willing to accommodate national minorities and believers, the risk remains that repression can escalate into policies aimed at eliminating the offending groups.

Burundi: Burundi has been wracked by recurring genocidal violence and Tutsi massacres of Hutus, and observers have repeatedly warned of risks of future genocide. Those risks may be overstated. The crucial change in Burundi in the last decade has been the emergence of moderate leaders, both Tutsi and Hutu, who want to contain communal violence. So long as they control the regime, genocide initiated or condoned by the government is highly unlikely. The risks are of a different sort: militant Hutus in eastern Congo repeatedly attack Tutsi villagers and officials in Burundi, sometimes in collusion with Hutus living in Burundi. These incursions sustain the cycle of Hutu-Tutsi communal violence. If militants of either group came to power, genocidal violence almost certainly would follow. International attention and support has reinforced the government's commitment to moderate policies. Long-term reduction of the risks of geno/politicide is possible only if international engagement brings an end to anarchy in eastern Congo.

FROM EARLY WARNING TO EARLY RESPONSES

A common criticism of early warning efforts is that, even if an early warning system were in place, it would do little to generate political will to prevent genocides or to halt their escalation. The answer is simple: in the absence of a working early warning system, we simply do not know if official responses would be more forthcoming. The aim of our early warning approach is to narrow the time frame by using the accelerator model to identify the warning flags that a geno/politicide is in the making six months before its onset. This work has just begun, but with some promising results (see note 6). At this stage, the risk assessment model provides the capacity to identify most hot spots in the world, meaning those areas in which the risks of genocide and politicide are high. More timely and reliable early-warning estimates based on the analysis of accelerators are not yet available. The ultimate objective is to help persuade policy-makers to engage actively in high-risk situations such as Rwanda. With more time to prepare and foreknowledge of what to expect, responses could be tailored to the situation, effectively saving lives and resources. Early warning capacities may be just one more incentive to nudge policy-makers into action.

Endnotes

1. Barbara Harff, *Genocide and Human Rights: International Legal and Political Issues*. Monograph Series in World Affairs Vol. 20, Book 3 (Denver: Graduate School of International Studies, 1984).

2. This discussion builds on distinctions made by Helen Fein, "Scenarios of Genocide: Models of Genocide and Critical Responses," and Leo Kuper, "Types of Genocide and Mass Murder," both in Israel W. Charny (ed.), *Toward the Understanding and Prevention of Genocide: Proceedings of the International Conference on the Holocaust and Genocide* (Boulder, Col., and London: Westview Press, 1984).

3. In Barbara Harff, "Genocide as State Terrorism," pp. 165-187 in Michael Stohl and George A. Lopez (eds.), *Government Violence and Repression : An Agenda for Research* (Westport, CT: Greenwood Press, 1986), and "The Etiology of Genocide," in Isador Walliman and Michael N. Dobkowski (eds.), pp. 41-59 in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death* (Westport, CT: Greenwood Press, 1987).

4. See Helen Fein, *Accounting for Genocide: National Responses and Jewish Victimization during the Holocaust* (New York: Free Press, 1979).

5. Barbara Harff, "Early Warning of Potential Genocide: The Cases of Rwanda, Burundi, Bosnia, and Abkhazia," pp. 47-78 in Ted Robert Gurr and Barbara Harff, *Early Warning of Communal Conflicts and Genocide: Linking Empirical Research to International Responses* (Tokyo: United Nations University Press, Monograph Series on Governance and Conflict Resolution 05, 1996). It has been argued that Burundi in the 1990s had an ongoing genocide because of the high number of casualties - an estimated 200,000 between 1992 and 1999. It does not meet the general definition used in this chapter because there has been no sustained policy of elimination. Rather the killings have resulted from ethnic massacres by rival Tutsi and Hutu extremists. The case was chosen for accelerator analysis precisely because of the ethnic massacres and because Burundi has a history of ethnic violence turning into genocide, as in 1972 and 1988. The Abkhaz situation was of special interest because Abkhaz leaders claimed their peoples were victims of genocide, a claim rejected by external observers.

6. For more details see Barbara Harff and Ted Robert Gurr, "Systematic Early Warning of Humanitarian Emergencies," *Journal of Peace Research* XXXV (1998) 551-79; Barbara Harff, "Could Humanitarian Crises have been Anticipated in Burundi, Rwanda, and Zaire? A Comaprative Study of Anticipatory Indicators," in Hayward Alker, Ted Robert Gurr, and Kumar Rupesinghe (eds.), *Journeys through Conflict: Narratives and Lessons* (Lanham, MD: Rowman & Littlefield, 2001); and Barbara Harff with Pamela T. Surko and Alan Unger, "Risk Assessment and Early Warning of Genocides and Political Mass Murder: Two Empirical Studies" (under review for publication).

7. The State Failure project was established in 1994 at the request of the Clinton Administration. Two published reports that describe the cases, procedures, and results are Daniel C. Esty, Jack A. Goldstone, Ted Robert Gurr, Barbara Harff, Pamela T. Surko, Alan N. Unger, and Robert Chen, "The State Failure Project: Early Warning Research for U.S. Foreign Policy Planning," pp. 27-38 in John L. Davies and Ted Robert Gurr (eds.), *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems* (Lanham, MD: Rowman & Littlefield, 1998) and Daniel C. Esty, Jack A. Goldstone, Ted Robert Gurr, Barbara Harff, Marc Levy, Geoffrey D. Dabelko, Pamela T. Surko, and Alan N. Unger, "State Failure Task Force Report: Phase II Findings," *Environmental Change and Security Project Report*, Issue 5 (Summer 1999) (Washington, D.C.: The Woodrow Wilson Center).

8. Details of the study's findings are reported in Harff with Surko and Unger, "Risk Assessment and Early Warning of Genocides and Political Mass Murder," note 6.

PAPER 3

THE MILITARY DILEMMA: LESSONS FROM EXPERIENCE

Author: Lt Gen Satish Nambiar

I   THE CONTEXT

(i)   **The current levels of ethnic, religious, theological, and other such forms of conflict, are not likely to reduce in scope or extent in the foreseeable future.** As we approach the problem of peacekeeping in the 21st century, there is a growing view that military conflicts between the most advanced and major powers are unlikely because available military technology has made warfare in the classic sense too costly and unwinnable. Even in the developing world, conventional war does not appear to be the preferred option. On the other hand, there are some social scientists and futurologists who are of the opinion that in the 21st Century, we are likely to experience war, violence, upheaval and change on an unprecedented scale.

(ii)   **Activities like "genocide" or "ethnic cleansing" cannot be allowed to go unchallenged or unchecked by the international community**. The time has gone when a State could humiliate and destroy its own people behind the rigid façade of sovereignty, and claim protection under the United Nations Charter that forbids intervention in matters essentially under the domestic jurisdiction of the State. The security of a State and its unity and integrity, devolve on the security and well-being of those who reside in that State. It is no longer possible for a State to presume that it can have, for all time, totally inviolate borders, and citizens living in deprivation and terror within those borders. If the citizens of a State are being hurt, the State itself can become mortally wounded. **A State, even if militarily powerful and further strengthened by alliances, is greatly weakened when its citizens judge that their rights and privileges are not sufficiently protected within the State. Such a State becomes vulnerable. It invites implosion from within; and intrusion from without.** The Soviet Union collapsed under the contradictions of the system it was following, particularly when it tried to match the growing military power of the Western Alliance, without the financial base to support such an effort. Yugoslavia collapsed when its constituent republics went their own ways. Under such circumstances, outsiders can only too readily help the disintegration process.

(iii)   In the past, the international community had to deal with inter-state conflict. Through political, diplomatic and sometimes, threat of economic pressure, belligerent states were coaxed or compelled to cease fighting and arrive at agreements under the aegis of the international community. **Today, most of the recent conflicts have taken place, or are taking place, within states, or between units that were part of unitary states till they began to fall apart.**

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They have not always been fought by national armies, but by para-militaries and irregulars; in which process, civilians are the main victims. Most analyses indicate that whereas in earlier years, the percentage of military to civilian casualties in inter-state conflicts was 90 to 10, the situation today is the reverse; 90 percent of the casualties are among civilians. In many cases, state institutions have collapsed; in a few cases, there are no governments. As a result, humanitarian emergencies force the international community to intervene. This is why the demands on the military for the maintenance of international peace and security have gone well beyond traditional peacekeeping. Today they encompass activities like demobilization of troops and armed para-militaries or irregulars, promotion of national reconciliation, restoration of effective governments, the organization and monitoring of elections, provision of broader support to humanitarian aid missions, including protection of "safe areas" and escort of relief convoys, and so on. **Military operations of this nature have therefore become more expensive, more complex, and more dangerous**.

The application of the military for such intervention in conflicts raises a number of issues that need to be recognized, analyzed, and catered for in the conduct of future operations. Lessons from recent experience of operations undertaken by the international community need to be learned, and appropriate decisions taken by the international community.

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II   LESSONS FROM EXPERIENCE

(i)   **Demobilizing of troops and disarming of combatants**
Demobilization of troops and disarming of combatants is generally unrealistic given the history of most conflict situations and the intense distrust that prevails between belligerents. Weapons and equipment disappear into 'hides' and 'caches' for use at an appropriate time. Only firm intent backed up by intense searches and punitive measures, produces some meaningful results. This requires large numbers of well-armed and well-equipped troops, and more importantly, unqualified political resolve at the international level. What does monitoring of heavy weapons mean? Would it mean deployment of a few observers to watch them or count them; or does it imply rounding them up at selected locations and ensuring they cannot be used. The requirement of troops and equipment varies considerably depending on what is to be done. Rules of engagement must be drawn up appropriate to the task.

- The experience of UNPROFOR in the early days in this context is quite revealing. The Serbs in the United Nations Protected Areas (UNPAs) in Croatia, so designated by a Security Council Resolution were, with great effort, persuaded to place their weapons and equipment, which included tanks and artillery, in designated areas under what was termed in the Security Council Resolution as " joint control" of the UN and the "local authorities"; a "double lock" arrangement. On the first occasion on which there was trouble, initiated by a Croatian attack on the UNPAs in January 1993, the Serbs took away the weapons and never trusted the UN forces again. Unless the UN Mission has the force capability to prevent attack on areas under its control, there is no point designating areas as UN Protected Areas.

- Similarly, UNPROFOR was tasked by the Security Council to deploy unarmed military observers at sites at which heavy weapons were to be collected in terms of some arrangement arrived at by the European Community and endorsed by the Security Council. Ironically, this arrangement was only on the Bosnian Serb side. Hence in terms of actual implementation, all that the deployment achieved was that whenever the Serbs were attacked or fired at by their opposite numbers, they deployed and fired back, and our observers were reduced to counting the number of artillery and mortar rounds fired.

(iii)   **Safe Havens**
The terms "safe area" and "safe haven" require clear operational definition. In August/September 1992 I was informed by the Under Secretary General for Peacekeeping Operations at the UN Secretariat in New York, that in view of media reports of attacks on some enclaves in Bosnia-Herzegovina, they were under severe pressure from representatives of some member states on the Security Council, to declare places like Sarajevo, Bihac, Tuzla, Goradze and Foce as "safe areas" immediately to ensure the security of the population of those

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towns. I was asked to indicate how I proposed to carry out the task if the Security Council passed a resolution to that effect. My response was that before I could even begin to formulate any consideration of the requirement, it was essential that I should know what was implied by the term "safe area". A brief silence followed my query, and I was then asked to indicate what my own interpretation of the term was. My response in essence was that:

> a "safe area" is a geographically delineated area which will be protected by the deployment of troops in tactical positions all around and within it; no weaponry would be permitted inside it except for that held by authorised military and police personnel from the international force; no military actions would be permitted to be undertaken from inside towards the outside; nor would any military actions be allowed against such designated areas from the outside.

I was then asked to indicate my assessment of troops for undertaking such a task within the framework of my interpretation of the term. I reverted after some deliberation, that I would require about a division plus for Sarajevo, a division minus each for Bihac and Tuzla, a brigade each for Goradze and Foca, and about a brigade in reserve; that is, about four divisions totaling 50,000 to 60,000 additional troops, to effectively undertake the task[1].

In 1994, the Security Council did in fact pass a resolution declaring these areas, as well as Srebrenica, as "safe areas", without providing adequate troops and equipment for the purpose to UNPROFOR; with the disastrous results that followed at Srebrenica.

(iii) **Escort of humanitarian convoys**

The escort of humanitarian convoys raises particular problems for the relationship between humanitarian and military activities. The following problems were faced by troops under my command in Croatia and Bosnia-Herzegovina:

- An escorted convoy comes up against a roadblock manned by one of the belligerent factions, who claim they have no prior intimation about the convoy, or that they have no orders from their superior authorities. They are not offensive or unpleasant, but just plain stubborn. What does the commander (who is a sergeant or lieutenant or captain) do? Does he fire at the persons manning the roadblock or charge through it in his armored personnel carrier?

- In the process he may cause the detonation of an explosive device either at the site of the road block, or a kilometer or two down the road; this may result in casualties to his troops and/or to the civilians providing the aid effort. He may even provoke a firefight with the party at the roadblock; with resultant casualties to his troops or the civilians in his convoy, not to mention casualties to the belligerent party. What does an escort

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commander do if the path of the convoy being escorted is blocked by unarmed women and children?

(iv) **Lack of mandate**
It is a little known fact that, at least till I left the mission area in March 1993, there was no "peacekeeping" mandate for Bosnia-Herzegovina. There were many occasions on which UNPROFOR was criticized by the media, NGOs operating in the field, and by some political leaders, for not using 'military muscle' to intervene in the fighting between the belligerents or to prevent alleged attacks on innocent civilians ostensibly taking place in one place or another. The dilemma that faced us as senior military commanders was quite unrelated to either the capacity for taking hard decisions or that of personal courage.

- Should the decision have been to send a military contingent to deal with a situation that one's own troops are not witness to, and in the process, the contingent suffers personnel casualties, the parent government of the contingent would be well within its right to query why the mandate was exceeded. On the other hand, should the very same decision have been questioned by the leader tasked to carry out the intervention, on the grounds of it being outside the provisions of the mandate, the commander would need to now deal with what has become a 'discipline' problem.

  No manual provides answers to such situations; nor do the political leaders or bureaucrats who legislate from positions of authority; nor do the hyper critical media persons. Such problems can only be resolved on the basis of a clear mandate and a clearly defined overall political purpose.

(v) **Mission creep**
In the absence of such a clear general mandate, there is an almost inevitable process of mission creep. In the case of the former Yugoslavia, the United Nations Protection Force (UNPROFOR), as it was called, was set up with a mandate for tasks connected with three United Nations Protected Areas (UNPAs) in Croatia. Military, police and civilian personnel, and the equipment had not arrived in full even by end-June 1992. The Security Council however commenced conferring extensions of mandate without ensuring that the negotiated base for execution of such additional tasks had been laid, and without providing for the resources in personnel and equipment. In the six months between end-June and December 1992, I received nine extensions of the mandate, namely:

- reopening of Sarajevo airport for humanitarian purposes

- establishment of a joint commission and functions in what was called "pink zones" in Croatia

- monitoring of heavy weapons around Sarajevo

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- immigration and customs functions on UNPA boundaries that run along state borders

- deployment in Bosnia-Herzegovina (BiH) for escort of humanitarian aid convoys

- monitoring of demilitarization of the Prevlaka peninsula
- deployment of observers at airfields

- monitoring of the "no fly zone" over BiH, control of Peruca Dam,

- preventive deployment in Macedonia.

I need hardly mention that I never came close to having the resources for the execution of all these tasks even till I left the Mission on 02 March 1993.

III STRUCTURAL RECOMMENDATIONS

(i) **Deliberation by the Security Council**

There is an imperative need for the Security Council to carefully deliberate over decisions for the setting up of peace operations. The Yugoslav and Somalia operations were set up under pressure; in the former case from the European Community, and in the latter from the electronic media. Because these were set up without adequate preparations and a framework of an agreed settlement, both suffered from what came to be known as "mission creep".

(ii) **Structural reform of the Security Council**

Structural reform of the Security Council is essential. Decisions pertaining to the setting up of missions, the mandates conferred, the composition of the force, the rules of engagement, reviews of conduct and performance of such missions from time to time, and so on, **cannot**, and **must not**, be the sole prerogative of two or three powerful members of the Security Council. The decision making process must be more broad-based, and the consultative process even more so. Any reform of the Security Council should seek to achieve four main objectives: clarification of the role and mandate of the Council; reconstitution of its membership; broadening of the base of participation and transparency in the work of the Council; and strengthening the effectiveness and credibility of the Council.

(iii) **Command and control**

A mission is either undertaken by the United Nations, or by a regional/sub-regional organization, or a multi-national force, with a clear political direction and under a clear command structure. There must never be any question of shared responsibility for command and control for any aspects of execution within a mission, as was attempted in the former Yugoslavia at later stages of the operation, between the United Nations and NATO, with the disastrous results we are aware of. All forces deployed in a mission area, must take their orders from the Head of Mission or the Force Commander, and implement them in the correct spirit. It is for the Head of Mission or the Force Commander to be careful and discreet in decisions that are sensitive. Some guidance from the political authority may be necessary on occasions, but backing for the Mission Headquarters must be unqualified.

(iv) **Organisation of Mission**

Mission headquarters must be so organized and structured, as to breed confidence in the contributor nations, and personnel who form part of a mission. The system followed in earlier years for UN peacekeeping operations, where commanders and staff were gathered together at short notice (as in the case of UNPROFOR), and whose allocation was based on equitable representation related to troop contributions, may have worked when the pressures on operations were not as significant as they are today. That system is not workable under present day conditions, increasingly dangerous as they are.[2] Heads of missions

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and force commanders need to be appointed early, and be associated with the negotiating process that precedes the setting up of the mission, and with the framing of the mandate by the Security Council.

(v) Headquarters staff

A competent nucleus staff of military, police and civilian personnel for the headquarters must be available. They must be drawn from existing organizations, where personnel would have worked together for some time, and therefore understand one another, and have a working knowledge of common procedures. This would be feasible if there are some dedicated organizations oriented towards peacekeeping activities, such as regional cells for data collection and monitoring, or regional United Nations training centres in selected locations, or a United Nations Staff College, functioning on a regular basis, thus providing the bank from which to draw on the personnel when required.

(vi) Division of responsibilities

An appropriate division of responsibilities between the United Nations and other international actors, must be defined.[3] Such division of labor should obviously, take advantage of the different capabilities and interests of regional organizations, national governments, and non-governmental organizations. Current experiences indicate that the United Nations may be most effective in the fields of preventive action, traditional peacekeeping, humanitarian missions, mediation, and peace-building activities through its various agencies. In time, regional organizations would need to assume a greater role in assisting the United Nations in the maintenance of international peace and security; but for the time being, these organizations could play a role in economic development, peacemaking, and confidence building at the regional and sub-regional levels.

(vii) Availability of UN forces

Crisis situations require the speedy deployment of military forces. The inordinate delay in the arrival of troops in the mission area was a most frustrating feature of the missions that were set up for the former Yugoslavia and Cambodia, and to some extent, Somalia; even more inexcusable was the inadequate response for Rwanda. One of the measures that has now been instituted to overcome this inadequacy is the earmarking of "stand by" forces by member states; most commendable and needs to be pursued with vigor. As of today, this arrangement apparently provides for about 100,000 personnel pledged by 74 member states. However, it is a moot point whether such "stand by" forces would, in fact, be available immediately on demand; the Rwandan experience indicates that political expediency and domestic compulsions will always dictate the responses of member states.

It is important to raise and maintain a standing force of a defined composition, properly organized and trained, and adequately equipped, to be available to the United Nations for immediate deployment when authorized to do so by the Security Council. Reservations about costs, and possible biased utilization at the

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behest of the more powerful members of the Security Council, are aspects that need to be resolved in context of the restructuring of the Security Council. Utilization of such a force is premised on its early replacement by another force duly constituted by the United Nations, by regional organizations, or by a multinational force, as decided by the international community.

(viii) **The use of force in self-defense**
It is generally well known that traditional peacekeeping operations do not preclude the use of force in self-defense; but what is not generally well known is that the use of force in self defense can be extended to such use in execution of the provisions of a mandate. There have been many instances where troops operating on such missions have resorted to the use of force ranging from the classic interpretation of protecting one's own person from attack, to using armed force against those who attempt to interfere with the execution of the mission, whether it be protection of a designated area, or a convoy carrying humanitarian aid, or dealing with mercenaries acting against the lawful government, or any other such operation.[4] The Security Council mandate setting up such operations must unambiguously state that such use of force is authorized, and more importantly, ensure that the contingents are equipped for the purpose. The rules of engagement for each mission are drawn up by the Force Commander or Head of Mission, based on the mandate, the resources available to the force, the terms of the agreement arrived at with the parties to the conflict, the prevailing ground situation, and other relevant considerations.

(ix) **Worst case scenarios**
It would be prudent to ensure that all future peace operations contingents be equipped for the "worst case" scenario, so that they can respond appropriately in self defense in case attacked. This would be prudent in the light of recent experiences of dealing with intra-state conflict situations. In all operations other than those that fall in the category of Chapter VII operations of the UN Charter, it is to be assumed that the use of force will be restricted to the minimum necessary to deal with a given situation, and without any bias. It is however essential that troop contributors are made aware of the heightened dangers to their personnel in the worst case scenario. The rules of engagement must then include this provision for dissemination to all personnel in the mission. Parties to the conflict must also be made aware of the fact, and application of such force executed in an unbiased manner.

(x) **Enforcement action**
In cases where enforcement action under Chapter VII of the United Nations Charter is considered the appropriate response, there has to be adequate political will, including the will to bear the possible human cost of the military operation; the will and capacity to absorb the financial burden; and the availability of troops well prepared and equipped for the task. This is a rather tall order for the United Nations to be expected to fulfil. For the foreseeable future, it would appear that military action to counter flagrant breach

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of international conventions will have to be undertaken by coalitions of "the willing and the able", but under the umbrella of United Nations Security Council Resolutions.

(xi) **Public relations**
An effective public information system is an essential and integral part of any peace operation. The importance of the media, both electronic and print, in whatever activity is undertaken, cannot be overstated. There is possibly no other single factor that has a greater influence on the evolution, preparation, and conduct of a peace operation. Some operations in the recent past were rushed into, without adequate preparation and thought, purely because of pressures generated by media reports; in other cases, conduct of operations in mission areas has been influenced by media coverage, even to the extent of being against the better judgement of commanders on the ground. It is imperative that the international community recognizes this impact and has the ability to resist its pressures for deployment of forces without all implications having been taken into account, and full preparations made.

Wherever there has been an effective information system, the mission's success has been largely assisted: and where it was conspicuous by its non-existence for many months, as was the case in the former Yugoslavia, the mission was seriously handicapped. It is essential to have the means of dealing with the disinformation inevitably put out by the parties to the conflict.

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POSTSCRIPT

The end of the Cold War and the relative success of Operation Desert Storm, induced a sense of euphoria that the international community was geared to deal with dangers to international peace and security in a more effective manner than before. However, the experiences of Somalia, former Yugoslavia, Liberia, Angola, Rwanda, and those in some of the former republics of the erstwhile Soviet Union, quickly dispelled these expectations, and in fact, may well have induced a sense of retrenchment in regard to peace operations. Even so, there can be hardly any doubt, that as and when new conflict situations arise, the international community and the belligerents, will turn to the United Nations for attempts at resolution. Hence operations for the maintenance of international peace and security will continue to be required, and must therefore continue to receive the attention they deserve, both in terms of political support, and military preparation.

International peace operations whether under the aegis of the United Nations, regional organizations, or multi-national groupings, are the only answer to conflict resolution, when all else fails. But it must be emphasized that the root of most conflict lies in deprivation in society, and to that extent, maybe some early investment in potential conflict areas towards building society, would be more cost effective. In this context, as stressed earlier, maximum efforts need to be directed towards preventive action by the international community; in this effort, whether it should be the United Nations or regional organizations, is a matter of statesmanship.

As we look into the 21st century, it is essential that we do not allow the perceived inadequacies of some recent operations to cloud our judgement, and swing from one extreme of attempting to undertake too much, to undertaking too little. There is so much the international community can do to ensure the maintenance of international peace and security, and there is no way it can absolve itself of that responsibility.

