

Post-Conflict Reconciliation: Building Peace and Redressing Historical Justice

The Competition of Rights in the International System

The Evolving Relations Between NGOs and the UN System:
Implications for Global Governance

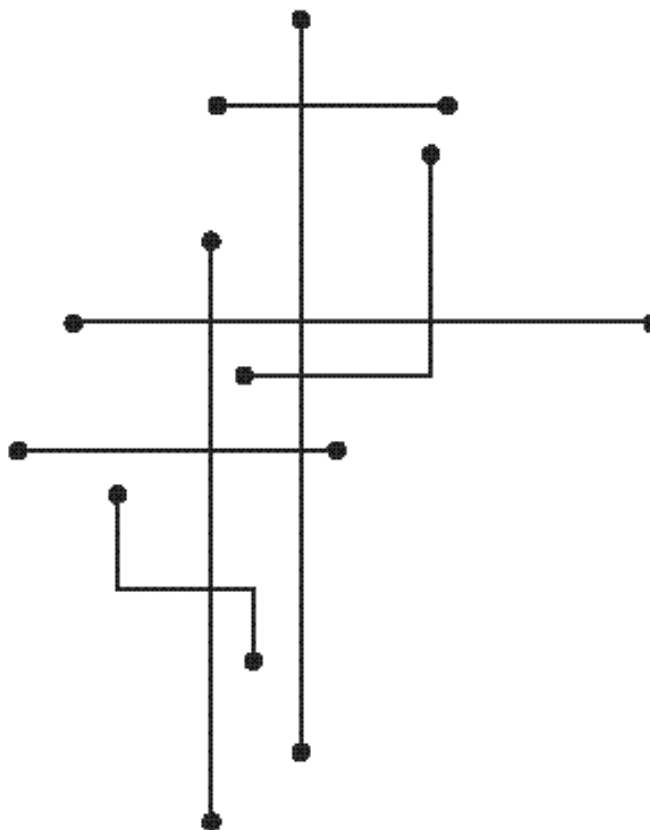
The Limits and Possibilities of International Humanitarian Intervention

Reports of the Fortieth Strategy for Peace Conference

October 21-23, 1999

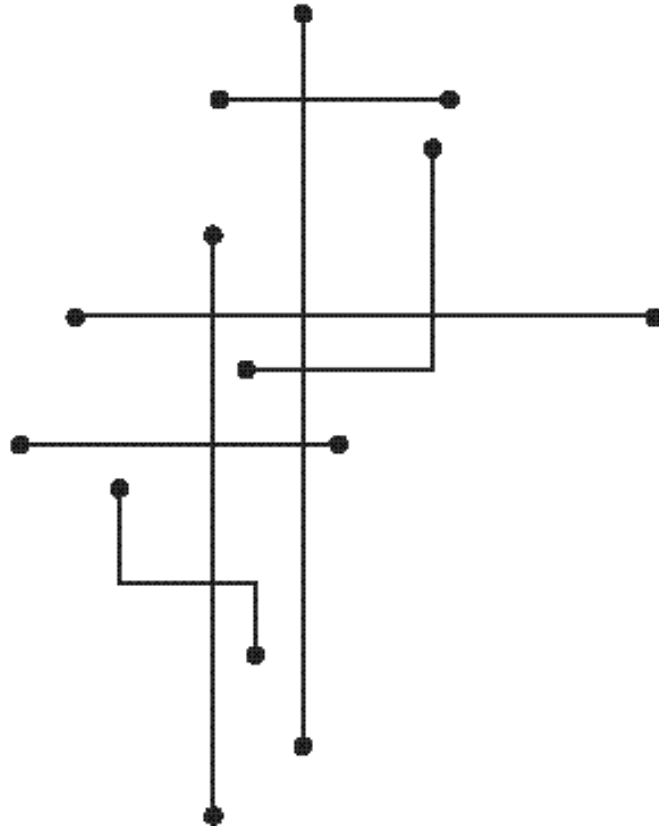
Convened at [Airlie Center](#), Warrenton, Virginia

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Preface



Strategy for Peace, the Stanley Foundation's US foreign policy conference, annually assembles a panel of experts from the public and private sectors to assess specific policy issues and to recommend future direction.

The seventy-five participants who met at Airlie Center were drawn together in four concurrent round-table discussions to examine the current state of relations and recommend elements of a strategy for peace.

All sessions were informal and off the record. In preparing this document following the conference, the rapporteurs tried to convey the areas of consensus and disagreement and the conclusions of the discussion. It contains her or his interpretation of the proceeding and is not merely a descriptive, chronological account.

The participants neither reviewed nor approved the reports. Therefore, it should not be assumed that every participant subscribes to all recommendations, observations, and conclusions.

Production:

Amy Bakke, Margo Schneider

Opening Remarks



*Richard H. Stanley
President*

Welcome to the Stanley Foundation's fortieth Strategy for Peace Conference. This conference series, which began in 1960, is our longest running conference series. Except for the first one, all of these conferences have been held here at Airlie Center. In fact, the first time we were here was in the earliest days of Airlie Center when the initial facilities were still being completed and the paint was still damp.

The Stanley Foundation has used this forum to explore international issues of both contemporary and lasting concern to the United States. While the topics have changed over the years, the focus of this conference and our work at the foundation has been on sharpening US foreign policy and on finding ways to manage global problems better. We have sought to create a space for provocative and productive dialogue among important and interested participants in the broad international relations community on critical issues that threaten world peace and security. We believe that such dialogue clarifies positions, produces greater common ground, and often increases the possibilities and opportunities for solutions.

This year's conference is, at heart, about how the United States can best help to achieve a more peaceful world. Each topic we will be discussing has been promoted as at least a part of a necessary strategy for peace. Yet, it is increasingly apparent that these strategies can themselves be a source of conflict and dissension. Their application raises a whole new set of questions and concerns.

This year we will explore together four issues of concern and controversy to all actors in the international system:

- Evolving relations between nongovernmental organizations (NGOs) and the UN system and the implications this has for global governance
- Balancing the rights of nation-states, groups, and individuals in the international system
- Humanitarian intervention
- Post-conflict reconciliation and justice

We have chosen these topics because they are interrelated and also because they are emerging separately as crucial issues in world politics. For example, although scholars and policy analysts noted the increasing role of NGOs and humanitarian intervention more than two decades ago, it is primarily since the end of the Cold War that we have begun to see dramatic evidence of a new shape of global politics. These four issues now hold a central place on the international agenda and are sometimes seen as the result of and sometimes as a cause of increasing tensions and conflicts throughout the world. On all these topics there is, in general, a divide between the global North and South. Although this divide is neither sharply defined nor fixed, there is an asymmetry of views that merits our attention.

Our focus in each of these meetings is on the role of the United States in the newly emerging global politics. The Stanley Foundation has long argued that US power should be used, along with that of its fellow nation-states, to build a more peaceful, safe, and cooperative world. We have encouraged robust multilateralism as the best means of achieving a rule of law rather than of force. The ability of the United States and the world community to create this world has become more difficult and complicated as security threats now come from all levels: from weapons of mass destruction and arms races, economic and political instability, ethnic conflicts, environmental degradation, and resource competition. Neither the United States nor the world can be safe while nuclear weapons proliferate, while arms sales continue to soar, while countries and peoples remain divided and at war, and while nations compete rather than cooperate in working toward solutions to common problems.

As we will examine here, it has long been argued that a healthy civil society is necessary to temper the centralizing and dominating tendencies of governments, and is conducive to developing peaceful solutions to conflicts. But any attempt to extend this model to the global level raises questions that go to the heart of where we think the international community is headed. Can there be a vibrant and contributing global civil society when global governance itself is ill-defined? And, how can the international community promote democracy at the global level without privileging media-wise and well-funded groups and individuals over others? Does the international community risk listening only to the resource rich groups of the global North and not to the more isolated and struggling groups of the global South? More immediately, how do various countries differ on this issue? How does this difference in views contribute to different visions of the future

of the international system? Do these competing visions contribute to conflict between countries and within countries? How can we address this source of conflict? These questions remind us that our multilateral institutions are still struggling to define themselves and their relationships not only to the community of nations but also to the community of peoples.

On our second topic, we are keenly aware that the UN Declaration of Human Rights and its accompanying covenants have highlighted growing international and cross-cultural concern with protecting individuals and for creating common standards and goals for all nations to achieve. Yet, a little more than fifty years after the original document, battles over rights and the interpretation of rights have moved to center stage at the United Nations and other multilateral forums. This issue has created sharp divides, particularly between the G-7 countries and the rest of the world. What relative weight should be given to political and civil rights, as compared to economic and social rights? To what extent should specific rights be considered absolute and to what extent must they be tempered, at least in the short term, as a result of conflicting or complementary rights demands. Many countries and groups of peoples perceive the promotion of certain rights by others to be a form of cultural imperialism. At the same time, the international community struggles to sort out competing demands between the rights of individuals and the rights of groups and nations. What is the current balance of these rights in international society? How do countries vary in their view of this balance? Can a better balance be struck? How can we protect the sovereignty of weak or small states? How about minority groups? How does this balancing contribute to conflict between countries and within countries? These questions emphasize that our search to define a more peaceful and safe international community is complicated by the multiple cultures and viewpoints that have to cooperate to create that future.

We also want to examine what happens when conflict arises and powerful groups oppress the weak, resulting in violence—even genocide—which leads to calls for intervention into countries on humanitarian grounds. This presents the world community with yet another tangle of complicated questions, including how to define the grounds for intervention? When and under what circumstances should the international community intervene? Who decides? And what organization or organizations should have the right to intervene? In some quarters, humanitarian intervention itself is often viewed as something quite different from a tool for peace and justice, sometimes even as a new form of oppression and an imposition of values. The role of the United States in this area is extremely complicated. Almost never can the United States avoid making an impact whether it participates or not. As we have seen most recently in East Timor, the United States may or may not be the world's "policeman" but the United States is certainly too significant a political and military power to be ignored. The international community clearly expects the United States to be involved when intervention is needed.

Violence begets more violence, and few conflicts of the post-Cold War era are truly new, as illustrated by the former Yugoslavia, the Horn of Africa, and the Subcontinent, among others. If we

hope to end wars and prevent new ones, then learning how to craft real and lasting post-conflict reconciliation and justice is perhaps the most crucial strategy for lasting peace. But this means grappling with serious questions. What is required for post-conflict reconciliation? What are the best mechanisms for it? Are demands for justice themselves a source of conflict? How should the need for peace and reconciliation be balanced with the demand for justice?

A central theme in all of the round tables is how the United States can most effectively and responsibly use its power in a fragmented world faced with continuing threats to peace. I would argue that the only workable solution is for the United States to operate multilaterally and through international organizations. We cannot hope to ensure our own security, let alone contribute to a secure peace with freedom and justice, by going it alone or relying primarily on military might. Strengthening and sustaining forums and institutions to address the causes of war and working for cooperation and peaceful resolution of conflicts are our best hope as a nation and as a people among other peoples that share a common planet and destiny.

