

# **People in Peril: Human Rights, Humanitarian Action, and Preventing Deadly Conflict**

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The magnitude of many recent complex emergencies has compelled UNHCR to consider the issue of conflict prevention. Such emergencies pose important questions about how to protect human life and human rights in crisis situations. Human rights abuses and violent conflict are the main reasons why people flee. Grappling with these problems can draw outsiders into areas traditionally seen as internal affairs. Countries in crisis want to preserve their sovereignty. Yet sovereignty should not be a shield, hiding abuses that might lead to major movements of people. Increasingly, international organizations, national governments, nongovernmental organizations (NGOs), and local leaders are working together creatively to address the abuses that can lead to refugee outflows and internal displacements.

Complex emergencies require the international community to respond quickly and efficiently with a variety of services. Experience has demonstrated that effective emergency response depends on coordination between nongovernmental organizations, governments, and international organizations. The increasing burden in recent years has prompted international organizations and states to reconsider how best to use the considerable capacity of the NGO community.

NGOs play an increasingly important role in humanitarian assistance and protection activities. In complex emergencies, national governments find it more and more difficult to provide, by themselves, the range of relief needed. Many situations present not only logistical difficulties, but political barriers to action. Nongovernmental organizations can, and do, help to fill the gap, playing a wide range of roles from early warning of human rights abuses to education and training for long-term self-sufficiency.

Norway provides an instructive example of one way to manage highly effective cooperation between government and the national NGO community. When I assumed my functions as High Commissioner, I identified emergency preparedness and response as one of the principal pillars of my office. Within this context, UNHCR and Norway entered into a new and closer relationship, through an emergency staff standby arrangement managed by the Norwegian Refugee Council. Through this arrangement, my office has been able to witness very directly the important and cooperative relationship between governments, international organizations, and NGOs.

Such creative arrangements are one of the tools that UNHCR can use to accomplish its key task of protecting people in peril. This report highlights the challenges posed by complex emergencies and suggests some ways in which the rights and well-being of vulnerable populations can be better safeguarded.

Sadako Ogata

*UN High Commissioner for Refugees*

## Acknowledgments

The report builds on a conference held in Geneva on February 17, 1997, which addressed new approaches to help strengthen the linkage between humanitarian action and the prevention of deadly conflicts. The Commission is grateful to the UN High Commissioner for Refugees, Sadako Ogata, for cohosting the conference. I would like to give special thanks to Eric Morris of UNHCR for his administrative support and substantive contributions to our deliberations, as well as for his advice and constructive criticism of the report. Yasushi Akashi, Margaret Anstee, Peter Bell, Gro Harlem Brundtland, Douglas E. Lute, Robert Oakley, Adam Roberts, Eric Roethlisberger, Raimo Väyrynen, and Sergio Vieira de Mello provided the discussion papers that served as the framework for the conference. Carol Graham, Kathleen Newland, Robert Rotberg, and Thomas G. Weiss reviewed the manuscript at various stages and provided many helpful comments and suggestions. Finally, I would like to give a word of special appreciation to Flora MacDonald, whose wise counsel and lifelong defense of the rights of the defenseless inspired and helped to guide the drafts of the report.

## Executive Summary

Violent conflicts and related humanitarian emergencies, which are primarily the result of political failures

within states, have become the overwhelming concern of the United Nations and its High Commissioner for Refugees. The unexpected proliferation of crises within states in the 1990s threatens to undermine still-fragile regional and international arrangements that depend on the willingness of sovereign states not to threaten or use force in resolving their differences. Never before have sovereign states been so numerous and so diverse. Despite huge disparities in military and economic power, peace reigns. But although the tolerance of diversity among states is a cause for hope, intolerance of diversity within them frequently explodes into mass violence. Without internal peace, the cooperation required to maintain peace among them and to solve a growing list of economic, environmental, public health, criminal, and other problems will be impossible. According to a 1996 Swedish study, only 5 of 96 armed conflicts since 1989 have been conventional wars between states. The rest were internal, with most reflecting ethnic differences.

The norms, political will, and international capacity that governments have gradually developed since the seventeenth century to keep the peace between countries do not extend to the threats of civil war. This report assumes that principles of sovereign equality will continue to be the basis for world order, but foresees the need for fundamental changes in the definition and defense of these principles. A defining challenge for twenty-first century statecraft will be: Can the international community find ways to limit the abuse of power within states without triggering renewed conflict between states? Can and should a new balance be struck that will better protect both human rights and sovereign rights?

There are long-, medium-, and short-range dimensions to the international challenge of preventing and managing deadly domestic conflict. History shows that over the long run, sustainable development based on legitimate combinations of market economics, democratic values, and a healthy civil society can eventually provide the means for any nation to resolve internal conflicts peacefully and fairly, by due process. Short-range prevention, on the other hand, requires immediate interventions to prevent the escalation and spread of mass violence in the Balkans, parts of Africa, Central Asia, and elsewhere. When the international community has been confronted by such disasters, it has improvised diverse interventions that have transformed these local political disasters into complex humanitarian emergencies, at considerable cost and with mixed results, whether under UN, regional, or some other ad hoc auspices. Most of the policy-relevant research and analyses of conflict prevention and management in the 1990s have concentrated on the lessons and ways of improving these short-range measures. This report focuses instead on the problems of medium-range prevention.

Medium-range measures concentrate on the complex interplay of essentially domestic forces that can tip the balance from integration to fragmentation in a fragile or failing state. The abuse of human rights, rather than of states rights, is becoming the main early warning and response criteria for humanitarian action to prevent the forced displacement of people and deadly conflict. Human rights in this context must mean more than individual rights. In most complex emergencies the rights of conflicting groups, rather than individual rights, are the paramount concern. Equal protection for all ethnic, religious, cultural, and other groups is vital. Whenever a state offers differential protections for groups within its domain, the dangers of deadly conflict intensify.

The following report responds to concerns voiced during a conference, "Humanitarian Response and Preventing Deadly Conflict," jointly sponsored by the UN High Commissioner for Refugees (UNHCR) and the Carnegie Commission on Preventing Deadly Conflict, February 16-17, 1997 in Geneva, Switzerland.

*Chapter 1, Complex Prevention in Troubled States*, introduces the pathology of deadly violence within countries and the impossible choices that these conflicts pose for the international community. Most governments do not like refugees and are increasingly inclined to restrict the numbers they will accept and to expedite the return of those currently abroad. But these same governments are also reluctant to

intervene in the internal affairs of other states to prevent or restrain the abuse of human rights, and they have yet to reach a consensus about whether and how to empower and fund international organizations for this purpose.

*Chapter 2, Converging Interests and Evolving Norms*, tallies the frequency, scale, and costs to the international community of the forced displacement of tens of millions of people in more than 30 countries around the world. Complex humanitarian emergencies, and the large international relief efforts that have become their hallmark, are a recent phenomenon. The first of these internationalized crises was the 1967-1970 Nigerian civil war, but nearly all have occurred since 1990. In response, the UN, regional organizations, and the international financial institutions have begun to bend their mandates in order to address, albeit in a very limited fashion, the problems of state building. The status and protection of human rights are of special concern because, as UN High Commissioner for Refugees Sadako Ogata reminds governments, in many cases, "Today's human rights abuses are tomorrow's refugee movements." Human rights abuses also have helped spawn a growing population of internally displaced persons (IDPs) who, although not technically refugees, have become a major new burden for UNHCR and other humanitarian organizations.

*Chapter 3, Preventive Protection*, briefly summarizes the major humanitarian challenges that have confronted UNHCR in five very different locations in recent years: northern Iraq, Bosnia, Somalia, Rwanda/Eastern Zaire, and areas controlled by the former Soviet Union. In each case governments have asked UNHCR to undertake difficult tasks that these countries were unwilling or unable to do for themselves and these requests are often made without the resources or political backing that the circumstances required. In the process, UNHCR and other international and nongovernmental organizations (NGOs) faced excruciating moral and political dilemmas: whether to sacrifice justice for the sake of peace; whether to feed the hungry would further fuel the local war; and whether and under what conditions to encourage refugees to return home. This has placed UNHCR staff in much greater physical danger than ever before and has necessitated forging new ties to UN and other security forces. As a result, preventing complex emergencies, rather than merely reacting to them, has become a high priority for UNHCR. An outstanding example of the agency's efforts in this regard was the 1996 CIS Conference on Refugees and Migrants that followed two years of careful work with the new states of the former Soviet Union. It produced a very promising program of action for preventive measures aimed at reassuring minorities, in a sustained campaign, to promote human rights and provide economic and other incentives so that people will not become refugees or incite violence. This low-cost and vital program of preventive action has not, however, been implemented because Western donors have not been willing to provide the modest funding that is required.

*Chapter 4, Building Constituents, Consensus, and Capacity for Preventive Humanitarian Action*, acknowledges that the record of international responses to complex emergencies is not encouraging, and the willingness of the United States and other major donors to commit to preventive action in the wake of the Cold War is pathetic when compared with the generous and enlightened leadership that America showed after World War II. Ironically, the actors of the 1990s with a strategic vision and a commitment to multilateral cooperation for preventive action are among the world's least powerful actors. They include: 1) leaders of international organizations, notably the UN secretary-general, the high commissioner for refugees, and the in-coming high commissioner for human rights; 2) a score of UN "activist" states (Norway is cited as a prime example); 3) the growing number of nongovernmental organizations--including large northern NGOs and a new breed of indigenous ones in regions of conflict--that are playing critical roles in helping prevent and manage deadly conflict; and, 4) the greater willingness of African leaders, particularly South Africans, to address human rights and good governance as preconditions for regional peace, cooperation, and prosperity. This contrasts with recent atrocities in central Africa, but could mark a shift toward greater regional and international involvement in preventing and resolving local conflicts.

The chapter concludes by proposing that in advance of the fiftieth anniversary of the Universal Declaration of Human Rights on December 10, 1998, the UN secretariat and leaders of the relevant specialized agencies should join with concerned governments, regional organizations, and NGOs to develop for UN General Assembly approval, new guidelines, institutional reforms, and a plan of action to help protect human security for the purpose of preventing deadly conflict within troubled states. The aim would not be to promote human rights for moral or ideological reasons, but to tie human rights to a new collective security strategy. The denial of human rights and adequate protection for minorities in this preventive context would be dealt with as a tool of analysis, an early warning of a state at risk. The task for diplomats would be to develop ways and means to enable multilateral institutions to help member states overcome internal political difficulties, and to compel respect for fundamental human rights when necessary.

The internal character of states has become a legitimate international concern that is no longer tied to Cold War ideological alignments. More and more governments in Latin America, Africa, Asia, and the former Soviet bloc are discovering common cause in promoting regional and international standards of human and minority rights, if only to keep potential refugees at home and militaries in their barracks, and to reassure foreign investors. Harlan Cleveland noted 20 years ago that we may be on the brink of one of those profound shifts in human values that comes along once in a millennium: "The idea of human rights--that societies should be managed `as if people mattered'--is so fundamental, so `natural,' so obvious once revealed, that it just may be the first revolution to achieve a global reach, the first world-class superstar in the history of political philosophy." The fiftieth anniversary of the Universal Declaration of Human Rights can give this idea fresh practical expression, in ways that would appeal to the avowed ideals of virtually all governments and, more urgently, to their shared interests in preventing the proliferation of costly complex humanitarian emergencies.

## **1. Complex Prevention in Troubled States**

Deadly conflicts within "troubled states" have overtaken the threat of wars between states as the most pressing international security problems of the 1990s.<sup>1</sup> After centuries of striving to prevent acts of aggression in international relations, nearly all states are at peace with each other. Far too few, however, are at peace with themselves. The costs of these political disasters for the states not directly involved have so far been bearable. However, the cumulative effects of the worst cases, and the risk of growing numbers of troubled states, are leading to a reconsideration of some of the most basic principles upon which the current international order now rests. Should states develop the norms, political will, and international capacity to prevent ethnic conflict and other forms of domestic mass violence? If current trends persist, this could become the defining political challenge of an emerging new world order.