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[1] It is a matter of historical record that after the Dayton Agreement when NATO forces were deployed into Bosnia-Herzegovina, the numbers approximated 60,000

[2] I recall discussing this aspect with my then Chief of Staff, Lewis Mackenzie of Canada, a veteran of a number of earlier UN operations. My impression of overstaffing of the headquarters was quickly revised in a matter of days, when it dawned on us that almost forty per cent of the staff were just nice guys, who were incapable of effective staff work because of lack of knowledge of the working language (English) or of UN procedures.
[3] The coordination between humanitarian and military activities is an important matter which is dealt with in Chapter 6.

[44] In the Congo in the early sixties the forces constituting ONUC effectively used military force to deal with secessionist elements and mercenaries. Similarly, in Cambodia and in Somalia in the early nineties, escort parties from the UN contingents used force to deal with ambushes laid by warring groups and inflicted casualties on them. The aspect to note here being that use of such force was unbiased in application, which therefore did not adversely affect the credibility of the missions. In the most recent incident of such application in August 2000, the UN Mission in Sierra Leone, after having displayed great restraint and patience for weeks, during which mission personnel were held hostage or their free movement denied by the Revolutionary United Front, finally resorted to a most professional military operation to deal with the situation.

PAPER 4

GENOCIDE, HUMANITARIAN INTERVENTION AND INTERNATIONAL LAW

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SUMMARY

This paper briefly outlines the law relating to military intervention.

- It focuses in particular on military intervention prompted by evidence of gross violations of human rights, including genocide, or by the fear that such acts are about to be committed. It highlights important shortcomings in the arguments in favour of a so-called 'right' of humanitarian intervention.

- It proposes a way of approaching such issues in the future, on the basis of a logical and coherent approach rooted in ethics and law. In doing this it recognises the political realities inherent in the international system.

- It is a great mistake for international lawyers to ignore the realities of international politics when drawing their conclusions, just as it is unforgivable for statesmen and their officials to ignore legal, moral and ethical dimensions of the strategic environment when formulating policy. Politics and law are inextricably interwoven, as Kosovo clearly demonstrated.

THE CONTEMPORARY LAW OF MILITARY INTERVENTION

I   DEFINITIONS

(i)   Intervention is defined in *Oppenheim's International Law* as 'the forcible or dictatorial interference of a state in the affairs of another state, calculated to impose certain conduct or consequences on that other state'.

- This definition refers to military operations that are mounted deliberately to influence the internal affairs of another state. It is not, therefore, about military operations that are to do with the conduct of international disputes. It excludes self-defence (e.g. the British military operations in the South Atlantic in 1982), the provision of traditional peacekeeping forces whose objective is to help create the right circumstances for international dispute resolution (e.g. the UN peacekeeping operation in Suez from 1956), and enforcement operations mounted under the terms of a UN Security Council resolution (e.g. the coalition operation to recover Kuwait in 1991). All of these types of military operation are essentially to do with disputes between two or more states rather than with the influencing of situations within them.

- This definition also excludes military operations mounted with the agreement of the state in whose territory they are taking place. The deployment of US military forces into South Vietnam in the early 1960s would not constitute an example of 'military intervention' with the consent of the South Vietnamese Government. Notwithstanding difficulties experienced in establishing the actual degree of consent, if it is clearly given – and not under duress – any military operations will fall outside the Oppenheim definition[1].

(ii)   Intervention as defined is ordinarily illegal because it runs counter to the general principle of non-intervention that was a feature of customary law incorporated in Article 2(7) of the *UN Charter*. International law is the law existing between states, all of which have traditionally been regarded as equal sovereign entities and free to administer their own territory and treat their own people as they saw fit.

(iii)   However there is a legal tradition which asserts that states only have the absolute right to deal with their own internal affairs as long as their actions do not cause them to fail to meet their international obligations, in particular those of a profound nature *(jus cogens)*[2]. If a state fails to meet these obligations *ergo omnes*, other states may have a legitimate reason for taking a keen interest in its internal affairs. Sovereignty is not unlimited.

II SELF DEFENCE AND THE PROTECTION OF NATIONALS

(i) State A has the right the right to expect its citizens to be protected within the territory of State B, which is itself under an obligation to protect foreign citizens on its soil. If that obligation is not met, State A may intervene to defend its own people.[3]

(ii) State A's intervention is only legitimate if it is limited in its objective to the evacuation of its citizens and limited in duration and the degree of force used to that required to carry out the military operation effectively. This is in accord with the twin pillars of legitimate self-defence, namely necessity and proportionality. Arguably, if these conditions are met, the intervention is not fundamentally a threat to the territorial integrity or political independence of State B.

(iii) There is increasing state practice and opinion to support the developing legitimacy of such operations. In modern military parlance these are known as 'Non-Combatant Evacuation Operations', or NEOs. Some of these will be carried out with the consent of the state concerned, as was the case when British forces entered Sierra Leone to evacuate UK nationals in 2000. At other times the military requirement for surprise, coupled with a general disintegration of effective authority within a state, may make it necessary not to consult with the state authorities (who in circumstances of civil discord verging on civil war, may not be easy to identify in any case).

III   UN AUTHORISED HUMANITARIAN INTERVENTION

(i)   There are occasions when a state commits such serious humanitarian abuses within its territory that it is in contravention of its international human rights obligations. While the point at which human rights violations committed within a state create a legitimate international interest is debatable, the crime of genocide because of its status as *jus cogens* is agreed by the majority of international lawyers to be a sufficient cause to justify the international community taking action.[4]

(ii)   The balance between the sovereignty of nations and the international obligation to protect human rights had shifted in the favour of human rights since Article 2(7) was included in the *UN Charter* in 1945. The Charter was itself during this period a significant instrument in strengthening human rights law and in initiating the declarations which led to the genocide declarations.

(iii)   Formal statements today frequently reflect ambiguity concerning the right of humanitarian intervention. An example is a statement by the Foreign and Commonwealth Office in 1986 that 'the best case that can be made in support of humanitarian intervention is that it cannot be said to be unambiguously illegal'.

(iv)   Two recent situations however have had a major influence on the development of the doctrine of humanitarian intervention. The first was Bosnia and its increasing impact on opinion throughout the mid-to-late 1990s. The second was Rwanda which put in stark relief both the ineffectiveness of the Genocide Convention and the shortcoming of the UN system; it had a strong impact on international opinion and on the development of international criminal law through the jurisdiction of the Rwanda Tribunal.

IV NON-UN MANDATED HUMANITARIAN INTERVENTION

(i) It can be argued that in extreme exceptional circumstances the consequences of the UN's failure to act would be sufficient to warrant collective action nevertheless. There is a historical body of state practice that can be used to support intervention in such circumstances.[5]

(ii) The deeply disturbing consequences of international inaction over Rwanda were an important backdrop to NATO's decision to intervene in Yugoslavia in 1999. When linked to considerations of national interest driven by the close proximity of Kosovo to the rest of Europe, international opinion, already hardened by the slaughter in Bosnia and Rwanda, was a factor that was borne in mind in many of the NATO capitals. The prospect of genocide being committed in Kosovo apparently convinced the nineteen member states of NATO that they had both a legitimate reason to act to prevent it and a clear national interest in so doing.

(iii) National interest is regarded by many as a cynical rationale for state action, implying an approach to the conduct of international relations lacking in moral or ethical purpose. This ignores the important relationship between national interest and state practice. State practice reflects national interests. Since state practice is a vital component of customary law, the national interest of states must play an important role in the development of international law. The importance of state practice is fully recognised by the inclusion of customary law as one of the main sources of international law enshrined in the *Statute of the International Court of Justice.*

(v) Of course, practice on its own is not sufficient; it has to be combined with *opinio juris* for it to contribute to the body of international law. However, it is not unreasonable to argue that an international obligation to prevent genocide, or other gross violations of human rights, should be regarded as providing the impetus necessary to convert mere state practice onto something approaching customary law. Given the power of opinion in the democratic politics that make up the Alliance, the NATO response represents powerful evidence to support the emergence of a customary norm. Three of the NATO states involved were Permanent Members of the Security Council, the full NATO membership represented a significant body of regional opinion, the NATO action was supported by many other states, and the intervention was at no time condemned by the UN Security Council.

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(vi)   At the conclusion of the military operation the UN Security Council effectively endorsed NATO's action by providing a mandate for it to effect the restoration of law and order in the province. If the legitimacy of non-UN Security Council endorsed humanitarian intervention was in doubt prior to Kosovo, it must be less so today.

(vii) One might argue therefore, that NATO's intervention was strictly contrary to UN law but legitimate – even lawful – nevertheless. The assumption that UN law and international law are synonymous in relation to the use of force is a common one but it does require challenge. The *UN Charter* is a treaty, albeit one of a very special status. It exists because the principal subjects of international law (sovereign states) brought it into existence. They did so in order to institutionalise the international community's response to threats to its own peace and security but, in doing so, they did not abdicate ultimate responsibility for their own legal obligations.

(viii) If there is indeed an obligation exceeding that of non-intervention then it is likely to rest on the international community as a whole, not merely on a single member state. For this reason it is not unreasonable to expect the UN to be the principal focus for decision-making and to determine the existence of an obligation over-riding the principle of non-intervention. It is probably fair to say that this sort of consideration would have been in the minds of those who created the UN over half a century ago. It seems very likely also that this was one of the reasons why the UN was given both deterrent and coercive abilities, with the application of coercive military sanctions being the ultimate manifestation of the organization's ability to meet its obligations in that respect.

(ix)   However, the UN's failure to act certainly does not mean that the international community is necessarily under a legal obligation not to take action. What it could well mean is that the institution that ought to have acted on their collective behalf failed when it mattered. Given a breach of the *Genocide Convention*, and given an acceptance of the international community's obligations to prevent and punish that crime, is it the UN or the states party to the *Convention* that are under the obligation? Ultimately, it must be the states party. One way that they may see of exercising that obligation is, of course, through the mechanisms of the *UN Charter*. However, as we have argued above, the states themselves are not relieved of their obligations in the event that the UN's mechanisms fail to deliver or are thought most unlikely to do so. They retain an obligation to react, including to consider the possibility of military intervention.

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V RIGHTS OR OBLIGATIONS TO INTERVENE?

(i) Rights and obligations are correlative constructs and neither can exist without the other. One man's right to life is utterly meaningless unless it is matched by an obligation borne by all others not to kill him. Since the UN came into existence, the concept of human rights has developed apace because of an increasing belief in the existence of both human rights and the obligations that give essential meaning to them.

(ii) However, in a responsible society, third parties will also have an obligation to prevent others violating those rights. Given that 'general principles of law recognised by civilised nations' are a source of international law, and given that domestic criminal legal codes invariably generate third party obligations, it is reasonable to assert that such obligations also exist in international law. It can therefore be argued that rights generate obligations not only to respect the rights of others but also to protect them from assault by third parties. Article 1 of the Genocide Convention contains such an obligation because it requires states to take action to prevent the crime being committed.

(iii) Since rights and obligations are correlative terms, logically and in strict jurisprudential terms, a **right** by State A to intervene in State B cannot possibly exist if the basis for it is gross violations of other individual **rights** in State B. Those individual rights can only generate correlative obligations. A state has an obligation to respect the individual rights of its citizens and in general terms, particularly in relation to genocide. Any outside influence brought to bear must be regarded as a 'third party' in relation to that internal balance of rights and obligations. So the question is: do states generally have any legitimate reason for intervening to protect the rights of citizens within another state and to either prevent or punish others within that state for failing to meet the obligations that give meaning to them? If they do, that legitimacy must be based on some degree of obligation in relation to the individual rights being violated.

(iv) This argument must be at its most powerful when the hypothetical obligation is based on a breach of a peremptory norm of international law – *jus cogens*.

(v) Although the UN has legal personality, it is essentially its member states, individually or collectively, that have to meet their obligations resulting from international law. This is especially the case in relation to *jus cogens*. States cannot hide behind the inherent political shortcomings of an organisation that they themselves created, in order to avoid meeting their broader legal obligations. It is absurd to suggest that their willingness to meet an obligation must necessarily be thwarted by a single veto in the Security Council.[6]

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(vi)   Until now, the acceptance of an obligation rather than a right to intervene has been resisted because it would imply that states would have no choice but to intervene whenever and wherever violations are being, or are about to be, committed. It can be safely assumed that there is not a single government in the world today that would be prepared to accept such an open ended commitment. At first sight, therefore, there seems no point whatsoever in imposing jurisprudential logic on this particular international political and legal conundrum. To do so would force a wedge between strict legal logic and political reality. This would have the undoubted effect of bringing the law into disrepute, with states failing, in the main to meet their legal obligations. This would undermine international law in general and provide ammunition to those who are cynical as to its purpose and utility.

(vii)   On the other hand, not to apply strict jurisprudential logic to this vitally important issue would mean that the so-called doctrine of humanitarian intervention, as it is currently emerging, will necessarily be constructed on seriously flawed legal, moral and ethical foundations. It is at best a denial of the need for intellectual rigour and at worst a cynical distortion and manipulation of moral and ethical imperatives, to deploy an argument based on an acceptance of *jus cogens* while denying the existence of the obligations that flow from it.

(vii)   There is another very important political reason why any perceived tendency to intervene must be based on some degree of obligation, rather than on a right. The claim to a right to intervene implies a much greater freedom of choice than would be the case with an obligation. Notwithstanding what has already been said about national interest above, to claim such a right and then to act upon it may well create the impression of an act taken in pure self-interest. A justification for intervention by reference to a legal obligation to protect individual rights is likely to be more persuasive on a moral or ethical level than one couched purely in terms of states rights - especially when the right to intervene goes against the long-standing principle of non-intervention.

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VI   THE JUST WAR DOCTRINE AND THE UN CHARTER

(i)   The just war doctrine as evolved in the Middle Ages was a marriage between political realism and idealism. While it laid obligations on sovereign states to keep the world's peace by using force if necessary (just war), it hedged this obligation with a number of conditions which helped to root it in political reality. The UN Charter was a similar marriage between political realism and idealism, and in many ways codifies and updates the original theses of just war.

	Just War	UN
Legitimate Authority	The decision to resort to war can only be made by a legitimate authority.	Collective sovereign authority to wage war institutionalised by granting the UN the ability to apply military sanctions against transgressor states
Just Cause	For reasons of self defence in response to aggression, for the purpose of righting a wrong or rectifying an injustice	Inherent right of self-defence was enshrined in Article 51 and the ability to rectify an injustice contained in provisions on military sanctions in Chapter VII
Last Resort	War only to be countenanced as a measure of last resort, all other remedies having been tried and found wanting.	Trinity of sanctions: diplomatic, economic, military. The latter generally regarded as to follow if the former two failed to achieve desired result
Probability of Success	There must be a reasonable chance of success in the pursuit of the desired goal. Without that possibility war might be futile and lead to unnecessary suffering.	The prospect or success and the need for proportionality are considerations that it is reasonable to suppose are conditions to be weighed and decided upon by the Security Council in their deliberations prior to agreeing a mandate for the use of military force under Chapter VII
Proportionality	The principle of proportionality must be applied in order that the good to be achieved is estimated to exceed the harm that will be done in waging war	
Just Means *(jus in bello)*	War must be waged in accordance with the rules of combat (or *jus in bello*) in order that its conduct is not itself deemed to be immoral or inhumane	War to be conducted in accordance with the law of armed conflict.

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VII CONCLUSIONS

Let us suppose that there is substantial *prima facie* evidence of genocide being, or about to be, committed within the territory of a state. While the principle obligation correlative to the rights of the victims rests with those actually committing or about to commit the crime, third-party obligations also exist (as formally acknowledged in the *Genocide Convention*. Let us also suppose that agreement to intervene is blocked in the UN Security Council (for whatever reason) and no UN mandate is likely to be forthcoming. The following considerations should then be brought into play.

(i) First, the decision to resort to force can only be made by a **legitimate authority**. Given the importance of the principle of non-intervention, it is probably reasonable to expect a substantial collective decision rather than merely a unilateral determination to intervene. This could typically, though not exclusively, be achieved through the mechanisms of a significant and appropriate regional organisation. While this discussion is general rather than specific, the decision by the nineteen member states of NATO to intervene in Yugoslavia in 1999 might come to be regarded as a significant precedent in this respect. Obtaining such a degree of international or multinational agreement will never be easy and the ability to do so will in itself convey a degree of authority appropriate to the circumstances.

(ii) Second, the decision must reflect a **just cause** and be pursued with a morally **right intention**. As discussed, genocide is an extreme form of human rights violation and evidence that it is being committed, or is about to be, should very reasonably be regarded as a just cause, especially as those committing it are in breach of a peremptory norm of international law. The consequent saving of life and the protection of other fundamental rights would certainly constitute a morally right intention

(iii) Third, military intervention must be regarded as a **last resort** measure and only be applied if all other means have been exhausted or are regarded as unlikely to avert the envisaged humanitarian catastrophe. Diplomatic efforts, including the threat or imposition of economic sanctions, must be made to persuade the state concerned not to proceed with its supposed policy of genocide. These might legitimately include the threat to use force if it does not.

(iv) Military intervention must have a reasonable **prospect of success**. For this to be likely the force intervening must be endowed with sufficient military capability of an appropriate type. In this respect the debate over NATO's chosen means of intervention in 1999 is especially relevant. At the time, the Alliance's heavy reliance on air power was seriously questioned by many, including by some who were otherwise sympathetic to the idea of intervention. Clearly, this will be a matter of both political and military judgement that has the potential to generate considerable controversy

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[1] Cases in which consent is controversial include Soviet military action in Czechoslovakia in 1968 and the US operation in Grenada in 1983.

[2] See ICJ judgement in the *Barcelona Traction Case in 1970*.

[3] A classic example is the Israeli assault on the Ugandan airport at Entebbe in 1976. Following an aircraft hijacking, a number of Israeli citizens were being held against their will by a terrorist group that was apparently being provided with both moral and physical support by the Ugandan authorities.

[4] See the ICJ in the *Barcelona Traction Case*.

[5] Examples include the Indian military operations in East Bengal in 1971, the Tanzanian intervention in Uganda in 1979 (both unilateral and neither justified publicly by reference to humanitarian intervention doctrine) and the multilateral intervention in Northern Iraq to protect Kurdish minorities following the UN mandated coalition operation to recover Kuwait. None of these operations benefited from a specific UN mandate, although the intervention in Northern Iraq was at least consistent with UN Security Council resolutions dealing with Iraq.

[6] Some may argue that Article 103 of the Charter reflects such a suggestion. Certainly it obliges states to comply with their obligations under the Charter rather than with any other international obligations if there is a conflict between the two. However, this sanctions the precedence of the Charter over obligations arising from other agreements. It certainly does not oblige states to ignore their obligations, in relation to *jus cogens* for example. Indeed, were any of the organs of the UN (including Security Council) to suggest that states should act counter to *jus cogens*, the Organisation would itself be in breach of the principles of international law, something that Article 1(1) of the Charter expressly forbids.

(v) The principle of **proportionality** must be observed in the sense that the amount of good to be achieved must outweigh the harm that is done in using force. In simple terms, if the destructive consequences of the military campaign result in more death and destruction than was likely if genocide was allowed to proceed, the justness of the intervention must be doubted. Again, this is an extremely difficult issue to judge. In the case of Kosovo some have argued that the NATO air campaign allowed genocide or so-called 'ethnic cleansing' to proceed in a more intensive way than would otherwise have been possible. What is clear is that this condition provides a just reason for applying restraint in circumstances that would prove militarily very difficult to prosecute

(vi) Finally, force must be applied in strict accordance with the **laws of armed conflict**. The fact that the target state is committing genocide is no reason for using methods that would otherwise be illegitimate.

The Just War doctrine provides first of all a traditional legal basis for intervention without recourse to UN Security Council action in support and, secondly, it avoids the convoluted and unsound reliance on an erroneous 'right' to intervene. Although the practical outcome may be very much the same as future practice justified by a claimed 'right' of intervention, in jurisprudential terms a rationale based on an obligation would be much more rigorous and defensible.

PAPER 5

HUMANITARIAN ASSISTANCE AND PEACEKEEPING: FUTURE ROLES, FUTURE PROSPECTS

Author: Commodore Tim Laurence

(Note: This chapter is based on RUSI Whitehall Paper No 48 by the same author)

SUMMARY

Two contrasting concepts have shaped attempts to intervene in international crises during the last century, both of them responses to the need to intervene in international crisis . These are peacekeeping and humanitarian assistance. For the greater part of the century the two forms of intervention have developed largely in isolation from each other, but the crises of the 1990s brought these two strands more closely together. In many instances peacekeeping and humanitarian assistance worked well together, but there are also occasions when the relationship went wrong. Particularly difficult were situations when a negotiated peace broke down and organisations found themselves, through no fault of their own, working together in circumstances of great danger and confused objectives.

The central argument of this chapter is that the alliance between peacekeepers and those involved in humanitarian assistance will play a very significant role in the international community's response to the crises which will inevitably arise in the early decades of this century. We therefore need to look for ways to improve the alliance and to understand and mitigate the inevitable tensions within it. It may also help to establish clearer identities for each side of the alliance, because the blurring of their respective roles is often a major source of concern.

I   THE POLITICAL-MILITARY-HUMANITARIAN TRIANGLE

(i)   **Of all the factors which affect the alliance between the humanitarian and military aspects of intervention, the most important is the political directive.** Without political directive, the other mechanisms can only cope with the effects of conflict; they cannot deal with the underlying causes or produce long-term solutions. The triangular relationship between politics, peacekeeping and humanitarian assistance is the key to effective coordination, and political control is at the apex of this triangle. Peacekeeping and humanitarian action can only be effective if there is also a political initiative to seek a durable solution.

(ii)   **The key position in the command triangle is that of Special Representative of the Secretary-General (SRSG), who is a high level official given decision-making authority by the Secretary-General on both political and operational matters in the conflict area.** He or she will usually be the international community's senior representative in the field. The significance of both the role itself and the quality of the incumbent has been increasingly recognised during the course of the 1990s, however only recently has an attempt been made to formalise responsibilities and terms of the reference.[1]

(iii)   **It is particularly urgent to establish clear guidelines for the relationship between an SRSG and his or her two principal subordinates: the Peacekeeping Force Commander and the UN Humanitarian Coordinator.** Up to now, this crucial working partnership has been established on a case-by-case basis and it has been up to individuals to make it work effectively. Some flexibility will always be desirable, because operational conditions will inevitably vary from those envisaged when the guidelines are written. But more formalisation is now required, if only to establish firmly the position of the SRSG. Military commanders and humanitarian coordinators will always tend to step into a political vacuum when clear political leadership or direction is not being given. SRSGs need to have clear authority and to use it wisely but firmly. Ultimately, however, much will depend on the quality of the individuals concerned.

II   COORDINATION OF THE MILITARY AND HUMANITARIAN ROLES

(i)   **The real test of coordination is across the gap between the peacekeeping and humanitarian communities.** It is here that the new alliance between them has been put under greatest strain. In many cases the alliance has been forged successfully; in others it has failed, leading to mutual criticism and recrimination.

- Peacekeepers argue that the humanitarian community often fail both to coordinate amongst themselves, and to cooperate with the peacekeeping operation. This weakens the overall effort towards peace and long-term stability and gives warring factions the chance to play one side off against the other.

- The principal concern for humanitarian personnel is the use of the military in the provision or support of humanitarian assistance. It is said that they often arrive too late, are inexperienced and hence inefficient in relief operations, are expensive and, just when you have got used to them, they are pulled out too early.

(ii)   **The root of the problem is the lack of clear definition of the role of the military in a Complex Emergency.** No-one can doubt the role of humanitarian agencies in these situations, even if one might occasionally challenge the methods used and the long-term objectives. It is however difficult to pin down what exactly the military are supposed to do. UN mandates frequently contain the phrase 'in support of humanitarian assistance activities'. What does this phrase actually mean? The answer to this holds the key to a less strained relationship between the two would-be partners. If their respective roles can be more clearly separated and defined, it should be easier to coordinate their efforts.

III   MILITARY ROLES IN COMPLEX EMERGENCIES

(i)   The following is an attempt to list Military roles in Complex Emergencies under three headings: Peacekeeping; humanitarian support; and enforcement measures. Inevitably there are overlaps between the three, but the underlying distinction is useful.

Peacekeeping

These tasks would be under a Force Commander's authority.

- Establishing a UN presence by patrolling disputed areas and monitoring activity.
- Managing ceasefires, e.g. by defusing incidents and investigating violations.
- Establishing stabilisation measures, e.g. brokering agreements over demarcation of boundaries.
- Communicating between parties to a conflict which have no diplomatic relations.
- Demobilisation and Disarmament.
- The clearance of mines and other unexploded ordnance.