What does this mean in practical terms? Let me make a few pitches. Paying our bill at the United Nations. Cooperating with our allies and listening to those with whom we disagree. Investing energy and resources to build robust multilateral relationships. Supporting and participating in the ongoing development of the United Nations and other institutions of global governance that are essential as a democratic means of dealing with complex issues like those we are exploring here. Signing and ratifying the new International Criminal Court treaty as a means of moving toward accountability for crimes against individuals and groups. Recognizing that we are in an era of globalization. Educating our own public about these and other pressing global issues. Perceiving that we are safer when our world is safer for everyone.

Post-Conflict Reconciliation: Building Peace and Redressing Historical Justice



Chair Pauline H. Baker and rapporteur Dorothy Shea

Introduction

How should the often competing objectives of peace, justice, and reconciliation be balanced in post-conflict situations? What approaches have worked in the past, and why? What lessons can be drawn for contemporary post-conflict societies, whether in Kosovo, Sierra Leone, or East Timor? A diverse group of foreign policy practitioners and academics gathered at a Strategy for Peace conference October 21-23, 1999, to consider these questions. The group discussed various tools for abating and preventing the recurrence of violent conflict and mass human rights violations, focusing on five key areas: mechanisms to protect civilians, accountability measures, reconciliation mechanisms, political arrangements, and economic recovery tools.

The group drew heavily on its members' practical experiences with a variety of post-conflict situations. Considering the varying degrees of success these tools have had in a number of different scenarios, the group attempted to draw lessons that might be of benefit to practitioners as they wrestle with contemporary and future post-conflict situations. With the aim of developing policy recommendations for post-conflict sustainable security, peace, and justice, the group reflected on who is responsible for implementing which tools and under what legal authority. The group also discussed whether certain conditions lend themselves to the successful application of the various tools, taking into consideration the roles of local culture, institutions, and leadership and whether

particular sequencing should be followed in the application of the available mechanisms. In addition, the group also considered the question of how to measure the effectiveness of these tools.

What is Post-Conflict Reconciliation?

In defining the parameters of the discussion, the group grappled with the inherent definitional questions that framed the conference: What is post-conflict reconciliation? With some hesitation, the group agreed to focus on the *post* phase of conflicts; some participants felt that strategies to prevent the initial outbreak of conflicts merited examination as well. In addition, the post-conflict objective of “reconciliation” struck several participants as “laden,” considering that some conflicts are resolved through distinctly nonreconciliatory measures like partition. Ultimately, in the interests of keeping discussion focused, the group agreed to limit its deliberations to post-Cold War cases in which, following a spasm of violence, a fragile peace has been imposed. The group keyed its discussion to measures that could help prevent a recurrence of violence and achieve a sustainable peace in such post-conflict environments.

In discussing how the international community can use post-conflict tools to prevent future outbreaks of violence, the group was aware of the existence of many variables over which little, if any, control can be exercised. For example, what is the percentage of male youths (15 to 19 years old) in the country? What kinds of arms are locally available? Are there ongoing regional wars, or skirmishes? Participants acknowledged that such factors could impact the sustainability of peace, the dispensing of justice, and the prospects of reconciliation.

The group’s discussion was enriched and informed by the participation of several members who had taken part in previous Stanley Foundation conferences on post-conflict justice issues. In April 1997 the Stanley Foundation convened a conference on “Post-Conflict Justice: The Role of the International Community,” and the 38th Strategy for Peace conference later that year focused on “Accountability and Judicial Response: Building Mechanisms for Post-Conflict Justice.” Out of these conferences, a proposal for an “International Legal Assistance Consortium” (ILAC) was



Participants in the post-conflict discussion group.

conceived. Participants who have been involved in the development of this proposal briefed the group on the concept, still being refined, of a judicial rapid-response group of experts that could be called upon in post-conflict environments to work in coordination with nongovernmental organizations (NGOs), the United Nations, and governments to promote accountability and rehabilitate shattered judicial systems. Endorsing this notion, the group sought to add value to the existing literature and body of knowledge on these issues by probing the inherent tensions between peace, justice, and reconciliation—consciously drawing from actual cases in which nontraditional approaches to post-conflict situations have been employed.

Several members of the group, while seeing the utility of drawing general conclusions, emphasized that not all tools would be applicable in every situation. There was general agreement that those who are charged with applying these tools must be prepared to tailor them to particularities in each situation. There was also a strong feeling that, while there may sometimes be a need for international experts to “parachute in” and jump-start these mechanisms in post-conflict situations, the international community should always seek to empower local actors both to ensure public ownership and sustainability of the processes put into play.

Mechanisms to Promote Security

The group agreed that, as a general rule, the first priority when a country is coming out of conflict is to sustain the cessation of hostilities and establish a secure environment for civilians. Often, this will involve disarmament and demobilization of fighters, including irregular or militia forces. Some participants advocated a more proactive approach—to include the transformation of militia groups, such as in Kosovo—where some members of the Kosovo Liberation Army are being recruited into the Kosovo Protection Corps, a kind of police reserve unit. In South Africa and Rwanda, fighters were assimilated into a new national defense force. Members of the group accepted that, in some cases, providing security might also necessitate cantonment. The baseline measure of effectiveness for such measures is whether they indeed keep the peace and end political violence. As one member commented, however, even in peace, conflict may well simmer. The goal, then, is to prevent that conflict from breaking out into mass violence.

Usually the implementation of such measures requires effective international military intervention. Some members of the group were reluctant to endorse the legitimacy of specific interventions. But the group as a whole decided to take the existence of such multilateral military action as a given and to focus on what should happen in its aftermath to promote sustainable peace and reconciliation. Often the legal authority for multilateral peacekeeping or peace enforcement operations derives from the United Nations, but there can also be coalitions of the willing, as in Kosovo. These coalitions presume a capable lead state; e.g., United States in Haiti, or Australia in East Timor.

Several members of the group commented that, regardless of who is in the lead, “effective” is the operative word in this equation: The international community relied on unarmed police in East

Timor, for example, an approach that one member of the group called “ludicrous.” In Sierra Leone the military intervention launched by the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG) was marred both by charges of ECOMOG partisanship and by unclear boundaries between the regional organization and the United Nations. One lesson cited from Bosnia and other operations was that, regardless of whether the authority for a military intervention derives from the United Nations or a regional body, it is imperative that there be a unified military command and political leadership. This lesson has been applied in Kosovo by putting Organization for Security and Cooperation in Europe (OSCE) officials under UN command.

Participants agreed that, of the “three pillars of public security”—police, courts, and prisons—prisons have been the most likely to get short shrift in post-conflict situations. The group concurred that all three institutions must be built up simultaneously. One participant recommended that the ILAC concept should be complemented by coordinated efforts to ensure that police and penal systems also be adequately developed. The police component, commented one participant, entails not only armed police but also civilian border guards, and sometimes a *gendarmerie*. The group acknowledged that shoring up these pillars of security will not come cheaply. This is a reality that the international community must accept.

Several participants focused on improving the existing structures within the UN system to provide security. A few participants suggested, for example, that the group endorse the suggestion that the United Nations maintain a roster of fully trained, immediately deployable civilian police. This would mitigate against the inherent weaknesses of the United Nations’ current ad hoc approach whereby diverse officers who do not speak the same language are given as little as one week pre-deployment training. Other members of the group felt that the question of sustainability must also be addressed: What happens when the international civilian police force departs? One participant suggested that those entities involved in creating security (i.e., training domestic civilian police) also be involved in sustaining security. But the group was not unanimous on this point. An alternative approach would be to build up a local police force simultaneously. One member expressed concern that, in formulating recommendations, the group should not rely too much on the United Nations, an organization criticized as bureaucratic and inefficient. The point was illustrated with the following anecdote: The United States offered to send a large number of desperately needed civilian police to Kosovo, and the United Nations turned down the offer explaining that its first priority was to deploy police that came from developing countries, but they were not yet ready. The United Nations, in short, has internal political requirements to satisfy that may impede prospects for effective actions.

Participants agreed that the international community must not overlook the importance of also rebuilding a capable civil society, including an independent media to serve as a watchdog for the security structure and to publicize failures if and when necessary. The importance of civil society to the success of the range of post-conflict mechanisms was underscored as discussion progressed.

Accountability: Mechanisms to Deal With Past Atrocities

The group discussed the inherent tensions in post-conflict situations between the immediate imperative of saving human lives and stopping atrocities by promoting power-sharing and the longer-term goal of preventing recurring cycles of violence by holding perpetrators of atrocities accountable for their crimes. Participants maintained that the international community must not lose sight of the fact that accountability mechanisms can *also* help to save lives and, therefore, should not be given short shrift. The group agreed that measuring the effectiveness of accountability mechanisms could be determined by the extent to which the truth about past atrocities is presented, disseminated, and accepted by the population. In addition, one can evaluate the degree to which these mechanisms have put an end to a culture of impunity, whether this is accomplished by some kind of judicial process, leading to punishment, or by the glare of public light. The group recommended that the international community should not overlook the many existing mechanisms that can be taken advantage of to accomplish the latter. For example, several thematic rapporteurs and working groups report to the UN Commission on Human Rights on issues ranging from extrajudicial killing, to torture, to sexual violence. In addition, many countries have truth commissions, national human rights commissions, and/or human rights ombudsmen, which can play an important role in spotlighting abuses that might otherwise go unrecognized or unrecorded for posterity.

As the group sought to flesh out specific recommendations for accountability mechanisms, it became clear that participants had different views about their underlying objectives. In the words of one participant, “Those who work in this field tend to assume that they are working toward the same objectives, but their fundamental approaches are different.” Hence the need for coordination—whether through ILAC or another coordinating body. One important area of divergence, for example, concerned the degree to which these mechanisms should be victim-oriented. Some participants felt strongly that the first responsibility of accountability mechanisms should be to achieve justice for the victims and their families. A primary measure of effectiveness, then, would be the extent to which such victims felt that they had recourse to a fair process to air their grievances and seek redress. One participant raised an important question in this regard: “Who speaks for the victims?” The group acknowledged that victims must be given a voice so their interests are heard both when the peace is being negotiated and in the post-conflict stage. One indicator to look for might be the existence of pressure groups that lobby on behalf of victims’ interests.