Preventing someone else's deadly domestic conflict is a challenge that most states would rather avoid. Such engagements run counter to prevailing international norms and carry new obligations at home and abroad with highly uncertain political and economic consequences. Above all, it implies a greater willingness to be held accountable, and to hold others accountable, for the treatment of one's own citizens.<sup>2</sup>

Few issues are more controversial in foreign and domestic affairs. Sovereigns' freedom to govern as they choose was the basis of the agreement that established modern world order out of the chaos of seventeenth-century Europe. This has been essentially reconfirmed by each successive major peace conference to prevent future conflicts from Westphalia in 1648 to San Francisco in 1945. Today, sovereign states with divergent interests and huge disparities in military and economic power must still

find ways to achieve a more stable peace among themselves.<sup>3</sup> Therefore, the first test of any proposal to extend collective security downward to prevent today's most deadly conflicts must be: Can there be intervention to limit the abuse of power within states without triggering new abuses of power between states?

The imperatives for what might be called "complex prevention" arise from the spiraling costs and spreading dangers of the political disasters that attract new and diverse forms of intervention and become complex humanitarian emergencies.<sup>4</sup> Although none of these local conflicts threatens global order, they are occurring with alarming frequency and violence. The annual number of political conflicts that rank as humanitarian emergencies jumped from 5, during 1985 to 1989, to 20 in 1990, and peaked at 26 in 1994.<sup>5</sup> The armed conflicts that can lead to these emergencies are more prevalent. Fifty-eight were under way in 1995, by one estimate, 49 of which were fought over ethnopolitical issues: wars of secession or regional autonomy, conflicts among ethnic rivals for control of the state, communal or clan warfare. Only one was an interstate conflict, a border dispute between Ecuador and Peru.<sup>6</sup> Most of this violence killed fewer than 1,000 people in the preceding year and gained little or no attention from the international media. But although only a few became major disasters, such as Bosnia or Rwanda, ethnopolitical conflict is usually extremely cruel, runs in cycles that are successively more brutal, with little regard for traditional laws of war, and increasingly contradict the norms, tolerance, and civilized behavior that generally prevail in post-Cold War relations between sovereign states.

Ninety percent of the casualties in the internal wars of troubled states are civilian, compared with only 10 percent at the start of this century, when mostly soldiers died in battle.<sup>7</sup> Among the survivors of these conflicts are the 14.5 million refugees from 44 countries who sought protection in 1996, and another 20 to 30 million internally displaced persons (IDPs) who have become refugees in their own countries. Their conditions are often as desperate as refugees, but they do not enjoy the same protections.<sup>8</sup> They are a mounting burden on the majority of states who, for different reasons, want to contain this problem. No one knows how many people will become refugees and IDPs, but the number currently requiring emergency assistance is three times larger than in the early 1980s.<sup>9</sup> They have become today's "wretched of the earth" who, like the suffering masses in Frantz Fanon's account of the twilight of colonial oppression, acquire an international political significance beyond the indecency of their immediate circumstances. Ironically, many of today's most wretched are the victims of postcolonial liberations run amok. They are no longer a cause for ending the injustice of a dying imperial order, but a warning of new threats to a democratic order that may finally be possible but has not yet arrived.

Most governments today say they would like to prevent the forced movement of people and the deadly conflicts that precipitate and often accompany their flight. In contrast to the Cold War, there is no longer much interest in the ideology or outlook of leaders of troubled states. The risk appears to be minimal that preventive action in the current crop of troubled states might escalate to a more dangerous confrontation between rival regional or global powers. The situation could change if, as noted below, ethnic conflicts continue to spread. With the threat of international aggression diminishing, the cost of humanitarian crises rising, and so many states pressing for UN reform, this could be an opportune moment to encourage states toward preventive diplomacy. Thus far, states have been unable to agree upon the norms to guide such collective efforts. They do not have the political will to act, nor is there international consensus to act. In contrast, the states that founded the UN comprised an international community that was much smaller, less diverse, and better led, and they only were concerned about the traditional goal of preventing threats or acts of aggression between states.

This report will concentrate on the link between human rights and humanitarian action in preventing deadly conflict. Historically, states have tended to treat human rights and refugees as operationally separate, with the people of concern on separate sides of borders. In addition, both have been low foreign

policy priorities for most states most of the time. The first section briefly reviews the dual challenges of promoting human rights and protecting refugees, their convergence in recent years, and their links to conflict prevention. The second section illustrates the problem of political will among the major powers, which could, through various multilateral organizations, organize preventative and humanitarian action to address the complex emergencies of northern Iraq, Bosnia, Somalia, and Rwanda/Eastern Zaire. Western donors have been unwilling to invest in a Program of Action which they carefully negotiated and approved with the governments of the Commonwealth of Independent States (CIS) in an effort to prevent possible refugee flows from the area of the former Soviet Union. This resistance illustrates a lack of political will, a sense that missions should cost little and risk even less.

## **2. Converging Interests and Evolving Norms**

### **RISING NUMBERS, RISING COSTS**

The sudden rise in numbers of refugees and internally displaced persons in the 1990s is forcing governments to reassess the norms, conditions, priorities, and resources they are willing to devote to providing protection and humanitarian assistance. It is also causing them to reconsider how they want to deploy their multilateral institutions for these purposes, which may require changes in existing institutional structures and divisions of labor. Although the interests of states in any particular man-made disaster will vary widely, there has been a long-standing broad consensus to protect refugees and to provide humanitarian assistance to people most seriously affected by a crisis. Yet states generally do not like refugees and the trouble that surrounds them, and this hostility has intensified as sympathy with the victims of Communism loses currency and as the number of people asking for assistance multiplies.

Those that must bear the greatest burden are naturally the neighbors of a troubled state, most of whom are poor, developing countries that badly need foreign assistance in the best of times. "People in peril" can also be an acute embarrassment and worse, a national security threat, to the country that produces refugees and IDPs. For the rest of the world, these disasters have only been of passing, if intense, humanitarian interest as the major powers no longer have any strategic interests at stake. Proximity to a major power can, of course, make a difference. Western Europeans feared a flood of refugees from the Balkans; Americans view boat people from Haiti and the Caribbean with alarm; and the Russians become nervous about instability in neighboring Central Asia. Eleven rich countries in Europe and North America are still the targets of 95 percent of all new asylum requests, a fact that haunts the politicians of these countries who are facing heavy domestic pressures to cut budgets and reduce immigration quotas.<sup>10</sup>

Rich countries are also becoming restive over the rising costs of humanitarian relief and the shocking pictures of human suffering that flash across the media. They are the principal funders of the UN High Commissioner for Refugees, whose budget has jumped in the past 20 years from less than \$70 million to more than \$1.3 billion and now exceeds that of the UN Secretariat and the UN Development Program.<sup>11</sup> UNHCR's costs are only a small portion of the total bill, although total costs can only be guessed. One highly problematic humanitarian operation, Somalia, is believed to have cost upwards of \$3 billion in relief supplies.<sup>12</sup> Related peacekeeping and peace enforcement measures cost billions more. The total bill for Bosnia will never be known but surely already exceeds \$15 billion. Compared with world military expenditures of over \$700 billion, the annual costs of humanitarian operations seem insignificant.<sup>13</sup> They are the fastest growing accounts in the foreign assistance portfolios of the developed countries, however. Furthermore, because donor countries have been unwilling or unable to plan for--much less prevent--complex emergencies, sudden surges in the need for new humanitarian assistance raise havoc with their budget reduction plans. Even those who support foreign assistance worry about the opportunity costs of having to respond to humanitarian emergencies. As a U.S. official notes, the vast resources expended in conflict-ridden countries are:

[T]aking funds from assistance to other societies who dealt with difficult transitions without exploding into violence. Two years of emergency work in Rwanda, for instance, cost the United States \$750 million, roughly equal to the entire annual U.S. aid program to Africa.<sup>14</sup>

Less apparent to the countries with the means to shape the nature and direction of the post-Cold War international order are the long-term threats to their vital interests if ways are not found to prevent the proliferation of troubled states. Ethnic and intergroup violence is not, after all, restricted to small states struggling to overcome the legacies of colonial or Communist rule. Demands for greater self-determination are being made on an unprecedented scale. When asked to name the biggest challenge that will face the world in the coming century, Isaiah Berlin declared: "Cultural self-determination with a political framework is precisely the issue. . . . Unless there is a minimum of shared values that can preserve the peace, no decent societies can survive."<sup>15</sup>

More than 900 million people, one-sixth of the world's population, belong to 268 politically significant ethnic and other communal groups, many of them potential participants in future armed conflicts, according to Ted Robert Gurr of the University of Maryland's "Minorities at Risk Project."<sup>16</sup> Important states with minorities at risk include China, India, Israel, Pakistan, Russia, and Ukraine. Countries that comprise the ten so-called big emerging markets (Argentina, Brazil, China, India, Indonesia, Mexico, Poland, South Africa, South Korea, and Turkey) are still expected, despite current difficulties, to be the engines of growth in the global economy over the next quarter century; they either face major threats to national integration or are in regions plagued by ethnic conflicts. This is not to suggest that some perverse demonstration or domino effect might cause the chaos now prevalent in western and central Africa to proliferate in other regions. But the domestic demands on these states to accommodate greater cultural self-determination at home, while effecting the necessary economic adjustments to compete successfully abroad, could seriously and simultaneously strain the large ethnically diverse nations that will play the pivotal role in sustaining regional and global economic progress and political stability.

The economically advanced and politically stable nations will need capable partners among those same states now struggling to overcome internal divisions if they are ever to reach viable agreements to settle the host of emerging global issues of vital concern to their own domestic economic, political, and social health. Among the growing list of global concerns are environmental issues and global warming, the spread of infectious disease and public health, crime and narcotics trafficking, terrorism and nonproliferation, and international trade and finance. All will require politically capable states.

Already, the political failures of troubled states that lead to complex humanitarian emergencies are sapping the political attention and financial resources from states that might otherwise be more actively seized with these longer-range challenges. These complex emergencies also threaten to undermine the long-term effectiveness and credibility of the United Nations and its specialized agencies, as member governments have sought to use them as surrogates for more decisive action, while providing them with neither the adequate financial resources nor the political support to carry out humanitarian interventions.

## **THE CHALLENGE OF STATE BUILDING**

Behind all of these difficulties lies a deeper systemic problem that the major donor nations, the international financial institutions, and the UN are only beginning to address. It is the strategic challenge of state building. In the rush of decolonization in the 1960s, 140 states were accorded instant formal sovereign equality. Many subsequently proved incapable of turning themselves into viable nations. The World Bank, the International Monetary Fund (IMF), and a variety of other bilateral and multilateral economic and technical assistance agencies invested heavily in transforming newly independent countries into capable economic partners. With the onset of the Cold War, however, donors worried less about a

country's political development than its international alignment. Weak states avoided tough domestic political reforms by deflecting donor pressures with threats of closer ties to the Soviet bloc. Serious state building, such as the extraordinarily successful but nonreplicable efforts to rebuild the defeated states of Germany and Japan politically and economically, was never attempted in the developing countries where state making for many is still in its infancy.

In analyzing the political deficiencies of developing countries, Michigan State University political scientist Mohammed Ayoob rightly points to the lessons of European state building.<sup>17</sup> In that region it took four centuries, from 1500 to 1900, to forcibly consolidate 500 political entities into the 25 that now rank among the world's most viable modern states. Conquest and annexation thankfully are no longer tolerated by the international community, but this new reality does little to alleviate the internal divisions and political fragility of early state building that, when it runs amok, can lead to deadly conflict. The potent triple appeal of self-determination, ethnicity, and group rights has unleashed political forces that far too many new states are unable or unwilling to moderate. If new norms, political will, and international capacity can be developed to alleviate the worst internal abuses of power and help prevent more complex emergencies, this may help open the way for greater cooperation. Such cooperation would address the deeper structural problems of weak governance that hold the key to long-term prevention, prosperity, and successful problem solving of major global issues.