Humanitarian Support

These tasks would only be undertaken at the request of, or in agreement with, the Humanitarian Coordinator.

- Provision of immediate humanitarian assistance, e.g. emergency food distribution, building of refugee accommodation, and provision of basic water and sanitation, when relief agencies were not present in sufficient strength to cope with sudden demand.
- Alerting humanitarian agencies to pockets of need encountered during routine patrol activities.
- Assistance to humanitarian agencies in longer-term relief and development projects.
- Negotiations with warring factions to create the conditions in which agencies can operate freely and effectively.
- Physical security of aid delivery and other humanitarian activity.
- Physical security of refugee camps.

Enforcement Measures

These measures would only be used if the consent of the parties to a conflict had broken down.

- Restoration of law and order.
- Forcible separation of belligerent parties.
- Establishment of safe areas.
- Guarantee or denial of movement, e.g. blockade or no-fly zone enforcement.
- Enforcement of sanctions.

(iii) **These lists could form a blueprint for peacekeeping operations, and could be varied to suit individual circumstances**. It is important to identify separately the humanitarian support tasks and to make it clear that they are secondary tasks only to be performed if requested by the humanitarian coordinator, or at least in agreement with him or her. Observing this practice should remove the perception of the military invading humanitarian territory or 'space' uninvited.[2]

(iv) **A delicate balance has to be struck between cooperation and too close identification, but these two objectives are not necessarily incompatible**. In states with experience of peacekeeping, much thought is going into the improvement of Civil-Military Cooperation (CIMIC) mechanisms in the field.[3] A great deal can be achieved by discreet communication and using liaison officers from both sides to build up an awareness and understanding of each other's objectives and methods.[4] It is essential that there are regular exchanges of information through meetings, briefings, e-mails and even social exchanges – the latter useful as a means of breaking down barriers. If each side is clear about the other's role and objectives, the chances of success are much greater.

IV PHYSICAL SECURITY AND THE NEUTRALITY/IMPARTIALITY DILEMMA

(i) **This logic should work in a relatively benign environment, but it gets progressively more difficult as the security situation deteriorates.** If both peacekeepers and humanitarians decide to remain despite the risk, the question arises as to whether the latter should look to the former for protection, for example, by providing armed guards for compounds, armed escorts for convoys or to police refugee camps. This subject generates controversy in the humanitarian community, which tends to seek every possible alternative to taking advantage of military protection. There are three main reasons for this. The first is that the military are only present in a few situations where security is a problem, therefore practices have to be evolved which can work whether they are present or not. The second is the fear that accepting military support will leave an agency even more vulnerable when the military withdraws. Finally, there is the perceived loss of impartiality and neutrality that it is assumed will follow.

(ii) **While the principles of neutrality and impartiality are important guides, they must be applied with common sense and respect for operational realities.** It is argued that if a relief organisation accepts protection from a military force it becomes associated with that force in the eyes of local warring factions and therefore loses its claim both to neutrality and also probably to impartiality, although a peacekeeping force has much the same interest in remaining both neutral and impartial. In Complex Emergencies, however, it is doubtful whether either the humanitarian organisations or the peacekeepers can achieve their objectives without compromising the ideals of impartiality and neutrality because there will generally be at least one faction that will consider them a threat of some sort. Some argue that most relief organisations, with the exception of ICRC which has a particular status in this respect, should abandon the principles of neutrality and impartiality because the restrictions they impose outweigh any diminishing benefits. However, the potential benefits are considerable and not to be dismissed lightly. Humanitarian coordinators must weigh up each situation and consider all available options to enhance security, including peacekeepers whenever they are available. There are many precedents for successful collaboration in this respect to offset the few highly publicised failures.[5] The key is frequent discussion of the problem with the aim of finding an agreed way ahead rather than having one side impose a solution on the other. Much will also depend on the standing of a force, and even of particular units in it, with local factions.

(iii) **If a force's mission is to enforce an agreement, such as a ceasefire, and one of the parties involved is violating the agreement noticeably more than the other, then they must bring pressure to bear, and if necessary take action against, the violator.** Remaining neutral should not mean turning a blind eye to this kind of activity. Similarly for relief organisations, one side of a dispute may be more in need of assistance than the other. Being impartial does not mean distributing equal amounts of relief to both sides.

V   THE USE OF FORCE IN PEACEKEEPING OPERATIONS AND THE TRANSITION TO ENFORCEMENT ACTION

(i)   **In peacekeeping operations a firm approach is not only essential to fulfilling the mandate, but also enhances the respect accorded to the peacekeeping force**. This in turn makes both its military tasks and its humanitarian support role easier. In Cambodia it has been reported that both military and civilian casualties were lower in regions where peacekeeping contingents took a tough stance than where a more equivocal posture was assumed.[6] In a peacekeeping operation, the judicious use of force need not undermine a neutral posture, nor should it damage relations with the relief agencies.

(ii)   **There may come a point, however, when firm peacekeeping is no longer enough**. Quite when that point is reached is extremely difficult to judge, but the judgement has serious consequences. The UK's doctrine manual 'Peace Support Operations' states that:

> A peacekeeping force should only make the transition to peace enforcement as the result of a deliberate policy decision and a change of mandate, taking account of the risks involved, and matched by appropriate force levels, Rules of Engagement, equipment, deployments and training. It will almost certainly require substantial force restructuring and redeployment, the evacuation of unarmed monitors and civilians, and the possible termination of certain humanitarian activities.[7]

(iii)   **Confusion about this transition has caused many difficulties**. The following examples will illustrate the point.[8]

- In the Congo (1960-64), ONUC was drawn into a peace enforcement operation in order to subdue the secessionist state of Katanga. An initial force of 3,500 increased to a maximum of 19,800, and 250 of them were killed.

- In Somalia (1993-95), UNOSOM II was given a mandate which included a measure of enforcement to secure the environment for humanitarian assistance. Its strength reached 28,000, of whom 148 were killed, and in February 1994, after several violent incidents, its mandate was amended to exclude the use of coercive methods.

- In Bosnia (1992-95), UNPROFOR was not given a mandate for enforcement but was frequently invited to perform tasks, such as defence of 'safe areas', which could only have been achieved by deploying more troops and using more force. Its maximum strength was 39,900 and it suffered 210 fatalities.

- In Angola (1995-99), UNAVEM III and MONUA maintained a strictly peacekeeping role. But with the fatality figure approaching 100 out of a maximum force of about 8,000, the mission was withdrawn in 1999, leaving

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As if to highlight the dangers, four locally based SCF(US) workers were ambushed and killed as the UN mission was withdrawn.

(iv) **The transition to enforcement action inevitably puts greater stress on the command structure and on communications within the command triangle (political, military, humanitarian).** It is essential that full communications are maintained and that all concerned are aware of the political strategy being followed, and in particular that the humanitarian community understands where the UN mission stands at any point. Finally, the balance in the command and control structure must change to give the Military Force Commander greater prominence in his dealings with the SRSG so that decisions can be made quickly.

VI DISENGAGEMENT AND HANDOVER: THE DIFFICULTIES

Whether peace has arrived through enforcement or negotiation, the moment will come in a conflict for the state or states involved to begin their return to normality. Meanwhile, international organisations must start a process of disengagement and handover to indigenous local authorities and governments. Complex Emergencies are usually merely the symptom of deep-rooted and long-running problems. Few are amenable to short-term solutions. This phase of operations involves particular stress on relationships between the peacekeeping force and humanitarian organisations.

(i) **The Peacekeeping force has a short time perspective.** The following considerations are relevant:

- **Operational costs of peacekeeping forces**. The deployment often leaves gaps unfilled at home. (This is particularly true of the police): there is a perception that too much time spent on peacekeeping erodes their state of training for their normal tasks. (This argument mainly applies to the military, who are unable to practice their warfighting skills while engaged in peacekeeping, though in most such operations they gain valuable leadership, decision-making, negotiating and field skills): and peacekeeping operations are expensive.

- **Financial costs**. The annual cost of UN peacekeeping was almost $4 billion in 1993 and about $1 billion in 1998. [9] The costs are shared by member states according to a special scale of assessments. So although direct costs will eventually be reimbursed by the UN states have to pay the bill anyway through contributions to the UN budget. The largest shares are paid by P5 members who have the biggest say in whether an operation is mounted and how long it should last; financially, it is in their interest for it to be as short as possible. The USA alone pays 30%, a proportion which gives them an unfair financial burden, as well as a disproportionate influence on every aspect of the mission.

- **Political costs**. Finally there is the political commitment involved. Taxpayers (and voters) can usually be persuaded to send 'their boys' off to a distant conflict, but they tend to want them home (alive) by Christmas. Political benefits usually come from early success rather than open-ended commitment.

(ii) **Humanitarian organisations have a longer time perspective.** Many will have been involved long before the peacekeepers arrive and may remain indefinitely after they leave.

- Their objective may not be to disengage but to redirect their activities from relief towards development, or to hand over to a development agency, hoping to create the social and economic conditions which will make renewed conflict less likely.

- Their interest is in keeping the international community engaged until the conditions for this have been achieved, and ensuring major donors continue to fund them.
- Their employees have volunteered precisely for this sort of work and are not normally interested in a quick escape. In sum, they are playing a longer-term game, but not a permanent one.

(iii) **The peacekeeping force has a defined task**. Most of its tasks have both a natural end-state and, usually, a target end-date. Medical and logistic support, for example, are usually handed over to civil authorities or contractors as quickly as possible. Another task usually linked with the military is demining. Military peacekeepers are often invited to start this process off, but there are now many independent organisations which specialise in the task, and handover is usually conducted as soon as the security situation allows.

(iv) **The humanitarian task is less defined**. There is much discussion in the international community about rehabilitation, but an acute lack of clarity as to what this really means: what are the objectives, duration, start and end point, appropriate activities, actors, roles and responsibilities?

(v) **UN coordination is difficult.** The UN has difficulty in providing overall coordination of humanitarian action, especially during the transition phase. This is in part because the sheer scale of the problem is so immense, as indicated above. But it is also because the independence of the major UN agencies, and the competition between them, makes it extremely difficult to achieve a common UN position.[10] There are more interested parties during the post-conflict stage, including governmental, non-governmental, community and commercial organisations in addition to the relief agencies. Simply tracking them is difficult enough; coordinating them is near impossible.

(vi) **Establishment of a judiciary**. Finally, a rather more complex issue which has to be agreed between the political authorities and the peacekeeping and humanitarian agencies is the reestablishment of a judiciary and the question of whether and how to try those accused of war crimes or other human rights abuses. One route is that of International Tribunals, such as those for Rwanda and Former Yugoslavia. However the evidence so far is that these will only deal with a very small number of cases, albeit the most high profile ones. The great bulk of cases, for the foreseeable future, are likely to be dealt with by the individual states concerned through their own judicial systems. The peacekeeping mission therefore has a heavy burden to ensure that systems are set up correctly, that they dispense justice fairly and that personnel involved are not physically threatened or attacked. This can be one of the most difficult parts of the operation.

VII A STRATEGY FOR DISENGAGEMENT

(i)   The most important lesson about this phase of the crisis is that, although peacekeepers and humanitarians have different approaches to the period of rehabilitation and disengagement, the two are not incompatible. Despite their differences, they are partners with a shared objective. This objective is to build up local institutions to the extent that a gradual handover of responsibility for security and the longer-term development process to local control is possible. An important milestone in this respect may be democratic elections, but there may be circumstances in which elections are inappropriate and where other options should be considered.

On the basis of this objective, there must be an overall strategy or framework which guides the actions of individual players. This must be approved by the UN and firmly led in the field by the SRSG in his or her position at the head of the eternal triangle. For either peacekeepers or humanitarians to maintain that their work should be pursued in isolation from the political context simply fails to reflect the realities of Complex Emergencies.

(ii) This overall strategy should:

- be based on a **multidimensional approach**, with political, military, humanitarian, civil police and other appropriate components. This proven formula 'is itself an important factor in enhancing the possibility of success.'[11] It should be built on and refined, not abandoned simply because one or two such operations have failed.

- be viewed as a **transition strategy** rather than an exit strategy. The term "exit strategy" is too final, implying a willingness to abandon a country to its fate, come what may. Nevertheless, a momentum must be maintained and a desired endstate must be kept in mind as a target to aim for.

- have a **clearly established timetable** with key milestones highlighted so that progress can be easily monitored. There are risks in this approach, particularly if targets turn out to be unrealistic, but the greater risk is to let the mission drift with little scope for leverage over the parties involved.

- involve a **series of overlapping activities** rather than sequential phases, so that lack of progress in one area need not necessarily hold back work in another.

- involve **regional organisations** in building political agreements. Their role at this stage is crucial. Most conflicts have implications for neighbouring countries, and in some regions different conflicts may impact on each other. In the Balkans and Central Africa, for example, there is scope for addressing more than one conflict together, since there are many interrelationships between them.

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- involve **local decision-makers** so that the process comes to be 'owned' locally and is not perceived as simply being imposed from outside. This building of local institutions is fundamental to any return to normality, and it is too often ignored in the rush to handover and leave.

- include a **public relations strategy** to ensure the dissemination of information. This is important, not only in achieving good coordination between the various international players, but also in explaining to the local population what is happening and winning their support for the way ahead.

IMPROVING THE HUMANITARIAN/PEACEKEEPING ALLIANCE

The overall conclusion from this chapter is that although relations between the humanitarian and peacekeeping communities have been slowly improving over recent years, there is more to be done. The following are some of the key points which need to be addressed:

- **Further debate on the principles behind a decision to intervene militarily in a conflict or humanitarian crisis.**

- **Clarification of Command and Control arrangements in UN missions.**

- **Clearer definition of the role of the military in complex emergencies, and an acceptance that any humanitarian tasks they carry out should be in agreement with the relevant humanitarian coordinator.**

- **A greater openness by the humanitarian community to the possibility of using peacekeepers to assist with physical security of their own personnel, of the aid they are delivering and of the population they are trying to assist.**

- **More effort from both sides to understand each other's viewpoints and procedures and to organise combined training and briefing.**

- **More intellectual effort to work out combined doctrines and procedures, and to learn the lessons of past events**

- **Continued experimentation with coordination mechanisms, notably the UN's "Strategic Framework" initiative.**

- **Clearer recognition of the gap between peacekeeping and enforcement operations, and the radical changes to force composition and mandate required if changing from one to the other.**

- **Disengagement should be as carefully thought through as intervention, under an overall Transition Strategy (not Exit Strategy) firmly led by the SRSG.**

- **The ultimate objective should not be withdrawal but the gradual handover of responsibility to well-established local institutions.**

[1] 'It is important' said the report of a 1998 UN forum in New York on the role of SRSGs 'that the nature and scope of an SRSG's role be clearly articulated to avoid confusion either within or outside the UN' The SRSG's role was the subject of a high level forum in New York in July 1998, attended by Kofi Annan himself and by eight serving or past SRSGs. The resultant report 'Command from the Saddle: Managing United Nations peace-building missions' was published by the forum's organisers, the Oslo-based FAFO Institute for Applied Social Science, in early 1999.

[2] John Mackinlay has, for example, written of the excellent cooperation between peacekeepers and NGOs in Bosnia in Multinational Division (South West) in 1997: "The Stabilisation Force military infrastructure had become more pervasive than that of the civil agencies, reaching down comprehensively to the grass-roots level in a way that humanitarians could not. This created an obvious area for cooperation: humanitarian agencies would provide the relief and development equipment and expertise, and the SFOR military organisation would help to target the most needy areas and distribute the equipment. John Mackinlay 'NGOs and military peacekeepers: friends or foes?' in *Jane's IDR* 7/97.

[3] For example see the MOD's Peace Support Operations JWP 3-50 pp7-5; and Major S R Skeates "Operating in a complex environment: How can the British military improve Interagency Cooperation in Peace Support Operations?" *RMCS Shrivenham dissertation* 1998.

[4] Brigadier-General Jeffery Pilkington, commander of Operation Provide Comfort in Northern Iraq 1993-95, identified lack of communication, together with lack of trust, as the two major causes of misunderstanding between military and humanitarian personnel. See Jeffery S Pilkington "Improving military and civilian cooperation in humanitarian relief operations" in *Refugee Participation Journal* No. 23 Jan-Apr 1997.

[5] In Somalia in 1993, the military so antagonised the local population that for relief workers to be protected by the military in some cases increased their risk of being attacked by local warlords.

[6] Colonel Paul Filler (then British Army, now working for ECHO) in an interview in Nairobi 15 March 1999.

[7] ibid pp3-4.

[8] Figures are from *UN Peacekeeping: 50 years 1948-1998* DPI/2004 1998.

[9] *UN Peacekeeping: 50 years 1948-1998* op. cit. pp7.

[10] The Inter Agency Standing Committee (IASC), formed in 1992 and including major NGOs as well as the UN Agencies, provides a degree of strategic guidance. It meets formally twice a year, and informal 'out of committee' discussions may take place in response to a crisis. Participants believe IASC is a useful forum, although the grass roots view is more critical. More recently, the Secretary General has formed a new Executive Committee on Humanitarian Affairs in New York, whose track record is as yet unestablished. Meanwhile, OCHA may establish a more effective coordinating role given time and sufficient funding. Ultimately, however, firm leadership on the ground is likely to be the most important factor with the SRSG and the Regional or National Humanitarian Coordinator being the key players.

[11] Michael Doyle et al *Keeping the Peace* op cit pp387

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PAPER 6

A UN CONSTABULARY TO ENFORCE THE LAW ON GENOCIDE AND CRIMES AGAINST HUMANITY

Authors: **Saul Mendlovitz and John Fousek**

SUMMARY

The signing by 120 states of the statute to establish a permanent international criminal court with jurisdiction over the most heinous of violent international crimes–genocide, other crimes against humanity, and war crimes–marks a moment of great promise, despite the statute's imperfections and the failure of the United States to sign on. It took the United States 40 years, and sustained political efforts by advocates of the world rule of law, to ratify the 1948 Genocide Convention. Sustained political efforts may also change the present U.S. position on the ICC. Human rights organizations and other citizens' groups played an essential role in initiating and shaping the political process that led to the Rome treaty. A similar worldwide citizens' campaign aimed at the creation of a standing UN Constabulary could have similar results in the decade ahead. With these two new, global institutions in place, the prospect for enforcing international criminal law and deterring potential criminals in the future would be immeasurably improved. While the outbreak of violent conflict needs ultimately to be dealt with on the ground, in terms of conflict resolution, education for co-existence, competent and humane governance, and resolution of the socio-economic problems that underlay violent conflict, the creation of a permanent International Criminal Court and a standing UN Constabulary with police powers concerning genocide and crimes against humanity would together go a long way toward breaking the cycle of impunity that has fueled the continuation of genocidal violence in the half century since the Genocide Convention was signed.

The following paper seeks to define the legal basis, the structure and the operational guidelines for a standing UN constabulary.

I   DEFINITION

(i)   The United Nations Constabulary would be a new kind of force, with assertive police powers dedicated to preventing and halting episodes of genocide and crimes against humanity[1], and to apprehending the alleged perpetrators and bringing them to justice.[2]

(ii)   The UN Constabulary would be a permanent, <u>transnational</u> institution. Its members would be individually recruited as international civil servants and employed directly by the U.N., rather than by their national military authorities.

It would therefore differ from U.N. peacekeeping forces, which have always been formed on an ad hoc basis from <u>national</u> military contingents provided voluntarily by member states, and unlike proposed rapid reaction brigades similarly comprised of state contingents,

(iii)   The constabulary would be dedicated exclusively to dealing with genocide and other crimes against humanity. It would be a police arm of the evolving regime of international criminal law embodied in the Rome statute for the International Criminal Court.

(iv)   A UN constabulary would be entirely distinct from any U.N. forces used to deal with invasions of one state by another or to intervene in civil wars where neither genocide nor crimes against humanity constitute a major component of the conflict. Its mandate would be clearly limited to genocide and crimes against humanity.

II   LEGAL BASIS AND AUTHORISATION

(i)   The 1948 Genocide Convention empowers any signatory state to "call upon the competent organs of the United Nations to take such actions under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide." Given the failure of the international community to develop any other effective enforcement mechanisms, this provision may serve as the basis for creating a UN Constabulary as proposed here.

(ii)   This force could be established under the UN Charter by either the Security Council (under Articles 47 or 27) or the General Assembly (under Articles 10 or 22). Its legitimacy would be enhanced if it was brought into being by a General Assembly resolution adopted by a substantial majority of member states and by a subsequent Security Council resolution which in effect ratified the G.A.'s proposal. Done in this fashion, the establishment of the force would not require a new treaty.

(iii)   Another possible authorization platform would be the establishment of international law concerning humanitarian intervention in instances of grave and egregious deprivations of human rights, particularly where there is reasonable evidence of intent to commit genocide. This would have the advantage of following procedures established in customary international law for humanitarian intervention and would not need to be legitimated by a new treaty.

(iv)   The constabulary would follow agreed upon rules of humanitarian intervention, so long as the intervening is carried out by a U.N. force, and so long as that force has built-in safeguards to prevent big powers from using it as an instrument of their own policies, whatever the authorizing agency.

(v)   The UN constabulary would be complementary to U.N. practice in peacekeeping, peace making and peace enforcement but would in no way be a substitute for it. Chapter 7 of the U.N. charter would still allow the Security Council to require member states to take coercive measures against any threat to or breach of international peace. The Security Council could also continue to ask member states to volunteer their national forces for U.N. measures.

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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

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jurisdiction. We believe a UN Constabulary should be empowered to apprehend those individuals indicted by the ICC prosecutors on charges of genocide or crimes against humanity.

- Second, after receiving a recommendation to deploy the International Crime Watch Advisory Board as discussed above.

(iii) Decision-making powers, and day-to-day command and control of the Constabulary, would rest with the Secretary-General. Following the principle of a "war powers" clause, however, the Security Council would retain the authority to withdraw the police force 30 to 45 days after its initial deployment if it disagreed with the initial decision, or if it deemed that the genocide had been effectively prevented or suppressed.

IV   FUNCTIONS OF THE PROPOSED UN CONSTABULARY

Once deployed in the field, the proposed UN Constabulary would assume the following functions:

(i) **Safe Havens**. Once the UN Constabulary has intervened to halt alleged criminal behavior, some outside force will need to occupy the territory where the behavior occurred, often for quite some time. We recommend that the occupation policy be guided by the doctrine of assertive safe havens.[4] Specifically, the UN Constabulary and auxiliary or successor forces in such instances would have an "assertive" mandate and power of enforcement. They would be authorized to:

- demilitarize the area surrounding each Safe Haven, placing heavy weapons under effective supervision

- disarm the populations in the areas designated as Safe Havens

- seek out and lead to safety those individuals outside the protected area who are targets of the criminal behavior and who desire entry into a Safe Haven

- use appropriate force to defend itself and its charges, and to carry out its mandate.

(ii) **Apprehend alleged criminals complying with appropriate legal procedures and assist in gathering evidence for prosecution**. As soon as it is in the field, the force would be empowered to arrest and incarcerate alleged perpetrators of acts punishable under the definitions of genocide and crimes against humanity in the Statute of the International Criminal Court. It would also assist prosecutors in gathering evidence and identifying and protecting witnesses.

(iii) **Arrange for the presence of humanitarian relief agencies**. Both United Nations and voluntary citizens groups (such as the Red Cross, church and medical groups) will generally need to be brought in. These agencies would initially take over basic needs functions and initiate civil society processes of health and housing. The police presence would make this possible.

(iv) **Initiate processes of competent, humane governance**. As a corollary to halting criminal behavior, U.N. representatives will have to assume a central role in initiating governance processes amongst the local population, and ensuring that these processes are competent, just and humane. These efforts at initiating humane local governance should utilize a wide variety of individuals and techniques. Again, the police presence would make this possible.

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V STRUCTURE OF THE PROPOSED UN CONSTABULARY

The structure of the proposed UN Constabulary is crucial to making it both workable and feasible. By structure, we mean in particular the rules and procedures guiding the force's size and location, command and control, financing and operations.[5]

(i) **Size and Location**

A standing Constabulary of 10,000 to 15,000 should be housed in perhaps three or more base camps strategically located so that at least part of the force could be deployed anywhere in the world. The force housed at each base camp would be best prepared for action in the socio-cultural, linguistic, and climatic conditions of its particular region. Each base-unit would also be available as necessary for deployment beyond its primary area. The force could also be made available for disaster relief missions.

(ii) **Financing**

- Financing might be obtained through conventional UN budgetary procedures and allotments.