Others in the group felt that a standard whereby each individual victim has to be satisfied goes too far. “Satisfying victims cannot be the bottom line. There will always be a residual group that wants revenge.” Rather than catering to victims’ interests, this participant suggested that the focus should be on broader societal objectives. Although there was disagreement on the degree to which victims’ needs should be prioritized, there was general acknowledgment that those responsible for crafting accountability mechanisms must consider victims’ needs for redress, which will differ according to circumstances but may include apology, prosecution, restitution, and constitutional

guarantees or safeguards against a recurrence of violence. Referring to the familiar metaphor of reconciliation as mending a frayed social fabric, one participant noted “victims of conflict will constitute many of the threads of the social fabric we’re trying to reweave.” Another participant countered that mending social fabric sometimes requires pulling the deviant member of the group back in.

The group acknowledged that typically, in transitioning societies, the political leadership would prefer the “forgive and forget” approach. One participant noted that there seems to be a presumption that “moving on” is not an acceptable objective. This participant questioned whether it was fair, however, to write off the concerns of the political leadership, especially one that is still in the process of consolidating power. The group acknowledged that political interests are bound to put pressure on any post-conflict accountability mechanism. For that reason, the group recommended that these mechanisms—and the values that underlie them—be incorporated into the peace accords themselves, as was the case in South Africa. Doing so can help bolster such mechanisms when the inevitable political challenges are brought to bear.

There was general agreement among the group that the principal advantage of prosecution for wartime atrocities is that it allows individuals to be held accountable for their criminal conduct. Rebuilding the rule of law regime may be a precondition if prosecutions are to be handled domestically. In addition, several participants pointed out that prosecutions—whether domestic or international—could have tremendous educational value. But this requires the courts to effectively communicate to the public what they are about. Participants agreed that both the International Criminal Tribunals for the former Yugoslavia and Rwanda have missed opportunities in this regard. In the absence of effective public education campaigns, the field has been open to detractors of the tribunals to exploit perceived biases.

Several participants expressed the view that the number of people prosecuted (and convicted) is not as important as the imperative of abating the problem of collective guilt. Others questioned this conventional wisdom: Recognizing that only a select few perpetrators will be prosecuted in most cases; those who espoused this school of thought were troubled with the reality that not all those who are guilty would be prosecuted. “Why should we accept that justice be done in only a few circumstances?” One participant expressed frustration at the international community’s overindulgence on settling scores, surmising that this was a reflection of Western litigious tendencies. Others defended this approach, noting that even if the judicial system becomes an institutionalized mechanism to settle scores, at least it is a nonviolent mechanism.

Several participants agreed that, however accountability is handled, the population must not be left with the impression that prosecutions were all political. Criminal prosecutions that fail to observe due process and the rights of the accused would risk leaving that impression. One participant observed that one key benchmark for evaluating such mechanisms would be that they not be

seen as perpetuating injustice. Another participant echoed this sentiment noting that, if that perception is present, there is increased likelihood of violence and vigilantism.

Several participants made the point that, rather than relying on any one accountability tool, it may be more appropriate to utilize a package of accountability mechanisms or modify them to suit individual circumstances. For example, several participants noted that in the former Yugoslavia there is a risk of overreliance on the international tribunal, but the reality is that other mechanisms, including a possible truth commission, are also possible and could indeed address different needs. Other participants echoed this point, noting that the South African Truth and Reconciliation Commission “toolbox” incorporated not only amnesty, but amnesty conditioned on accurate and public truth-telling, with the threat of criminal prosecution for those who did not come forward. Other possible tools include public apologies, disqualification of perpetrators of atrocities from holding public office (lustration), loss of rank, or loss of pension/benefits. In addition, the international community can launch investigations and may choose to impose economic or noneconomic sanctions. Neither the international community nor domestic actors should latch onto one tool to the exclusion of others.

Reconciliation Mechanisms

The group considered a variety of reconciliation mechanisms that can help bridge the gap between the need for justice, on the one hand, and the need to mend the social fabric and sustain peace, on the other hand. As one participant pointed out, there is often a psychological and/or cultural component to these tools. There was consensus that a neutral outside party can be very effective in jump-starting these kinds of initiatives, but to be sustainable and effective such programs usually must be homegrown and locally driven. The group’s discussion of these mechanisms included consideration of two case studies of the promotion of reconciliation (and accountability) through indigenous, community-based mechanisms—“*Gacaca*” in Rwanda and traditional healing rituals in Mozambique.

One controversial tool sometimes used to promote reconciliation is the offer of amnesty to perpetrators of abuses. Amnesties are sometimes offered in exchange for peace or in exchange for stepping down from government. Most members of the group found trade-offs such as these repugnant because amnesties—especially blanket amnesties—can encourage a sense of impunity, thus undermining reconciliation and inviting recurrence of violence. On the other hand, one participant noted that amnesties could be both backward- and forward-looking, opining that those that address the past only do so at great risk. The forward-looking message is: We will not seek revenge when the tables turn; i.e., when our former enemies are vulnerable. There were mixed views among the group on whether this forward-looking principle of forgiveness was indeed appropriate. In the case of Sierra Leone, for example, amnesty for the rebels was a precondition for ending hostilities. One participant suggested that, difficult and unpalatable as the notion of amnesty is, most Sierra Leoneans believe it was an acceptable trade-off, the only way to stop the fighting. Others were quick to point out that the UN representative who signed the Sierra Leone

peace accord put an asterisk by the amnesty provision, noting that the United Nations did not consider itself bound by it. Several members of the group argued that the international community should reserve the right to exercise the “Pinochet option” to bring those responsible for atrocities in Sierra Leone to justice.

Reparations to victims are another potential tool, but delivery of reparations can easily become politicized and can also provoke ill will against the recipients. Cross-community dialogues, in which a neutral group brings people together to openly confront their differences, may also be considered. Such dialogues, once the actors move beyond initial distrust, can serve as catalysts for broader social change. One participant cautioned that a broader societal change is not guaranteed, however: “There is no other place in the world where there are more dialogue groups than Israel, and yet Middle East peace is still elusive.” In addition, post-conflict societies may wish to reevaluate and rewrite historical and educational materials. In particular, programs to reverse exclusionary policies and the demonization of particular groups may be appropriate, as could training programs in, for example, tolerance issues. There have also been some cases where new legislation has been passed prohibiting certain abuses associated with the past regime, for example, the anti-Nazi laws of post-World War II Germany.

In terms of sequencing, various participants expressed the view that victims’ needs must be addressed before society can realistically expect them to embrace reconciliation. In South Africa there was an attempt to meet the victims’ need to establish the truth about what had happened to loved ones, in addition to create a public record of the nature, causes, and extent of past abuses. One participant pointed out, however, that until reparations are delivered to victims of gross human rights violations, and absent any significant change in the socioeconomic circumstances of the majority of South Africans, the cards would be stacked against genuine reconciliation.

Gacaca: Rwanda’s Village-Based Dispute Resolution Mechanism

Post-genocide Rwanda, as one participant noted, presents an “interesting prism to look at a number of post-conflict accountability and reconciliation issues.” Innumerable defendants participated in the 1994 genocide in which up to a million people were slaughtered in one hundred days. The conflict left fewer than twenty lawyers in the country, and most of those who survived had no interest in public service. Recognizing that Rwanda was devoid of the robust, functioning civil society sector upon which most reconciliation mechanisms rely, the new Rwandan government initially favored a top-down criminal justice approach rather than bottom-up reconciliation measures.

But the Rwandan justice system has been incapable of coping with the massive caseload associated with the genocide. As a result, five years later, 130,000 people are still being held in prison space built to hold 20,000. Some participants felt the Rwandan justice system deserved credit for having dealt with 1,500 cases so far, particularly given that no other society has ever processed so many genocide cases. Nonetheless, there was general recognition that the domestic judicial

system is not up to the task of delivering justice—at its current rate, it would take the Rwandan government two hundred years to process the remaining cases. There was disagreement in the group over who is to blame for this failure; while some participants chalked it up to circumstances that would plague any post-conflict society, let alone one that has endured full-blown genocide, others blamed the failure on a lack of political will. One participant who held this view opined that the Organic Law (which governs domestic prosecution of genocide cases) was “doomed to failure by the intentional neglect” of hard-line factions in the Rwandan government.

Indeed, the Rwandan government itself has acknowledged that its criminal justice system has been inadequate. So it is now moving to a new accountability and reconciliation model—*Gacaca*—a village-based dispute resolution mechanism from the precolonial era. Traditionally, under the *Gacaca* system, when there was a dispute, village elders would convene the people of the village to air their grievances. The person charged with the offense would ask for forgiveness. The elders would seek to reconcile the disputing parties, utilizing symbolic gestures—in case of murder, for example, there might be a mock execution—and rehabilitation through community service. The reconciliation would be sealed with the sharing of food and drink.

Members of the group differed on the appropriateness of this mechanism for dealing with genocide. Many participants welcomed *Gacaca* as a creative alternative to the strictly judicial path Rwanda initially developed. In doing so, several participants bemoaned the impulse to impose Western notions of accountability in post-conflict situations. One participant asked rhetorically, “Is justice alone what one needs in this situation?” Rwanda needs a system to address the need for reconciliation and rehabilitation, the group agreed. Another participant wondered whether there was there a *Gacaca*-like analog in Sierra Leone.

“Fish cannot survive in pure water,” one participant noted, drawing on the Chinese expression to illustrate the point that it is not always possible to achieve 100 percent justice. Taking the analogy one step further, this participant pointed out that, for human consumption, impure water could be boiled. We do what we can to remove impurities, but it still is not pure water. This analogy resonated with most members of the group. “Maybe rough justice is the best we can hope for in an imperfect world,” commented one member. Several participants agreed that post-conflict governments often have to choose between stability and “judicial gratification.” Another participant suggested that one should evaluate *Gacaca* as an alternative in the context of the reality that it will be impossible to prosecute all the genocide cases. It is not acceptable to leave suspects in overcrowded prisons, and a blanket clemency scheme would perpetuate impunity. This participant favored *Gacaca*, arguing that at least the perpetrators will be held accountable in a proceeding that involved the entire society.

The group was not unanimous on this point, however. One participant opined that applying *Gacaca* to the genocide was “nefarious,” pointing out that the system was originally designed to

mend relatively minor tears in society's social fabric, as compared to genocide, which effectively eviscerated the entire society. "There is no social fabric left to mend." *Gacaca* is only "a charade of justice with a patina of traditional mechanisms," this participant said. Speculating that the international community may be reluctant to criticize this form of "traditional African justice," this participant suggested that it should nonetheless be mindful that genocide—that most extreme of crimes against humanity—does not necessarily lend itself to classical mechanisms of justice or accountability.

Other participants focused their skepticism on more operational aspects of *Gacaca*. One participant noted that those who are elected to serve on the envisioned 10,000 *Gacaca* panels would not have legal training. Neither would defendants be represented by legal counsel before the panels. The group acknowledged that some difficult questions remain to be answered: Will there be common rules of evidence? How thorough will the investigations be? Some members were concerned that popularly elected panels will reflect demographics, a reality that could be problematic both in areas where Tutsis predominate—"Will this legitimate lynching committees?—and in places where Hutus are in the majority—"Will the result be impunity panels?"