The end of Cold War ideological rivalry and rashes of complex emergencies have made it easier for diplomats to raise the broad issues of internal governance and the damage that a proliferation of troubled states can cause to international order. Former UN Secretary-General Boutros-Ghali sought to give the problem of internal conflicts a strategic context in 1992 when he was asked by the first-ever summit meeting of Security Council members to prepare a report on the future of the UN. In *An Agenda for Peace*, he drew attention to the vital links between domestic and world political order:

If every ethnic, religious, or linguistic group claimed statehood there would be no limit to fragmentation, and peace, security, and economic well being for all would become more difficult to achieve.<sup>18</sup>

The internal character of states increasingly is a legitimate international concern that is no longer a function of competing Cold War ideologies. Moreover, it reflects a need to reform the interstate system not replace it. Unprecedented international cooperation among diverse numbers of states will be necessary to sustain economic growth and share the burdens of resolving a growing list of global problems. This will not be possible if more small states fail and large ones become increasingly ungovernable. The operational task for the international community in helping troubled states to overcome their internal divisions and to become productive and capable partners has two broad dimensions, one promoting capable states and the other pressing states not to pursue policies and practices that foment divisions and state disintegration.

On the positive side, the World Bank and other international financial institutions can contribute the technical assistance and financial incentives to help governments build the administrative capacity for more effective governance. The World Bank and the other international financial institutions are not, after all, commercial enterprises but multilateral organizations created by governments to serve their changing national interests and values. The staff of these organizations is constrained by their Articles of Agreement from interfering in the internal politics of their member states.<sup>19</sup> World Bank lending priorities and conditions, however, are set by the major shareholder governments that frequently seek to shape the politics within borrowing states. Throughout the Cold War, however, these typically had more to do with a state's international alignment than the management of domestic political affairs, although concern with good governance became increasingly evident in the wake of the debt crises in the 1970s

and 1980s when the emphasis shifted to policy-based lending.<sup>20</sup> With the collapse of Communism, the World Bank in 1990 began to deal more openly with issues of human rights, corruption, excessive military spending, and good governance.<sup>21</sup>

By 1997, for the first time, the Bank's flagship annual publication, *World Development Report*, focused on the role of the state.<sup>22</sup> It outlined a broad strategy that could allow the Bank to play a significant role in helping states overcome their internal divisions and become more politically capable partners. The two-part strategy includes:

1) Matching the state's role to its capabilities [so that it does not intervene in areas where it might] do more harm than good; and, 2) Raising state capability by reinvigorating public institutions. This means designing rules and restraints to check arbitrary state actions and combat entrenched corruption. It means subjecting state institutions to greater competition to increase efficiency . . . And it means making the state more responsive to people's needs, bringing government closer to the people through broader participation and decentralization.<sup>23</sup>

Of more immediate relevance to troubled states, in 1997 the Bank created a small unit devoted to helping with postconflict reconstruction.<sup>24</sup> Conceivably, the Bank and other international financial institutions could also play a more active role in nation building if their lending strategies were geared toward promoting cooperation and interdependence between ethnic and other groups. They could also make certain that the effects of the lending would not create local resentments by appearing to favor one ethnic group over another.<sup>25</sup> Such ideas remain highly controversial within the Bank and among its government shareholders. Among international financial institutions, the European Bank for Reconstruction and Development (EBRD) has been concerned with promoting democracy among its borrowing members.<sup>26</sup> In addition to the efforts by public donors on this front, there is a huge and growing array of nongovernmental organizations that directly and indirectly support programs to assist the development of democracy and better governance.<sup>27</sup>

## **TODAY'S HUMAN RIGHTS ABUSES ARE TOMORROW'S REFUGEES AND INTERNALLY DISPLACED**

The second way to help troubled states avoid deadly conflict, and the way that is the focus of this report, is to regard threats to human rights and humanitarian intervention as the early warnings and responses which can help stop and reverse a state's decline. The vital signs that people are in peril and that another deadly domestic conflict may be brewing are not difficult to spot. As the UN's High Commissioner for Refugees, Sadako Ogata, so often reminds governments, "Today's human rights abuses are tomorrow's refugee movements."<sup>28</sup> The links between human rights abuse, refugees, and the eruption of deadly conflict are by no means automatic, as the dark age of apartheid and eventual democratic transition in South Africa has shown. Although human rights abuses are not always a sufficient cause, they typically are contributors to the involuntary displacement of people. As human rights scholar Roberta Cohen of the Brookings Institution notes, "Sadako Ogata is the first High Commissioner to fully appreciate the need for greater collaboration between refugee and human rights bodies as a means of addressing the underlying causes of displacement."<sup>29</sup>

Human rights are not a new concern, nor is the flight of people in peril. The idea that Adam was created in the image of God, or that civil disobedience brought Daniel to the lion's den implies transcendent values that are the basis of human rights.<sup>30</sup> The plight of refugees has been evident at least since the exodus of the Israelites or the protection that Mary and Joseph sought in Egypt. Throughout history, societies have dealt with dissent and conflict in many ways, but only in modern times have there been

attempts to develop universal rules and structures for humanitarian protection and assistance. The most rapid advances in these two fields have been since World War II, but each has been handled separately and differently in international relations. Human rights victims are found within countries and, traditionally, before they can qualify for protection and assistance they must cross an international border. Conventions covering human rights are much broader, are less institutionalized, and have less operational meaning than the more narrowly drawn but very operational provisions for refugees. Whereas the office of High Commissioner for Refugees was established in 1951, a counterpart office for human rights was not approved until 1993.

The UN Charter commits all 185 of its member states to uphold a set of fundamental purposes that includes "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." In addition, over 130 states have also ratified the sweeping but unenforceable Universal Declaration of Human Rights that was first adopted by the UN General Assembly on December 10, 1948. Twin covenants--one on civil and political rights and the other on economic, social, and cultural rights--collectively constitute a so-called International Bill of Rights.<sup>31</sup> The world's main human rights body is the UN Commission on Human Rights, which was established in 1946 to develop international human rights standards. It is composed of representatives of 53 governments who meet for six weeks once a year. The commission is supported by a Centre for Human Rights that has traditionally assumed only information-gathering and legal research functions.<sup>32</sup>

When the 46 founders of the United Nations agreed in 1945 to incorporate human rights, it was a recognition that terrible human rights abuses had been the precursors of Nazi aggression and, had the world acted sooner against these abuses, a second world war and the Holocaust might have been prevented. The new international attention to human rights no doubt helped the consolidation of democracy in Germany and Japan and a generally peaceful end to Western European colonialism in Africa and Asia. More recently, it helped bring an end to Soviet domination of Eurasia, apartheid in South Africa, and the decline of authoritarianism elsewhere. Today, 185 governments are committed to the fundamental purposes of the UN--and over 130 have ratified the covenants drafted in 1966 that give practical expression to the Universal Declaration of Human Rights.

The founders of the UN were, however, caught in a profound dilemma. If human rights abuse was the first line of defense against potential armed interstate aggression, how could they deal with such problems without weakening their norms of nonintervention that were the basis of the interstate order they most wished to defend? Protecting sovereign rights was--and still is--seen by most political leaders as far more important to international peace and security than protecting human rights. Thus, the UN agreed to a formula that reconfirmed the right of all states to conduct their internal affairs without fear of foreign interference (Article 2.7), but--in a historic step of preventive diplomacy--gave the Security Council the power to mandate forceful action in cases in which the most powerful members agree that there is a threat to international peace and security (Chapter VII). Although the founders never anticipated that human rights would be deemed a threat to international peace and security, the Security Council finally decided that the apartheid policies of the South African government merited that designation.

Governments are still reluctant to delve deeply into the human rights policies of other countries out of fear of reprisals or a loss of future influence, or fear that actions they take against others might one day be turned against them. Even when states can agree on human rights principles and guidelines, such accords are not bilateral or multilateral treaties that establish reciprocal obligations. Human rights treaties are merely unenforceable voluntary agreements as to how a government will treat the citizens within its jurisdiction. Politically, they can become constraints on a ruler's domestic freedom of action and may suggest a readiness to tolerate foreign inspections, but the leverage of reciprocal obligations is lacking.<sup>33</sup>

The commitment that the founders of the United Nations made not to interfere in each other's internal affairs shaped their policies toward refugees, much as it did toward human rights, but with the result that the two concerns were addressed as entirely separate problems. Although human rights were dealt with in a general, hortatory fashion, UN refugee policy was initially very narrowly drawn but highly operational. The term "refugee" was given a specific legal connotation under the 1951 United Nations Convention on the Status of Refugees.<sup>34</sup> To legally qualify as a refugee under the convention, a person must be outside his country of nationality and have a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion.<sup>35</sup> Protection under the treaties cannot be given if these conditions are not met. Individuals who flee across a border from the generalized threats posed by war or civil disturbance, for example, are not covered under traditional international refugee law. Such persons are not, according to international migration expert Arthur Henton, considered to have a sufficiently individualized fear of persecution.<sup>36</sup>

Governments have found it in their interest to stretch the terms of the original refugee convention substantially since 1951. In fact, two different refugee regimes developed almost immediately, one in Europe and North America and the other in the developing world.<sup>37</sup> In Europe and the United States there was the guilt of failing to prevent persecution of Jews and other minorities, and then denying many of them asylum. Doors were open to the World War II survivors and kept open for the politically and economically desirable refugees from Communist countries, and there was little concern that there would be a flood. Most of those that were granted asylum in the West expected and were allowed to become permanent residents and full citizens.

By contrast, formal provisions for asylum evolved differently in Africa, Latin America, and Asia and reflected traditions of mass movements of people in duress, who often returned home when the trouble passed. Especially in Africa, communities were accustomed to adjusting to large and sudden inflows of people with tolerance and generosity. In 1969, the Organization of African Unity adopted its own convention that was much broader in scope than the UN convention and included provisions for those fleeing war and civil disorder.<sup>38</sup> Countries of Latin America and Asia have also agreed on protections for the influx of temporary refugees--or displaced persons--that go beyond those covered by the UN convention.<sup>39</sup>

Surprisingly, in light of current realities, neither the convention nor the Statute of the Office of UNHCR mentions displaced persons, apparently because the drafters felt that the postwar problem of displaced persons was a transient one that would disappear as soon as peace and normal life were restored in Europe.<sup>40</sup> Although both refugees and displaced persons have been uprooted from their homes, the latter term is much broader in its application, both in terms of who qualifies for protection and where they are located. A displaced person does not have to cross an international frontier, although until recently the vast majority were externally displaced and the UN normally required the permission of the troubled state before providing service. As the ranks of refugees and the displaced in the developing world grew, a protocol to the 1951 convention was adopted in 1967 that confirmed UNHCR's extended reach for protection. Before long the operative meaning of the term "displaced person" included all persons who are uprooted or adrift as a result of "man-made disasters."<sup>41</sup> For the most part, UNHCR's work with the externally and internally displaced during the 1960s and 1970s had to do with resettlement in African and Asian countries during the aftermath of national liberation or civil wars. Gaining the agreement of the concerned governments was fairly straightforward.

Between 1970 and 1990 there were indications of the kinds of challenges that practically overwhelmed UNHCR and other humanitarian agencies following the Cold War, although no one predicted the scale and difficulties of current burdens. In retrospect, the three most important indicators were: 1) the

responses of the international community to what are in the 1990s defined as complex humanitarian emergencies, in which they combined the protection and relief functions; 2) sudden mass movements of people which prompted the international community to consider new ways to prevent these influxes by protecting rights within the countries of origin; and 3) the transformation of traditional refugee camps into staging areas for military operations against the country from which the refugees had fled (e.g., the use of internationally supported refugee camps in Thailand to mount guerrilla operations against government forces in Cambodia).