- An alternative formula might also be considered. Total costs for the UN Constabulary could be divided among all UN member states on a scale proportional to each country's portion of total global military expenditures. Another alternative method of financing a UN Constabulary, along with other enhanced global institutions, is through a modest tax of 1/100th of one percent of all international financial transactions over $10,000.

(iii) **Operations**.

- Unlike armies, the force we are proposing would aim simply to uphold the law against genocide and crimes against humanity, rather than to achieve the political objectives of a belligerent state. It should be outfitted and trained in the manner of a highly professional national guard. Members of the force should be specifically trained to identify, apprehend and incarcerate individuals engaged in acts punishable under the Genocide Convention and the Statute of the International Criminal Court, and to restore order and establish Assertive Safe Havens as outlined above.

- To fulfill an assertive mandate for enforcing the Genocide Convention and establishing Safe Havens for members of targeted groups, the police force will likely need light tanks and state-of-the-art infantry equipment, again comparable to well-equipped national guard forces. It would also require the use of advanced aircraft for transportation and logistical support.

- Operations should be guided by the principle of using the least lethal means possible in enforcing the law. Wherever possible, the force should rely on relatively humane, non-lethal weaponry, such as rubber bullets, tranquilizers, stun-guns and tear gas.

- Where necessary, the UN Constabulary could be augmented or supported by more extensive forces authorized by the Security Council or the General Assembly under existing procedures. That is, the standing police force could be deployed rapidly, for specific law enforcement purposes; additional forces could be sent in later, first from newly created rapid reaction brigades, and then, for longer-term operations, from ad hoc forces assembled from member states.

VI POLITICAL OBSTACLES

(i) **Body bags**. Casualties to national military personnel have been the greatest obstacle to effective U.N. actions to halt the recent killings in both the former Yugoslavia and Rwanda. Also the killing of 18 U.S. military personnel in Somalia prompted a major public uproar which led President Clinton to set a termination date for the deployment of U.S. forces in that country.

- The proposed U.N. constabulary would to some extent alleviate this problem. Members of the constabulary would be individually recruited, highly-trained for intervention, well-educated, with decent salaries and benefits, including post-police career opportunities and retirement funds. These individuals would be international civil servants. Rather than being appointed by their governments, they would apply for these positions directly, just as individuals apply to join the local police force in Toledo, Harare, or Kyoto. No more than 3-5 per cent of the personnel should come from any one member state. There will be no nationally organized units within the force, and citizens from each member state should be dispersed as widely as possible throughout the force. Casualties need not raise issues of national interest, national security, or injury to the state of any kind. Nor would they provoke the kind of nationalist sentiments and hostile backlash that swept through U.S. public opinion when U.S. soldiers were killed in Somalia.

(iii) **Sovereignty**. States fear that any U.N. police force might be used against the interests of a member state, and that this would erode the general principle of state sovereignty. States fear that the U.N. might intervene directly into their own territory, thereby undermining their own sovereignty quite specifically.

- While the problem of undermining sovereignty will be to some extent addressed by the proposed multinational structure of the constabulary, all substantial progress in international peacekeeping implies a certain pooling of sovereignty as argued in chapter 7.

(iv) **Finance**. Proposals for various type of international rapid reaction forces range considerably both in force size and in cost. In a recent, thorough analysis of the problem, George Rathjens and Carl Kaysen conclude that a force of 15,000 would allow 10,600 deployable personnel and 4,400 support staff (including training, logistics, and headquarters staff). Such a force, they argue, could send out two contingents simultaneously while keeping a third contingent in reserve. Rathjens and Kaysen calculate the cost of such a force at $1.5 billion annually.[6]

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- The annual UN peacekeeping budget now runs $2-3 billion per year, and much of that could be saved by the successful operation of the UN Constabulary we propose. Even at a higher cost level, such a force would ultimately prove cost-effective for the international community and for leading U.N. member states.

CONCLUSION

Fifty years after the liberation of the Nazi death camps, genocide and other crimes against humanity are very much still with us--to the shame of all the nations of the world. But today genocide is universally recognized as a high crime under international law, and crimes against humanity have been codified authoritatively in the Statute of the International Criminal Court. The challenge the world community now faces is how to enforce the evolving body of international criminal law, particularly the 1948 Genocide Convention. The successful creation of the proposed International Criminal Court will mark an important but unfortunately inconclusive step toward meeting that challenge.

With the tragic events of recent years in Somalia, Bosnia, Rwanda and Burundi, and now the potential genocide in Kosovo, the world today is forced to confront its failure to prevent genocidal episodes all too reminiscent of Nazi horrors. For a host of reasons, intervention by individual powers or by ad hoc coalitions of nation-states, whether formed regionally or under U.N. auspices, has not provided a workable solution. Rapid reaction peacekeeping forces are needed, but the force proposed here has a more specific purpose. Diplomacy and sanctions, of course, must always be employed fully before force is deployed. But in too many instances since 1948, they too have failed to provide effective enforcement for the Genocide Convention adopted that year.

In cases of genocide and other crimes against humanity, as in heinous crimes committed within nation-states, effective law enforcement requires effective police operations. We believe the time has come for the world community to confront this fact, and deal with these crimes by establishing a special transnational police force, under the United Nations, dedicated to halting, preventing and punishing these grave and egregious offences.

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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.

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[3] 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).

PAPER 7

THE UNITED NATIONS: A PROBLEM OF AUTHORITY

Author: Brian Urquhart

I HISTORICAL PERSPECTIVES

(i) **"To save succeeding generations from the scourge of war"** --how right, how wonderfully simple it sounded in 1945. Those were days of high hopes after an immense tragedy, of great lessons learned in the furnace of war, of determination to start anew in memory of the millions who had died, of poets as well as statesmen. In fact there was some question whether the sublime first phrase of the Charter had been written by Field Marshal Smuts or Archibald McLeish

Fifty-three years later very little seems simple, or indeed sublime. Illusion after illusion has been shattered, experiment after experiment discredited or aborted, and still the United Nations struggles on, regarded with little enthusiasm by most of its members except on the occasions when it provides them with a last resort for escape from yet another outburst of folly. **Ideas for developing or strengthening the organization are more strongly resisted than at any other time in its history.**

(ii) Roosevelt's and Churchill's concept of post-war international organization was no starry-eyed vision of a democratic, egalitarian world. **It was a severely pragmatic system based on the primacy of the strong --the victorious wartime alliance reborn to monitor, and if necessary enforce, the peace.** Unfortunately this proved to be almost as unreal a concept as egalitarian world government would have been. The largest potential threat to world peace turned out to be the mutual hostility of the great powers whose unanimity was enshrined in the Charter as the basis of the new world organization's capacity to act. This was the fledgling UN's greatest weakness.

(iii) **The incipient cold war soon made a mockery of the system of collective security set forth in Chapters VI and VII of the Charter.** The Security Council, far from being the Olympian arbiter and enforcer of the peace, became a sort of international family disputes court, with the permanent members of the court themselves often involved in the disputes. The Council thus soon lost much of the dignity and prestige which were to have been one of its major assets. It also lost sight of major objectives of the Charter. Two basic lessons of the disastrous 1930's were that future international peace would depend upon an effective collective security system, and that such a system could only work with a major degree of disarmament. The pursuit of these goals soon succumbed to the more pressing priorities of the cold war.

(iv) The cold war gave the Security Council a role unanticipated at San Francisco, that of last resort, safety net, face-saver and gainer of time for the nuclear superpowers in their pressing need to avoid a nuclear confrontation. The founders of the United

Nations had not foreseen the speed, scope and consequences of decolonization. The granting of independence to the Indian subcontinent in 1947 gave momentum to the movement for decolonization and radically changed the nature and priorities of the UN. Starting with Kashmir and Palestine, post-colonial disputes, power vacuums and conflicts soon became a major part of the Security Council's agenda. The cold war gave this responsibility a double importance. The Council was not only trying to find solutions to particular problems. **It was also functioning as a fuse box, preventing regional disputes and conflicts from overloading the international system and igniting an East-West confrontation.**

(v) The enforcement machinery of Chapter VII of the Charter was not usable in the political circumstances of the cold war --Korea was a historical fluke --and even the implementation of Chapter VI (Peaceful Settlement) was clearly going to require the development of techniques only hinted at in the Charter. **These included mediation, conciliation, good offices of the secretary-general, so-called 'quiet diplomacy', and above all peacekeeping. This form of non-forceful military action was a radical departure from the military concepts of the Charter --and indeed from traditional military practice.** It entailed a major addition to the responsibilities of the Secretary-general and the secretariat. Peacekeeping became, in the context of the cold war and decolonization, a key technique for conflict control and limitation.

(vi) **'Classical peacekeeping' as it came to be called, was very much a product of decolonization and of the cold war.** One of the major forces that made it possible was the overriding fear of a nuclear confrontation between the superpowers and the need for arrangements to isolate regional conflicts from that relationship. The main motivation of the permanent members for agreeing to peacekeeping operations in the Middle East, Lebanon, the Congo, Cyprus, Kashmir and elsewhere was their anxiety to fill a vacuum that might otherwise prove irresistible to one or other of the superpowers. (When one of the superpowers decided to go it alone in a regional conflict, as in Vietnam or Afghanistan, unilateral involvement could prove to be a disastrous option.) **That the UN's operations were militarily weak and largely symbolic was an important part of the arrangement. Peacekeeping was fundamentally a pretext for not continuing to fight based on the consent of all the parties concerned.** Normally the political limitations of the cold war Security Council were sufficient to act as a brake and as a guard against 'mission creep'.

(vii) **An essential element of classical peacekeeping was its respect, often derided in the media, for the sovereignty of the parties concerned. It was the knowledge and assurance of this respect that made the provision of peacekeeping troops by the other sovereign members of the UN possible.** If that consent was withdrawn, the arrangement collapsed --sometimes, as in the Middle East in' 967, with extensive and disastrous consequences. Attempts to give peacekeeping operations a limited enforcement capability without either the necessary legitimacy or resources usually led, as in the Congo, to confusion and frustration.

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II POST-COLD-WAR EUPHORIA AND THE MORNING AFTER

(i) In the euphoria of the unexpected end of the cold war, many illusions and misapprehensions briefly flourished. This was particularly true of the technique of peacekeeping. The end of the cold war, and shortly thereafter of the Soviet Union, were a virtually universal surprise. There was no advance thinking, no 'post-cold-war planning' reflecting the immense impact this historic change would have on international cooperation and institutions. **Instead there was a fashion for simplistic concepts such as George Bush's New World Order, Madeleine Albright's 'assertive multilateralism', and the often-stated belief that the United Nations would now at last be able to function** as its founders had intended it to function. The apparent success of the Security Council-sponsored Operation Desert Storm against Iraq confirmed this belief and also encouraged the idea that the UN might profitably use a new measure of force in peacekeeping.

(ii) In retrospect it is odd that the most enthusiastic promoters of this fantasy were the members of the UN Security Council, and especially its permanent members. They proceeded, at breathtaking pace, to commit the UN to a dozen or so operations, mostly amid the festering debris of the cold war within the boundaries of single states. With the single exception of the 1960 Congo operation, **the Council seemed to take little account of the fact that these interventions differed radically from the peacekeeping operations of the past, which were concerned with containing conflict between consenting states rather than with pacifying warlords, gangsters, and factional and ethnic leaders fighting within the boundaries of a single state.**

(iii) **The Security Council also tended to ignore the fact that the UN has virtually no infrastructure for emergency operations --no contingency planning, no rapid reaction capability, no military training programs, no logistical facilities or command and staff arrangements, no financial reserves.** Most governments do not want the UN to have such standing capacities, which might seem to give it supranational powers and would, in any case, cost money.[2] For its peacekeeping operations the UN continues to depend on the willingness of governments to commit their soldiers to serve under UN command, often in violent situations having little or nothing to do with their own national security interests. This willingness, it has become clear, is strictly limited.

(iv) **In Bosnia, the Council ignored all previous experience and, for reasons of political expediency, plunged a UN peacekeeping operation, with neither the authority nor the capacity to use effective force, into a full-scale war.** Because the Security Council could not agree on forceful action, the European powers in NATO were not prepared to intervene forcefully without the United States, and the United States was not prepared to put its troops at risk in an active war, the international intervention in Bosnia had an upside-down quality. While the war was going on, a non- forceful UN peacekeeping force was deployed; when the cease-fire finally came, a much larger, heavier, NATO enforcement force replaced the hard- pressed and humiliated UN. Moreover the Security Council, again expediently, declared six 'safe areas' while ignoring the secretary-

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general's demand for 35,000 extra troops to protect them. The result was the atrocious tragedy of Srebrinica.

(v) An even more damaging train of events unfolded from the Somalia involvement. **The basic problem in Somalia was that the operation never had a clear overall purpose.** The original aim of feeding starving Somalis soon became confused with efforts to address the country's political chaos, and the international mission in Somalia steadily disintegrated. Ironically, the ill-fated US Rangers 1993 raid to capture General Mohammed Aidid in Mogadishu --the episode which created the anti-UN backlash in Washington --was conceived and commanded exclusively by the United States without the prior knowledge of the United Nations, or even of senior US officers in the UN headquarters in Mogadishu. It was a disaster for the United States, not to mention for hundreds of Somalis. And it was devastating for the UN. **The episode marked the end, as far as Washington was concerned, of 'assertive multilateralism' through the United Nations.** This turnabout was formalized in the paralysing conditions and reservations of Presidential Decision Directive 25, a document which had started out as an ostensibly supportive plan for US participation in UN peacekeeping and ended up as a formula for negating virtually any future peacekeeping operations at all.

(vi) The Somalia disaster led directly to a third major UN failure --in Rwanda, The shooting down, in April 1994, of the plane bringing the presidents of Rwanda and Burundi to Kigali set off violence that led to the genocide of some 800,000 people and the displacement of two and a half million more in a population of some eight million. The UN already had a peacekeeping force of 2500 in Rwanda, but its Belgian contingent was withdrawn after Hutu irregulars had tortured and killed ten Belgian soldiers. **By the early summer of 1994 the negative US policy on peacekeeping had taken hold, and the Security Council not only refused to strengthen the UN force in Rwanda but also steadily reduced it.** The commander, General Romeo Dallaire of Canada, has maintained that even with a few thousand trained troops, much could have been done to curb the widespread violence, but it was months later, in response to strong public reactions to the genocide, that the Council finally crawled, far too late, into action. Six years later the Great Lakes region of Africa continues to be convulsed, to a considerable extent as a result of the Council's failure to act in time. The ongoing war in the Congo now involves the forces of six neighbouring countries. In January 2000, the Security Council at last authorized a small (5500) peacekeeping force to protect future cease-fire observers in the Congo.

(vii) **In all the ups and downs of the UN's history, there has seldom been anything like the precipitous descent, in the mid 1990's, from euphoric, over-reaching activism to total negativism, lack of credibility and inaction.** There are a number of obvious contributory causes for this collapse. Ill-advised over-confidence after Desert Storm; over- commitment to new and complex operations without sufficient thought and planning; failure to develop new methods and guidelines for new problems; misuse of peacekeeping in inappropriate situations; excessive exploitation by some governments of the figleaf and scapegoat roles of the UN; the confusion of peacekeeping with enforcement on the one side and humanitarian intervention on the other; the

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Security Council's lack of political and operational realism; the effect on the proven techniques of peacekeeping of the participation of permanent members of the Security Council, especially the United States; the resulting erosion of the Secretary-General's role and authority in directing peacekeeping operations. All of these factors certainly contributed to the collapse of post-cold-war hopes for the new effectiveness of the United Nations.

(viii) **The end of the cold war ruthlessly revealed the weaknesses and limitations of this system in dealing with the kind of crises that confront the post-cold - war world.** The center of the system, the United Nations, is weak, divided, under-empowered and under-financed. The power and influence of the reluctant sheriff of the international system, the United States, has proved to be far smaller than was believed in the " only superpower" days of the early 1990's. It is now quite clear that, for both domestic and international reasons, the United States cannot assume the role of world policeman or provide, even temporarily, the substitute for serious international action.

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III THE PROBLEM OF AUTHORITY

(i) **The minimum required of the international system is a means of prevention of or protection from major disasters**, including nuclear proliferation and war, the use of other weapons of mass destruction, serious regional conflicts, global terrorism, bloody internal wars and genocide, and vast human suffering from environmental and other forms of man-made damage - in other words major threats to human well-being and survival. More than ever it is clear, however, that there is a large hole at the centre of the present ramshackle international structure - the absence of consistent and effective international authority and legitimacy in vital international and human affairs. This problem is abundantly clear in the current controversy at the United Nations over preventive humanitarian intervention in which the majority still ardently insist on the paramount position of national sovereignty.

(ii) The 'deregulated', post- cold-war world seems to demand international authority as the only alternative to ultimate chaos, yet **the very notion of international authority is anathema to most governments, great and small** - until, of course, they are looking disaster in the face, by which time it is usually too late for effective international action. Because, for the first time in recorded history, we are living in a world without empires, the so-called 'international community' is a disparate collection of some 190 independent sovereign states with, as yet, few of the essential elements of community, yet subject to the shotgun marriage of 'globalization'. The nearest thing to a world community organization is the United Nations. How can authority be asserted --through the UN or otherwise -- to deal with serious threats to the 'deregulated' world's well-being, or even its survival? The dominance of one great power is clearly no answer. A concert of great powers, as envisaged by Franklin Roosevelt, is unlikely to be acceptable in this newly liberated world, even supposing the more powerful states were able to reach a sufficient consensus to create it. On present showing, alliances or regional organizations are both inadequate to deal with situations of global threat. **That leaves us with the current international system, with all its manifest weaknesses and lack of authority or capacity to act.**

(iii) One of the great ironies of the United Nations - often denounced as the enemy of national sovereignty - is that, at a time when the globalization of trade, finance, communications, and other vital human activities is steadily eroding much of the traditional basis of national sovereignty, **the United Nations is the place where national sovereignty is most doggedly defended.** At every turn, whether the subject be landmines, or a UN rapid deployment force, or the projected international criminal court, or humanitarian intervention, or even a more active role for the secretary- general, the voices of the guardians of national sovereignty - in Washington and elsewhere - are raised in anger, and to great effect. The United States may be delinquent to the tune of one and a half billion dollars in UN dues, but only mention the possibility of alternative means of financing, as former Secretary-General Boutros Boutros-Ghali was rash enough to do, and a firestorm erupts.

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(iv)   **The zealous guardians of national sovereignty are particularly sensitive to any serious proposal to make the UN better able to carry out peacekeeping and conflict control tasks.** It is obvious, and widely accepted, that major military operations under Chapter VII of the Charter can only be carried out by coalitions of the capable under the military command of a great power, with the approval of the Security Council. That, in fact, is pretty much what is stipulated in the Charter anyway. However, most of the situations likely at present to demand UN action are not threats to the peace or acts of aggression by governments. **The most common challenges will be anarchy and violence, civil and ethnic strife, humanitarian disasters and grave human rights abuses - even genocide - usually within the borders of a state.**

(v)   In most of these situations, **effective rapid reaction is a key to success**, but the days are past when the UN could get forces into the field almost immediately, as it did at Suez and on several other occasions in the Middle East, or in the Congo in 1960. Relying as it does on national contingents, the UN takes weeks, and often months to put an operation into the field. By that time the situation has usually gone hopelessly out of control. In the early 1990's there was much talk of establishing a modest, all-purpose standing rapid reaction capability, but now the United States threatens to excommunicate the secretary-general and anyone else who pursues such a sensible proposal. Instead, member governments - with a few honourable exceptions - have fallen back on the self-serving fiction that so-called standby arrangements with the member governments for the provision of peacekeeping forces are an adequate substitute for a small but highly trained standing rapid reaction force. **Although financial considerations may play some role in this fiction, the basic reason is a determination to keep the UN weak and not to allow it the smallest hint of supra-national capacity.**

(vi)   **As was found in Rwanda, standby arrangements only work --and even then very slowly --when governments feel that a situation is not likely to be too unpleasant for their soldiers.** The UN's inability to react rapidly and credibly to dangerous situations has not only allowed some major human disasters to develop. It has also cost the organization much of its reputation and credibility as an active peacekeeping agency. After a period of almost complete stagnation in the peacekeeping business, the UN now seems to be moving back into the mainstream, with peacekeeping operations in Sierra Leone, East Timor and the Congo, as well as overall responsibility for the rehabilitation of Kosovo as well as East Timor. However, there is still little disposition to face the problem of rapid reaction.

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IV   SERIOUS REFORM AND GENUINE SECURITY

(i)   Since there is no other credible candidate for world policeman, and the post-cold-war world has turned out to be a disorderly, violent, and potentially very dangerous place, **the member governments should surely give the highest priority to ways of improving the UN's performance in its primary role**. They have not done so because, except in times of crisis, they do not wish the world organization to be more than a loose association of sovereign states, with minimal resources and even less authority. This reactionary view may prove extremely expensive in the future.

(ii)   The practical changes needed to give the UN a workable peacekeeping and humanitarian capability have been exhaustively studied. They are modest by comparison with national defence undertakings, and their cost would be easily compensated for by increased effectiveness in preventing or containing violence. The real obstacles to an effective UN lie far deeper -- in political preconceptions and taboos, and in the failure to establish the basic preconditions for real security --disarmament and economic development, for example --in the so-called international community. We have now created a generation of global problems which sovereign nation states, even the most powerful, cannot cope with on their own. There is, however, as yet no international authority which can deal with most of such problems effectively. This particularly applies to some threats to peace and to human security. The possibility of the proliferation of weapons of mass destruction and their use by non-governmental agents presents a threat of a different order from previous threats to peace and security. And the ready availability of powerful conventional weapons has given a new dimension to civil or ethnic disorder. **Preventing deadly conflict must therefore still take precedence over all other international goals**.

(iii)   **The 'international community', unlike well-governed national communities, is not a secure place.** The householder in a well-run state need not arm himself against his neighbour, however hostile. The law and the authority of the state protect and reassure him. That is not the case in the international community. Thus nations, including some with many millions of desperately poor people, arm themselves at enormous expense, and even, as India and Pakistan have done, enter into immensely costly nuclear arms races. **While nationalistic politics and the bluster of politicians contribute to this tendency, the basic cause of national arms race is insecurity.**

(iv)   It is worth recalling again that, after six years of world war, the UN's founders made disarmament a primary objective of the UN Charter because they knew that the UN's system of collective security could not possibly work without it. Unfortunately, that system was based on a concert of great powers that did not exist in reality, and the goal of disarmament was soon submerged in the cold war arms race. No comprehensive alternative formula for international peace and security has since emerged. There is no automatic, constitutional, legally and practically enforceable, international system to defend nations under threat or attack --or indeed to go to the help of large groups of threatened or brutalized human beings before disaster strikes. Because the formula for international peace

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and security contained in the Charter has not proved reliable, most nations have not been persuaded to delegate their national security to an international system. Those who can afford it prefer to stick to their own security measures, sometimes at great risk to themselves and their neighbours.

V   WHAT TO DO?

(i)   Some significant advances in international arrangements have been achieved in many vital fields. **No government in its right mind is keen to abandon the experiment or give up its membership in the world organization.** The question, then, is what can be done in the existing political conditions to revitalize the UN's peace and security role and make it increasingly capable of dealing with the security problems of the new millennium.