The *Gacaca* system is expected to be operational in 2000. *Gacaca* panels will not sentence perpetrators directly but will make recommendations to the judiciary. One participant suggested that the judicial role would be limited to a rubber-stamping function, however. Participants had varying degrees of discomfort with unanswered questions about how *Gacaca* will be operationalized, but there was general agreement that the international community should seek to take advantage of indigenous solutions to post-conflict reconciliation needs when appropriate.

One participant noted how traditional conflict management mechanisms often presume the existence of community. In Rwanda, this sense of community must be rebuilt. Participants noted that it is important to consider whether *Gacaca* is part of the process of rebuilding community. Are there other processes that will reintegrate people into normal life? The group took note that there is an implied need for community trust in institutions, particularly if groups are to put their collective interests above individual justice.

Traditional Healing Rituals in Mozambique. The theme of community carried over into the group's discussion of post-conflict Mozambique where, as one participant explained, forgiveness became a model for reconciliation. This participant noted that the important role of community extends to peace talks, as well as post-conflict reconciliation. Mozambique's peace talks were facilitated by Saint Egidio, an association of Catholic religious lay workers and clergy based in Rome. Saint Egidio had a natural entrée to the predominantly Catholic population in Mozambique. A number of other factors also contributed to a successful peace process in Mozambique, not the least of which were the end of the Cold War and the demise of apartheid in South Africa. The Mozambique peace process was also bolstered by considerable UN

involvement. The peace process culminated in free and fair elections, the outcome of which the opposition accepted. There was agreement among the group that fortuitous and favorable circumstances such as these cannot be presumed in future scenarios. But when the circumstances are favorable, a successful peace process can provide much needed momentum behind reconciliation.

One participant described how village elders in Mozambique used local religious traditions and healing ceremonies to absolve fighters who had committed brutal atrocities in the course of the war. According to one participant, this kind of reconciliation mechanism was possible, and indeed appropriate, largely because many of those who had committed atrocities were child soldiers. Furthermore, in contrast to Rwanda, the sense of community in Mozambique had not been destroyed. Adults were willing to forgive these children because it was well known that children had been forcibly conscripted, and there was a tremendous amount of intimidation. Whether the same will hold true in Sierra Leone where, according to one participant, 50 percent of the frontline troops were child soldiers, remains to be seen.

Political Arrangements

The group discussed a variety of political arrangements that can create a permissive environment for post-conflict reconciliation, peace, and justice. Typically, these arrangements are built into a negotiated peace accord to end hostilities. As a result, political arrangements must address the short-term necessity of satisfying opposing groups that their needs for security will be met. Ideally, however, they will do so without damaging the long-term prospects of moving beyond conflictual group feelings to mend the fabric of society.

Participants agreed that, in considering what political arrangements will best serve a particular post-conflict society, it is important to ask: Who decides? In attempting to address this issue, the group debated the question of where states derive sovereignty. Referring to Francis Deng's "earned sovereignty" theory¹, and Boutros Boutros-Ghali's writings on sovereignty residing with the people, most participants agreed that sovereignty is increasingly viewed as a function of domestic political legitimacy. Some participants disputed this notion, arguing that sovereignty is primarily a function of territorial control. The group acknowledged, however, that the international community is increasingly taking its cue on sovereignty questions from internal actors.

Among the possible post-conflict political arrangements are the tools of classical democracy. But the group was unanimous that the international community must distinguish between democracy's form (elections) and function (meaningful participation in decision making through representative institutions). The international community has learned from its past overreliance on elections as a benchmark to evaluate democratic development. One participant commented, for

¹Francis Deng has coauthored and edited a number of works on this subject. Among them are *African Reckoning: A Quest for Good Governance* (Brookings, 1998) and *Sovereignty as Responsibility: Conflict Management in Africa* (Brookings, 1996).

example, on the international community's posture vis-à-vis elections when negotiating the Lusaka Peace Accord for Angola: "We were naive; we believed that elections would get us there. We were wrong." The group was unanimous in its rejection of elections as an appropriate measure of effectiveness of post-conflict political arrangements. Paraphrasing the Mayor of Tuzla, one participant commented, "Elections are the roof of democracy. You have to build all the supporting structures before you apply the roof." Furthermore, participants cautioned that the international community must refrain from relying on elections as an "exit strategy" from multilateral peacekeeping operations.

Rather, participants agreed that the real challenge of post-conflict political arrangements is to build political institutions to address conflict, so that conflicts can be resolved without resorting to violence. If these institutions are to be effective, the citizens—regardless of affiliation—must perceive them as legitimate. Such institutions might include domestic human rights commissions and/or human rights ombudsmen. Participants recommended that human rights issues—including the role of international and domestic human rights commissions and inquiries—warrant continued attention as an element of reconciliation dialogues.

One participant opined that a key indicator for effective institutions is the existence of a professional civil service, sufficient to protect human rights, as set forth in the Universal Declaration of Human Rights. Participants applauded peace accords that enshrine these values. The group acknowledged that sometimes the international community does not have sufficient leverage to ensure quality control in such negotiated peace accords, but participants also pointed out that sometimes it is a question not so much of the absence of leverage but of the failure to exert it.

There was also general agreement that "first-past-the-post" or "winner-take-all" electoral systems may not be the instruments of democracy best suited for post-conflict situations. For example, in Rwanda and Burundi, the prospect of majority rule terrifies the Tutsi minority. Even proportional representation can play into group insecurities. More nuanced forms of power-sharing—for example, structures that mandate representation of all groups in government—may help address lingering feelings of insecurity in vulnerable groups. The danger of such mechanisms, however, as several participants pointed out, is that they will perpetuate problems by reinforcing group identity. It is not unusual under such circumstances, for example, for political parties to develop solely on an ethnic basis. Other possible political arrangements include federation, confederation, and autonomy. Participants agreed that, rightly or wrongly, groups that have been oppressed in the past often reject anything short of self-determination. Formal separation—whether by secession or partition—may also be an appropriate post-conflict political arrangement. One participant pointed out that partition can pose difficult problems when it comes to the preservation of cultural rights—a point that was illustrated by Serbian monasteries coming under attack in Kosovo and mosques that were bombed in Bosnia.

Economic Recovery Tools

The group agreed that it is critical to improve the social and economic conditions of those who have lived through conflict—to give them a sufficiently high stake to not return to violence. In the words of one participant, the objective is “to restore hope through economic means.” Addressing the problem of how difficult it is to reconcile formerly conflicting groups, several participants indicated that the challenge is fundamentally a development one, particularly given the massive unemployment and displacement that are often caused by conflict. There is generally a need for poverty relief and infrastructure restoration. Participants discussed a variety of tools that could contribute to this process. Post-conflict situations usually require programs to reintegrate armed forces and militias, for example. Possible mechanisms include skills training and microenterprise credit for demobilized fighters. Some participants also advocated more radical economic tools, such as land reform and income redistribution, though the group acknowledged that these mechanisms are not appropriate in all situations. Most of these tools presume a resumption of foreign investment and development assistance—both bilateral and multilateral.

As one participant pointed out, the private sector has a very important role to play. Several participants predicted that if the legitimate private sector does not become engaged in post-conflict societies, the illegitimate private sector would fill the void. Fragile peace accords are particularly vulnerable to this kind of exploitation. In addition to setting the stage for corruption and poor governance, a thriving black market can be a formula for the perpetuation of conflict because the temptation will exist to use fungible resources like narcotics or diamonds to finance armed conflict.

One participant briefed the group on the War to Peace Business Council, a nascent coalition between the United Nations, the World Bank, NGOs, the private sector, and a number of governments to support post-conflict nation-building and economic reconstruction. Participants agreed that this kind of innovative partnering in furtherance of post-conflict economic recovery is precisely the kind of activity that needs to be encouraged. Another participant advocated the idea of investment tax credits for businesses that invest responsibly in post-conflict countries. Participants noted that there has been a tendency to rely on the bilateral donor community to underwrite post-conflict economic recovery. But the problem with this approach is that bilateral donors do not always have the capability to inject immediate infusions of cash. In addition, one participant dispelled the prevailing myth of debt relief as a reward for countries that successfully navigate their way into the post-conflict phase. The reality, this participant pointed out, is that debt relief is usually only offered to highly indebted countries after multiple years of good economic behavior.

Participants agreed that the measures of effectiveness of economic recovery tools are readily available in publications like the World Bank’s annual development report and other published economic indicators. The group noted, however, that it is important to consider not only the gross figures, like growth rates, but also income distribution. In addition, socioeconomic indicators—

such as access to education; literacy rates; and distribution of electricity, running water, and permanent housing—should also be examined.

Conclusion

The international community has at its disposal a variety of tools with which to promote post-conflict peace, accountability, and reconciliation. Used effectively, these tools can help sustain a fragile peace while also achieving some measure of accountability for past abuses. Recognizing that there are numerous actors employing a variety of tools, the international community would do well to make sure that these efforts are thought through in terms of who is responsible for employing which mechanisms and under what legal authority. In addition, it is important to consider whether there is a permissive environment for the successful application of particular tools. Coordination of these efforts, whether through ILAC or some other mechanism, would undoubtedly be helpful.

In addition, it is important to keep in mind that international funding of these often competing mechanisms is a zero-sum equation. International donors, therefore, must weigh very carefully the financial assistance they provide to one mechanism if it is at the expense of others. In the case of Rwanda, for example, international donors must decide whether to support the international tribunal, domestic prosecutions, *Gacaca*, or some combination. In addition, in an era of decreasing budgets for international assistance programs, international donors would be well advised to take advantage of opportunities for creative partnerships. Finally, prospects for sustainability are vastly improved, not only when efforts to promote post-conflict reconciliation are well coordinated among external donors but also to the extent that they draw on indigenous initiatives and empower local actors. Peace, in short, is a complex enterprise, and it cannot be obtained “on the cheap.”

The Competition of Rights in the International System



Chair Marcella David and rapporteur Jennifer Fried

Introduction

As we approach the twenty-first century, human rights are increasingly subjected to international scrutiny. Many states now address human rights issues in their foreign policies or through membership in intergovernmental organizations. Nonstate actors also seek to promote these rights through nongovernmental organizations (NGOs). States and organizations respond to human rights violations in many ways, including monitoring, imposing economic sanctions, and conducting armed intervention. This heightened international involvement has resulted in competing views on the best way to prioritize and vindicate a wide range of human rights.

The group discussed the definition and scope of human rights and the compatibility of universal human rights standards with maintaining respect for cultural differences among nations and national sovereignty. In addition, the group considered various criticisms of recent responses (by states, intergovernmental organizations, and NGOs) to human rights abuses and ultimately suggested an improved mechanism.