## COMPLEX HUMANITARIAN EMERGENCIES

Humanitarian emergencies combine "internal conflicts with large-scale displacements of people and fragile or failing economic, political, and social institutions . . . random and systematic violence against noncombatants, infrastructure collapse, widespread lawlessness, and interrupted food production and trade."<sup>42</sup> They are not inherently more complex than before, but they are described as such because of "the presence of multiple and diverse foreign actors, which have found greater freedom for intervention in the more benign political environment of the post-Cold War era."<sup>43</sup>

The first modern complex humanitarian emergency occurred during the 1967-1970 Nigerian civil war that prompted an unprecedented international relief airlift that was organized and run by religious and nongovernmental organizations. Western governments eventually contributed substantial funds and materials to the campaign, but when Nigeria's oil-rich eastern province declared its independence as the state of Biafra, virtually all governments closed ranks in support of the preservation of Nigeria's territorial integrity. The British and the Soviets armed Nigeria while the United States and the Soviets agreed that this conflict should not become a Cold War issue just when détente was beginning and they were preoccupied with the recent Six Day War in the Middle East and the ongoing war in Vietnam. All but four African countries also supported Nigeria. This was not a case, however, in which an agreement among the major powers to prevent the internationalization of an internal conflict was sufficient. Biafran leaders, with the help of the world media and an outpouring of popular sympathy abroad, sought to turn their political goal of secession into a humanitarian imperative. Before the rebellion collapsed, nearly 1 million civilians had perished. And a carefully documented study of that conflict revealed that the humanitarian effort may have actually contributed to the unnecessary prolongation of war, raising the same deeply troubling moral and political dilemmas that have haunted those who have so courageously and selflessly sought to aid the victims of more recent emergencies, only to become the unwitting pawns of the parties to the conflict.<sup>44</sup>

If the Nigerian Civil War was a precursor to the 1990s emergencies, so too were the many surges of refugees seeking asylum in developed countries. These influxes prompted governments to reconsider their liberal admissions policies and to begin to consider ways to prevent future crises of this kind. In 1979-1980, the United States was hit by large inflows of boat people from Cuba and Haiti. Although the Vietnamese boat people were unable to cross the Pacific, their plight struck deeply ambivalent emotions among Americans. Meanwhile, large numbers of asylum seekers from North Africa and other developing countries poured into Europe in the late 1980s, raising similar concerns. Daniele Joly and Astri Suhrke summarize the new realities:

For the first time it became manifestly clear that the industrialized countries could be called upon to host asylum seekers from the "third world" at large. . . . The result was an increasingly divergent path of asylum. The industrialized states . . . took steps to restrict asylum, at first individually but increasingly in cooperation with each other. . . . In parts of the developing world asylum was jeopardized as well by declining economies, population pressures, and growing awareness of the environmental costs of hosting large refugee

populations. A pattern of de facto mass asylum continued, however, amid intermittent attempts to restrict entry. Overall, it was a pattern in which strong states exercised their power to exclude asylum seekers, while the weak granted mass asylum by default.<sup>45</sup>

Concern about these mass flows also was registered at the UN where, in the early 1980s, there was talk for the first time about the need for early warning and preventive action to stem refugee movements. In 1980 the Commission on Human Rights decided to appoint Prince Sadruddin Aga Khan as the first special rapporteur on "human rights and massive exoduses" who was requested to prepare a report with recommendations on the relationship between human rights abuses and refugee flows.<sup>46</sup> The work of the special rapporteur produced no discernible government action or institutional reforms, but it drew attention to human rights abuse as a precursor to mass exodus and therefore was an important early warning signal of a potentially troubled state.<sup>47</sup> The benefits of early warning and of holding governments accountable for human rights abuse and for refugee flows were further endorsed by a UN group of government experts established by the General Assembly in 1981 to consider Aga Khan's report and recommended in 1986 for the first time that governments be required to pay compensation to those forced into flight. The High Commission for Human Rights and other UN agencies were reluctant at that stage, however, to explore ways to implement the proposal.<sup>48</sup>

While governments were beginning to debate how to prevent new refugee flows, the humanitarian and security situations in several existing camps were becoming more difficult because of the commingling of refugees and armed guerrilla or liberation movements. As former U.S. ambassador Robert Oakley recalls:

During the Cold War period, there was sort of an "ends justify the means" and a "don't ask, don't tell" attitude concerning freedom fighters or guerrillas and refugees. The UNHCR dealt with the problem formally by establishing a minimal distance for people with arms to stay away from refugee camps. In actual practice, however, this was an easy rule to evade; and even if guns were kept out of the camps, the refugees served as the prime source of guerrilla manpower. Food and medicine for refugees were easily diverted to "liberation" movements. This was the case in such instances as Cambodian refugees along the Thai border, supporting the fight against the Vietnamese and their allies in Cambodia; Afghan refugees along the Pakistan and Iran borders, supporting the *mujahideen* fight against the Russians and their allies in Afghanistan; Nicaraguan refugees along the Honduran border supporting the Contra fight against the Sandinista regime in Nicaragua. Other cases come to mind when one looks at Angola and Zaire, Mozambique and South Africa, Somalia, Ethiopia and Sudan, Uganda, Rwanda, Burundi and Zaire.<sup>49</sup>

Scholars have coined the term "refugee-warrior communities" to describe these camps.<sup>50</sup> Caring for refugees in these instances appeared to take priority over trying to preserve the aura of neutrality and innocent victims. In fact, the humanitarian motivation was closely allied with the political/military considerations of the United States and other governments who also funded and provided sanctuary for the refugee camps. The populations in these camps were seeking more than traditional protection. They were seeking the means to eventually overthrow regimes that the United States and its allies viewed as illegitimate. Yet regardless of the political merits of these operations, they were de facto contradictions of traditional international humanitarian laws, a fact that governments with the power to enforce these laws chose to ignore. Tragically, "warrior-refugee communities" did not disappear with the end of the Cold War. In some cases, notably the situation in Eastern Zaire that is summarized in the next section of this report, problems of camp security have become so severe and the moral hazards of supporting rebel militaries have become so pronounced, that some humanitarian agencies have pulled out.

Two other troubling legacies from the politicization of relief camps in the 1980s have also had an impact

on the nature of post-Cold War complex emergencies. First, when camps are hotbeds of resistance, and insurrections continue against the current regime in the country of origin, it is practically impossible for repatriation to occur until that regime has been deposed or the refugees drop their defiance. As a result, refugees have tended to remain in the camps, turning them into semipermanent communities that can pose economic and security problems for the asylum country. Second, solidarity continues between the people in refugee camps and relatives back home, many of whom may be internally displaced but can still provide support and cover for guerrillas who move back and forth across frontiers. For humanitarian agencies, the vulnerable populations in camps on both sides of a troubled state's borders have also led to a blurring of lines between traditional categories and criteria for assistance. In these situations, humanitarian agencies now sometimes ignore the authority of the central government—if one still exists—and depend on local militia or other special forces for their security.

The precedent for defying the wishes of a central government was set during the Nigerian Civil War. The International Committee of the Red Cross was not the only humanitarian agency to abide by the international conventions that require the consent of the recognized government, but it was the most visible defender of norms that have eroded significantly as other agencies took the position that providing humanitarian relief was the overriding imperative, regardless of the political issues at stake in a particular conflict. The politics of the Nigerian Civil War proved more complex and intertwined with humanitarian operations than most agencies were willing to admit at the time. Médecins sans Frontières (MSF [Doctors without Borders]), an agency born during the Biafra War with a name that symbolizes defiance of traditional restraints on humanitarian action, concluded after the Nigerian Civil War that it and others had been used by the leaders of the Biafran secession in ways that may have added to the suffering and starvation of the innocent people they were trying to help.<sup>51</sup> These dilemmas have only become much worse for the humanitarian relief agencies during the terrible complex emergencies that have followed in the wake of the Cold War.<sup>52</sup>

### **3. Preventive Protection**

Humanitarian action in times of war and political crises seeks to relieve the suffering and protect the human rights of innocent civilians. Such concern gained institutional standing with the formation of the International Committee of the Red Cross in 1864.<sup>53</sup> As the nature of wars changed so did the nature of humanitarian action. The most dramatic changes were technological but the most disturbing changes were political. Both were tinged with irony. Weapons became progressively more deadly, indiscriminate, and terrifying until nuclear deterrence finally neutralized war as an instrument of politics in the competition for global dominance between the major powers. Nevertheless, for those who are still willing to use war for political ends the complexion of the victims has changed fundamentally. The ratio of soldiers to civilian casualties has shifted from 9 to 1 in the early decades of this century to 1 to 9.<sup>54</sup> This painful reality, coupled with the decline in the number of wars between states and the proliferation of wars within states, has made humanitarian action increasingly costly, dangerous, and difficult for multilateral, bilateral, and nongovernmental providers of relief and human rights protection.

As complex emergencies have proliferated in the 1990s, major donor governments have turned to the UN High Commissioner for Refugees to be the lead agency for humanitarian assistance. In the process both the scale and the scope of UNHCR operations changed dramatically. Between 1990 and 1996, UNHCR's budget jumped from \$544 million to \$1.3 billion and the staff increased from 2,400 to 5,000.<sup>55</sup> More important, how UNHCR dealt with the victims of internal wars changed in ways that affect the most fundamental principles of modern interstate relations. During its first 40 years, with few exceptions, UNHCR established its field presence on the other side of the international border of a troubled state and simply waited to receive and to protect refugees fleeing conflicts. Classic concepts of state sovereignty—still enshrined in the UN Charter—required that UNHCR refrain from becoming involved in the internal

conditions of the countries that might give rise to refugees.

Since 1991, UNHCR has been increasingly active inside conflict-torn states. Examples include Afghanistan, Bosnia, Mozambique, Sri Lanka, and Tajikistan. Consent of the state concerned remains, in principle, a necessary precondition unless the UN Security Council declares under Chapter VII provisions of the Charter that the internal conflict is a threat to international peace and security and mandates intervention. In practice, the lines between domestic and international jurisdictions have become increasingly blurred. From a humanitarian perspective the nature and causes of the suffering among refugees and the internally displaced may be indistinguishable. Moreover, in cases where military or ethnic factions predominate and there is no functioning recognized government, consent becomes moot.

UNHCR's growing involvement in the domestic affairs of troubled states reflects more than a response to the humanitarian imperative to help those in need. These efforts also respond to the reluctance of other states to grant asylum to refugees. The High Commissioner attributes the growing unwillingness to support intervention that would stem the tide of refugees to three factors:

First, to the degree that previous refugee flows were often linked to the "proxy wars" of the Cold War, states sometimes had a strategic interest in hosting refugee populations. Other refugee movements were linked to colonial liberation wars. Motives for granting asylum ranged from genuine sympathy for refugees to the military uses of refugee populations. Second, governments of Africa established a truly remarkable record in granting asylum to refugees and in adhering to the principle that the granting of asylum should not be seen as a hostile act. Although one can still find many examples of this generosity in Africa, the sheer magnitude and accompanying spread of insecurity has created severe strains. In addition, the increasing reluctance of donor governments to pay the bills for maintaining large numbers of refugees has had a negative impact upon the willingness of countries to provide asylum. Third, as countries in the North are facing large, and what they consider to be irregular, migratory flows into their countries, the critical distinction between refugees and migrants has become blurred and is eroding the consensus on the importance of asylum. As a consequence of these three reasons, options have been examined to provide international protection inside countries of origin.<sup>57</sup>

The winding down of the Cold War in the late 1980s was marked by progress in resolving several regional conflicts in southern Africa, central America, and Asia and UNHCR was mandated to facilitate the safe return of refugees. UN humanitarian agencies and peacekeeping operations forged new partnerships and worked well together within the framework of peace agreements that had been carefully negotiated and enjoyed strong international backing. The first of these major undertakings was the UN Transitional Authority in Cambodia (UNTAC) that oversaw UNHCR's repatriation of 370,000 refugees. Another positive example of postconflict humanitarian and peace building was the United Nations Operation in Mozambique (UNOMOZ) that helped repatriate some 1.5 million refugees from six neighboring countries. The head of UNHCR's Centre for Documentation and Research, Eric Morris, writes that these two successes were the models for what many hoped would be a new trend in multilateral humanitarian action linked to preventing further conflict.<sup>58</sup> Unfortunately, the response of the major Western powers to conflict situations in Bosnia, Somalia, and Rwanda showed a more troubling side of how they use humanitarian action to compensate for the lack of political consensus and will to deal with the peace and security aspects of complex emergencies.

Demands from governments for a series of unprecedented UN-sponsored humanitarian interventions came suddenly during the early 1990s and posed new dangers for the agencies involved that were not present in the operations to help consolidate the peaceful resolution of Cold War-related regional conflicts.

## **NORTHERN IRAQ**

The first big surprise for humanitarians was the 1991 Security Council mandate that UNHCR protect, assist, and reintegrate some two million Kurds in northern Iraq under dangerous circumstances and with only 500 UN guards for protection. The motivation for establishing these safe areas reflected the strategic, more than the humanitarian, interests of major Western powers that led the Gulf War coalition. Kurdish refugees posed a major security threat to Turkey, and its NATO allies, the United States, Britain, and France, resolved not to allow those who had been forced from their homes by Saddam Hussein to cross the frontier, while encouraging those who had crossed the frontier to return. For the first time the Security Council determined that the flow of refugees posed a threat of sufficient magnitude to warrant international action under the terms of Chapter VII, not the threat or act of aggression by any state. Without such a mandate it is unlikely that international humanitarian assistance for the Iraqi Kurds in Operation Provide Comfort would have been forthcoming.