(ii)   **At present, the majority view appears to be that some small sacrifice of national sovereignty and the provision of adequate resources are too high a price to pay for a reasonably effective international security system.** In fact some minor steps, like a standing emergency peacekeeping headquarters, are being somewhat reluctantly embarked on. For the moment at any rate the pressure of important new operations is absent, but training programs for standby forces should be well within the limits of political possibility. It would certainly be helpful if the Security Council were to take a long, hard look at its procedures and decision-making processes. There is plenty of literature on this kind of incremental change, but with the best will in the world it will not make all that much difference, unless the basic question of the relationship between national sovereignty and international authority and responsibility is seriously tackled. The recent, brutally frank reports on the UN's failures at Srebrenica and in Rwanda were prefaced by an appeal by Secretary-General Kofi Annan that governments reflect seriously on these disasters and find ways to prevent such horrors in the future. **It remains to be seen what response, if any, will be forthcoming from governments. It is likely that any improvement will have to come about through a modest and politically unobtrusive step-by-step process.**

(iii) At the moment, there seems to be no inclination among governments to address the basic lack of international capacity, legitimacy and authority in the vital issues of deadly conflict, international and human security, and even, perhaps, human survival in reasonable conditions. **In view of the widespread tacit acceptance of the disastrous belief that a reliable international security system is politically and practically unattainable, it is of the highest importance to do everything possible to develop a serious public debate, on this vital matter.** A few specific suggestions follow:

- **There needs to be a public discussion in the Security Council on the problems of UN intervention, the role of the Council and related problems of legitimacy, resources and decision-making.**

- **The permanent members of the Security Council must be persuaded to agree to limitations on the use of the veto, such as were discussed fifty five years ago in San Francisco. Otherwise those opposed to the UN will be able to say, with some degree of truth, that the UN is incapable of taking essential action because of the veto, and that the possibilities of serious international action must be sought elsewhere.**

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- **Current efforts to improve early warning and informed analysis of potential future crises should be strengthened.**

- **Efforts to establish a trained, highly professional standing military and civilian rapid deployment capacity, organized as a spearhead to deal with the current intrastate situations that the UN is now mostly called on to deal with, should be intensified.**

CONCLUSION

The goal should be to work for the degree of international consensus that will allow governments to move beyond the boundaries of national sovereignty toward the eventual acceptance of a constitutional system of international responsibility, at least in matters involving deadly conflict and human survival. In the absence of sudden enlightenment or the stimulus of some new global catastrophe, this will be a long and frustrating process. We should, however, take courage from the fact that in its first fifty years, in spite of formidable obstacles, the UN made remarkable progress in many ways that would have seemed inconceivable in 1945.

Where does power and authority reside in the world today? The single superpower is proving to have far less real authority than was so confidently expected at the end of the cold war. Military and economic power do not translate directly into political power, and the exercise of authority requires consent and rests on a moral position. To be the catalyst in this process was the main original function of the United Nations, but the organization is still more often than not on the sidelines during the formative phase of an international crisis and has, at present, very limited capacity to shape events or prevent disasters. Regional organizations are even less effective in relation to the very real potential dangers the human community may have to face in the coming years. This is an alarmingly weak international system --indeed, most of the time, scarcely a system at all.

Fortunately the international cast of characters, and with the~ political fads, taboos, and fashions, inevitably change with the passing of time. It is the duty of those who have been fortunate enough to experience at first hand the stormy development of international organization, to do what we can to ensure that thinking and policy about international arrangements develop in the right direction and with all possible speed. No-one can afford to await the stimulus of yet another world catastrophe.

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[2] President Clinton, during the 1992 presidential election campaign, came out in favour of a standing UN rapid deployment force, but quickly backtracked once in office. As late as 1993, in Oxford, former President Ronald Reagan made an impassioned plea for the establishment of a standing UN force. It seems that this important, common sense idea can only be supported by American leaders when they are out of office.

PAPER 8

A STRATEGY FOR ENDING WAR

Author: Jonathan Dean

SUMMARY

War is as old as civilization and genocide has often been its accompaniment. However, war is learned, not inborn behavior. The end of the twentieth century has brought an unparalleled opportunity and an emerging will to make war and genocide a rarity instead of a daily occurrence. Moreover, there are also negative trends that could bring global catastrophe unless they are countered.

However, to avoid this outcome, a comprehensive global program is required which will strengthen and accelerate three mutually-reinforcing changes: a strengthening of commitment to the rule of law in the conduct of both international and domestic affairs; radical enhancement of international institutions for conflict resolution, peacekeeping, and peace enforcement; and, ultimately, replacement by these international agencies of national capabilities for unilateral military intervention outside national borders.

Such a program will succeed if the power and energy of civil society can coalesce with the organs of government in a sustained and coherent program of political action.

PART ONE: THE CASE FOR A UNIFIED AND COMPREHENSIVE STRATEGY

(i) **There have been 175 wars since the end of World War II, with 45 million killed.** Over six million people have died in war since the end of the cold war, when things should have changed for the better. These were mainly women and children, because the trend has been to more and more civilian deaths. This river of human blood is still flowing today, with personal tragedies that last a lifetime, and with the painstaking work of generations of human hands and minds reduced to useless rubble in moments.

(ii) **War -- organized armed violence -- is <u>learned</u> behavior** not, as is often argued, a built-in defect of the human species. Humans do disagree, compete, and from time to time even use physical violence against each other. War however is learned from instructors, on the training ground, in the guerrilla camp, and in the staff college, and backed by social values that justify many forms of war. We know now from the war crimes trials that even the genocidal Rwanda massacres were carefully prepared and rehearsed in advance, preceded by months of organization, assassination of political leaders, and deliberate hate propaganda. There was nothing spontaneous about them. The way to change learned behavior is to unlearn it – that means to change the learning environment and also to make it more difficult through improved prevention and disarmament for hatred, greed, and desire for power to lead to war.

(iii) **The international community, jolted by the impact of the world wars and of the threatened destruction of all-out nuclear war, now looks on war as something that should if possible be prevented or stopped by joint action of governments.** This approach is strongly backed on moral grounds by major religious traditions.

(iv) **There has however been no common overall approach to recent conflicts from the international community**. Where there has finally been outside intervention, it has been belated. Each crisis has received serious attention only after largescale killing and economic destruction has taken place, and has been broadly reported by the media, even though earlier phases, as in Kosovo, have been widely observed by governments and NGO's. Many cases have received little or no outside help. **This whole process is like fighting individual forest fires without study of how fires start, how fires burn, and of what is the best way to prevent and to rapidly extinguish them.**

(v) **War as such is considered too big a problem to tackle directly**. It is not being approached as a single phenomenon whose distinguishing characteristic is organized armed violence to secure the submission of the opponent. Instead, it is approached as a collection of social problems with individual potential solutions.

(vi) **In the early 1960's, at the height of the cold war, the United States and the Soviet Union introduced into the United Nations similar comprehensive plans for general and complete disarmament by UN member states.** In these plans, phases of disarmament were combined with step-by-step expansion of the UN's capacity for keeping the peace. These ideas were too radical for the times. But the underlying thought was right -- that disarmament must be comprehensive and must cover both nuclear and conventional arms, and also that, if individual countries are to be disarmed, then multilateral institutions for peacemaking must be strengthened at the same time. **Yet as the cold war continued, governments abandoned this comprehensive concept.** In order to make the problem of coping with war more manageable, they began to break up that topic into a myriad of components, seeking individual solutions to each. Nuclear disarmament was separated from conventional disarmament; conventional disarmament was separated from peacekeeping, and each of these areas was further disaggregated and compartmentalized.

(vii) **For nuclear arms, this approach has had some effect,** because the many issues into which nuclear arms control has been divided – for example, ending weapons testing, bilateral reductions, nonproliferation, and ending production of fissile material -- are all supported by strong public rejection of nuclear weapons.

For conventional forces, in contrast, the disaggregation of disarmament into separate projects has fragmented public and government interest, dividing support among many worthwhile measures, such as limits on arms transfers, or cuts in military spending. Peacekeeping has been completely separated from efforts to reduce conflict through arms control. The only areas of conventional disarmament where there has been some success – the Treaty on Conventional Forces in Europe and the ban on antipersonnel landmines --were exceptional in generating broad popular support.

(viii) **Acting together, the governments and peoples of the world today do have the economic and military resources to cope with war.** They have an annual world domestic product of about $40 trillion, with about 20 million active duty military personnel, more than enough to prevent or end any given war. They also have a remarkable opportunity for an effective program to make war rare and infrequent instead of a daily disaster. That is because, along with an eruption of small wars, the end of the cold war has brought a situation unique in recorded history: For the time being, at least, we still have a situation where there is no war between the world's major powers, a situation where the major powers are cooperating – at least to some extent -- to maintain the peace. This opportunity must be used while it still exists -- the United States, Russia and China are moving rather rapidly into a relationship of militarized rivalry in which the U.S. project for nationwide missile defense is playing a highly negative role.

(ix) **Today, the nations of the world also have available the methods and measures, the knowledge, to carry out this job of making armed conflict rare.** Some of these methods have already been mentioned – the entire spectrum of conflict prevention measures that form the positive heritage of two world wars and the cold war – conflict prevention, mediation and conciliation, transparency, constraints on force activities, negotiated force reductions, peacekeeping and peacebuilding – the whole gamut. Then, there are also essential programs aimed at the underlying causes of war -- human rights, social and economic justice, and reducing internal conflict

(x) **A great deal of cooperative governmental and civil society activity is going on in most of these fields.** These efforts are on the right track, but have not gone far enough because, up to now, these procedures have been applied piecemeal and separately. These individual programs must continue because they save lives. But they should be supplemented by a unified program deliberately aimed at making war less frequent, a program supported by the continuing cooperation of many governments and civil society organizations over a period of decades. **It is now time to pull these components together in a unified program aimed at preventing war, and to incorporate this program in a treaty structure that assures its widespread, systematic, sustained implementation.**

PART TWO: GLOBAL ACTION TO PREVENT WAR

A program of this type already exists. It is called Global Action to Prevent War,[1] and I will describe it here, both to commend the specific program to the attention of readers and to illustrate the comprehensive approach whose adoption is urged here.

Global Action proposes a phased process consisting of three successive treaties, followed by a fourth that establishes a permanent international security system. Treaties are useful for bringing a maximum number of governments and NGO's into the action, and for keeping them involved over long periods. But much of the content of this program can be implemented as individual measures locally or regionally without waiting for any treaty.

(i)   Conflict Prevention
The first of these four phases focuses on the goal of cutting back internal wars. The following ideas are being discussed and promoted, among other ideas:

- **A small corps of trained professional mediators** should be placed at the disposal of the Secretary General and the Security Council (perhaps initially fifty people).

- **The establishment of a standing UN police force of 2,000-5,000 volunteer men and women should be established**. One answer to the crisis in East Timor and to Kosovo would have been a well trained UN police force that can maintain peace and train local police, without raising sovereignty issues to the same extent as peacekeepers drawn from armed forces. Establishing such a UN police force would raise fewer political issues than setting up a standing UN peacekeeping force and it would be much cheaper.

- **A standing UN force of volunteer peacekeepers should be established**. The permanent members of the Security Council, jealous of their prerogatives, resist this idea, believing that it could be the beginning of a supranational United Nations, independent of national authority. Despite this opposition, a standing UN peacekeeping force could be set up, financed and trained by General Assembly majority vote, without the possibility of veto. Only the deployment of this force would depend on the positive vote of the Security Council and, even if its original reaction has been skeptical, the Council is likely to feel considerable pressure to use the force if it exists and a peacekeeping emergency emerges. So let the beginning be a cautious and modest one, with the number held to two brigades plus support forces – about 10,000 men and women.[2]

- **The rule of law must be strengthened**, among other things, by bringing into force the treaty establishing the International Criminal Court, which will establish the accountability of rulers and officials who abuse the rights of their citizens. Treaties must also be developed to provide access to international courts for groups and individuals as well as for states. One possibility is negotiation of a worldwide treaty establishing standards for treatment of minorities of all kinds and giving these groups access to international courts. There is a General Assembly resolution on this subject, but that is not enough.

- **There should be a formal commitment from all UN member governments to provide immediate access for human rights observers and to facilitate their work.** This commitment should be in the form of a General Assembly resolution, with provision for reporting non-compliance to the Security Council. This could in the long term begin to make an impact on the problem.

- **At least one regional security organization in each major geographic region, should be strengthened or created,** each with its own mediation and peacekeeping capability. Regional organizations exist today in Europe, the Western Hemisphere and Africa, but not in the Near East, South Asia or Northeast Asia. UN member states must be more active in promoting regional security organizations. In Africa, which has been more plagued by these wars, there is probably a need for more than one regional organization. We will not have a functioning world security system until the UN and the regional security organizations gain in capability and form a coherent whole.

- **The General Assembly should act to set up a Conflict Prevention Panel of its own members to supplement the work of the Security Council on a less formal basis.** It would operate by majority vote, without veto. This panel could send teams of its members to areas of potential conflict and genocide, conduct hearings on the spot and in New York, and keep the world public and governments informed.

- **The UN Security Council itself should adopt a pro-active policy of taking the initiative in conflict prevention,** providing itself with the personnel and resources to do this job and seeking an informal agreement among the permanent members to restrict their use of the veto in their own self interest of not putting the Security Council out of business. It is overdue that membership of the Council should be expanded.

- **The reformed Security Council, the General Assembly Conflict Prevention Panel and the regional security organizations should cooperate in preventing internal conflicts.** They should take the initiative to warn governments of situations which may develop into armed conflict, and assist them with advice, personnel and, on occasions, money.

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- **Education programs on non-violent conflict avoidance and conflict resolution should become universal at all levels in the educational system of every country**. Service in peacekeeping and mediation corps should be an accepted alternative to military conscription and should be established as a parallel career to professional military service.

(ii) Disarmament

- **In order to move toward preventing major wars, global talks on military reductions should be convened**. At their outset, participants should freeze all components of their armed forces for a ten-year period unless earlier results are achieved. They should also institute full and public exchange of information on these force components. "All components" means active duty personnel, military units, military budgets, arms production, and arms holdings. Arms transfers would be cut 50% from the outset and would be subject to further restrictions. This worldwide no-increase agreement for armed forces, the first in history, would be a very important symbol and a necessary beginning for a downward process of negotiated force reductions. In succeeding phases, all force components would be cut by 60% in the case of the largest forces, 40% and 20% for medium-sized and smaller forces.

- **An integrated program must provide for nuclear as well as conventional disarmament**. Achievement of nuclear disarmament will require reduced levels of conflict worldwide and also some effective and acceptable way to cut back the conventional forces of the major powers, especially their force projection capability with naval and air forces. Countries like China, Russia and India will not relinquish their nuclear weapons if the main effect of doing so is to enhance the already large conventional superiority of the United States. On the other hand, national armed forces cannot be drastically reduced unless there is clear evidence nuclear weapons are on their way to elimination. Consequently, we must envisage an integrated plan for staged disarmament, both conventional and nuclear.

- **For nuclear forces, a three-stage procedure could be foreseen**: In the first stage, the U.S. and Russia would reduce their nuclear forces to a level of 1,000 warheads of all types for each country. ("All types" means that reserve and tactical warheads as well as strategic warheads would be included in the thousand-warhead count.) The other declared weapon states – China, Britain and France – would freeze their weapon deployments at their current level and exchange full data on their stocks of weapons and fissile material. In the second stage, the U.S., Russia, China, Britain and France would reduce their total holdings of nuclear warheads to 200 warheads each. The warheads and delivery systems of these residual forces would be separated from one another and stored under international monitoring. The three de-facto nuclear weapon states – India, Pakistan and Israel – would store their

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nuclear materials and delivery systems under similar conditions. With all nuclear arsenals in reserve status, the weapon states would then be in a position to seriously discuss the prerequisites for full elimination of nuclear weapons, including dependable verification, the final stages of decisive conventional disarmament, and measures to deal with cheating and possible breakout.[3]

- **After completing their force cuts, participating states would also undertake a watershed commitment not to deploy their armed forces beyond national borders except as part of a multilateral deployment authorized by the UN or its regional counterparts**. Such a commitment not to deploy unilaterally forces outside national borders would be a decisive turning point in the development of a world security system. Because deployment beyond national borders is the essential element of interstate war, a treaty-based obligation prohibiting unilateral deployment could also mark a turning point in world history and in the history of war. From one viewpoint, this would be a far-reaching commitment, but it is really only formalization of a commitment that already exists in the UN Charter. After completion of this final phase, governments would still have national armed forces, but they would be structured and capable only of defense of national territory, along the lines of the concept of non-offensive defense. As mentioned, this means cutting back on force projection equipment – air forces and navies – forces that carry the battle to the enemy.

- **Remaining nuclear weapons should eventually be eliminated if all prerequisites listed above have been fulfilled**. In addition to helping to make smaller wars more rare, these conventional cuts and the nuclear disarmament that accompanies them will make war between the major powers nearly impossible. The political relationships of the large countries will be improved by these cuts and by their participation in operating the improved multilateral machinery designed to cope with small wars.

(iii) **Implementation**

- **There is a strong financial incentive to proceed with this program**. In addition to thousands of lives, this approach would save a huge amount of money lost in the destruction of war and also large amounts now being spent in peacekeeping operations, in restoring war-ravaged economies, and in maintaining large armed forces. The Carnegie Commission has estimated that outside governments spent $200 billion repairing some of the ravages of war in the decades of the 1990's before Kosovo. These savings and the savings generated by a two-thirds reduction in the forces of the major powers with proportional reductions in smaller armed forces would help to relax the stranglehold of the arms manufacturers, fund conversion projects, and free a great deal of money for economic development, education and health.

- **In spite of the financial incentive, the main difficulty with this project would be its implementation, to mobilize the world's governments**, including the governments of the major powers, to embark on a project of such broad dimensions. The motive force should therefore be provided by a very large worldwide coalition-building effort between civil society and interested governments, something like the successful landmines campaign, but still larger and of greater duration.

- **Given the size of the task, this would have to be a twenty to thirty year campaign**, a long effort which will have to be promoted over the years by governments, above all by organized religion, which should become more active in support of specific programs as well as arguing for peace in general terms, by civil society organizations, business, banks, including the World Bank and the IMF, and by large private voluntary organizations, including organizations like the Federation of Red Cross and Red Crescent Societies -- until the project gains enough salience and visibility to elicit interest and cooperation from governments of large countries, including the United States and others.

CONCLUSION

To recapitulate the main arguments of this chapter: Conflict between individuals and groups in the sense of competitive struggle and even physical violence is probably built into the human species. But war, organized armed struggle, is not natural behavior, but learned behavior – learned in a range of institutions from the training camp to the staff college, and also indirectly in our schools and colleges. Nearly every armed conflict can be prevented, especially the smaller ones now taking place.
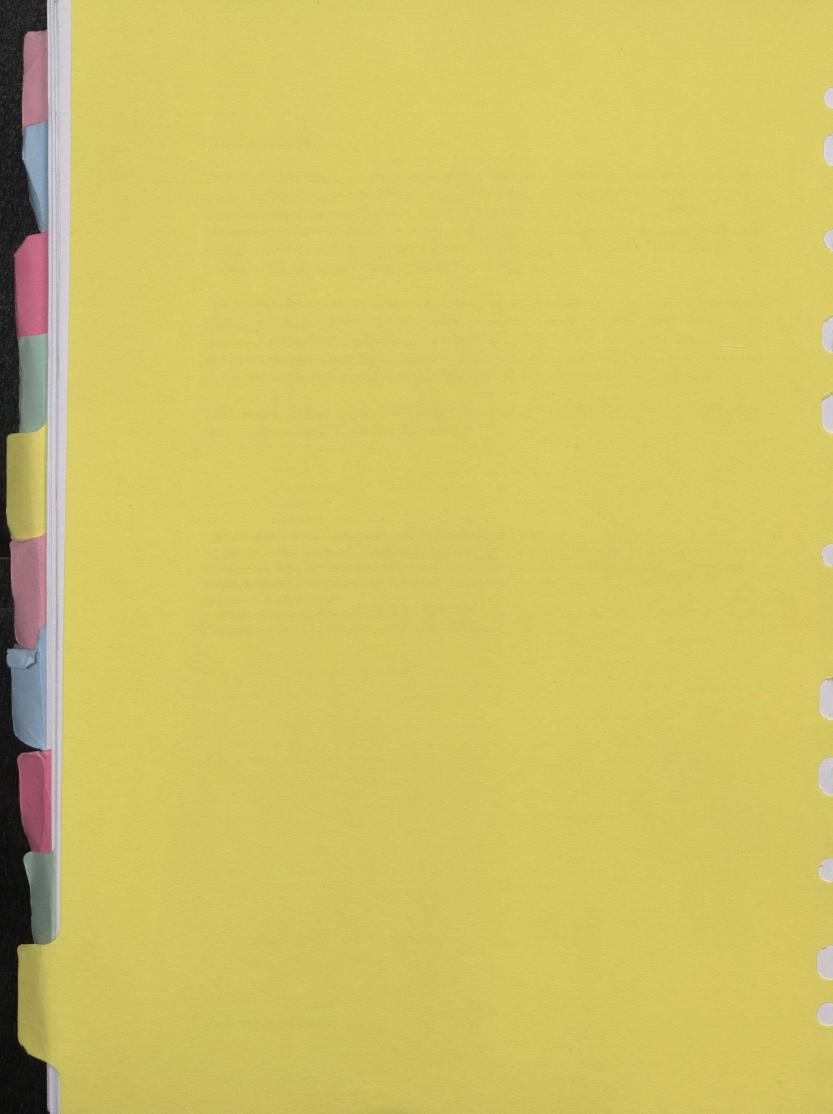
The world already has the resources and the knowledge to do this. What has been missing is the application of these resources in a systematic, sustained way. This can be promoted through the activities of a worldwide coalition of civil society organizations and governments. Once the program is applied, it can make small wars far less frequent and it can contribute significantly to heading off wars among the major powers.

This global project, or something analogous to it, must be implemented during this century. The sooner we begin the better.

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[1] Details of the Global Action to Prevent War program are at www.globalactionpw.org

[2] Financing of the police and peacekeeping forces might at the outset have to be by voluntary contributions from UN member states, raised in the form of an international surcharge on air tickets, sea freight or international transactions, a surcharge organized in a way that cannot be blocked by the opposition of a few states.

[3] Details of this approach can be found in Harold Feiveson, editor, *The Nuclear Turning Point* (Washington, DC: The Brookings Institution, 1999), especially chapter 10.

APPENDIX 1

REGIONAL PEACEKEEPING ORGANIZATIONS

Calling All Regio-Cops: Peacekeeping's Hybrid Future

Michael Hirsh

Foreign Affairs, November/December 2000

Calling All Regio-Cops

Peacekeeping's Hybrid Future

Michael Hirsh

On September 6, an angry crowd stormed a U.N. relief office in West Timor. The mob sacked the building and, in a sickening echo of Mogadishu in 1993, burned the bodies of three U.N. workers in the streets. The U.N. quickly evacuated its remaining personnel from the Indonesian province, casting a pall on its unsteady mission across the border in the newly independent East Timor.

The disaster underscored an independent report that the U.N. had released just a few weeks before. Published at a time when, in Sierra Leone, hundreds of peacekeepers were taking turns being held hostage—the most recent victims being British troops who went in to rescue their blue-helmeted predecessors—the paper was a call to arms that harshly criticized the U.N.'s peacekeeping efforts and laid out a prescription for more robust forces, command, and control.

These events and the U.N. report reinvigorated a debate that has become all too familiar. The debate revolves around several key questions: Can U.N. peacekeeping be made to work at long last, or are such efforts doomed to failure? Are

international norms effective, or is raw military might the only thing that can stop the villainous Foday Sankohs of the world? Is humanitarian intervention impractical, or is there some way of balancing both sovereign rights and global values? Such questions have absorbed academics and the international punditocracy for much of the last decade, ever since the tidy Cold War world of interstate conflicts—in which the U.N. played a simple, uncontroversial role as a buffer along cease-fire lines and borders (as in Cyprus and the Middle East)—descended into today's maelstrom of ethnic, tribal, and religious bloodshed.

This debate over humanitarian intervention is an important and well-intentioned one. It is also, for the most part, a phony debate. The discussion, at least as it has been framed in recent years, offers up false choices. For most of the post–Cold War period, arguments about a new world order have centered on whether either the United States or the United Nations, acting separately or in concert, could become some form of globo-cop. But ten years after the fall of the Soviet

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Union, it is high time for the world to recognize that neither option will come to pass. Washington does not have the will for it, and the U.N. (thanks largely to American stinginess) does not have the way.

Out of this vacuum, however, a new system is emerging on the ground, crisis by crisis. Call it the rule of the regio-cops. It is a hybrid system, dependent on both U.N. legitimation and local muscle. To work, the new system needs regional powers and organizations to do the dirty work of peacekeeping and peacemaking. But such regional forces are increasingly being trained and pressured to act in accordance with U.N. norms, and typically go in under the auspices of Security Council resolutions.

This was the model followed for East Timor in September 1999, when President Bill Clinton happily accepted Australia's offer to send in combat troops to stop Indonesia's murderous militias—even as the U.S. president took the lead in organizing a multinational response and orchestrating a U.N. resolution. It was the approach in Kosovo, too. The United States insisted on using NATO to drive out Slobodan Milošević—mindful of how U.N. troops had abjectly failed to stop earlier atrocities in Bosnia—but ultimately acted under the U.N. flag.

Now the pattern is spreading, gingerly, to western Africa. This past summer, when Clinton announced he was sending U.S. military trainers to Nigeria, it was an implicit recognition not just of the democratic government's newfound legitimacy, but of the fact that, as the region's major power, Nigeria must play the key role in stopping the atrocities in Sierra Leone— no matter how brutally Nigeria's troops may have acted there before.