Defining Human Rights

The group agreed that all humans are entitled to certain rights. However, they were unable to agree which rights should enjoy this universal status. Some felt that any attempt to reach such

an agreement on the scope of human rights would be fruitless, while others believed that defining human rights was crucial for effecting reform.

Those who wished to give content to the concept of universal human rights argued that if there were no common understanding, the international community would have no authority to address human rights issues. These group members felt that the international regime could only protect human rights if it set standards by which states' practices could be measured. That way, when one state failed to comply with a standard, other states would be justified in examining the situation.

However, some participants found the group's attempt to define human rights to be problematic. They felt that such a definition was bound to be somewhat arbitrary and more reflective of some states' perspectives than others. These participants preferred to focus on progress and improvements in the human rights arena, and they maintained that seeking to define who is and who is not in violation distracts us from that more important goal. One participant felt that



Participants in the competition between rights discussion group.

standard-setting was an inherently unwelcome imposition on a particular state's practices. This participant believed that even the group's use of the term "rights" was problematic because this word connotes a more clear-cut dichotomy between permissible and impermissible practices than actually exists.

A third perspective favored defining human rights by listening to the victims of these injustices rather than by utilizing state-created standards. A participant of the group advocating this approach strongly agreed that human rights must be defined but argued that those who are suffering from these abuses should supply the definition or standard.

The group observed that the members' respective careers shaped their views on this question. For example, the lawyers in the group were more inclined than the academics to see human rights as definable and amenable to standard-setting.

Cultural Relativity of Human Rights

There was no dispute that various cultures interpret and implement human rights standards in distinct ways. For example, some states emphasize civil and political rights, whereas others prioritize social, economic, and cultural rights. Some states see human rights as belonging to the people collectively, while others view them as rights to be enjoyed by individuals.

Although the entire group acknowledged this reality, the members were strongly divided on the question of whether human rights standards should ideally be universal or tailored to the cultures of the particular nations they are applied to. Some felt that fashioning culturally specific human rights standards was necessary to foster respect for differences among nations. Other proponents of cultural relativism noted a pragmatic advantage to such an approach: nations would have more respect for a human rights paradigm that was constructed with their culture in mind. One member likened a universal (as opposed to culturally specific) human rights regime to colonialism. Even if universal standards are created with good intentions, this member argued, it is still paternalistic and wrong to impose a foreign set of norms upon a nation.

Many other group members emphasized that noncontextualized, universal human rights standards are necessary because heads of state are often not true representatives of their people. In such situations, culturally specific human rights standards are dangerous because they act as a shield, allowing tyrants to defend their human rights abuses under the pretense of preserving cultural uniqueness. So, while cultural relativism may be an appealing model in theory, these participants argued that its practical implications are often dangerous.

Other participants of the groups went further in their rejection of cultural relativism holding that even on a theoretical level, it is inappropriate. They believed that the entire substance and force of the concept of human rights comes from its equal application to all humans. If

standards were shaped so as not to offend any particular nation, the potency of the rights would be greatly diminished.

Those participants who preferred culturally sensitive human rights standards felt that a nation's human rights practices should be changed only from within. They argued that such internal reform would be more effective than change from the outside because only the citizens within a nation can fully understand the internal logic of their culture.

Indeed, all members of the groups agreed that it is preferable that human rights reform comes from within a nation rather than from the outside. However, most members felt that when such internal reform is not possible, the international community is justified in responding to severe human rights abuses.

National Sovereignty

Those participants who insisted on entirely internal human rights reform argued that the age-old doctrine of state sovereignty demanded that states allow one another to handle their own domestic problems. They felt that national boundaries were important to preserve the rich diversity of national cultures and values.

However, most participants believed that the concept of national sovereignty has waned in legitimacy over the years and is no longer a valid reason to shield a state's human rights abuses from international scrutiny. Further, these participants rejected the current doctrine of "states rights" as a mere euphemism for the now discredited aspect of the sovereignty doctrine.

The participants articulated their differing views of national sovereignty in a discussion of the international response to the atrocities committed by the Chilean dictator, Augusto Pinochet. At the time of the conference, efforts were underway to punish General Pinochet in the Spanish legal system in contravention of immunity conferred by Chile, the nation that was ravaged by his cruelty. The group was evenly divided on the merit of this external response.

Some argued that international redress of Pinochet's crimes was unwarranted. They believed that outsiders were not suited to act on behalf of the victims—who were primarily Chilean—because as foreigners, they were not subject to the repercussions of their actions. For example, Pinochet's extradition may lead to tightened military control in Chile and the perpetration of more human rights abuses. If such harmful consequences ensued, the Spanish magistrate would not have to suffer from them. These participants argued that such unaccountability sometimes makes international redress of domestic human rights violations inappropriate.

In addition, some feared that the Pinochet case will set a dangerous precedent, inviting the international community to usurp what should be a nation's own control over its internal affairs. For example, one participant expressed concern that a perpetrator of apartheid in South Africa

who had already been pardoned by his own country (through South Africa's Truth and Reconciliation Commission) might now be subject to international redress as well. This participant feared that such a result would lead to endless and disorganized reparations of human rights violations.

Others maintained that the Pinochet case would not serve as such a precedent. They argued that it only warrants redress from outsiders where the people within a country have not made a sincere attempt to bring a perpetrator to justice. Therefore, while the establishment of the Truth and Reconciliation Commission in South Africa precludes international punishment of South Africans—because the nation has, with popular support from its citizens, already taken its own steps in redressing the problem—the immunity granted to Pinochet does not protect him from international liability.

International Responses to a Nation's Human Rights Violations

In those situations where the international community does react to a nation's domestic human rights violations, there are several ways it may respond. NGOs monitor and critique nations' practices in order to bring public attention to human rights abuses and lobby for other actions. States and intergovernmental organizations have the additional power of imposing economic sanctions or physically intervening so as to pressure nations to conform to human rights standards.

The group agreed that the least offensive and intrusive international response to human rights violations is an organization or nation's bare criticism of other countries. Even though some participants felt that such criticism would be unwarranted without considerations of cultural relativism, there was consensus that groups and states should be able to at least comment on a situation.

International Monitoring of Domestic Human Rights Issues

The group also agreed that monitoring (whether conducted by state actors or nonstate actors) is among the more respectful and useful means for promoting human rights.

One participant illustrated the effectiveness of monitoring by noting its advancement of human rights in Iran. The participant told a story of an Iranian human rights liaison, who (while defending Islamic laws in front of the UN Human Rights Committee) returned home to encourage Iranian leaders to improve human rights in their country. The liaison explained to the Iranian leaders that change was necessary because Iran was being scrutinized by international bodies such as the United Nations and the Lawyers' Committee for Human Rights. This was offered as a direct example of the effectiveness of monitoring by intergovernmental organizations and NGOs.

This member also noted that international monitoring had the additional advantage of introducing human rights discourse to nations for whom this had been an unfamiliar concept. For example, international monitoring in Iran helped infuse the country with new ideas about human rights, which in turn fostered the creation of various human rights committees within Iran.

However, some participants were less enthusiastic about monitoring. They noted the political biases of a monitoring body often rob the integrity of the process. Notably, states (as inherently political entities) generally have more incentive to monitor an adversary than a friend. For example, one participant noted that China only monitors the United States' human rights abuses, and no other countries.

Another criticism of monitoring is its susceptibility to hypocrisy. For example, many believe that the United States maintains a double standard by not subjecting itself to the same rigorous scrutiny as it applies to other nations. Participants viewed this primarily outward-looking monitoring as a shallow display of concern for human rights. Moreover, such inequitable monitoring will likely be ineffective because states will hesitate to comply with standards not adhered to in the monitoring country.

The group agreed that monitoring should be evenhanded and include observation of one's own condition. However, some participants reminded the group that the United States does indeed monitor its own human rights status, pursuant to various UN conventions, as well as through NGOs. Others maintained that such self-monitoring was superficial, self-congratulatory, and empty compared with the United States' more severe monitoring of other countries.

International Intervention to Address Domestic Human Rights Issues

Intervention is perhaps the most intrusive method of compelling a nation to comply with human rights standards. The United Nations authorizes intervention only where there is a "threat to international peace and security." Although such a threat typically occurs where there is antagonism between two or more nations, it has, in recent years, been found in strife that is purely internal to a particular nation.

Most participants agreed that an intervention in an entirely domestic situation must be reserved for only the most drastic human rights violations. For example, the group agreed that a domestic genocide does warrant intervention, whereas a state's discrimination against women does not. Although both human rights abuses take place within a state's borders, the group agreed that only the former justifies intervention due to its extremely violent nature. One participant suggested that humanitarian intervention in an entirely domestic affair is only authorized if all other alternatives for reform have been attempted and intervention was absolutely necessary to save human lives.

Several participants reminded the group that so-called “humanitarian intervention” is seldom actually motivated by purely humanitarian purposes. They believed that the states only intervene if they have a political interest in doing so. Others agreed, but maintained that the motivation of the intervention was less important than its results. These participants acknowledged the politicization of intervention but still felt that it was a valuable tool for halting human rights abuses.

Economic Sanctions as a Response to Domestic Human Rights Abuses

There was wide agreement in the group that imposing economic sanctions is a poor tool for promoting human rights. Participants believed that sanctions usually harm a state’s people—especially the children—more than its corrupt leaders. Participants argued that North Korea and Iraq were two situations that illustrate the misguided intentions of sanctions. One participant’s aversion to sanctions was so strong that he suggested that human rights violations are better ignored than addressed with sanctions.

Although the group generally objected to economic sanctions, many participants maintained that economic aid was a useful method of improving human rights situations in various nations. For example, many human rights activists believe that the key to reform is improving of China’s economic standing.

Beyond the Conference

Based on its discussions, the group expressed interest in creating a human rights monitoring project involving nonstate actors from China, Cuba, and the United States. The project would operate on the basis of mutual understanding of the nations’ respective political systems. There was wide agreement that human rights could be best promoted with such an understanding.

One participant suggested that NGOs educate the other countries about their respective political systems. This participant explained that a nation’s interpretation of human rights is largely determined by its political structure. For example, this participant argued that unless other countries understood the US federalist system, they could not appreciate why capital punishment is largely determined by the individual states rather than by the federal government. Likewise, the United States can only understand Cuba’s implementation of human rights within the context of its political order.

Another participant emphasized the importance of maintaining a dialogue of respect. This participant insisted that human rights could be best advanced if nations interacted on a nonantagonistic, respectful level.

Each of the three teams in this project would compile a list of its own country’s human rights obstacles and would also design an index by which to evaluate its current condition and measure progress. Each team would then engage in ongoing self-monitoring as well as mutual

assessment, using their own and one another's indices. The group agreed that such monitoring should involve travel to one another's countries, however some participants expressed logistical concerns regarding governmental permission to travel for such purposes. One participant suggested that labeling the project as an academic rather than political endeavor could circumvent this problem.