Sustaining international programs of relief and protection for the Kurds in Northern Iraq has become increasingly problematic. On August 30, 1996, the Iraqi army blatantly challenged the "safe havens" by suddenly crossing into the town of Erbil. Government agents then began arresting or killing people they claimed were opponents of Saddam Hussein, particularly anyone who had worked directly with U.S. government and private agencies. This showed the Kurds that they were no longer safe, a reality that became more apparent as the United States withdrew its own nationals from the area. In the wake of the Iraqi incursion and as the Americans left, tensions arose within the international humanitarian community over the disposition of Iraqi aid personnel who were working for Operation Provide Comfort.

The U.S. government feared that if it did not protect its local relief workers they would be killed by Iraqi forces and proceeded to evacuate 6,500 of them. In so doing, however, a main link in the humanitarian operation was broken. No one committed to supporting Operation Provide Comfort questioned the need to maintain the flow of relief or the need to give protection to those Iraqis who would be vulnerable to attack. Those responsible for maintaining "safe havens" were confronted with the awful choice of whether to put safety ahead of assistance, or assistance ahead of safety. Since then relief has continued to flow while safety erodes. More desperate dilemmas have afflicted humanitarian operations in Bosnia, Somalia, and Rwanda/Eastern Zaire. They corrode the integrity of humanitarian and human rights missions, not to mention the sanity of the brave men and women who are trying to carry them out. For outsiders, avoiding these debilitating circumstances becomes another reason why finding ways to prevent the outbreak of deadly domestic conflict and complex emergencies is so urgent.

In the case of the Iraqi Kurds, there was at least a convergence of interests of the major Western powers in launching this extraordinary humanitarian intervention. In Bosnia, Somalia, and Rwanda/Eastern Zaire the UN and its humanitarian agencies were asked to undertake challenges that are even more difficult but without the same degree of convergent interests. Although there was agreement in the Security Council to treat each of these domestic conflicts as a threat to international peace and security, the humanitarian interventions that were approved were half measures that called for providing assistance to those forced to flee under conditions of mass violence--"ethnic cleansing," genocide, and other crimes against humanity--but lacked the means to provide even minimal protection for humanitarian operations.<sup>59</sup>

## BOSNIA

The willingness of the major Western powers to use humanitarian assistance as a substitute for more forceful means of protection of civilians in Bosnia was evident almost from the start of the multinational intervention in 1992. Details of this deeply flawed response to the worst European conflict since World War II have been well documented, including the authoritative account by the European Union's special envoy, David Owen.<sup>60</sup>

UNHCR was mandated to provide relief to war victims and monitor the extent to which the parties to the

dispute were adhering to international norms in dealing with civilians. Increasingly, UNHCR was also forced to operate in so-called "safe havens" that were anything but safe and left civilians and relief workers as pawns in the wider struggle for ethnic domination. The moral dilemmas in carrying out this complex mission were excruciating. Suddenly UNHCR was trying to help some 1.2 million desperate people, none of whom met the traditional criteria of internationally recognized refugees but who were at dire risk. UNHCR and other humanitarian agencies were increasingly helpless in containing the forced removals of people that had become the main object of this brutal conflict. The UN Protection Force (UNPROFOR) was given the task of delivering relief to war victims in Bosnia but continued to operate under the limited mandate of traditional peacekeeping, despite the fact that no peace agreement existed. While local authorities were carrying out the most blatant human rights abuse, UNPROFOR was expected to adhere to the principles of impartiality, secure the consent of the local authorities, and restrict its mission to providing security for those delivering humanitarian relief. UNPROFOR had no mandate to protect the actual victims in this most inhumane conflict.

The Security Council duly debated the need for a "robust" peacekeeping force and in August 1992 (Resolution 770) declared that "all necessary means" should be used to ensure delivery of relief, but as Eric Morris sadly recalls "this debate was divorced from the reality of what UNPROFOR was purposefully equipped to do."<sup>61</sup> According to a U.S. government consultant, "all necessary means" in practice meant having to pay huge bribes to the perpetrators of "ethnic cleansing," the Bosnian Serbs, in order to get relief to those most in need. The Security Council repeatedly made formal condemnations of the concentration camps and other atrocities but when the special rapporteur for the UN Commission on Human Rights requested more troops and a more flexible mandate for dealing with these crimes, the Council balked. At best, UNHCR and other humanitarian agencies could only bear witness to injustice; they could neither prevent nor punish these crimes.

When in 1993 UNPROFOR was charged to establish "safe areas," the willingness of the major powers to use humanitarian action for political purposes became even more apparent. In contrast to Operation Provide Comfort in northern Iraq, the Bosnian "safe areas" were neither safe nor did they serve humanitarian purposes. They became little more than pawns in the game of war. Humanitarian action, to a much greater degree than ever before, was used by the major powers to obscure their lack of resolve to deal effectively with the Bosnian crisis. Tragically, the Security Council continued to mandate humanitarian assistance in lieu of more forceful actions to restore peace and security in Bosnia until the war escalated to a point where it threatened the stability of the Atlantic community. Only at that stage did the major powers agree to launch the Dayton peace process that they subsequently backed with the deployment of NATO forces.<sup>62</sup> Yet the pattern of response to events on the ground that has inhibited international forces from taking convincing steps in support of human rights persists. The current failure to arrest and prosecute known war criminals and to protect minorities discourages refugees from voluntarily returning. Despite the inadequate security and general unwillingness of the international community to enforce the Dayton Accords rigorously, Germany and other countries with Bosnian refugees reportedly are eager to begin repatriation.<sup>63</sup>

The lessons of the Bosnian intervention have been bitter ones. Governments with the capacity for more forceful actions, notably the major Western powers, were unwilling to risk a domestic political backlash should the initiative fail or produce military casualties. But by depending on half measures they undermined the effectiveness and credibility of their intergovernmental organizations and, far worse, allowed these institutions to be manipulated by those most responsible for the humanitarian emergency and thereby made matters worse for the victims of these crimes.<sup>64</sup> "Preventive protection" ended up not protecting those most vulnerable but merely protected neighboring countries from a greater tide of refugees. For proponents of conflict prevention rather than preventive protection, the Bosnian experience provides an ample, but by no means the only, rationale.

## **SOMALIA**

By the time the major powers decided to mount a UN humanitarian intervention in the spring of 1992, the Somali state had collapsed. The Security Council's decision to deploy troops (UNOSOM I) under Chapter VII to protect the relief operations marked another significant extension of what constitutes a threat to international peace and security. Unlike Iraq, Bosnia, or the later case of Haiti, there was no threat of huge numbers of refugees spilling into countries of strategic importance to the major powers, although large and squalid relief camps did spring up in Ethiopia, Kenya, Djibouti, and Yemen. Somalia was seen as strictly an internal disaster and it was only the "magnitude of human suffering," graphically reported by the world television news--later dubbed the "CNN effect"--that became the justification for action.<sup>65</sup> Unfortunately, the initial response appeared to be too little too late.

By late 1992 it was reported that 80 percent of the huge quantities of food piling up on Somali docks was being stolen by the country's warlords to fuel their military campaigns, thus preventing the delivery of urgently needed relief to the starving millions. This prompted President George Bush to offer a U.S. military contingent that could lead a new UN-sponsored multilateral force (UNITAF) to ensure safe delivery.<sup>66</sup> Thirty thousand troops were quickly deployed in what was widely heralded as a new form of "armed humanitarianism," in sharp contrast to the half-hearted, ineffectual involvement in Bosnia. The United States insisted, however, that its military involvement last only six months before withdrawing in favor of a reconstituted UN force in May 1993. The United States succeeded with its limited mission of getting food to practically all in need but it did not disarm the warlords. From the standpoint of humanitarian action and preventing deadly conflict, the U.S. failure to seize and destroy the Somalis' heavy weapons reassured the warlords that the powerfully armed U.S. forces would soon be gone. This merely allowed the Somali militia to bide their time until they would face a much weaker UN contingent of 18,000.<sup>67</sup> UNOSOM II did inherit UNITAF's peace enforcement powers but assumed the daunting task of disarming the militia and "nation building."

In early June 1993, 23 Pakistanis were killed in an ambush and another 54, including Moroccans, Nigerians, Pakistanis, and others, were killed in further engagement, making it the largest UN loss since the Congo operation in the early 1960s. The UN, with strong backing from the United States, responded by trying to capture General Mohammed Farah Aidid, the leader of the clan that was believed to have killed the Pakistanis. This campaign suddenly collapsed when, on October 3, 1993, Aidid's forces ambushed a group of U.S. soldiers, killing 18, and wounding 78. The United States initially blamed the UN for its own tactical failure and then proceeded to withdraw all its forces over the next six months. In March 1995, the UN also withdrew without any peace settlement in sight. Although an important precedent had been set whereby the Security Council approved a Chapter VII intervention for purely humanitarian purposes, the fickleness of U.S. involvement and UN overreach led to a tragic failure of will and capacity to do "armed humanitarianism" that probably contributed to an even greater failure in Rwanda a few months later and continues to haunt multilateral action.

## **RWANDA/EASTERN ZAIRE**

The most complex and perplexing refugee crisis of the 1990s continues to unfold in the Great Lakes region of central Africa. Escalating cycles of ethnic violence between the traditionally dominant Tutsi minority and the Hutu majority culminated in the mid-1994 genocide of some 800,000 Tutsi. Two thousand five hundred troops of the UN Assistance Mission for Rwanda (UNAMIR) had been authorized a year earlier by the Security Council to play a traditional peacekeeping role in support of the stillborn peace process. Unlike the situations in Bosnia and Somalia, the mission did not cover protection for humanitarian assistance. Moreover, because of the difficulties in these two prior conflicts, UNAMIR's mandate was so narrowly drawn that it could not intervene to halt the genocide.<sup>68</sup> Instead, the Security

Council decided to reduce the force to 270, only to reverse itself and agree to send 5,500 as reports of genocide became more horrific. This force was given the mandate to protect internally displaced persons, refugees, and other civilians at risk, and to provide security for humanitarian assistance. No new UNAMIR troops were forthcoming, however, as troop-contributing countries recalled the bitter experience of Somalia. The French eventually stepped in with a unilateral force of 2,500 that had the endorsement of the Security Council and a narrow mission of protecting the predominantly Hutu population in southwest Rwanda. Meanwhile, an invading force of Tutsi exiles from neighboring Uganda routed the Hutu army and militia from the capital, Kigali, thus igniting the flight of 1.7 million Hutu into Zaire, Tanzania, and Burundi, with perhaps an equal number internally displaced.<sup>69</sup>

The failure of the international community to undertake more robust measures to protect and assist the vulnerable in Rwanda has had far-reaching consequences for the region and for the humanitarian agencies. The biggest wave of Rwandan refugees created camps in Eastern Zaire where dysentery, cholera, and dehydration killed 50,000 in July 1994 alone.<sup>70</sup> As images of this terrible suffering spread through the world media a major outpouring of humanitarian assistance quickly got under way that cost nearly \$1.5 billion in the first nine months.<sup>71</sup> While mass starvation was prevented, there were other costs for UNHCR and other humanitarian agencies that resulted from acute difficulties in fulfilling the dual mandate of protection and relief.