ON THE CHEAP

Will this pattern spread further? Should it? To answer this, some hard facts must be faced. The current dispute over peacemaking usually centers on whether U.N. resources should be beefed up to deal with certain situations—typically civil conflicts that hover precariously between peace and outright war—into which U.N. Secretary-General Kofi Annan has boldly pushed the world body. The report of last summer's U.N. peacekeeping commission, chaired by Lakhdar Brahimi, sharply analyzes the current system's flaws and lays out a corrective plan. At the U.N. Millennium Assembly in New York in September, leader after leader took the rostrum to give explicit or implicit support to the Brahimi prescriptions. Among those leaders was President Clinton, who called for a greater U.N. role in humanitarian interventions.

But to think that the Brahimi panel's advice will be carried out, now or ever, is to strain common sense to the breaking point. Demands for a more robust U.N. force, including combat-ready "standby" units, long predate the fall of communism—and there is little reason to think they will succeed now where they have failed in the past. While the new peacekeeping recommendations (which would cost an estimated $200 million a year to implement) were being touted in New York, a skinflint U.S. Congress in Washington, D.C., was trying to cut even more from the U.N.'s present peacekeeping budget. At one point, members of Congress actually tried to entirely eliminate African peacekeeping in order to meet budget caps—this despite the efforts of Richard Holbrooke, Washington's U.N. ambassador, to give Africa

a higher profile in U.S. national security considerations than ever before.

Hence the absurdity of Clinton's exhorting the U.N. to prepare for more intervention when he has failed to deliver on his four-year-old promise to pay most of Washington's back dues. According to U.N. budget chief Joseph Connor, the United States is responsible for more than half of the world's $3.24 billion total in U.N. arrears. "The United States said, 'Show reform and we will pay,'" Connor complained during the Millennium Assembly. "We showed reform. [The money's] not there." With the United States still refusing to pay, other nations, including long-compliant members such as Japan, are increasingly reluctant to pick up the tab.

And hence one should be realistic about the prospects for U.N. peacekeeping. The United States, as the world's sole superpower, has a greater stake in a peaceful global system than any other country. If Washington is not going to do more for the U.N. now—at a time of unprecedented U.S. prosperity and a record budget surplus, and at a moment when not a single American soldier risks wearing a U.N. blue helmet anywhere in the world—it is unlikely to any time soon. Nor is it likely that Washington will prove any more willing to take on a regular role as the U.N.'s "subcontractor"—as it has only twice before, in Korea and Kuwait, when it mustered multinational forces under the U.N. banner. This is especially true after Kosovo, which set a zero-casualty threshold for U.S.-led humanitarian intervention.

RUDDERLESS

Yet this does not mean that the impulse for humanitarian intervention is going to wither away along with the U.N. budget.

Whether Washington likes it or not, interventions are here to stay. They will go on in their haphazard way, with the biggest headlines and the most horrific TV footage typically drawing the biggest efforts, even as academics and experts parse various "rules" for when America and other major powers should jump in—as if such fastidious guidelines carried any weight against the "CNN effect."

Old-fashioned proponents of realpolitik who reject the quixotism of humanitarian intervention—or who, like the writer Edward Luttwak, simply advise us to await the peace that comes once combatants have exhausted their bloodlust—only betray their remoteness from and ignorance of the pressures put on elected officials in the era of "superempowered" democracy (which usually means a superempowered media). It may well be, as Luttwak argues, that humanitarian interventions "artificially freeze conflict." But in a globalized world dominated by Western mores, people do not really care about that. They simply do not want to see slaughter on their TV screens. Egged on by the ever-multiplying hordes of pundits, they will usually demand that their governments do something about it—usually something fast and easy. We live in a world defined by Wilsonian idealism, as even Henry Kissinger has grudgingly admitted. *The New Republic*'s Leon Wieseltier, writing during the Kosovo war, solemnly summed up the popular sentiment: any "place in which innocent men, women, and children are being expelled and exterminated is an important place. It is a place that asks about the philosophy by which we claim to live."

So intervention will continue. But if we stick to the present system, this intervention

is doomed to remain amateurish, late, and woefully under-resourced, as the experiences in Bosnia, Kosovo, and Sierra Leone have shown. A Wilsonian world this may be, but it is a miserly and self-absorbed Wilsonianism. Just as the death of the nation-state has been greatly exaggerated, so has the idea that the needs of the "international community" will ever trump national interests. Americans today may no longer have a clear idea of what their national interests are, but one interest of which they are quite sure is that their sons and daughters never again die in battle.

If the United States will not lead the charge for the U.N., no one else is likely to fill the vacuum. Indeed, despite the aggressively pro-U.N. rhetoric of British Prime Minister Tony Blair and other Western leaders, U.N. peacekeeping today has been largely sloughed onto the developing world. As the Brahimi report notes,

> In contrast to the long tradition of developed countries providing the bulk of the troops for U.N. peacekeeping operations during the Organization's first 50 years, in the last few years 77 percent of the troops in formed military units ... were contributed by developing countries.

OUT OF THE BOX

The report paints a bleak picture. But there may yet be a way out of this box—if the terms of the debate are drastically altered to account for regional devolution. The emergence of U.N.-sanctioned regio-cops changes many things. For one, it may allow us to finally leave behind the interminable debate between proponents of international norms and institutions (like the U.N.) and those who push might-makes-right realism. Under the

new system, without the imprimatur of a U.N. Security Council resolution, intervention by regional powers will become a mere invasion—however honorably motivated—and carry with it the threat of regional hegemony. It will be unwelcome to the locals and lay the seeds for future conflict.

On the other hand, without a force or coalition of forces representing regional military muscle, a perpetually cash-strapped U.N. is certain to continue to lose credibility, as it did in Bosnia, East Timor, and Sierra Leone before regional powers stepped in. Current events have forced realpoliticians and liberal internationalists, so long at odds, into bed together. One mindset has, in many situations, become impossible without the other.

This suggests what the most important future role for the U.N. might become—a legitimizer for local forces. To many nations, today's Security Council may seem more like a domineering Star Chamber than a fount of international jurisprudence. The council's image would certainly benefit if other major powers such as Germany and Japan were made permanent members, thus ridding it of its World War II–era mustiness. But flawed or not, the Security Council still has unique potential. It is the only effective tribunal and repository for international case law for dealing with ethnic cleansing and other humanitarian horrors. As such, it must continue to act as the arbiter of interventions.

The use of U.N.-approved regional peacekeepers will help solve another critical problem: how to keep humanitarian intervention aligned with national interest. Australia, watching the chaos in Timor just across the sea and perhaps fearing an onslaught of boat people, was only too

eager to intervene for free. Others in similar situations may not behave as uprightly as did the Australians, but there are hopeful signs. Whereas in the past many regional players took advantage of a kind of geopolitical schadenfreude—exploiting the weakness of their neighbors at war—with their national economies becoming increasingly regionalized, few governments now want to risk the economic dislocation and refugee flows that are the major byproducts of nearby conflict. Hence the growing strength of regional organizations across the globe, from the Regional Forum of the Association of Southeast Asian Nations (ASEAN) to the once-toothless Organization of American States (OAS). Many of these groups began as economic bodies but have since developed security arms.

And regionalism addresses still another problem that has long bedeviled U.N. peacekeeping: how to command and control polyglot troops who often, in Babel-type confusion, follow different military customs and work at cross-purposes. Finally, U.S. presidents and other major-power leaders who now have trouble prying U.N. funds from their legislatures could, in the future, disguise money for regionalism as bilateral aid.

NOW THE BAD NEWS

Of course, there are plenty of places where U.N.-approved regional solutions would prove impossible, or problematic at best. The Security Council's permanent five members, with their sacrosanct vetoes, are obviously immune. Nor do local solutions always make things easier. For what regional power could intervene between India and Pakistan? China? Afghanistan? There is no one nation trusted enough to

play the part. Meanwhile, the newly cooperative Nigeria, freed from its rogue past, could conceivably become the U.N.-legitimized regio-cop of western Africa. But no one in the east of the continent wants the recalcitrant Ethiopians or the Kenyans, the dominant powers of that region, moving in to solve their problems any time soon. As for central Africa, the regional powers there are already doing battle in the Democratic Republic of the Congo. And in South America, Chile, Argentina, and Brazil co-exist in simmering mistrust of each other's militaries. All these situations show that the need remains for a strong peacekeeping capacity within the U.N. as well. And unlike U.N. troops, regional powers rarely stay committed to peacekeeping for long periods—the Australians, for instance, had to introduce a special tax to fund their East Timor adventure and left after just five months on the ground.

But there are regional paths out of many of these nettles—most of them depending on U.S. aid, support for regional organizations and, mainly, the kind of long-term assiduousness that has been lacking in the Clinton administration's foreign policy. Washington has pushed Buenos Aires, for instance, to develop a peacekeeping role (and gave Argentina a small role in the Haiti intervention). But the Pentagon could make its extensive joint military exercises in Latin America far more contingent on regional cooperation under the auspices of the still-teething OAS—which ably preempted a war between Ecuador and Peru in the mid-1990s and recently took Peruvian President Alberto Fujimori to task for election fraud. In Southeast Asia, it is conceivable that the ASEAN Regional Forum could gain more

bite with greater Chinese participation and, if Beijing behaves itself, eventually take up the U.N. flag in Cambodia.

Overall, then, there seem to be more cases where regionalism would work than where it would not. Last year, a National Intelligence Council study identified 23 countries with ongoing humanitarian emergencies and cited 9 others that were likely to develop crises. Of those 32 cases, the vast majority could benefit from regional peacekeeping or peace enforcement solutions—with some some key exceptions, such as India, Pakistan, Russia, and possibly Nigeria itself. Moreover, in some places, regionalism has already become a tradition. The United States has long acted as a regio-cop south of its border, most recently in Haiti. And Saudi Arabia played such a role in the Gulf War, making the U.S.-led intervention palatable among the Arab world (if not to Osama bin Laden).

Nowhere has the new regional approach to peacemaking and peacekeeping been better demonstrated than in Kosovo. After the failures of Bosnia, the United States went into the Kosovo crisis with a bone in its teeth, brazenly determined to run the campaign through NATO alone. The U.N.—at first—was given no role at all. The Russians and their protests were barely tolerated and treated to dismissive hand-holding diplomacy. "We're just trying to make them think they have a part," said a U.S. official during the war.

All this had changed by the end of the 78-day NATO bombing campaign, however. Milŏsević had stood firmer than anyone had expected, and Clinton, by early June, faced the politically nightmarish prospect of ordering a ground invasion. Washington needed Moscow's help; to get Moscow

on board, it needed the United Nations. Backed by a Security Council resolution and a U.N.-sanctioned peacekeeping force, the Russians proved crucial to finally forcing Milŏsević to cave in. NATO, the mightiest regio-cop in history, had to resort to U.N. legitimation to get what it wanted.

THE WAY OF THE GUN

Ironically, much of this "new" vision of peacekeeping is provided for in the U.N. Charter (in the long-ignored Chapter 8). But few observers have connected the dots between that section and the more commonly used Chapter 7, which dictates responses to threats to the peace. And regionalism gets a mere paragraph in the 70-page Brahimi report. Even such astute observers as Stanley Hoffmann, who nimbly took a middle road between the excesses of both traditional realism and liberal internationalism in his important 1998 work *World Disorders*, have tended to overlook the potential of the hybrid approach. In the book, Hoffmann concedes that the Security Council is "the main source of authority" when it comes to global legitimacy. But he plays down the potential link between U.N. power and regionalism, dismissing regional organizations as "too often embroiled in or neutralized by disputes among or within states of the region, or else lacking in means of enforcement."

That is still sometimes true. Improving matters further will depend on the initiative of the nation that will undoubtedly continue to dominate the twenty-first century: the United States. Indeed, Clinton administration officials insist that they have long seen regional peacekeeping as their paradigm, pointing to such small-bore efforts as the African Crisis Response Initiative.

But their scattershot approach has missed many opportunities. Had Clinton recognized the possibilities of regional action earlier, for instance, he might have exploited the offers of Nigeria, Tanzania, Ghana, and others to send peacekeepers to Rwanda in the early stages of the 1994 genocide. In the end—as James Miskel of the U.S. Naval War College and others have noted—those troops stayed home because they lacked transport and other equipment. And today the U.S. president considers his failure to act in Rwanda one of his deepest regrets.

Given the alternatives, why has the regional option been so marginalized? One answer is that moving to regionalism is, structurally, a steep uphill climb. The entire U.S. government is still built around bilateral relations. U.S. ambassadors to nations are far more powerful than their counterparts to regional organizations; within the State Department, weak desk officers run most regional policy. And decision-making tends to follow the organizational structure. Another reason is that few in Washington care to face up to the possibility that they may have to act less unilaterally and become more indulgent of others' agendas. As for the U.N., it is loath to sideline its own forces.

And regionalism will not look as pretty as U.N. initiatives. Any order the Nigerians now bring to Sierra Leone, for example, is bound to be more rough-edged than that promised (though never delivered) by the U.N.-sponsored Lomé Accord. The last time the Nigerians intervened in that conflict, they occupied Freetown with 10,000 troops while ceding the rebels free run of the countryside—and the diamond trade. But whatever their methods, Nigerians did manage to stop the killing and the limb-hacking. As one Pentagon planner put it tersely, "To pursue regionalism, the United States really has to have a tolerance of regional objectives"—and, he could have added, of regional methods. Still, the United States and the United Nations could make their support conditional on regional actors' observing international norms of behavior.

A system of U.N.-sponsored regio-cops, then, will be far from ideal. It is a messy, often inconsistent muddle-through solution with many risks. But in an environment of astringent alternatives—a determinedly minimal U.S. role and a grossly underfunded and undersupported U.N.—there may be no other practicable way for the international community to stop the atrocities it no longer seems able to stomach.

APPENDIX 2

THE USE OF A PRIVATE MILITARY COMPANY:
A CASE STUDY FROM SIERRA LEONE

Author: Jonah Schulhofer Wohl

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The existing conflict in Sierra Leone is an outgrowth of the civil war that started in 1991. In March of that year, the Revolutionary United Front (RUF), believed to have been supported by Charles Taylor, then warlord and now President of Liberia, crossed over the border from Liberia and began to operate in southeastern Sierra Leone. At first, the RUF focused on attacking the miners, townspeople, and farmers in that region, for the rebels were a tool of Charles Taylor in seizing Sierra Leone's resources to pay for the Taylor's efforts in Liberia. In April, '[a] communiqué announced the rebellion had been started in the name of the Revolutionary United Front (RUF) whose leader was Foday Sankoh, an ex-army sergeant and professional photographer in his 50s.'[1]

President Joseph Momoh of Sierra Leone expanded his army from 3,000 to 14,000 troops to counter the RUF actions. However, financially restricted by the IMF and the World Bank, he could not afford to pay the troops. On 29 April 1992, officers led by Captain Valentine Strasser marched to the president's office in Freetown, ostensibly to 'demand their salaries and stage a protest.' Upon their arrival, Momoh fled to Guinea, afraid that there would be a coup. With Momoh gone, Strasser, who was only twenty-six at the time, announced the overthrow of the Momoh government, 'an end to misrule and corruption.'[2] After failed talks with Foday Sankoh, Strasser began offensives against the RUF. In March 1993, Nigeria, which had consistently backed Sierra Leonian governments, transferred two battalions from ECOMOG, the West African peacekeeping force it led in Liberia, to help Strasser. By February 1995, the RUF was closing in on the capital Freetown. The 2,000 Nigerian troops there grew increasingly important, as the Sierra Leone Army proved ineffective. In light of this, Strasser requested assistance from the Gurkha Security Guards (GSG).[3]

Brought in during February to train the army,[4] GSG was ambushed soon after its arrival. Its commander, Colonel Robert Mckenzie, and Captain Tawarrali, the aide to the president, were both killed in the attack on 24 February, while in the north of the country. GSG would not take offensive actions against the RUF, sticking strictly to their contract. Yet, the training GSG provided to the army was not bearing fruit, and the army still had not had success fighting the RUF. Shortly after the ambush the 50 soldiers of GSG left Sierra Leone.[5]

The situation in Sierra Leone was grave when GSG departed. Up to three-quarters of government spending had gone toward fighting the RUF minister and the rebels had captured key mines, ending production that had comprised 15 percent of Sierra Leone's GNP. In total, the government had domestic revenue of $60 million in 1995, whereas the RUF and other rebels not associated with them controlled a trade in agricultural products and diamonds estimated to have been worth $200 million.[6] The human tragedy was still worse. Approximately 1.1 million Sierra Leonians lived in refugee camps, thousands

upon thousands had been killed, and many of the survivors had been mutilated.[7] Time seemed to be running out for the government: the RUF was 20 kilometers from Freetown, and international staff there had been evacuated.[8] With the situation desperate, Strasser had contact with Executive Outcomes (EO) in March 1995

The contract drawn up between EO and the Strasser government is interesting not only for its content but for the manner in which it came about. Some accounts maintain that Strasser called EO directly, having read about EO in Soldier of Fortune and Newsweek magazines.[9] However, others recount the involvement of the companies Heritage Oil and Gas and Branch Energy. According to one article:

> Tony Buckingham, the CEO of Heritage Oil and Gas, helped introduce EO to the Freetown government and Michael Grunberg, a major shareholder in Branch, negotiated EO's contract.[10]

The 'Branch' referred to is 'The Branch Group, a British multinational holding company.' The Branch Group is part of the Plaza Group, which also includes Diamond Works and Heritage Oil and Gas. The article goes on to say that Buckingham played the same role when EO was involved in Angola.[11] Both allegations are confirmed by a report in The Namibian that:

> Buckingham was described in the DiamondWorks prospectus of February 1997 as able to provide or to assist with 'facilitating introductions for an organisation known as Executive Outcomes to certain governments', with Grunberg assisting in this regard.[12]

Buckingham is also alleged to have signed the contract between EO and the Sierra Leonian government, along with Strasser.[13] The contract itself, originally for about $20 million and one year only, starting in May 1995,[14] specified that EO would 'combat and destroy the 'terrorist enemies of the state'; [restore] international security; and [help] build and maintain an economic climate where new investment could be attracted and allowed to flourish.'[15] The cost of EO's services is estimated to have totaled $35 million over 21 months.[16]

This fee was not easy for the Sierra Leone government to pay, and $19.5 million of it is still due, now part of Sierra Leone's debt.[17] That half of the fee is outstanding has prompted speculation that EO was compensated for its services in some other way. Indeed, EO's chairman, Eben Barlow, said in an interview, 'Africa is Africa, understand, and we don't work for free.'[18] EO's links to mining companies, whatever their extent, led suspicions, published in Jane's Intelligence Review that EO had been granted 'mining concessions, soon sold to BE [Branch Energy].'[19] Officials at Plaza 107 and DiamondWorks Ltd.[20] requested that Jane's Intelligence Review publish a correction furnished by them 'to clarify the position.' However, their correction indirectly confirming some of the suspicions, states:

> Branch International, Heritage Oil and Gas, Plaza 107 and Sandline International are not associated companies of Executive Outcomes or any of its related entities. Neither is there a financial or operational/business link as was suggested in the article. At no time has Branch Energy Ltd bought, or otherwise obtained, mining concessions in Sierra Leone or elsewhere from Executive Outcomes or any of its

related companies....DiamondWorks and Branch Energy Ltd. are not 'associated companies' of Executive Outcomes and there are no direct 'operational/business, financial or administrative' links between DiamondWorks and Executive Outcomes.[21]

A correction to another article that contained the same claim,[22] taken from the Jane's article, restated that no companies received 'mining concessions from EO or any company affiliated with.' It continued, however, that 'all such concessions have been direct awards by the State.'[23]

The two corrections shed light, probably unintentionally, on the alleged mineral company links with EO. The first, in stating that no 'direct' ties existed raises the possibility that indirect links, such as Buckingham's introduction of EO to the Strasser government, or Grunberg's negotiation of the EO contract, did in fact exist. Furthermore, the second correction, in confirming that the government had granted concessions to the companies, prompts the question whether the government's indebtedness to EO and EO's indirect links to the companies led to the government's granting these concessions.[24]

Such concerns over financial corruption or coercion are complemented by concerns about whether EO committed atrocities in the course of its operations. Journalist Elizabeth Rubin reported that when EO helicopter pilots informed the Sierra Leone commander that they found it hard to tell the difference between RUF fighters and civilians in the thick bush outside of Freetown, they were told 'Kill everybody.' Rubin noted that the pilots complied.[25] It is not outside the realm of possibility that EO killed civilians. Indeed, with all the RUF attacks on civilians, it is unlikely that more civilian deaths would have received special notice. That said, EO's record on atrocities appears clean on paper.

Amnesty International reports that, in the case of EO's involvement in Angola, '[although] there were at the time rumours of their involvement in human rights violations, no evidence was ever presented to us and we were never able to confirm those rumours independently.'[26] Furthermore, no mention is made of atrocities on the part of EO is made in any of Amnesty's reports on Sierra Leone.[27] Rubin also reports, in the same article that gave the anecdote of the helicopter pilots, that residents in the Kono region 'felt so indebted to the soldiers of Executive Outcomes...that they prayed for them at mosque.'[28] According to Al J. Venter, another journalist who reported at length on EO in Sierra Leone, 'At one stage the entire town turned out in prayer meeting "to ask God to protect those who are protecting us."'[29] That the Sierra Leonian's saw EO in a positive light would seem to indicate that if EO was responsible for civilian casualties, most likely they were accidental. And, accidental civilian casualties occur even in operations undertaken by legitimate governments with highly advanced technology, as the Kosovo bombing missions demonstrated in 1999.

Concerns over EO's involvement frequently give way to admiration for its operations against the RUF. Although the contract between the Strasser government and EO was not finalized until May 1995,[30] EO began its work in Sierra Leone immediately after its first contact with Strasser, in March 1995.[31] Upon arrival, the EO commanders worked with the government to establish a set of objectives: 'to secure Freetown; to regain control of crucial resources, in particular the Sierra Rutile mine and diamond fields (generating revenue for the government and helping to guarantee EO payment; to destroy the RUF's

headquarters; and to clear remaining areas of RUF occupation.'[32] To realize these goals, EO had a role similar to that of GSG with the exception of one critical aspect. While EO was to train the Sierra Leone army, it also was to undertake offensive operations against the RUF, sometimes in coordination with Nigerian peacekeeping troops. In this respect, EO's role was that of a force multiplier, 'a small group whose specialised skills enhanced the effectiveness of a much larger force.'[33]

Groups of 120 government soldiers were put through three-week programs in which EO tried to build discipline and reinforce basic military operating processes in addition to training the troops in anti-ambush tactics, firearms skills, and methods of counter-attack. Furthermore, EO tried to curtail the use of alcohol and drugs by government soldiers, which had been widespread and had no doubt contributed to government losses to the RUF.[34]

EO's own fighting capabilities, moreover, were quite substantial. Most of the soldiers it brought to Sierra Leone had been in the 32nd Battalion, a counterinsurgency unit of the South African Defense Forces that had operated in Angola. EO also brought with it an impressive array of military equipment: two Mi-17 armed transport helicopters, two Andover medical evacuation airplanes, one based in Luanda and the other in Freetown, a radio intercept system, and fuel-air explosives.[35] In addition, EO made use of a Mi-24 E Hind helicopter, six Land Rovers with antiaircraft guns, three BMP-2 armored personnel carriers with 30-mm cannons, automatic weapons, artillery, and ammunition provided by the Sierra Leone government.[36]

EO used its superior military technology to great advantage in its operations against the RUF. As discussed above, when Strasser and EO first came into contact, RUF forces were 20 kilometers from Freetown. Thus, EO's top priority was to drive the RUF away from the capital, ensuring the safety of the government, the city, and its surroundings. Starting in April, EO pushed the RUF back more than 120 kilometers to bases in the interior. RUF casualties were high, with several hundred killed. On top of that, approximately 1,000 rebels deserted. The operation, scheduled to take one month, was completed in nine days.