Several participants wished to implement the project on a community level. One participant felt that social indicators should be used whereby the three teams would ask people in various communities which human rights problems were most pressing to them.

One member questioned the novelty of this project, commenting that self-monitoring already existed pursuant to various UN covenants and mutual assessment already existed in the Organization for Security and Cooperation in Europe. However, most members felt that self-monitoring by nonstate actors would introduce a valuable perspective—one different than the state-sponsored self-monitoring under the UN regime.

The group agreed to correspond regarding which members would be interested in participating in such a project.

The Evolving Relations Between NGOs and the UN System: Implications for Global Governance



Rapporteur Kent J. Kille and chair Chadwick F. Alger

As the UN system copes with a growing array of international issues, it serves as a “laboratory” for the development of global governance. An important dimension of efforts to address global concerns in the UN system is the involvement of nongovernmental organizations (NGOs). The panel considering the present and future roles of NGOs in the UN system at the Stanley Foundation’s fortieth Strategy for Peace Conference was drawn from universities, research institutes, NGOs, the UN Secretariat, and a UN mission, with many in this experienced and diverse group having served in more than one of these capacities. Participants were urged to treat the conference as an opportunity to learn from one another.

Broad issues on the agenda included group members’ relevant activities and experiences, the role of NGOs at headquarters in the UN system and in UN activities in the field, and preferred futures for NGO roles in the UN system. Although specific issues were debated, all members of the group agreed that NGOs can play important roles in the UN system and that dialogue regarding the involvement of NGOs in global governance should continue.

Looking at NGOs: The Importance of a Historical Perspective

When assessing the place of NGOs in global governance, the members of the group often echoed the theme that activities of NGOs need to be considered from a historical perspective. For part of the group, this meant emphasizing the recent growth and development of the roles of NGOs. From this viewpoint, NGOs have become more complex and involved members of global governance.

The 1990s have especially been a time where the role of NGOs has blossomed at UN-sponsored world conferences, and this success has carried over to a greater number of NGOs involved in the UN system with consultative status. One member of the group hypothesized that the influx of NGOs into the UN system was related to the increased interdependence of the world as well as the end of the Cold War since attempts to gain consultative status at the United Nations are no longer caught up in the East-West political struggle. The importance of NGOs has also grown in UN projects in the field where the United Nations has increasingly sought to develop partnerships with NGOs.

Other members of the group cautioned that one should not overstress the “newness” of NGO activity since NGOs have been active participants from the early days of global governance. They cited, for example, the vital role played by NGOs at the founding of the United Nations as well as their often forgotten presence at the League of Nations. One participant, while acknowledging the important work that NGOs are doing today, questioned whether this was any more impressive than the historical precedents of the antislavery movement or the early work of the International Committee of the Red Cross. In addition, the argument that the post-Cold War era was more conducive to depoliticizing the approval of consultative status was challenged by those who claimed that NGOs that addressed more politically sensitive issues, such as human rights, still face great political roadblocks for their acceptance into the UN system.

The Impact of NGOs on the UN System

There was agreement that NGOs play a significant role in shaping international decision making through their involvement in UN meetings and conferences. Several individuals stressed that NGO involvement can lead to better decision making at the United Nations. As one participant explained, better input leads to better output. Even if NGOs are unable to vote at international organizations or conferences, they still play an important role in monitoring what occurs at these meetings and also work to influence the agenda and policy outcomes. One member of the group emphasized that,



Participants in the evolving relations between NGOs and the UN system discussion group.

since state efforts to address global problems were often lacking, NGOs were taking on advocacy roles that were vital for ensuring that certain international issues received enough attention.

UN-sponsored conferences were highlighted as an area where NGOs have a growing impact both in terms of greater numbers and degree of involvement. One important development has been participation of NGO representatives in national delegations. Despite concerns by some states that such individuals do not belong on government delegations, the group did not see this trend ending. NGOs have expertise on particular issues and can be particularly valuable to small countries that lack the time or money to develop such knowledge on their own while dealing with a wide range of global issues.

Do NGOs Represent a Democratization of Global Governance?

Underlying the discussion of the role of NGOs in global politics was a broader debate over whether NGOs represent a democratizing force. One part of the group stressed that NGOs are essential tools of democracy since they provide wider access to international decision making. NGOs help to make other international actors more transparent and accountable. In a world where some of the greatest opponents of international democracy are the large democratic states, NGOs have been successful in uncovering and publicizing how what states say nationally is not being followed internationally. Some stated that making the international system more participatory has been the most important contribution by NGOs. One group member argued that NGOs have been doing a good job making global governance more democratic, but that NGOs need to more explicitly embrace this role since this has thus far largely been a side effect of NGOs working on global issues. NGOs need to recognize that creating avenues for local participation in global decisions is a meaningful end in itself.

Other members of the group questioned this emphasis on the democratizing presence of NGOs. One member acknowledged that NGOs did bring in people that would otherwise be excluded from global governance, but cautioned that this was an “imperfect surrogate” for more direct popular participation. Another participant asserted that NGOs were not more representative than governments since NGOs are self-selecting groups of individuals with their own agendas. Others similarly questioned whose interests were being represented by NGOs. Members of the group observed that there was a discrepancy between the influence of NGOs entrenched at UN headquarters and less prosperous NGOs from developing countries and the grassroots. Reacting to the assertion that democratic countries were not acting in a democratic fashion in the UN system, one group member retorted that many NGOs are not democratically structured yet promote the principles of democracy for global governance. Another participant objected to this line of thinking and argued that the important thing for NGOs is their issue expertise, not whether or not the organization has a democratic structure.

Are Some NGOs a More Positive Force for Global Governance?

Members of the group were careful to differentiate between types of NGOs. For example, many group members questioned the legitimacy of government-organized nongovernmental organiza-

tions (GONGOs). The fear was that governments were adapting to the impact of NGOs by working to create their own quasi-independent organizations. Some members saw this as a clear “regressive tendency” that would undermine the contribution of NGOs in broadening participation since GONGOs did not represent a popular movement. However, one participant warned that the government link to NGOs should not be overgeneralized since many such organizations in Europe are associated with governments or political parties without negative side effects. Also, UN agencies need to be cautious in their relations with NGOs since there are “bogus” NGOs being created to pursue UN funding that are not carrying through with contracted work.

Another disputed issue was the place of business organizations at the United Nations. This issue was related to the recent moves by Secretary-General Kofi Annan to create greater links with business. The concern expressed was that business groups could not be integrated into the United Nations as a responsible part of global governance because businesses would seek to co-opt the United Nations to their purposes. Members wondered why corporations were being given special treatment to the detriment of nonprofit organizations (referred to as “true” NGOs), especially at a time when a stronger NGO presence was necessary to ensure that business remains accountable.

One group member countered that others were looking at the United Nations through a “distorted lens.” The United Nations was founded on a liberal capitalist ideology so the connections being forged between the United Nations and business may be an inevitable extension. Several participants commented that business groups needed to be included since they were a legitimate part of the political process, especially for issues such as sustainable development. One participant warned that if NGOs attempted to exclude business groups as NGOs at conferences, they would make their way in through government channels. Another member reminded the group that business should not be seen as monolithic, as demonstrated by the \$1 billion gift to the United Nations from Ted Turner. In general, there was a grudging acceptance by some that if the states or other NGOs were not going to economically assist the United Nations, then it may need to turn to business as a potential source of funding.

One group member questioned whether national NGOs should have consultative status at the United Nations. The member argued that their presence, which is only possible due to a change in the rules for consultative status implemented in 1996, makes the situation that much more complex and unwieldy by bringing in inexperienced actors which are naive about international diplomacy. This participant also raised the concern that the national NGOs gaining access to the United Nations were most often from the developed world, especially the United States, instead of NGOs from less-developed countries. This point led another member to remind the group that the “rush of numbers” was only approximately 300 to 400 new NGOs a year, which is a paltry number compared to the number of NGOs in the world—so many NGOs are still shut out of the political process.

Political Backlash: The Price of NGO Success?

Group members expressed concern that NGOs were becoming victims of their success and were facing a growing political backlash. One participant described the “sense of siege” that states felt at the United Nations due to the increased participation of NGOs. One outcome has been a 1996 revision that has led to a tortuous process for providing new NGOs with consultative status and for reviewing existing consultations. One group member explained that gaining ECOSOC consultative status can be very “sticky” as national delegations focused on defending their national sovereignty might seek to show their strength by blocking accreditation. This point was echoed by another participant who had observed an NGO pulling out of the application process due to the political attacks that the organization faced.

A major concern among some participants was the feeling that political backlash was leading to a decreased level of access for NGOs that had already gained consultative status. Several participants recounted the frustrations that NGOs face in their day-to-day efforts at UN headquarters. NGOs’ second-class treatment includes increased security procedures that other UN participants are able to avoid and the inability to gain admission to many meeting areas, including the delegate’s lounge, where much NGO effort to have influence has traditionally been directed. Energies that should be focused on promoting international issues are instead being spent on preserving NGO-UN relations.

Other members of the group expressed their belief that this issue was being overemphasized. One complaint was that the debate over the role of NGOs was being misfocused on representation and accreditation at the expense of the more important issue of participation. In other words, instead of focusing so much attention on who is sitting where, a more meaningful role for NGOs is building constructive partnerships across a range of groups so that issues troubling people are better addressed. A related statement was that NGOs were too focused on formulating global norms since “Policy without implementation is no policy at all.” This challenge was rebuffed by the claim that creation of international norms is a vital role for NGOs, since without norms there would be nothing to execute.

NGOs and Global Trade Regimes

Several group members expressed concern about the growing trend for high-level trade issues to be handled without UN and NGO involvement. These participants focused particularly on the role of the World Trade Organization (WTO) in global governance. The WTO’s rules can permeate all parts of people’s lives, yet it lacks transparency and accessibility for other actors. Since the WTO is set up outside the UN system, the “global commodification” process is not being carried out in line with broader UN principles. As the collective values of the United Nations become marginalized, the very form of multilateral governance could be shifting. One group member stated that the WTO serves as a reminder that when seeking to build more robust international institutions, you should “be careful what you wish for.”

Since trade regimes have a greater tendency to ignore the place of NGOs, this shift could have pronounced effects on the ability of NGOs to participate in global governance. Group members urged NGOs to seek better access to global financial decisions and to assert the place of broad international norms as an antidote to purely financially focused organizations such as the WTO. One group member cautioned that we need to make sure that a positive vision for an alternative to global governance exists instead of simply resisting the approach of the WTO. One possible idea presented was that NGOs could work to make consumers better informed about the products they purchase and to organize a consumer boycott on certain goods.