Interspersed among the Hutu refugees were armed forces of both the former Rwandan army (*Force Armée Rwandaise* or FAR) and the brutal militia (*interahamwe*) that had been responsible for the genocide. These forces actively spurred their fellow Hutu to flee and then dominated the refugee camps in ways that caused acute insecurities and moral dilemmas for international relief workers. These extremists were not disarmed, and appeals by UNHCR and the UN for a protection force were ignored by governments, leaving UNHCR no alternative but to hire Zairian troops as mercenary police. The extremists continued to dominate the camps, intimidating most of the refugees, extorting relief supplies, and placing the agencies in the position of feeding perpetrators of genocide as a condition for feeding the innocent. Some agencies found this unacceptable and left in late 1994.<sup>72</sup> As the *interahamwe* and ex-FAR forces regained strength, they embarked on an insurgency against the new government in Rwanda. Conditions continued to worsen as Hutu extremists clashed with local Zairian Tutsi (*Banyamulenge*). Zairian government troops began to force Rwandans to return home, and the violence on both sides of the border escalated. Despite these terrible and deteriorating conditions, there was insufficient resolve at the UN to mount a humanitarian intervention until Canada stepped forward in late 1996 and offered to lead a multinational force. Before the force could be deployed, however, an uprising of Zairian Tutsi, with evident assistance from Rwanda, Uganda, and other neighboring countries, confronted the *interahamwe* and ex-FAR and forced them to flee into the bush. Once free of their camp intimidators, masses of Hutu refugees almost immediately started trekking home and plans for an international multinational force were set aside.

Although the security in Rwanda and the Great Lakes region appeared to improve with the repatriation of refugees from Zaire and Tanzania and with the overthrow of Zaire's widely detested dictator, Mobutu Sese Seko, problems of reconciling humanitarian and human rights imperatives persist for UNHCR and other agencies that are still trying to ameliorate the terrible plight of refugees and IDPs in areas of the Democratic Republic of the Congo, formerly eastern Zaire. Site visits by a delegation from the U.S. Committee for Refugees, April 10 to May 10, 1997, revealed an ongoing cycle of ethnic killings that forced international agencies to choose again between humanitarian and human rights imperatives. As the report notes:

Less than a year ago, a campaign of "ethnic cleansing" by the FAZ [Armed Forces of Zaire], Zairian Hutu militia, the *Interahamwe*, and the former Rwandan military (ex-FAR) expelled

virtually all Tutsi . . . in the aftermath of the civil war, the prevailing psychology on the ground is that the "tables have turned." *Banyamulenge* troops appear to be particularly hard line. There is reason to believe they are systematically attempting to eliminate many refugees before they can return to Rwanda. . . . Pockets of *Interahamwe* and ex-FAR persist among the refugees dispersed throughout eastern Zaire. ADLF [Alliance of Democratic Forces for the Liberation of Congo-Zaire] soldiers continue to view them as a military threat and tend to regard Zairians who help refugees as "collaborating" with the enemy.<sup>73</sup>

To advance these policy aims, the ADLF is not above exploiting UNHCR and other humanitarian agencies. As the U.S. Committee for Refugees (USCR) team discovered:

ADLF officials in South Kivu require all international aid agencies to employ in the field civilian "facilitators" linked to the Alliance. The "facilitators" are supposed to accompany relief workers in order to facilitate bureaucratic matters such as passage through roadblocks, etc. . . . by accompanying relief agencies into the field, Alliance "facilitators" become well informed regarding the locations of refugees emerging from the forest. Typically, refugees in hiding make contact with relief agencies by sending a representative to main roads. Aid workers in Bukavu allege that a suspicious cycle has emerged: Once relief agencies identify groups of refugees, Alliance troops suddenly declare the area a military operational zone, blocking access to relief workers. When aid agencies subsequently receive permission to re-enter the area where refugees were previously located, none can be found. Some international NGOs have concluded that some refugees are being systematically eliminated. USCR's site visit concluded that these concerns are credible.<sup>74</sup>

There is no way to know if the lives saved by repatriation operations outnumber the deaths caused by the ADLF's exploitation of humanitarian programs . . . USCR's site visit concluded that the ADLF's imposition of "facilitators" on international relief programs seriously undermines the integrity and independence of humanitarian operations. . . . Relief agencies must regularly re-examine--both in the field and at the highest levels of the organization--whether they should suspend operations until they are able . . . to fulfill their humanitarian mandate without doing inadvertent harm.<sup>75</sup>

## **AREAS CONTROLLED BY THE FORMER SOVIET UNION**

While the Western powers focused most of their attention and emergency assistance in the 1990s on complex emergencies in the Balkans and Africa, initially they had been much more alarmed by the prospect of mass migrations westward when the Berlin Wall fell and the Soviet Union collapsed. First, there was the possibility of tens of millions of economic migrants from Central Europe, prompting the members of the European Union (EU) to quickly and significantly tighten their border controls in 1989-1990. When the Soviet Union broke apart, Western Europeans and their U.S. allies faced a much greater nightmare: the possibility that they would have to accommodate the refugees arising from ethnic hatreds and conflict on an unprecedented scale. Compared with the upheavals when Communism failed in Yugoslavia, a country of some 20 million, the Soviet Union left over 200 million people, with over 130 ethnic groups, in 15 states of questionable political and economic viability. At least 25 million Russian speakers resided beyond the borders of the Russian Federation and nearly 70 million lived outside the republic of their ethnic origin, many of them forcibly removed and relocated by Joseph Stalin.<sup>76</sup>

West European countries began to consult about a coordinated response immediately after the collapse of the Soviet Union. The result was the 1994 "Communication" from the European Commission that outlined a three-prong defense to: 1) control borders; 2) integrate foreigners already legally residing in EU countries; and 3) deal with the causes that might precipitate mass flight. Refugees, at least in Europe,

would no longer be the objects of traditional humanitarian assistance and protection of the EU's emerging common foreign and defense policies.<sup>77</sup> For whatever reasons, however, the massive westward movements did not occur and the EU has become inexplicably complacent about the complex and daunting problems facing the Soviet Union's successor states.<sup>78</sup>

Yet within the former Soviet space, there have been huge population movements. Between 1989 and 1996, nearly 9 million people moved within or between the countries of the Commonwealth of Independent States (CIS)--one in every 30 of the region's inhabitants.<sup>79</sup> All are believed to have moved for involuntary reasons, and the number does not include economic migrants. A total of 3.3 million were deported to be repatriated in their country of ethnic origin (for example, the Crimean Tatars), another 2.3 million IDPs plus 700,000 refugees sought protection from deadly conflict (such as in Tajikistan or between Armenia and Azerbaijan), 1.2 million were from past deportations, and nearly 700,000 were forced to leave their homes because of dangerous environmental hazards. It is impossible to predict how many more will move, over what time period, and with what detrimental social, economic and political consequences for the future peace and prosperity of the CIS states. As former UNHCR Assistant High Commissioner de Mello notes:

The main problem lies in the very porousness of the borders of the CIS countries (in strong contrast to the borders of Western Europe). The issue is not so much how to close the borders, but rather how to prevent massive movement of populations.<sup>80</sup>

Russia opened the opportunity for the international community to help the new states of the CIS take positive steps to prevent ethnic tensions from exploding into complex emergencies and more forced displacements. In 1993, Foreign Minister Andrei Kozyrev proposed to the UN General Assembly that there be a global conference dedicated to refugees, displacement, and migration issues. With UNHCR already deeply engaged in deadly conflicts in three CIS countries and about to be drawn into the Chechnya crisis within Russia itself, the UN decided to follow its general policy of promoting regional solutions to refugee problems. The General Assembly in December 1993 asked UNHCR to take the lead in organizing the CIS Conference on Refugees and Migrants which it did in partnership with the International Organization for Migration (IOM) and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR). The conference would have three objectives: 1) to provide a reliable regional forum to address problems related to population displacement; 2) to analyze all population movements in the region, in order to clarify and agree on the types of movements and categories of people who are on the move; and 3) to devise a comprehensive strategy at the national, regional, and international levels. This initiative began and developed in ways that could serve as a model for preventive action in other regions with troubled states.

The CIS Conference on Refugees and Migrants was held in Geneva in May 1996. It was an unprecedented and ambitious international gathering to consider preventive action that focused on promoting security within states as a necessary precondition for maintaining peace and security between states. It stands as a monument to the hard work, ingenuity, and good will of those who lead and staff the international organizations involved, coupled with the willingness among the peoples and governments most seriously at risk to cooperate in preventive action. But the weak links in the process once again proved to be the major Western nations whose rhetorical enthusiasm for this program greatly exceeded their willingness to provide the modest financial and political backing to implement a very carefully developed set of principles and Program of Action.<sup>81</sup>

Preparations for the May 1996 conference included two years of extensive consultations with countries and peoples throughout the CIS, with donor countries, and with groups of migration experts. During 1995, two rounds of subregional meetings were held in the Transcaucasus and Central Asia, and a third

involved Belarus, Moldova, and the Russian Federation. The first round reached agreements on defining categories of migrating persons, analyzed the underlying problems motivating movements, assessed government responses, and began to address early warning measures, emergency preparedness, crisis management, and return and reintegration assistance. The second round discussed proposals, principles, and procedures for forging solutions that could be incorporated into the Program of Action. Special attention was given throughout this process to identifying and encouraging NGO participation, although such organizations barely existed in most republics of the former Soviet Union. Helping fledgling NGOs became a major objective of the Program of Action.

The principles endorsed by the Program of Action included commitments to uphold and implement all UN and OSCE agreements to protect human rights and refugees, and emphasized the importance of individual rights (such as freedom of movement and choice of one's country of residence and nationality). States agreed to ensure that all people who were citizens of a previous state and were permanently residing on the territory of a successor state were granted citizenship. States committed to uphold and improve minority rights and the rights of formerly deported peoples and repatriates so that they could return to their ancestral homes.<sup>82</sup>

The institutional framework of the program focused on national reforms and capacity building so that states would be better able to deal with internal problems while becoming capable partners with other CIS members, donor governments, and international organizations.<sup>83</sup> The operational framework emphasized the importance of participation and empowerment for local groups most seriously at risk. It also outlined short- and long-term assistance strategies that anticipated the full engagement of relevant international agencies to deal with emergency assistance, and the repatriation/return/resettlement of displaced persons.<sup>84</sup> The importance of NGOs in building confidence between ethnic and religious groups, and between these groups and governments, was emphasized with procedures outlined to assist the development and protection of fledgling NGOs.

The most hopeful element of the Program of Action is the chapter devoted to prevention. Criteria stipulated for preventive action are described as:

situations [that] range from violations of human rights (including the rights of persons belonging to minorities), and humanitarian law, communal tensions, and internal strife, to social and economic deterioration, environmental degradation and natural, technological, and environmental disasters, [and] internal and international conflicts.

And in language that suggests a growing recognition of the need for greater intrusiveness to deal with human security within states, the program further stipulates:

Since respect for human rights and humanitarian law is a matter of concern to the international community at large, and since population displacement has an impact on stability in the CIS countries, hence on peace and security, the prevention of such situations cannot be seen only as a matter of internal concern, but is of direct and legitimate concern to the international community as a whole. The active involvement of the international community, as well as of nongovernmental organizations and other independent actors in the implementation of activities envisaged in this chapter is therefore warranted.<sup>85</sup>

Strategies for preventing situations that could lead to population displacement included: monitoring and early warning, specific measures that would build on CSCE/OSCE protections already in place, and conflict resolution tools (for example, good offices, negotiations, inquiry, mediation, and conciliation) for conflicts within, as well as between, members of the CIS and neighboring states.<sup>86</sup>

CIS countries and all other participating states and international organizations adopted the Program of Action. It did not contain binding legal obligations. Details of implementation were left for a four-year follow-up period. A steering group made up of government representatives was mandated to meet at least once a year to monitor the implementation of the program. During the first year, UNHCR and the International Organization for Migration announced a number of initiatives that went beyond their traditional mandates. These initiatives would be carried out, in part, through new field offices that are planned to open in CIS countries that had not been previously represented. According to a May 1997 report by the Open Society Institute:

In 1997, UNHCR intends not only to provide material assistance, but also to promote the drafting of appropriate legislation and conduct a public information campaign to raise tolerance levels. IOM, which concentrates on promoting both the integration and return of the displaced, also wants to undertake a variety of research initiatives.<sup>87</sup>

During the first year, interest was generated at the grassroots levels throughout the CIS by the news of the UNHCR/IOM/OSCE initiative. Minorities at risk and displaced groups were encouraged to organize themselves and to seek very modest funding to participate in the Program of Action. Regrettably, the actual implementation of projects has lagged because of the lack of voluntary contributions from donor governments. In July 1996, the two operating agencies issued a joint appeal for 1997 funds totaling \$59 million for UNHCR projects and another \$29.5 million for IOM. Other programs in the budget included \$14 million for small-scale income-generating projects to aid the displaced, \$2 million for legal aid to those seeking protection, \$1 million for education and media programs, and \$1 million to spur local NGO activity. Other items include \$5 million for direct assistance to migrant communities in Russia, and smaller amounts for Georgia (\$2 million); Armenia, Azerbaijan, and Ukraine (over \$1 million each); Tajikistan (\$500,000); and for each of the Central Asian countries except Uzbekistan (from \$26,500 to \$40,000).<sup>88</sup>

These are tiny sums, especially given the importance of preventing deadly conflict in the CIS. Yet as of July 2, 1997, when the steering committee held its second meeting, the only major contribution to the joint appeal had been \$14.1 million from the United States. Japan gave \$205,000 in 1997, the only other major industrial power to do so. Switzerland earmarked \$700,000 for Georgia and Chechnya, while the Netherlands designated \$500,000 for Armenia, and the Scandinavian countries have made small contributions. The real scandal has been the niggardliness of the EU, which has given only \$345,000, and that was restricted to use in Chechnya. Perhaps Europe has become complacent, once the flood of refugees they feared would come in 1989, and again in 1991, failed to materialize. Whatever the reasons, reports filtering out of the CIS are that highly promising attempts by local migrant and refugee groups to organize self-help projects at a cost of \$10,000 or \$15,000 each have gone begging.<sup>89</sup> International NGOs have also been frustrated by this situation and are attempting to further promote the program. Several have undertaken their own initiatives, consistent with the program's objectives. They are developing a database on NGOs interested in the CIS and held their own consultation on the Program of Action in New York on April 2, 1997.<sup>90</sup>

The concluding section of this report offers no formula for building political will among those states with the means, and presumably the long-term interests, for supporting important new initiatives such as the CIS conference. Instead, it highlights several positive, if often overlooked, trends that can strengthen the legitimacy and capacity for preventive humanitarian action in ways that may eventually attract the support of the major powers.