EO's second offensive, aimed at securing the diamond-mining area of Kono, began shortly thereafter. By June 1995, EO had arrived in Koidu, a town in the center of the region, and by August the entire region was retaken. The initial phase of this operation was carried out by only 85 men, with two armored personnel carriers and air support from Mi-17 helicopters. During the operation, as with others, units of the Sierra Leone Army worked with EO. EO's training greatly enhanced the fighting capability these units; soldiers who had not gone through the training program, many under the influence of alcohol and drugs, reportedly fled in the face of rebels whom they outnumbered. The Kono operation weakened the RUF further by taking away one of its sources of income as well as inflicting severe casualties.[37]

EO continued relentlessly in driving back the rebels. After its success in the Kono region it went on to take the Sierra Rutile mine back from the RUF in December 1995. Finally, EO struck directly at the RUF, launching an offensive against the RUF base in the Kangari Hills in January 1996. The base was destroyed, prompting the RUF to agree to hold talks with the Strasser government.[38]

In the following months, Sierra Leone held elections, the first in 23 years.[39] The new civilian government led by Ahmed Tejan Kabbah, a former UN diplomat, was hesitant to keep EO on the job. Peace talks with the RUF continued until the group went back on a promise to sign a peace accord. Kabbah then had EO run another operation striking directly at the RUF's headquarters. The operation devastated the headquarters, and only days later Foday Sankoh gave his consent to the accord, signing it on 30 November 1996.[40] EO left Sierra Leone in January 1997.

EO's experience in Sierra Leone is striking in that it never had more than 350 personnel in the country at any one time.[41] Furthermore, its casualties for the entire period of its stay are remarkably low, totaling four at highest count.[42] In contrast, the United Nations Mission in Sierra Leone (UNAMSIL), which unlike EO was not engaged in hostilities with the RUF, had eight casualties between October 1999 and June 2000.[43] And, needless to say, there were no reports of EO's troops being taken hostage.

EO's role in Sierra Leone provides valuable lessons for post-Cold War peacekeeping missions. With peacekeeping focusing more on intra-national conflict, much of which may be classified as 'low-intensity' conflict, and with the UN placing an added emphasis on post-conflict peacebuilding, EO's tactics and work with the local populations in Sierra Leone are of particular relevance.

A crucial element in EO's Sierra Leone operation was intelligence. Using the local population, EO gathered intelligence and conducted a counter-intelligence program against the RUF. Aerial surveillance and interception of radio communication provided additional information, such as the locations of rebel bases. [44] EO reinforced its strong intelligence gathering abilities by coordinating its efforts with the *kamajors*, a local force of hunters that totaled more than 10,000 during the height of its activities.[45] Complementing its intelligence capabilities was a will to act decisively and with force. Lafras Luitingh, a director of EO, stated that EO's soldiers would respond strongly to hostile actions and that '[w]e will, in addition, take any pre-emptive action we need if we feel that the enemy is in a position to cause us damage or danger.'[46] EO's operation to seize the Kono diamond fields showed the RUF the seriousness of the company's intentions, and RUF activity was extremely limited for the duration of EO's stay in Sierra Leone.[47]

The superior weaponry deployed by EO, especially its air support, gave it further advantages against the RUF, both military and psychological. All EO operations used air support from its Mi-24 and Mi-17 helicopters. This support was expert, as EO employed two of the South African Air Force's top pilots, each paid around $6,000 per month. Using infrared equipment with the helicopters, EO had the capability to attack RUF bases at night. RUF did not understand how EO could do this, [48] a puzzle that must have contributed to their fear of EO.

While EO established itself as a credible force in the country, it also worked to bolster relations with the Sierra Leonian people. During the Kono operation, EO set up a headquarters for eastern Sierra Leone. The EO commander in that region, Colonel Roelf van Heerden went to the local elders in order to create a way of preserving order. His gesture in initiating this process seemed to put the local leaders at ease and encourage them to approach him for advice and to participate in meetings or judicial proceeding that

van Heerden set up.[49] While the trials were extra-judicial in that van Heerden was certainly not operating within the Sierra Leonian legal system, his inclusive structure of having local elders present throughout the entirety of the proceedings, expressing their agreement or disagreement with his findings,[50] strengthened local governance structures and a return to stability.

EO also facilitated the demilitarization of child soldiers in Sierra Leone, many of whom had been drafted by the government, some by the RUF. EO used its helicopters to fly child soldiers it identified back to Freetown, where many were taken to the NGO Children Associated With War, which cared for them. EO also assisted aid agencies in their undertakings in Sierra Leone. Its chairman, Eben Barlow said, 'In Sierra Leone we escorted aid agencies [including, allegedly, two world-famous charities] into the interior: it is incredibly dangerous for them to get on the road and just drive out.'[51]

Such activities, particularly the administrative work EO did in the Kono region, seem to fit into what former UN Secretary-General Boutros-Boutros Gali termed peace-building. His report 'An Agenda for Peace,' described the function of post-conflict peace-building:

> Peacemaking and peace-keeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. These may include disarming the previously warring parties and the restoration of order. repatriating refugees, advisory and training support for security personnel. reforming or strengthening governmental institutions and promoting formal and informal processes of political participation.[52]

Furthermore, past experience has demonstrated that for peacekeeping missions to be successful, they must establish themselves as credible forces. Due to its superior equipment and robust tactics and attitude, EO was so feared by the RUF that its activities ground to a near standstill after its operations in the Kono region, as discussed above. EO's credibility, in contrast to that of the Sierra Leonian Army, was plainly apparent to Sierra Leonians. One chief said, 'Our soldiers run away even when they have rifles. But these South Africans, when the rebels are there, they go and succeed in decimating them.'[53]

In contrast, when warring parties do not respect the authority and capabilities of a peacekeeping force, that force may soon find itself compromised. This occurred in Sierra Leone when the RUF took issue with UNAMSIL over mining. The UNAMSIL troops, all from developing nations, lacked the proper equipment, training, and discipline to deal with opposition from the RUF, and were taken hostage all too easily.[54] The UN hostage incident bears all too similar a resemblance to the ambush of the Sierra Leonian army on the Freetown-Bo road in August 1995. Despite outnumbering the RUF by about three to one, the government troops scattered after the first shots were fired. Even Western troops are not immune to problems, as British troops in Sierra Leone were taken hostage on 25 August 2000, although not by the RUF.[55] These problems suggest the need for PMCs or other sophisticated military units to provide force-multiplier work to UN peacekeeping troops, especially those from developing nations.

[1] 'Chronology of Sierra Leone: How diamonds fuelled the conflict,' *Africa Confidential*, found at http://www.africa-confidential.com/special.htm; William Reno, 'Privatizing War in Sierra Leone,' *Current History*, May 1997, p.228.

[2] Elizabeth Rubin, 'An Army of One's Own,' *Harper's Magazine*, February 1997, p.46.

[3] GSG stems from the Gurkha regiment of the British Army, which was established in 1947 to fight as a proxy for the government of the UK. (David J. Francis, 'Mercenary intervention in Sierra Leone: providing national security or international exploitation?' *Third World Quarterly*, Vol. 20, No. 2, p.326).

[4] GSG was subcontracted by J & S Franklin, a military equipment supplier based in the United Kingdom. (Ibid).

[5] Ibid.; 'Chronology of Sierra Leone.'

[6] Reno, 'Privatizing War in Sierra Leone,' p.228.

[7] Rubin, 'An Army of One's Own,' p.47.

[8] David Shearer, 'Dial an Army,' *The World Today*, August/September 1997, p.204.

[9] Rubin, 'An Army of One's Own,' p.47. Reno, 'Privatizing War in Sierra Leone,' p.228 and 'Chronology of Sierra Leone' also agree on this point.

[10] Herbert M. Howe, 'Private security forces and African stability: the case of Executive Outcomes,' *The Journal of Modern African Studies*, 36: 2, 1998, pp.307-331, p.313.

[11] Howe, 'Private security forces and African stability,' pp.309-310, 313. Francis, 'Mercenary intervention in Sierra Leone,' p.326, also corroborates Buckingham's involvement in bringing EO to Strasser.

[12] Werner Menges, 'Executive Outcomes and its tangled links,' *The Namibian*, July 7, 1998. Found at http://the.namibian.com.na/Net stories/June98/execlink.html. Al J. Venter, 'Sierra Leone's mercenary war battle for the diamond fields,' *International Defense Review*, Vol. 28, No. 11, also takes the position that EO 'approach[ed]' Strasser.

[13] Rubin, 'An Army of One's Own,' p.47.

[14] Anonymous, 'Addendum to 'Soldiers of Fortune Ltd. Monograph.'' Available through http://www.cdi.org/issue/mercenaries. The anonymous source who provided the corrections contained in the addendum identifies himself in the document: 'Plaza 107 is a UK registered company I established in 1994....' Plaza 107 is a holding group that includes Sandline International, Branch Group, and DiamondWorks among others.

[15] Rubin, 'An Army of One's Own,' p.47.

[16] Anonymous, 'Addendum to 'Soldiers of Fortune Ltd. Monograph.''; David Shearer, *Private Armies and Military Intervention*, Adelphi Paper 316, (New York: Oxford University Press for the International Institute for Strategic Studies, 1998), p.51.

[17] Anonymous, 'Addendum to 'Soldiers of Fortune Ltd. Monograph.''

[18] Rubin, 'An Army of One's Own,' p.45.

[19] Yves Goulet, 'Executive Outcomes: Mixing Business with Bullets,' *Jane's Intelligence Review*, Vol. 9, No. 9, September 1, 1997.

[20] Michael Grunberg, who was at the time with Plaza 107 and a director of DiamondWorks Ltd., and Bruce Walsham, then CEO and chairman of DiamondWorks Ltd.

[21] The correction is appended to the Goulet article.

[22] David Isenberg, 'Soldiers of Fortune Ltd.: Profile of Today's Private Sector Corporate Mercenary Firms.' Available through http://www.cdi.org/issue/mercenaries.

[23] Anonymous, 'Addendum to 'Soldiers of Fortune Ltd. Monograph.'

[24] Al J. Venter, 'Privatising War,' pp.15-16, (an unpublished article) recounts that EO was involved in negotiating the concessions. 'Having had its share of experiences with dysfunctional Angolans, EO was determined that it shouldn t happen in Sierra Leone. They insisted from the start that they should have access to the president at all times, immediate and unrestricted, which they got. On of our first day in Freetown, I accompanied Luitigh [an EO director] on a social call to State House. It came after a phone call to his office and was a one-on-one between the two men during which time they discussed diamond concessions.'

[25] Rubin, 'An Army of One's Own,' pp.47-48.

[26] Fax from Marisé Castro, Acting Researcher – Angola, Amnesty International. The pertinent text of the fax is as follows:

Although Executive Outcomes were in Angola for all or part of the period 1993-04 and there were at the time rumours of their involvement in human rights violations, no evidence was ever presented to us and we were never able to confirm those rumours independently. This is not to say that they were not involved in violations of human rights and or humanitarian law and it is quite possible that may have been the case.

[27] See Amnesty International Reports 'Sierra Leone: Towards Future Founded on Human Rights,' 25 September 1996; 'Sierra Leone: A Disastrous Set-Back for Human Rights,' 20 October 1997; and 'AI Report 1997: Sierra Leone.' While reports from both 1996 and 1997 mention EO, their discussion of the company does not deal with human rights concerns. The three reports are available through http://www.amnesty.org/ailib/countries/indx151.htm. Also, the US Department of State's 'Sierra Leone Country Report on Human Rights Practices for 1996,' 30 January 1997, while discussing EO's presence in Sierra Leone, does not mention any concerns about abuses on the company's part. The Department of State's report for 1997 is identical in its treatment of EO. Both reports are available through http://www.state.gov/www/global/human_rights.

[28] Rubin, 'An Army of One's Own,' p.46.

[29] Al J. Venter, 'Privatising War,' p.9.

[30] Anonymous, 'Addendum to 'Soldiers of Fortune Ltd. Monograph.''

[31] Venter, 'Sierra Leone's mercenary war battle for the diamond fields.'

[32] Shearer, *Private Armies and Military Intervention*, p.49. From an interview Shearer conducted with a former officer of EO on 17 April 1997.

[33] Definition from Howe, 'Private security forces and African stability,' p.312. Howe applies this definition to EO's activities in Angola.

[34] Venter, 'Sierra Leone's mercenary war battle for the diamond fields.'

[35] Al Venter, 'Gunships for hire,' *Flight International*, August 21, 1996; Rubin, 'An Army of One's Own,' p.47. Venter, 'Privatising War,' p.3, notes that EO did not use the fuel-air explosives it had in Sierra Leone.

[36] Francis, 'Mercenary intervention in Sierra Leone,' p.327; 'Rubin, 'An Army of One's Own,' p.47.

[37] Rubin, 'An Army of One's Own,' p.45, 48. Operational details from Venter, 'Privatising War,' p.4.

[38] Shearer, *Private Armies and Military Intervention*, pp.49-51.

[39] Isenberg, 'Soldiers of Fortune Ltd.'

[40] Id., p.51.

[41] Venter, 'Privatising War,' p.4.

[42] David Shearer, 'Portrait of a Private Army,' *Foreign Policy*, Fall 1998, p.73, states that four EO personnel were killed in Sierra Leone. Kirsten Sellars, 'Old dogs of war learn new tricks,' *New Statesman*, 25 April 1997, p.24, puts the number at only two. Howe 'Private security forces and African stability,' p.314, cites Brigadier Bert Sachse, the EO commander in Sierra Leone, as saying that only two EO personnel were killed in combat.

[43] United Nations, the Department of Peacekeeping Operations Situation Centre, 'Fatalities by Mission and Incident Type,' 14 July 2000. Found at http://www.un.org/Depts/dpko/fatalities/fatal2.htm. Of the eight fatalities, four resulted from illness, one was accidental, one was classified as 'other,' and two resulted from 'hostile acts.'

[44] Howe, 'Private security forces and African stability,' pp.315-316. This information comes from interviews Howe conducted in Sierra Leone, the UK, and Washington, D.C. during 1996 and 1997.

[45] Id., p.316; Venter, 'Sierra Leone's mercenary war battle for the diamond fields.'

[46] Venter, 'Sierra Leone's mercenary war battle for the diamond fields.'

[47] Venter, 'Privatising War,' p.10.

[48] Rubin, 'An Army of One's Own,' p.47.

[49] Venter, 'Privatising War,' pp.8-9.

[50] Id., p.9.

[51] Barlow's statement was verified by *Africa Confidential*: 'in the southern coastal region [of Sierra Leone]…EO has provided logistics, security and information to an international aid agency….'[51] Jeremy Harding, a journalist who saw EO in action in Sierra Leone, gives further confirmation of such humanitarian activities, recounting that EO helped an international aid agency with its logistics in bringing back around 8,000 civilians who had been displaced by the fighting (Jeremy Harding, 'The mellow mercenaries,' *The Guardian*, March 8, 1997).

[52] Boutros-Boutros Gali, 'An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping,' A/47/277 - S/24111, 17 June 1992. Found at http://www.un.org/Docs/SG/agpeace.html.

[53] Rubin, 'An Army of One's Own,' p.51.

[54] Doug Brooks, 'Hope for the 'Hopeless Continent': Mercenaries,' *Traders: Journal of the Southern African Region*, Issue 3, July – October 2000. Available through http://www.tradersP.co.za/index.html.

[55] The British troops were held hostage by a group called the West Side Boys. See BBC News, 'Rebels demand leader's release,' 27 August 2000. Found at http://news6.thdo.bbc.co.uk/hi/english/world/africa/newsid%5F898000/898756.stm.

APPENDIX 3

REPORT OF THE PANEL OF UN PEACE OPERATIONS

Report of the Panel on UNITED NATIONS Peace Operations

A far-reaching report by an independent panel

EXECUTIVE SUMMARY

| **Experience of the past** | **Implications for preventive action and peace-building: the need for strategy and support** |
| **Implications for peacekeeping: the need for robust doctrine and realistic mandates** |
| **New headquarters capacity for information management and strategic analysis** |
| **Improved mission guidance and leadership** | **Rapid deployment standards and "on-call" expertise** |
| **Enhance Headquarters capacity to plan and support peace operations** |
| **Establish Integrated Mission Task Forces for mission planning and support** |
| **Adapting peace operations to the information age** | **Challenges to implementation** |

The United Nations was founded, in the words of its Charter, in order "to save succeeding generations from the scourge of war." Meeting this challenge is the most important function of the Organization, and to a very significant degree it is the yardstick with which the Organization is judged by the peoples it exists to serve. Over the last decade, the United Nations has repeatedly failed to meet the challenge, and it can do no better today. Without renewed commitment on the part of Member States, significant institutional change and increased financial support, the United Nations will not be capable of executing the critical peacekeeping and peace-building tasks that the Member States assign to it in coming months and years. There are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go. But when the United Nations does send its forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them.

The Secretary-General has asked the Panel on United Nations Peace Operations, composed of individuals experienced in various aspects of conflict prevention, peacekeeping and peace-building, to assess the shortcomings of the existing system and to make frank, specific and realistic recommendations for change. Our recommendations focus not only on politics and strategy but also and perhaps even more so on operational and organizational areas of need.

For preventive initiatives to succeed in reducing tension and averting conflict, the Secretary-General needs clear, strong and sustained political support from Member States. Furthermore, as the United Nations has bitterly and repeatedly discovered over the last decade, no amount of good intentions can substitute for the fundamental ability to project credible force if complex peacekeeping, in particular, is to succeed. But force alone cannot create peace; it can only create the space in which peace may be built. Moreover, the changes that the Panel recommends will have no lasting impact unless Member States summon the political will to support the United Nations politically, financially and operationally to enable the United Nations to be truly credible as a force for peace.

Each of the recommendations contained in the present report is designed to remedy a serious problem in strategic direction, decision-making, rapid deployment, operational planning and support, and the use of modern information technology. Key assessments and recommendations are highlighted below, largely in the order in which they appear in the body of the text (the numbers of the relevant paragraphs in the main text are provided in parentheses). In addition, a summary of recommendations is contained in the annex.

Experience of the past

It should have come as no surprise to anyone that some of the missions of the past decade would be particularly hard to accomplish: they tended to deploy where conflict had not resulted in victory for any side, where a military stalemate or international pressure or both

had brought fighting to a halt but at least some of the parties to the conflict were not seriously committed to ending the confrontation. United Nations operations thus did not *deploy into* post-conflict situations but tried *to create* them. In such complex operations, peacekeepers work to maintain a secure local environment while peacebuilders work to make that environment self-sustaining. Only such an environment offers a ready exit to peacekeeping forces, making peacekeepers and peacebuilders inseparable partners.

Implications for preventive action and peace-building: the need for strategy and support

The United Nations and its members face a pressing need to establish more effective strategies for conflict prevention, in both the long and short terms. In this context, the Panel endorses the recommendations of the Secretary-General with respect to conflict prevention contained in the Millennium Report (A/54/2000) and in his remarks before the Security Council's second open meeting on conflict prevention in July 2000. It also encourages the Secretary-General's more frequent use of fact-finding missions to areas of tension in support of short-term crisis-preventive action.

Furthermore, the Security Council and the General Assembly's Special Committee on Peacekeeping Operations, conscious that the United Nations will continue to face the prospect of having to assist communities and nations in making the transition from war to peace, have each recognized and acknowledged the key role of peace-building in complex peace operations. This will require that the United Nations system address what has hitherto been a fundamental deficiency in the way it has conceived of, funded and implemented peace-building strategies and activities. Thus, the Panel recommends that the Executive Committee on Peace and Security (ECPS) present to the Secretary-General a plan to strengthen the permanent capacity of the United Nations to develop peace-building strategies and to implement programmes in support of those strategies.

Among the changes that the Panel supports are: a doctrinal shift in the use of civilian police and related rule of law elements in peace operations that emphasizes a team approach to upholding the rule of law and respect for human rights and helping communities coming out of a conflict to achieve national reconciliation; consolidation of disarmament, demobilization, and reintegration programmes into the assessed budgets of complex peace operations in their first phase; flexibility for heads of United Nations peace operations to fund "quick impact projects" that make a real difference in the lives of people in the mission area; and better integration of electoral assistance into a broader strategy for the support of governance institutions.

Implications for peacekeeping: the need for robust doctrine and realistic mandates

The Panel concurs that consent of the local parties, impartiality and the use of force only in self-defence should remain the bedrock principles of peacekeeping. Experience shows, however, that in the context of intra-State/transnational conflicts, consent may be manipulated in many ways. Impartiality for United Nations operations must therefore mean adherence to the principles of the Charter: where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil. No failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor.

In the past, the United Nations has often found itself unable to respond effectively to such challenges. It is a fundamental premise of the present report, however, that it must be able to do so. Once deployed, United Nations peacekeepers must be able to carry out their mandate professionally and successfully. This means that United Nations military units must be capable of defending themselves, other mission components and the mission's mandate. Rules of engagement should be sufficiently robust and not force United Nations contingents to cede the initiative to their attackers.

This means, in turn, that the Secretariat must not apply best-case planning assumptions to situations where the local actors have historically exhibited worst-case behaviour. It means that mandates should specify an operation's authority to use force. It means bigger forces, better equipped and more costly but able to be a credible deterrent. In particular, United

Nations forces for complex operations should be afforded the field intelligence and other capabilities needed to mount an effective defence against violent challengers.

Moreover, United Nations peacekeepers — troops or police — who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles. However, operations given a broad and explicit mandate for civilian protection must be given the specific resources needed to carry out that mandate.

The Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when recommending force and other resource levels for a new mission, and it must set those levels according to realistic scenarios that take into account likely challenges to implementation. Security Council mandates, in turn, should reflect the clarity that peacekeeping operations require for unity of effort when they deploy into potentially dangerous situations.

The current practice is for the Secretary-General to be given a Security Council resolution specifying troop levels on paper, not knowing whether he will be given the troops and other personnel that the mission needs to function effectively, or whether they will be properly equipped. The Panel is of the view that, once realistic mission requirements have been set and agreed to, the Council should leave its authorizing resolution in draft form until the Secretary-General confirms that he has received troop and other commitments from Member States sufficient to meet those requirements.

Member States that do commit formed military units to an operation should be invited to consult with the members of the Security Council during mandate formulation; such advice might usefully be institutionalized via the establishment of ad hoc subsidiary organs of the Council, as provided for in Article 29 of the Charter. Troop contributors should also be invited to attend Secretariat briefings of the Security Council pertaining to crises that affect the safety and security of mission personnel or to a change or reinterpretation of the mandate regarding the use of force.

New headquarters capacity for information management and strategic analysis

The Panel recommends that a new information-gathering and analysis entity be created to support the informational and analytical needs of the Secretary-General and the members of the Executive Committee on Peace and Security (ECPS). Without such capacity, the Secretariat will remain a reactive institution, unable to get ahead of daily events, and the ECPS will not be able to fulfil the role for which it was created.

The Panel's proposed ECPS Information and Strategic Analysis Secretariat (EISAS) would create and maintain integrated databases on peace and security issues, distribute that knowledge efficiently within the United Nations system, generate policy analyses, formulate long-term strategies for ECPS and bring budding crises to the attention of the ECPS leadership. It could also propose and manage the agenda of ECPS itself, helping to transform it into the decision-making body anticipated in the Secretary-General's initial reforms.

The Panel proposes that EISAS be created by consolidating the existing Situation Centre of the Department of Peacekeeping Operations (DPKO) with a number of small, scattered policy planning offices, and adding a small team of military analysts, experts in international criminal networks and information systems specialists. EISAS should serve the needs of all members of ECPS.

Improved mission guidance and leadership

The Panel believes it is essential to assemble the leadership of a new mission as early as possible at United Nations Headquarters, to participate in shaping a mission's concept of operations, support plan, budget, staffing and Headquarters mission guidance. To that end, the Panel recommends that the Secretary-General compile, in a systematic fashion and with input from Member States, a comprehensive list of potential special representatives of the Secretary-General (SRSGs), force commanders, civilian police commissioners, their potential deputies and potential heads of other components of a mission, representing a broad geographic and equitable gender distribution.

Rapid deployment standards and "on-call" expertise

The first 6 to 12 weeks following a ceasefire or peace accord are often the most critical ones for establishing both a stable peace and the credibility of a new operation. Opportunities lost during that period are hard to regain.

The Panel recommends that the United Nations define "rapid and effective deployment capacity" as the ability to fully deploy traditional peacekeeping operations within 30 days of the adoption of a Security Council resolution establishing such an operation, and within 90 days in the case of complex peacekeeping operations.

The Panel recommends that the United Nations standby arrangements system (UNSAS) be developed further to include several coherent, multinational, brigade-size forces and the necessary enabling forces, created by Member States working in partnership, in order to better meet the need for the robust peacekeeping forces that the Panel has advocated. The Panel also recommends that the Secretariat send a team to confirm the readiness of each potential troop contributor to meet the requisite United Nations training and equipment requirements for peacekeeping operations, prior to deployment. Units that do not meet the requirements must not be deployed.