Linking the United Nations and NGOs in the Field

As indicated earlier, there was great concern on the part of some participants that inadequate attention was being given to the implementation work of the United Nations and NGOs. This led to a lengthy discussion of how the United Nations and NGOs could better link their efforts with local or grassroots efforts. There was agreement that steps needed to be taken to develop more effective partnering between the different levels of governance, although the group also recognized that overcoming the hurdles to developing these connections will be a complex process.

Issues that must be dealt with for creating more productive connections include legal, political, professional, and organizational needs. Since the United Nations is legally bound to deal with governments, the United Nations has to creatively devise ways to subcontract to NGOs with minimal government interference, although in the long term there is a potential backlash from governments that could occur since they retain veto power over missions on their territory. The United Nations also has to recognize the political tensions and implications when dealing with different grassroots organizations. For example, when the United Nations contributes to one organization, it may antagonize another. In addition, given the resources that the United Nations or large international NGOs can bring to bear on a situation, their involvement may have a major impact on the political dynamics in the area.

It was also pointed out that many UN officers are not well prepared to deal with NGOs. For example, they need to learn the NGO lingo, be able to recognize bogus NGOs, and devise ways to properly distribute resources. In reverse, as NGOs become more professional and better funded, they may distance themselves from their communities. Thus, the United Nations must be careful to help strengthen the organizations that are assisting local people without enticing these organizations to expand to the point where they lose touch with their constituencies. However, the organizational structure of the United Nations can make the linking process overly difficult. Grassroots organizations may come to feel that dealing with the complexity of the UN agencies is not worth the effort and will back away from the United Nations. One member of the group encouraged both NGOs and the United Nations to do a better job coordinating themselves so that when problems were identified it would be easier to pursue quick and viable solutions.

One issue raised was how linking the United Nations and the grassroots can be beneficial for the United Nations. By working to extend their efforts to the grassroots, UN officials will become better informed regarding what type of assistance is required to make their programs more effective. One participant argued that for the United Nations to have a meaningful impact on the world, it must be able to better address problems that plague local communities. Several participants stressed the idea that NGOs with the proper expertise and contacts could serve an important broker role between the United Nations and the grassroots. Since the grassroots may get overwhelmed and the United Nations is farther removed from local concerns, some NGOs could assist in overcoming these differences by creating links between willing agencies and local groups.

The Future Place of NGOs in Global Governance

Effective global governance requires cooperation among an array of actors, from local to global, so determining ways to ensure better working relations among these groups is an important task for the future. At the United Nations, NGOs must work to maintain a high level of access and continue to serve as active players in keeping global policymaking transparent and accountable. One potential approach raised early in the group meetings, but that did not get discussed extensively, was creating a “people’s assembly” alongside the General Assembly. However, one participant warned about holding a Technicolor vision of multilateral governance with full NGO participation in the face of the current unevenness in relations between NGOs and the United Nations and urged group members not to lose sight of the difficult access struggle that NGOs continue to face. Several participants stressed the need for NGOs to work together to draft a code of conduct that would encompass a set of consistent and clear procedures to which NGOs should adhere. Established NGOs also need to do a better job at helping newer NGOs adjust to the complexity of UN system procedures. The efforts of NGOs in the field must also be better supported and not ignored at the cost of focusing on representation. Constructive global governance necessitates more effective ways of bringing grassroots communities into the process. This requires more effective partnering by UN agencies and NGOs with the grassroots.

A member of the group argued that one way to ensure that global efforts were translated into making a difference at the local level was getting existing international conventions better recognized and enforced. NGOs should dedicate themselves to publicizing the need to put these agreements into action. As part of this, they should wage a campaign to make international conventions a focus of the upcoming Millennium Summit. Another participant discussed the legal assistance that NGOs could provide to countries that cannot afford to study and prepare reports for the treaty issues they face. Thus, along with improving the status of current conventions, NGOs can help to overcome the concern for “no new treaties” from overwhelmed countries so that the internationalization of norms that underpin global governance can continue to develop.

The stress on creating links between different levels of governance led several participants to ponder the place of states in the future arrangement of global governance. Some stressed that NGOs

will not replace states, but will instead work with them to ensure that programs to help people are better carried out. One group member pointed out that, while NGOs could lobby on behalf of international treaties, states will remain the primary actors in international relations since governments hold the final authority for implementing global accords. Another participant noted that states and NGOs are caught in a contradictory relationship of building alliances while challenging one another over the treatment of people and that it will be interesting to see how these relationships shift in the future. One group member warned that NGOs embody a certain degree of antistructure in a world of structure, so they need to be careful to maintain their distinct identity and to avoid complete co-optation into the state system.

The Importance of Knowledge

Participants emphasized the importance of knowledge for developing a better understanding of NGOs and their place in global governance. Some group members requested that, to aid in this process, NGOs should become more accessible to social science researchers. Since NGOs are often too busy or not well enough funded to carry out studies of their capabilities, academics can perform a useful service as an objective analyst, but not if they cannot get access to the necessary data. Academics must be prepared to overcome reservations by NGOs over revealing information or concerns that scholarly studies will not assist them with their work. Overall, academics and NGOs must work together to break down the practitioner-academic gap that is impeding better communication.

One part of the problem may be that academic programs are not designed to produce knowledge that is useful to NGO practitioners. One group member claimed that not enough intellectual capital is devoted to the core issues that interest NGOs. NGOs desire knowledge that will be useful to them, but they lack the resources to set the intellectual agenda. In addition, colleges are not providing training that would produce effective NGO leaders for the future. One important step could be providing more funding for NGO internships to provide students practical experience. One participant made a related argument that the knowledge possessed at the grassroots is often overlooked, so future studies should include nontraditional ideas regarding governance. In the end, advancements in global governance will not be possible unless knowledge about this realm is better developed.

Conclusion

The overriding theme throughout the conference was that the relation between NGOs and the UN system is an important aspect of global governance. As international efforts to address the problems that plague humankind continue to develop, both the United Nations and NGOs will undoubtedly play an important role, but the degree to which and in what manner these organizations interact will help to shape the form of global governance that unfolds. Based on this understanding, the debates over the issues of democratization; NGO access; the development of knowledge about NGOs, and the place of GONGOs, business organizations, global trade regimes, and the grassroots should be seen as key discussion points for the continuing dialogue over the future place of NGOs and the UN system in global governance.

The Limits and Possibilities of International Humanitarian Intervention



Rapporteur Teresa A. Booker and chair Thomas G. Weiss

This session's agenda was framed on the assumption that military forces would contribute to future humanitarian efforts, and hence it was important to find ways to improve operations. As in debates in other international forums, however, this assumption was not uncontested. Participants debated ends as well as means.

They began by attempting to define the terms "humanitarian" and "intervention." The debate was anything except academic, and the group was split as to whether definitions should center on motives or outcomes. The ethics of law dictated different approaches from the ethics of consequences. Some actions may be fundamentally humanitarian in nature while others may involve multiple motives; and although motivations may be self-serving or even nefarious, the impact may still be "humanitarian." Moreover, decision making was even more complicated because unintended consequences, both positive and negative, are the rule rather than the exception in complex emergencies.

One member pointed to "cognition creep" and argued that "humanitarian" had been stretched so far that the adjective's currency was debased. That definitions were elastic did not mean that intervention should not take place, but many still believed that the conference really was about "military intervention for humanitarian purposes" rather than "humanitarian intervention." The extent to which such a change in labels would be merely semantics or useful "truth in packaging" was not resolved.

“Intervention” also has a variety of meanings ranging from telephone calls for persuading parties to coercive military forces for overriding the stated wishes of political authorities. Participants agreed that this conference should focus on the coercive side of the definition rather than the entire “tool kit” of international options. By definition, Chapter VII military operations take place without the consent of nation-states targeted for intervention.

In that way and others these operations violate the International Committee of the Red Cross’s (ICRC’s) principles of classic humanitarian action—consent, neutrality, and impartiality. Views were divided about the extent to which the ICRC’s principles—which in fact constitute the core approach for many civilian aid agencies—provide sound operational guidance for practitioners or rather are less relevant within the highly politicized context of virtually all of today’s war zones. The group contrasted the soothing clarity of respecting classical humanitarian principles with the complexity of making the tortuous calculations of instrumental humanitarianism (weighing consequences in a pragmatic or utilitarian way rather than blindly applying principles).

Pluses and Minuses of Military Humanitarianism

One participant pointed out that conceptions of humanitarian intervention implicitly or explicitly reflect either medical or military models. Selecting one usually reflects anticipated results—for instance, to dispense emergency succor or to halt human rights abuses. The group’s discussions emphasized the military humanitarianism that seemingly was the model of choice in 1999 in the face of crises in Kosovo and East Timor. This model was further divided into two parts, one for resolving armed conflict and the other for subduing political authorities. There was consensus that responses to humanitarian crises warranting the use of the military thus far had been ad hoc, inconsistent, and selective.

The main continuity seemed to stem from the fact that the main interveners in such missions have been the major powers. In this regard, the oft-used sobriquet of the international community was



Participants in the international humanitarian intervention discussion group.

criticized by some as extremely imprecise. Actions were usually taken by a few states as a “coalition of the willing” that hardly shared the commonality of values that was supposed to constitute a community. One member noted that students are penalized for using fuzzy terms and proposed that officials and journalists be treated the same way.

Participants seemed to accept the definition of military humanitarianism that was offered by one member of the group: the deployment of outside military forces in an indigenous state for such compelling reasons as halting genocide or other egregious civilian suffering. Humanitarian action usually involves permission from a host state. Military humanitarian intervention, however, occurs when conditions are bad enough to ignore the fundamental tenet of nonintervention in the domestic affairs of a sovereign state.

Using the Military in Humanitarian Efforts

The group discussed the comparative advantages and disadvantages of deploying the two main military capacities in complex emergencies—enhancing physical security and improving logistics. Most of the group recognized the military as an effective mobilizer and initial provider of necessary services prior to the arrival of civilian aid agencies. At the same time, the group’s conversation centered upon the possible disadvantages of increasing costs and displacing aid agencies, on the one hand, and of politicizing humanitarian action, on the other. More than one member pointed out that there was still “a reluctance to intervene” in most armed conflicts and that such areas as Tibet and Chechnya were simply off limits. Others expressed serious concern about the use of air power recently in Kosovo and on an ongoing basis in Iraq because these actions increased civilian suffering in the name of humanitarianism. They warned that extreme caution was necessary and that all options other than military should be explored prior to the authorization of forcible coercion.

In spite of a widespread view to the contrary, the military was not always keen to participate in humanitarian efforts. For one thing, soldiers are trained to react quickly and aggressively. They are not neutral; but in humanitarian intervention, they are often called upon to work “with people whom they would otherwise want to arrest.” Their hierarchical culture and prescribed standard operating procedures are quite distinct from those of their civilian counterparts who clearly don’t operate like this.