#### **4. Building Constituents, Consensus, and Capacity for Preventive Humanitarian Action**

Much that has been recounted in this report is bound to be discouraging for anyone who believed the victors of World War II when they swore "never again" would genocide be tolerated. The atrocities of the Khmer Rouge in Cambodia, the Serbs of the former Yugoslavia, and the Hutu of Rwanda revealed the hollowness of that pledge. Other failures, such as the U.S./UN debacle in Somalia, and the current spread of ethnic violence throughout central Africa are also disheartening. And finally, the pathetic response of donor governments to the CIS Conference on Refugees and Migrants when their worst short-term fears failed to come true does not bode well for the future of international order in one of the world's most troubled and vital regions. Clearly, the readiness of states to declare their concerns about the security of people and respect for human rights within states is not matched by the political will, international capacity, or normative consensus that is required for action.

Signs of a changing mind-set abound today. Statements by the UN secretary-general, the High Commissioner for Refugees, the secretaries-general of the Organization of African Unity and the Organization of American States, the president of the World Bank, and a host of other representatives of other intergovernmental organizations testify to a growing recognition that human rights abuse, mass displacement, and conflicts within states pose a cumulative threat to international peace and security among states. More and more governments are also willing to embrace these concerns in principle, but domestic and international inhibitions against intervention in the internal affairs of another state have deep political and historical roots. This is particularly so when the threat at issue is not primarily directed against their own national security but the security of people within the troubled state.

The visionaries and framers of this post-Cold War debate are no longer the leaders of the major Western powers who were at the forefront of the international movement to create the United Nations system 50 years ago. Today, the Americans and the Europeans tend merely to badger the UN to cover for their own inadequate responses to massive human rights abuses and burgeoning complex emergencies, while simultaneously pressing for deep cuts in the funding and capabilities of these institutions that were created largely to serve their own best interests. Although these states remain the ultimate arbiters of issues affecting international peace and security they are no longer the architects of that peace. Today's "grand-strategists" of world order are not the most powerful states but still the largely powerless UN secretaries-general, the UN High Commissioner for Refugees, and a handful of others in multilateral institutions. They must come up with broadly acceptable approaches that will accommodate the conflicting interests of member states in ways that will advance the mission of these global institutions, while avoiding the pressures from states with special interests that could lead to more "missions-impossible" (such as Bosnia, Somalia, and Rwanda). Such failures not only undermine the authority and legitimacy of these institutions in other crises, but they paradoxically hurt their standing in the very countries that set them up for failure by demanding too much and paying too little. In a further ironic twist, as leaders of international organizations strive to develop the strategies and programs for balancing the interests of their member governments, particularly with regard to preventing and resolving complex emergencies, they turn more and more to NGOs for practical, political, and indirect financial support.

Between the fall of the Berlin Wall in 1989 and the CIS Conference on Refugees and Migrants nearly seven years later, there has been little actual reform of international institutions. There has been much talk of reform but few clear actions. The most important changes have been in the scope and nature of tasks assigned to international organizations, especially UNHCR and UN peacekeeping operations, as a result of politically forcing circumstances in Bosnia and elsewhere. Further changes may be forced by new crises that could occur at any time in troubled countries such as Nigeria. At some stage, the West's political will to take preventive action may change. It will feel the cumulative effects of the bitter and expensive lessons of too little too late. The result may finally be the authority and resources international organizations need to respond to these crises.

In the meantime, four less dramatic developments that favor earlier preventive humanitarian action are

worth noting and encouraging. The first is a function of the UN's financial straits and the pressures to reform and consolidate operations. Although the current budget crisis is regrettable and is primarily a result of peculiar U.S. domestic politics, it could result in changes conducive to prevention even though humanitarian agencies are not the primary target of the UN's main critics. Secondly, the exemplary behavior and prevention advocacy by governments such as Norway, Canada, the Netherlands, Australia, and several others, who are among the UN's most devoted supporters, are quietly striving to reform and reinvigorate the international institutions required for preventive action. Third, as nongovernmental organizations are increasingly caught up in the horrors of complex emergencies, they are becoming important advocates and agents of preventive action. Finally, a new generation of leaders in countries with greater political and economic stakes in the conditions of human security in other states may be more inclined than their predecessors to shift the balance of sovereign rights and obligations toward promoting and protecting human security, a trend that was evident for the first time among most of the African leaders when they met at the 1997 OAU Summit in Harare.

## **LINKING PREVENTION TO UN SUPPORT FOR HUMANITARIAN RELIEF AND HUMAN RIGHTS**

Most of the debate and resources for strengthening the UN's capacity for humanitarian action has focused on 1) emergency response--quickly raising and deploying resources to deal with whatever crises occur; and 2) sustaining the engagement--serving the needy until refugees can return and a troubled state's reconstruction, reconciliation, and development are successfully under way.<sup>91</sup> Major reforms to how the UN handles its humanitarian responsibilities have been made, or are proposed. A concern of this report is whether these changes will enhance the UN's ability to prevent the outbreak of these crises in the first place.

The 1991 Kurdish refugee crisis in northern Iraq revealed the UN's inadequate emergency response capability and the inability of the UN to coordinate such a large and complex operation. As a result, the General Assembly called for the appointment of an emergency relief coordinator to launch such efforts with the help of a new fund-raising program (the Consolidated Appeal Process), a Central Emergency Revolving Fund, and the advice of a new Inter-Agency Standing Committee (IASC). In 1992, Secretary-General Boutros-Ghali created a Department of Humanitarian Affairs within the UN Secretariat to support the coordinator and, among other tasks, become an integral part of the secretary-general's efforts to give operational meaning to preventive diplomacy in the post-Cold War era.<sup>92</sup>

Skyrocketing demands for humanitarian relief, the effectiveness of UNHCR, and the preference of donors to rely on UNHCR, resulted in that agency assuming more and more operational responsibilities, plus the coordination, early response, and advocacy functions. In the former Yugoslavia it was designated the "lead" humanitarian agency and by the mid-1990s there appeared to be growing support within the international community to designate UNHCR as the lead agency for all humanitarian operations.<sup>93</sup> There were several risks for UNHCR if it were to become an "all-purpose" relief provider, particularly when most of the seriously affected people are caught in the crossfire of a civil war, as happened in Bosnia. Among the criticisms of UNHCR becoming the lead agency, voiced by many within the agency, was a fear that it would be pressed to take on missions beyond its competency and would compromise its original protection mission--a dilemma highlighted earlier in this report when relief workers found themselves only able to feed but not defend the security of the internally displaced in Bosnia and elsewhere. UNHCR should not, it was argued, become merely a surrogate for governments who are unwilling to intervene themselves and that want a UN agency to fill a political vacuum in ways that undermine UNHCR's ability to act impartially in carrying out its main mandate. Moreover, within the UN system, elevating UNHCR to lead agency, to coordinate those intergovernmental and nongovernmental organizations with which it has often come into conflict over resources and roles, would further

exacerbate interagency rivalries.<sup>94</sup>

In July 1997, Secretary-General Annan proposed the dissolution of the Department of Humanitarian Affairs (DHA), but did not designate UNHCR as the lead agency. Instead, he advocated dispersing the operational responsibilities that DHA had accumulated to other agencies and revitalizing the office of the emergency relief coordinator in New York (to be renamed UN humanitarian assistance coordinator) for three core functions:

- 1) Policy development and coordination in support of the secretary-general, ensuring that all humanitarian issues, including those that fall in gaps of existing mandates of agencies such as protection and assistance for internally displaced persons, are addressed. It is also important that there be communication between the Departments of Peacekeeping Operations and Political Affairs, the UN Development Group, and the Office of High Commissioner for Human Rights;
- 2) Advocacy of humanitarian issues with political organs, notably the Security Council; and
- 3) Coordination of humanitarian emergency response, by ensuring that an appropriate response mechanism is established, through IASC consultations, on the ground.<sup>95</sup>

The implications of these reforms is promising for prevention. The expanded role for the High Commissioner for Human Rights would open the way for more effective early warning and response, something that High Commissioner Ogata has been calling for to help lessen the burdens on UNHCR. Shortly after becoming High Commissioner in 1991, she declared "the dimensions of today's refugee issue demand that it be placed in the . . . wider context of human rights."<sup>96</sup> Each year she has addressed the UN High Commission for Human Rights and urged that it assume a more active role warning about human rights problems that could precipitate new refugee flows and that it do more to help protect refugees, asylum seekers, the internally displaced, and returnees, from further human rights abuse.<sup>97</sup>

When the 1993 UN World Conference on Human Rights in Vienna finally agreed to support the creation of an office of High Commissioner for Human Rights, it opened the way for developing a more balanced partnership between the UN's humanitarian and human rights wings. Governments, however, were reluctant to equip the High Commissioner's office with more than a tiny staff and a budget of less than \$1 million. The Centre for Human Rights in Geneva, which does have a staff of more than 120 and a budget of some \$20 million, remained independent of the commissioner's office and merely continued to conduct academic research.

When the first human rights commissioner, Jose Ayala-Lasso, resigned suddenly in early 1997, Secretary-General Annan seized the opportunity and appointed the dynamic and widely respected former president of Ireland, Mary Robinson, as his successor. The secretary-general then announced that he would embark on a diplomatic campaign to attract sufficient voluntary contributions and political support to provide Commissioner Robinson with the means to engage governments more actively and quickly with programs to mitigate human rights abuses.<sup>98</sup> And in his July 1997 report on UN reform he noted that "governments increasingly recognize that respect for human rights . . . is a condition for political stability and socioeconomic progress," and declared:

An analysis of developments and trends in the area of human rights should be incorporated in the early warning activities of the organization; human rights are an essential element in peace-making and peace-building efforts and should be addressed in the context of humanitarian operations.<sup>99</sup>

Secretary-General Kofi Annan informed the General Assembly that he is consolidating the Office of the High Commissioner and the Centre for Human Rights into a single office and pledged that:

The Office of the High Commissioner will assess the work carried out on human rights issues in the Executive Committees [of all UN agencies] and will regularly participate in every stage of the Organization's activities in relation to actual or potential conflicts or post-conflict situations.<sup>100</sup>

In the past two years there have been more than 30 special rapporteurs, representatives, and expert groups to look into the human rights problems of member countries. The secretary-general has further proposed ways to strengthen the UN's technical assistance in areas such as support of legislative and judicial reforms, election monitoring, research and analysis of human rights problems, and early-warning capabilities to prevent conflict and complex emergencies.