To support such rapid and effective deployment, the Panel recommends that a revolving "on-call list" of about 100 experienced, well qualified military officers, carefully vetted and accepted by DPKO, be created within UNSAS. Teams drawn from this list and available for duty on seven days' notice would translate broad, strategic-level mission concepts developed at Headquarters into concrete operational and tactical plans in advance of the deployment of troop contingents, and would augment a core element from DPKO to serve as part of a mission start-up team.

Parallel on-call lists of civilian police, international judicial experts, penal experts and human rights specialists must be available in sufficient numbers to strengthen rule of law institutions, as needed, and should also be part of UNSAS. Pre-trained teams could then be drawn from this list to precede the main body of civilian police and related specialists into a new mission area, facilitating the rapid and effective deployment of the law and order component into the mission.

The Panel also calls upon Member States to establish enhanced national "pools" of police officers and related experts, earmarked for deployment to United Nations peace operations, to help meet the high demand for civilian police and related criminal justice/rule of law expertise in peace operations dealing with intra-State conflict. The Panel also urges Member States to consider forming joint regional partnerships and programmes for the purpose of training members of the respective national pools to United Nations civilian police doctrine and standards.

The Secretariat should also address, on an urgent basis, the needs: to put in place a transparent and decentralized recruitment mechanism for civilian field personnel; to improve the retention of the civilian specialists that are needed in every complex peace operation; and to create standby arrangements for their rapid deployment.

Finally, the Panel recommends that the Secretariat radically alter the systems and procedures in place for peacekeeping procurement in order to facilitate rapid deployment. It recommends that responsibilities for peacekeeping budgeting and procurement be moved out of the Department of Management and placed in DPKO. The Panel proposes the creation of a new and distinct body of streamlined field procurement policies and procedures; increased delegation of procurement authority to the field; and greater flexibility for field missions in the management of their budgets. The Panel also urges that the Secretary-General formulate and submit to the General Assembly, for its approval, a global logistics support strategy governing the stockpiling of equipment reserves and standing contracts with the private sector for common goods and services. In the interim, the Panel recommends that additional "start-up kits" of essential equipment be maintained at the United Nations Logistics Base (UNLB) in Brindisi, Italy.

The Panel also recommends that the Secretary-General be given authority, with the approval

of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to commit up to $50 million well in advance of the adoption of a Security Council resolution establishing a new operation once it becomes clear that an operation is likely to be established.

Enhance Headquarters capacity to plan and support peace operations

The Panel recommends that Headquarters support for peacekeeping be treated as a core activity of the United Nations, and as such the majority of its resource requirements should be funded through the regular budget of the Organization. DPKO and other offices that plan and support peacekeeping are currently primarily funded by the Support Account, which is renewed each year and funds only temporary posts. That approach to funding and staff seems to confuse the temporary nature of specific operations with the evident permanence of peacekeeping and other peace operations activities as core functions of the United Nations, which is obviously an untenable state of affairs.

The total cost of DPKO and related Headquarters support offices for peacekeeping does not exceed $50 million per annum, or roughly 2 per cent of total peacekeeping costs. Additional resources for those offices are urgently needed to ensure that more than $2 billion spent on peacekeeping in 2001 are well spent. The Panel therefore recommends that the Secretary-General submit a proposal to the General Assembly outlining the Organization's requirements in full.

The Panel believes that a methodical management review of DPKO should be conducted but also believes that staff shortages in certain areas are plainly obvious. For example, it is clearly not enough to have 32 officers providing military planning and guidance to 27,000 troops in the field, nine civilian police staff to identify, vet and provide guidance for up to 8,600 police, and 15 political desk officers for 14 current operations and two new ones, or to allocate just 1.25 per cent of the total costs of peacekeeping to Headquarters administrative and logistics support.

Establish Integrated Mission Task Forces for mission planning and support

The Panel recommends that Integrated Mission Task Forces (IMTFs) be created, with staff from throughout the United Nations system seconded to them, to plan new missions and help them reach full deployment, significantly enhancing the support that Headquarters provides to the field. There is currently no integrated planning or support cell in the Secretariat that brings together those responsible for political analysis, military operations, civilian police, electoral assistance, human rights, development, humanitarian assistance, refugees and displaced persons, public information, logistics, finance and recruitment.

Structural adjustments are also required in other elements of DPKO, in particular to the Military and Civilian Police Division, which should be reorganized into two separate divisions, and the Field Administration and Logistics Division (FALD), which should be split into two divisions. The Lessons Learned Unit should be strengthened and moved into the DPKO Office of Operations. Public information planning and support at Headquarters also needs strengthening, as do elements in the Department of Political Affairs (DPA), particularly the electoral unit. Outside the Secretariat, the ability of the Office of the United Nations High Commissioner for Human Rights to plan and support the human rights components of peace operations needs to be reinforced.

Consideration should be given to allocating a third Assistant Secretary-General to DPKO and designating one of them as "Principal Assistant Secretary-General", functioning as the deputy to the Under-Secretary-General.

Adapting peace operations to the information age

Modern, well utilized information technology (IT) is a key enabler of many of the above-mentioned objectives, but gaps in strategy, policy and practice impede its effective use. In particular, Headquarters lacks a sufficiently strong responsibility centre for user-level IT strategy and policy in peace operations. A senior official with such responsibility in the peace and security arena should be appointed and located within EISAS, with counterparts in the offices of the SRSG in every United Nations peace operation.

Headquarters and the field missions alike also need a substantive, global, Peace Operations Extranet (POE), through which missions would have access to, among other things, EISAS databases and analyses and lessons learned.

Challenges to implementation

The Panel believes that the above recommendations fall well within the bounds of what can be reasonably demanded of the Organization's Member States. Implementing some of them will require additional resources for the Organization, but we do not mean to suggest that the best way to solve the problems of the United Nations is merely to throw additional resources at them. Indeed, no amount of money or resources can substitute for the significant changes that are urgently needed in the culture of the Organization.

The Panel calls on the Secretariat to heed the Secretary-General's initiatives to reach out to the institutions of civil society; to constantly keep in mind that the United Nations they serve is *the* universal organization. People everywhere are fully entitled to consider that it is *their* organization, and as such to pass judgement on its activities and the people who serve in it.

Furthermore, wide disparities in staff quality exist and those in the system are the first to acknowledge it; better performers are given unreasonable workloads to compensate for those who are less capable. Unless the United Nations takes steps to become a true meritocracy, it will not be able to reverse the alarming trend of qualified personnel, the young among them in particular, leaving the Organization. Moreover, qualified people will have no incentive to join it. Unless managers at all levels, beginning with the Secretary-General and his senior staff, seriously address this problem on a priority basis, reward excellence and remove incompetence, additional resources will be wasted and lasting reform will become impossible.

Member States also acknowledge that they need to reflect on their working culture and methods. It is incumbent upon Security Council members, for example, and the membership at large to breathe life into the words that they produce, as did, for instance, the Security Council delegation that flew to Jakarta and Dili in the wake of the East Timor crisis in 1999, an example of effective Council *action* at its best: *res, non verba*.

We — the members of the Panel on United Nations Peace Operations — call on the leaders of the world assembled at the Millennium Summit, as they renew their commitment to the ideals of the United Nations, to commit as well to strengthen the capacity of the United Nations to fully accomplish the mission which is, indeed, its very *raison d'être*: to help communities engulfed in strife and to maintain or restore peace.

While building consensus for the recommendations in the present report, we have also come to a shared vision of a *United* Nations, extending a strong helping hand to a community, country or region to avert conflict or to end violence. We see an SRSG ending a mission well accomplished, having given the people of a country the opportunity to do for themselves what they could not do before: to build and hold onto peace, to find reconciliation, to strengthen democracy, to secure human rights. We see, above all, a United Nations that has not only the will but also the ability to fulfil its great promise, and to justify the confidence and trust placed in it by the overwhelming majority of humankind.

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Report of the Panel on UNITED NATIONS Peace Operations

A far-reaching report by an independent panel

SUMMARY OF RECOMMENDATIONS

Preventive action	Peace-building strategy	Peacekeeping doctrine and strategy	Clear, credible and achievable mandates
Information and strategic analysis	Transitional civil administration	Determining deployment timelines	Mission leadership
Military personnel	Civilian police personnel	Civilian specialists	Rapidly deployable capacity for public information
Logistics support and expenditure management	Funding Headquarters support for peacekeeping operations
Integrated mission planning and support	Other structural adjustments in DPKO	Operational support for public information
Peace-building support in the Department of Political Affairs
Peace operations support in the Office of the United Nations High Commissioner for Human Rights
Peace operations and the information age

1. Preventive action:

(a) The Panel endorses the recommendations of the Secretary-General with respect to conflict prevention contained in the Millennium Report and in his remarks before the Security Council's second open meeting on conflict prevention in July 2000, in particular his appeal to "all who are engaged in conflict prevention and development — the United Nations, the Bretton Woods institutions, Governments and civil society organizations — [to] address these challenges in a more integrated fashion";

(b) The Panel supports the Secretary-General's more frequent use of fact-finding missions to areas of tension, and stresses Member States' obligations, under Article 2(5) of the Charter, to give "every assistance" to such activities of the United Nations.

2. Peace-building strategy:

(a) A small percentage of a mission's first-year budget should be made available to the representative or special representative of the Secretary-General leading the mission to fund quick impact projects in its area of operations, with the advice of the United Nations country team's resident coordinator;

(b) The Panel recommends a doctrinal shift in the use of civilian police, other rule of law elements and human rights experts in complex peace operations to reflect an increased focus on strengthening rule of law institutions and improving respect for human rights in post-conflict environments;

(c) The Panel recommends that the legislative bodies consider bringing demobilization and reintegration programmes into the assessed budgets of complex peace operations for the first phase of an operation in order to facilitate the rapid disassembly of fighting factions and reduce the likelihood of resumed conflict;

(d) The Panel recommends that the Executive Committee on Peace and Security (ECPS) discuss and recommend to the Secretary-General a plan to strengthen the permanent capacity of the United Nations to develop peace-building strategies and to implement programmes in support of those strategies.

3. Peacekeeping doctrine and strategy:

Once deployed, United Nations peacekeepers must be able to carry out their mandates professionally and successfully and be capable of defending themselves, other mission components and the mission's mandate, with robust rules of engagement, against those who renege on their commitments to a peace accord or otherwise seek to undermine it by violence.

4. Clear, credible and achievable mandates:

(a) The Panel recommends that, before the Security Council agrees to implement a ceasefire or peace agreement with a United Nations-led peacekeeping operation, the Council assure itself that the agreement meets threshold conditions, such as consistency with international human rights standards and practicability of specified tasks and timelines;

(b) The Security Council should leave in draft form resolutions authorizing missions with sizeable troop levels until such time as the Secretary-General has firm commitments of troops and other critical mission support elements, including peace-building elements, from Member States;

(c) Security Council resolutions should meet the requirements of peacekeeping operations when they deploy into potentially dangerous situations, especially the need for a clear chain of command and unity of effort;

(d) The Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when formulating or changing mission mandates, and countries that have committed military units to an operation should have access to Secretariat briefings to the Council on matters affecting the safety and security of their personnel, especially those meetings with implications for a mission's use of force.

5. Information and strategic analysis:

The Secretary-General should establish an entity, referred to here as the ECPS Information and Strategic Analysis Secretariat (EISAS), which would support the information and analysis needs of all members of ECPS; for management purposes, it should be administered by and report jointly to the heads of the Department of Political Affairs (DPA) and the Department of Peacekeeping Operations (DPKO).

6. Transitional civil administration:

The Panel recommends that the Secretary-General invite a panel of international legal experts, including individuals with experience in United Nations operations that have transitional administration mandates, to evaluate the feasibility and utility of developing an interim criminal code, including any regional adaptations potentially required, for use by such operations pending the re-establishment of local rule of law and local law enforcement capacity.

7. Determining deployment timelines:

The United Nations should define "rapid and effective deployment capacities" as the ability, from an operational perspective, to fully deploy traditional peacekeeping operations within 30 days after the adoption of a Security Council resolution, and within 90 days in the case of complex peacekeeping operations.

8. Mission leadership:

(a) The Secretary-General should systematize the method of selecting mission leaders, beginning with the compilation of a comprehensive list of potential representatives or special representatives of the Secretary-General, force commanders, civilian police commissioners, and their deputies and other heads

of substantive and administrative components, within a fair geographic and gender distribution and with input from Member States;

(b) The entire leadership of a mission should be selected and assembled at Headquarters as early as possible in order to enable their participation in key aspects of the mission planning process, for briefings on the situation in the mission area and to meet and work with their colleagues in mission leadership;

(c) The Secretariat should routinely provide the mission leadership with strategic guidance and plans for anticipating and overcoming challenges to mandate implementation, and whenever possible should formulate such guidance and plans together with the mission leadership.

9. Military personnel:

(a) Member States should be encouraged, where appropriate, to enter into partnerships with one another, within the context of the United Nations Standby Arrangements System (UNSAS), to form several coherent brigade-size forces, with necessary enabling forces, ready for effective deployment within 30 days of the adoption of a Security Council resolution establishing a traditional peacekeeping operation and within 90 days for complex peacekeeping operations;

(b) The Secretary-General should be given the authority to formally canvass Member States participating in UNSAS regarding their willingness to contribute troops to a potential operation, once it appeared likely that a ceasefire accord or agreement envisaging an implementing role for the United Nations, might be reached;

(c) The Secretariat should, as a standard practice, send a team to confirm the preparedness of each potential troop contributor to meet the provisions of the memoranda of understanding on the requisite training and equipment requirements, prior to deployment; those that do not meet the requirements must not deploy;

(d) The Panel recommends that a revolving "on-call list" of about 100 military officers be created in UNSAS to be available on seven days' notice to augment nuclei of DPKO planners with teams trained to create a mission headquarters for a new peacekeeping operation.

10. Civilian police personnel:

(a) Member States are encouraged to each establish a national pool of civilian police officers that would be ready for deployment to United Nations peace operations on short notice, within the context of the United Nations Standby Arrangements System;

(b) Member States are encouraged to enter into regional training partnerships for civilian police in the respective national pools, to promote a common level of preparedness in accordance with guidelines, standard operating procedures and performance standards to be promulgated by the United Nations;

(c) Members States are encouraged to designate a single point of contact within their governmental structures for the provision of civilian police to United Nations peace operations;

(d) The Panel recommends that a revolving on-call list of about 100 police officers and related experts be created in UNSAS to be available on seven days' notice with teams trained to create the civilian police component of a new peacekeeping operation, train incoming personnel and give the component greater coherence at an early date;

(e) The Panel recommends that parallel arrangements to recommendations (a), (b) and (c) above be established for judicial, penal, human rights and other relevant specialists, who with specialist civilian police will make up collegial "rule of law" teams.

11. Civilian specialists:

(a) The Secretariat should establish a central Internet/Intranet-based roster of pre-selected civilian candidates available to deploy to peace operations on short notice. The field missions should be granted access to and delegated authority to recruit candidates from it, in accordance with guidelines on fair geographic and gender distribution to be promulgated by the Secretariat;

(b) The Field Service category of personnel should be reformed to mirror the recurrent demands faced by all peace operations, especially at the mid- to senior-levels in the administrative and logistics areas;

(c) Conditions of service for externally recruited civilian staff should be revised to enable the United Nations to attract the most highly qualified candidates, and to then offer those who have served with distinction greater career prospects;

(d) DPKO should formulate a comprehensive staffing strategy for peace operations, outlining, among other issues, the use of United Nations Volunteers, standby arrangements for the provision of civilian personnel on 72 hours' notice to facilitate mission start-up, and the divisions of responsibility among the members of the Executive Committee on Peace and Security for implementing that strategy.

12. Rapidly deployable capacity for public information:

Additional resources should be devoted in mission budgets to public information and the associated personnel and information technology required to get an operation's message out and build effective internal communications links.

13. Logistics support and expenditure management:

(a) The Secretariat should prepare a global logistics support strategy to enable rapid and effective mission deployment within the timelines proposed and corresponding to planning assumptions established by the substantive offices of DPKO;

(b) The General Assembly should authorize and approve a one-time expenditure to maintain at least five mission start-up kits in Brindisi, which should include rapidly deployable communications equipment. These start-up kits should then be routinely replenished with funding from the assessed contributions to the operations that drew on them;

(c) The Secretary-General should be given authority to draw up to US$50 million from the Peacekeeping Reserve Fund, once it became clear that an operation was likely to be established, with the approval of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) but prior to the adoption of a Security Council resolution;

(d) The Secretariat should undertake a review of the entire procurement policies and procedures (with proposals to the General Assembly for amendments to the Financial Rules and Regulations, as required), to facilitate in particular the rapid and full deployment of an operation within the proposed timelines;

(e) The Secretariat should conduct a review of the policies and procedures governing the management of financial resources in the field missions with a

view to providing field missions with much greater flexibility in the management of their budgets;

(f) The Secretariat should increase the level of procurement authority delegated to the field missions (from $200,000 to as high as $1 million, depending on mission size and needs) for all goods and services that are available locally and are not covered under systems contracts or standing commercial services contracts.

14. Funding Headquarters support for peacekeeping operations:

(a) The Panel recommends a substantial increase in resources for Headquarters support of peacekeeping operations, and urges the Secretary-General to submit a proposal to the General Assembly outlining his requirements in full;

(b) Headquarters support for peacekeeping should be treated as a core activity of the United Nations, and as such the majority of its resource requirements for this purpose should be funded through the mechanism of the regular biennial programme budget of the Organization;

(c) Pending the preparation of the next regular budget submission, the Panel recommends that the Secretary-General approach the General Assembly with a request for an emergency supplemental increase to the Support Account to allow immediate recruitment of additional personnel, particularly in DPKO.

15. Integrated mission planning and support:

Integrated Mission Task Forces (IMTFs), with members seconded from throughout the United Nations system, as necessary, should be the standard vehicle for mission-specific planning and support. IMTFs should serve as the first point of contact for all such support, and IMTF leaders should have temporary line authority over seconded personnel, in accordance with agreements between DPKO, DPA and other contributing departments, programmes, funds and agencies.

16. Other structural adjustments in DPKO:

(a) The current Military and Civilian Police Division should be restructured, moving the Civilian Police Unit out of the military reporting chain. Consideration should be given to upgrading the rank and level of the Civilian Police Adviser;

(b) The Military Adviser's Office in DPKO should be restructured to correspond more closely to the way in which the military field headquarters in United Nations peacekeeping operations are structured;

(c) A new unit should be established in DPKO and staffed with the relevant expertise for the provision of advice on criminal law issues that are critical to the effective use of civilian police in the United Nations peace operations;

(d) The Under-Secretary-General for Management should delegate authority and responsibility for peacekeeping-related budgeting and procurement functions to the Under-Secretary-General for Peacekeeping Operations for a two-year trial period;

(e) The Lessons Learned Unit should be substantially enhanced and moved into a revamped DPKO Office of Operations;

(f) Consideration should be given to increasing the number of Assistant Secretaries-General in DPKO from two to three, with one of the three designated as the "Principal Assistant Secretary-General" and functioning as the deputy to the Under-Secretary-General.

17. Operational support for public information:

A unit for operational planning and support of public information in peace operations should be established, either within DPKO or within a new Peace and Security Information Service in the Department of Public Information (DPI) reporting directly to the Under-Secretary-General for Communication and Public Information.

18. Peace-building support in the Department of Political Affairs:

(a) The Panel supports the Secretariat's effort to create a pilot Peace-building Unit within DPA, in cooperation with other integral United Nations elements, and suggests that regular budgetary support for this unit be revisited by the membership if the pilot programme works well. This programme should be evaluated in the context of guidance the Panel has provided in paragraph 46 above, and if considered the best available option for strengthening United Nations peace-building capacity it should be presented to the Secretary-General within the context of the Panel's recommendation contained in paragraph 47 (d) above;

(b) The Panel recommends that regular budget resources for Electoral Assistance Division programmatic expenses be substantially increased to meet the rapidly growing demand for its services, in lieu of voluntary contributions;

(c) To relieve demand on the Field Administration and Logistics Division (FALD) and the executive office of DPA, and to improve support services rendered to smaller political and peace-building field offices, the Panel recommends that procurement, logistics, staff recruitment and other support services for all such smaller, non-military field missions be provided by the United Nations Office for Project Services (UNOPS).
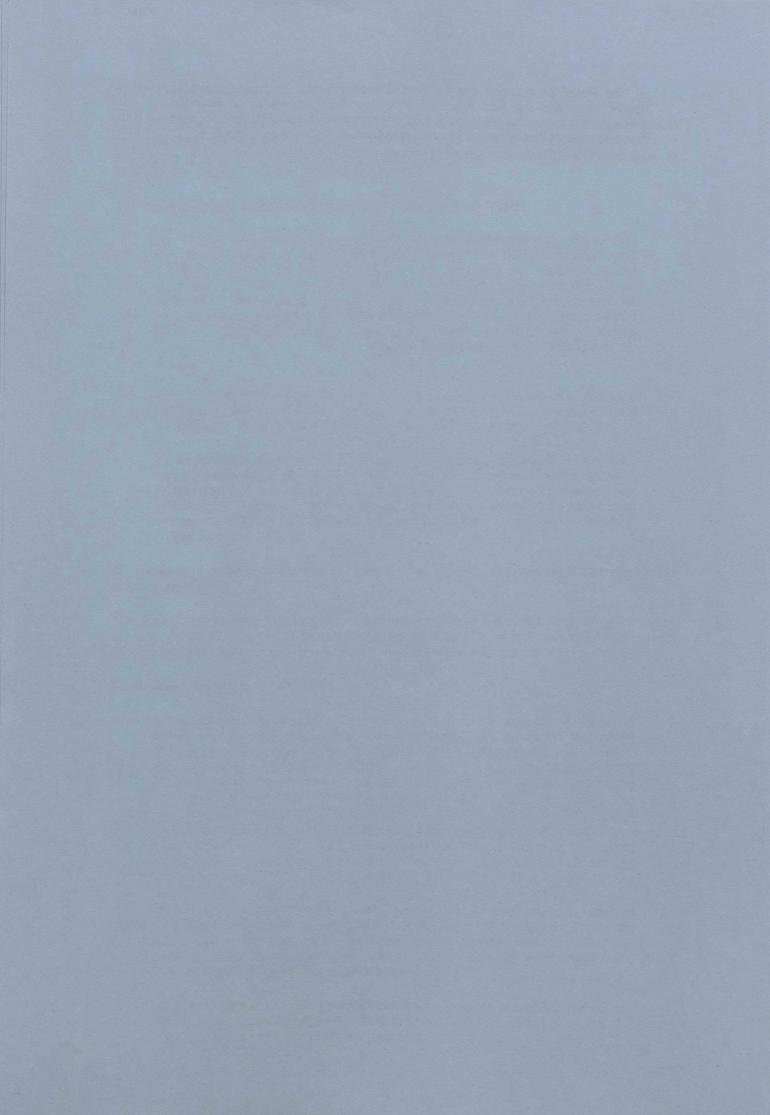
19. Peace operations support in the Office of the United Nations High Commissioner for Human Rights:

The Panel recommends substantially enhancing the field mission planning and preparation capacity of the Office of the United Nations High Commissioner for Human Rights, with funding partly from the regular budget and partly from peace operations mission budgets.

20. Peace operations and the information age:

(a) Headquarters peace and security departments need a responsibility centre to devise and oversee the implementation of common information technology strategy and training for peace operations, residing in EISAS. Mission counterparts to the responsibility centre should also be appointed to serve in the offices of the special representatives of the Secretary-General in complex peace operations to oversee the implementation of that strategy;

(b) EISAS, in cooperation with the Information Technology Services Division (ITSD), should implement an enhanced peace operations element on the current United Nations Intranet and link it to the missions through a Peace Operations Extranet (POE);

(c) Peace operations could benefit greatly from more extensive use of geographic information systems (GIS) technology, which quickly integrates operational information with electronic maps of the mission area, for applications as diverse as demobilization, civilian policing, voter registration, human rights monitoring and reconstruction;

(d) The IT needs of mission components with unique information technology needs, such as civilian police and human rights, should be anticipated and met more consistently in mission planning and implementation;

(e) The Panel encourages the development of web site co-management by Headquarters and the field missions, in which Headquarters would maintain oversight but individual missions would have staff authorized to produce and post web content that conforms to basic presentational standards and policy.

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