For this part of the agenda as well as the following one, participants often returned to the elusive notions of success and failure. In many cases, “like beauty, success and failure are in the eyes of the beholder.” Even when observers agree about the characteristics of success, however, factoring in opportunity costs—that is, what could have been done with the same resources—requires nuancing still further judgments.

Pluses and Minuses of Regional Organizations as Subcontractors

According to Chapter VII of the United Nations Charter, regional arrangements and agencies have an essential role to play in international peace and security. There are pros and cons to having regional organizations act as UN subcontractors for humanitarian intervention. Regional powers often have vested interests in a conflict in their neighborhood and try to push their own agendas and interests. Moreover, regional actors can undermine international standards since they may not subject themselves to the same international oversight and standards as the universal United Nations. Under the Geneva Conventions, the ICRC is responsible to victims and governments who adhere to the conventions, but regional organizations do not always have a similar commitment to respect international humanitarian law.

At the same time, countries in a region have substantial geopolitical interests in dealing with an armed conflict next door because their economies and countries bare the brunt of such violence, including massive forced migration. Hence, they may be more likely to act than distant countries; and, moreover, proximity makes rapid reaction plausible especially because the agendas of regional organizations are not as cluttered as the United Nations' agenda.

Physical proximity alone does not always overcome the feeble operational capacities of many regional bodies. The North Atlantic Treaty Organization (NATO) seemed a *sui generis* case, whereas the Economic Community of West African States (ECOWAS) was perhaps more typical. ECOWAS was cited as an example of the military being unable to mediate or enforce peace in Liberia. ECOWAS itself was fighting one of four warlords, and individual military commanders often profited from corrupt local arrangements. Now, years after ECOWAS began operations, Liberia's resources are depleted, its infrastructure destroyed, and its economy nonexistent. This case and others makes it imperative to engage regional actors in ways that "do not destroy a country in order to save it."

Concerning nation-building and trusteeship, the overwhelming tendency to look backward rather than forward and to focus on the short rather than the long term disturbed one participant. The suggestion that development be placed in the forefront of humanitarian efforts struck other members of the group as unrealistic in light of dwindling aid and donor fatigue. At the same time, another member suggested that the real logic of humanitarian intervention pointed to recolonization. And because a return to colonialism was so unlikely, it was important to be more modest and perhaps "go back to the ICRC's basics." Other members of the group took exception with "colonization" and preferred "trusteeship," which connoted efforts to hand over responsibility to local populations rather than to exploit them for the benefit of the metropole. At various points during the discussion, the group considered the extent to which humanitarian aid fuels wars in such cases as Somalia and Sudan. Members of the group agreed that UN trusteeship could mitigate mismanagement. In the end, however, the "basic arrogance of the proposition of nation-building"

should cool the fervor of outsiders or insiders, military or civilian. Although other UN precedents were mentioned (including Namibia, Cambodia, and Palestine), East Timor and Kosovo represented qualitatively new experiments.

Part of the conversation addressed the issue of responsibility and accountability. If the signatories of peace agreements do not respect their commitments, should they not be left alone? One member asked whether an intervention in the American Civil War would have been a good idea. Another argued that belligerents should not be stopped because “unless they are ready and willing to settle, they are not going to settle.” In responding to heated questioning about what appeared as “throwing in the towel,” this member went on to say that this view was not callous but sensible, and that such an approach would not necessarily mean doing nothing. For instance, arms embargoes and other economic sanctions were one policy option. Or, instead of the virtually impossible task of intervening between or among warring factions, perhaps it would be better to seal borders, prevent the delivery of weapons, and create truly safe havens—thereby quarantining violence and minimizing civilian casualties. The majority of the group asserted that fighting simply could not be allowed to continue when genocide was taking place, that more imaginative solutions could and should be found.

US Foreign Policy and Multilateralism

In terms of humanitarian intervention, it became clear that the “Somalia syndrome,” and Presidential Decision Directive 25 (PDD-25) that had resulted and constrained American peace operations in the mid-1990s, has almost been put to rest. The president’s latest address at the fifty-fourth session of the General Assembly about the need to intervene for humanitarian purposes echoed closely the secretary-general’s earlier remarks about the limits of sovereignty in the face of massive abuses of human rights.

Responses were muted about PDD-56, which outlines Washington’s attempt for more coordinated responses to complex contingency operations. The administration recognizes the probability that ethnic conflicts will continue and that the American public will pressure the government to take the lead on occasion. The primary purpose of PDD-56 was to apply lessons from previous humanitarian interventions and to make more readily available coordinated expertise and consolidated resources. In spite of shortcomings, PDD-56 was better than the more ad hoc system of the past.

When asked whether something akin to past rhetoric about a “new world order” or “assertive multilateralism” would appear in the forthcoming presidential campaign, the group overwhelmingly responded “no.” Indeed, no declared candidate had yet mentioned humanitarian issues. Thus this issue in particular and foreign policy in general would probably be close to invisible during the upcoming campaign. Indifference seemed a bigger threat than overstretch or American hegemony. This reality created substantial problems in that US leadership is indispensable for vigorous

international action. Throughout, numerous members lamented Washington's growing emphasis on "exceptionalism," including the embarrassing inability to respect international agreements and pay its UN bills.

The group discussed the public's confusion in separating manmade from natural disasters. The latter exposes victims in need of assistance, and politics is secondary. In manmade disasters, politics, however, are central. Civilian casualties and ethnic cleansing are not collateral damage but war aims. Hence, rather than merely rushing to the rescue, it is necessary for humanitarians of all stripes to reflect rather than merely react automatically. One participant singled out the case of Somalia because the assumption was that the military would be able to "just arrest Aidid," but many Somalis were willing to die for him. Cognitive models and implicit theories about the ways that international relations operate are in the heads of analyst and practitioners and, in fact, affect the ways that policy is formulated.

Confusion not only exists concerning types of disaster but approaches approved by the public. Rather than as war, the proverbial woman and man on the street sees humanitarian intervention as police work, and then they are upset because "police are not supposed to be killed." Part of the problem is that the public does not view humanitarian action as part of national security. The challenge for policymakers and leaders is thus to make the case for more exotic issues to be included in the definition of American interests. Although "eliminating ethnic cleansing as a policy option and deterring war criminals" could be framed in such a way as to be included in a definition of vital interests, they presently are not.

In spite of the so-called zero-casualty foreign military policy, ironically the public expects and accepts deaths among journalists and personnel from aid agencies. In attempting to gauge American responses to emergencies, it was argued that mass starvation was unacceptable, but genocide was not necessarily a sufficient "trigger to go in." In other words, genocide is political; and a humanitarian emergency may not exist unless the public sees that people are starving or suffering from an epidemic. More than one cited the media's effectively transmitting images of starvation (and more recently of mutilation in Sierra Leone) as explanations for public outrage and heightened attention in Washington.

One of the more passionate exchanges occurred in response to a query to government officials about the role of emotions in policymaking and decision-making processes. Images of amputated or starving victims affected them and their superiors viscerally—"We are not machines." Other members of the group suggested that emotions are a tool used by the media to incite responses from the public and politicians.

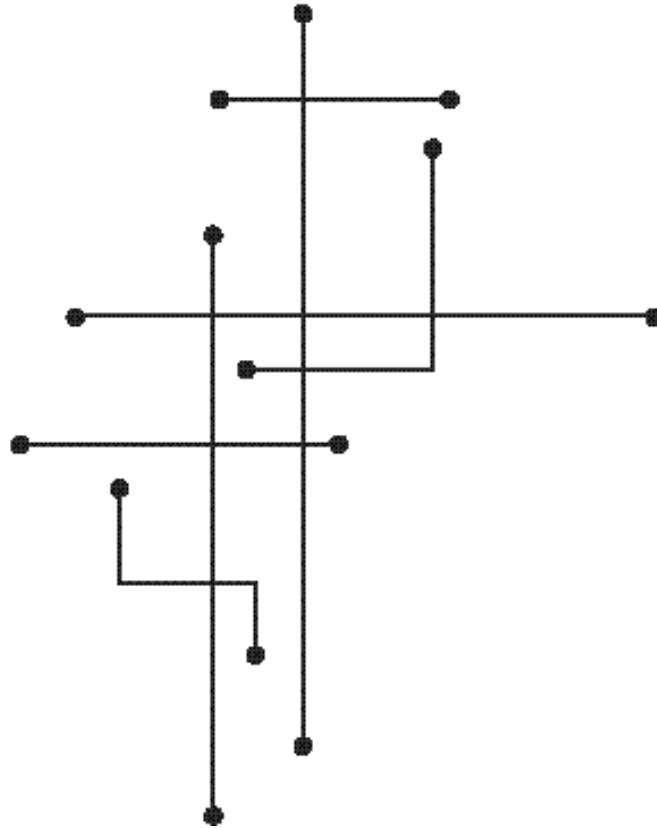
One member of the group questioned the purported impact of emotions, citing the impression that most members of the group had ignored comments from a few participants who opposed

intervention at all as a policy option. This accusation elicited many sharp reactions. Some responded that they had in fact addressed the relevant points while the majority judged that these participants' positions were ideologically based and simply not relevant to the agenda.

When it comes to addressing massive human rights violations, one member stated that Americans are willing to “go in for a dime, but not a dollar.” As a result, it was desirable to understand the limits of what can be done and urge the administration to focus on relatively inexpensive and brief “tourniquet operations” in which American firepower and logistic capacities were essential—worth perhaps “35 cents.” Because the United States is not particularly good at nation-building, and could perhaps do more harm than good, the task should be the responsibility of local communities with help from local and international NGOs. But Washington should contribute a fair share of the financing. In a clear criticism of the longstanding penchant for instant solutions and micromanagement, another member argued that Americans should reevaluate their willingness “to use a 5,000-mile screwdriver.” Humility is required, especially because knowledge of local conditions as well as resources are in such short supply. When it comes to humanitarian intervention, “Americans are like cats. When they are in, they want to get out; and when they are out, they want to get back in.”

In some ways the debate ended where it began, with a discussion about means and ends. If “humanitarian” was to be more than a “flag of convenience,” an in-depth discussion of the criteria for intervention was essential. According to this view, more attention should have been paid to defining the term and discussing the legitimacy of intervention. The latter was particularly important when establishing criteria for intervention, forming coalitions, and determining whether action was too early or too late. For others, such a debate would have limited value in that establishing when the United States “can” legitimately resort to humanitarian intervention would not be helpful in identifying when Washington “must” or “will” intervene.

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Post-Conflict Reconciliation: Building Peace and Redressing Historical Injustice

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The Competition Between Rights in International Politics: Balancing the Rights of Nation-States, Groups, and Individuals”

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The Evolving Relations Between NGOs and the UN System: Implications for Global Governance

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The Limits and Possibilities of Humanitarian Intervention

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