Several other steps could improve the operations of the High Commissioner for Human Rights:

Provide High Commissioner Robinson with a special contingency fund, such as the one that was created through voluntary contributions in 1991 for Commissioner Ogata, which would allow the flexibility and quick response necessary to deploy special rapporteurs and fact-finding teams to investigate reports of human rights abuse. These teams would work with governments and NGOs to alleviate these problems, while simultaneously providing other UN offices and interested governments with assessments and "watching briefs" on a potentially troubled country.

For routine monitoring, early warning, and response, the High Commissioner should appoint deputy High Commissioners for all regions (and subregions if the number of states justifies this) to serve a function pioneered across Eastern Europe and the CIS by the OSCE's High Commissioner on National Minorities, Max van der Stoel. For very little money--less than \$1 million annually plus a privately supported foundation that assists with research and analysis of minority problems--van der Stoel has performed countless preventive actions. The UNHCHR needs such a regular field presence around the world, and in carrying out its monitoring and early warning functions it could draw extensively on the local and international NGOs already operating in countries of potential trouble. These NGOs are often reluctant to protest openly about local human rights abuses for fear of harassment, arrest, or expulsion by local authorities.<sup>101</sup> Yet they would likely confide in and welcome the international presence of a representative of the UN High Commissioner.

The UN secretary-general should appoint Francis M. Deng to be his representative on internally displaced persons, as recommended by the Commission on Human Rights in 1992. The position is voluntary and part-time and run out of the Brookings Institution in Washington. It has no operational authority and few resources, and no UN office or staff, save for two junior short-term contract workers and a staff associate provided by Norway, who are all based at the Centre for Human Rights in Geneva.<sup>102</sup> With tens of millions of imperiled IDPs globally, Deng travels the world in a heroic effort to draw attention to the plight of the internally displaced. Prior to his appointment, there was no systematic reporting and monitoring of the protection needs of the IDPs and no international official was charged with raising their problems with governments, or with international humanitarian and development agencies. Clearly, a high priority for the UNHCHR should be a substantial upgrading of this office. Several immediate steps that were recommended nearly two years ago by a Brookings-Refugee Policy Group project include: 1) strengthening the representative's mandate so he can deal more effectively with governments that have serious IDP problems but seek to avoid scrutiny; 2) empower the office to issue statements and reports on an "as needed basis," rather than through annual General Assembly reporting; 3) expand the position to full time, with a much larger contingent of support staff and investigators; and 4) greatly strengthen the

role and the representative's links with the Inter-Agency Standing Committee's Task Force on IDPs that was created in 1992 with the cooperation of the major UN humanitarian and development agencies, plus key NGOs.<sup>103</sup>

Integrating the office of the UNHCHR, the Centre for Human Rights, and the UN secretary-general's representative for the internally displaced should greatly improve the capacity of all three. The Centre's role should be fundamentally changed from a law research facility to a facility that gathers and analyses data on human rights abuse, the conditions of refugees, and the internally displaced. The Centre should also develop a data base of historic and current case studies of human rights abuse that might generate policy relevant insights about the links of this abuse to population flight, rising violence, and complex emergencies. Developing the analytic tools and information for risk analysis and contingency planning would be a valuable asset for not only the UNHCR, but also UNDP, UNICEF, other agencies, and the secretary-general. Although such work will inevitably encounter political opposition from some members, it would be financed through voluntary contributions and could ride the wave of rising international acceptance of human rights abuse as an early warning of potential deadly conflict.

Human rights operations of a strengthened UNHCHR should be better integrated with the work of the UN Secretariat and the Security Council, as well as more effectively linked to UNHCR and the other agencies concerned with humanitarian action. If the secretary-general is to engage actively in preventive diplomacy, he will need a greater capacity to initiate fact-finding and other missions allowed under Article 99. His ability to deploy personal envoys and special representatives should be improved to help governments and minorities at risk to find political rather than violent solutions to their problems. A report to the Carnegie Commission on Preventing Deadly Conflict has outlined a number of ways to improve this important tool of preventive action.<sup>104</sup> The monitoring and early warning functions by a much-improved UNHCHR could inform and help trigger the deployment of personal envoys of the secretary-general. To ensure that human rights become an integral part of all UN peace operations, the Security Council should earmark funds for this purpose whenever they mandate Chapter VI peacekeeping or Chapter VII peace enforcement.

Finally, the integrated operations of the UNHCHR should undertake a major public education campaign on behalf of human rights, emphasizing not only the moral imperative but the importance of human rights abuse as an early warning of potential deadly conflict, and human rights protection as a vital element in conflict prevention. This could be the High Commissioner's main theme as a lead-in to the December 1998 fiftieth anniversary of the adoption of the UN Universal Declaration of Human Rights.

## **UN ACTIVIST STATES: THE CASE OF NORWAY**

Following a burst of U.S.-led cooperation to reverse the aggression of Iraq in 1991, neither Washington nor other major capitals have been willing or able to infuse the UN with the mandates and resources to deal with threats and acts of aggression within states, which have led to a rash of complex humanitarian emergencies. Security Council permanent members have become distracted and divided, while the United States withholds its financial commitments and attempts to unilaterally dictate fundamental changes in how the UN operates. This behavior offends its friends, bemuses its adversaries, and contradicts enlightened self-interest. Meanwhile, the leadership vacuum has been partially filled by the determined diplomacy of about 20 UN "activist countries." Operating independently or through ad hoc coalitions, the cumulative effect of the UN activists has helped the UN and its specialized agencies develop the capability and political support to address the problems of troubled states in ways that are consistent with the broad internationalist outlook of the UN's founders.

The group of activist states include several Scandinavian countries, smaller West European, Latin American, and Asian countries, plus Canada, Australia, South Africa, and New Zealand. Their efforts

appear to enjoy broad support among their citizens. The most economically developed UN activist countries are also among the highest per capita donors of foreign economic assistance. This, coupled with their strong support for the UN, make them considerably influential among the low- and middle-income developing countries that comprise the vast majority of UN members. As the UN struggles with such sensitive issues as human rights, humanitarian intervention, democracy building, and peace enforcement, these activist countries frequently provide the crucial voluntary financial contributions and key personnel to help the UN address these challenges. Mostly, however, the good efforts of the UN activists have been overlooked by a U.S. media that plays such a large role in shaping world public opinion.

The breadth and depth of engagement by the score of UN activist countries is truly remarkable. Norway is an example of how a small but diplomatically active country of 4 million people can help push the UN in the directions of concern to this report. Norway has always been a leading contributor to UN peacekeeping and by 1996 more than 1 percent of all Norwegians were veterans of at least one UN operation. In honor of the UN's fiftieth anniversary, former Prime Minister Gro Harlem Brundtland announced a special \$5 million multiyear contribution to establish an unencumbered contingency Fund for Preventive Action that would be used at the discretion of the secretary-general to investigate or attempt to peacefully resolve a budding conflict.

During the 1990s, Norway has also greatly expanded its role in human rights, humanitarian action, election monitoring, and support of confidence-building measures between antagonistic groups. All of these actions are justified, at home and abroad, as helping to prevent deadly conflict. Furthermore, the contributions come primarily from Norwegian nongovernmental organizations, with the strong backing and substantial financial support of the Norwegian government. The unusually close working relations among NGOs, political parties, and government bureaucrats has been called "corporatism," in contrast to the United States where NGOs are far more numerous but operate independently of each other and of the government.<sup>105</sup> The Norwegian example, however, is more typical of UN activist countries and allows Oslo to mobilize the people and resources to respond quickly and substantially to the needs of international agencies that are engaged in preventive action. UNHCR has been a major beneficiary. To quote a note from High Commissioner Sadako Ogata to the Carnegie Commission on Preventing Deadly Conflict:

Building on the success of the secondment of Norwegian staff to assist UNHCR following the large-scale exodus of Kurdish refugees from Iraq in the spring of 1991, UNHCR formalized the association through an emergency staff standby arrangement. Under this agreement, Norway has provided 170 staff [in the five years] since 1991. They have performed important functions as field officers, telecommunications officers, logistics officers, and base camp managers. This Norwegian staff, drawn from a roster managed by the Norwegian Refugee Council, has assisted in emergency operations . . . in a total of 17 countries.<sup>106</sup>

The Norwegian Refugee Council (NRC) maintains a large standby force that it can deploy quickly for both relief and human rights work. In recent years the NRC has greatly expanded its human rights monitoring, the results of which are fed directly to the Norwegian foreign ministry, as well as to local authorities. Human rights work also increasingly includes election monitoring. The NRC blends human rights and election monitoring in a process that can begin, as in Cambodia, more than a year before the actual elections. Elsewhere, the NRC has monitored human rights abuses in refugee camps and it has had observers in the West Bank to ensure human rights are not abused during the Middle East peace process.<sup>107</sup> Repeated outbreaks of violence, despite the presence of NRC observers, show the limits of observer influence, but where NRC monitors are present the levels of mass violence appear to be lower than elsewhere. Although critics of preventive action may not be persuaded by the counterfactual analysis, there is strong and growing support for such efforts among Norwegians and other UN activists.

As demands for human rights and election monitoring grew, the Norwegian Resource Bank for Democracy and Human Rights (NORDEM) was formed in 1991. NORDEM links human rights with the growing need for election assistance, in ways that often build on the prior work of the NRC in bridging human rights and humanitarian action to help restore peace and protection for the most vulnerable in any dispute. NORDEM, like the NRC, draws on a reservoir of standby volunteers. The Norwegian Ministry of Foreign Affairs helps identify needs and channels NORDEM's efforts. These have included a variety of low-cost projects in support of constitution drafting and reform, assessment of judicial systems, and basic training for organizing and operating elections. Thus, NRC and NORDEM, with strong political and financial backing from the Norwegian government, have become archetypal examples of preventive action and capabilities. They are not alone.

Other large Norwegian NGOs also contribute to both human rights monitoring and humanitarian assistance. Norwegian Church Aid (NCA), Norwegian Peoples Aid (NPA), Norwegian Save the Children (SC), and the Norwegian Red Cross, are four prominent examples. To enhance the effectiveness of human rights reporting, particularly in complex emergencies, these NGOs cooperate closely in sharing information and deciding who will speak out most loudly and thereby bear the risk of offending those responsible, which could result in expulsion. In this way, Norwegian NGOs are able to maintain a presence that many believe is the key to protection and prevention.

As this report has shown, there can be deep moral and institutional dilemmas between human rights activists and those whose primary task is the delivery of humanitarian relief. There are also circumstances where difficult trade-offs between peace and justice cannot be avoided. Yet in a world of proliferating complex emergencies there is clearly an urgent need to try to resolve such dilemmas. Within a commonly held strategic framework that has preventing further bloodshed as its central concern, a division of labor among NGOs and concerned governments is possible, as Norwegian engagement in numerous crises demonstrates.

The Norwegian experience also points to broader lessons. In troubled states NGOs enjoy comparative advantages in access, flexibility, and impartiality for undertaking preventive action that foreign governments are unable to match. Norwegian NGOs have become an important instrument of their government's foreign policy and they are significant actors in their own right. In this case, they illustrate how Norway, a UN "activist" state, gains greater reach and effectiveness internationally in pursuit of its long-term enlightened self-interest. When considering international developments that carry positive implications for human rights, humanitarian relief and preventing deadly conflict, the rapidly growing scale and influence of NGOs around the world is a significant feature of the post-Cold War era.

## **NONGOVERNMENTAL ORGANIZATIONS**

One indication of the growing importance of NGOs in world affairs is in Kofi Annan's July 1997 Program for UN Reform. Under the heading "Civil Society" he notes how NGOs are shaping national and international agendas in a post-Cold War world defined by "two interlocking processes: the quest for a more democratic, transparent, accountable, and enabling governance and the increasing preponderance of market-based approaches to national and global economic management."<sup>108</sup> He goes on to declare:

Virtually no area of UN involvement, either at the policy or operational level, has been left unchanged by this process. Overall, civil society's increasing influence is contributing to a process of enlargement of international cooperation and spurring the United Nations system and other intergovernmental structures toward greater transparency and accountability and closer linkages between national and international levels of decision-making and implementing. NGOs and other civil society actors are perceived not only as disseminators of information or providers of services but also as shapers of policy, be it in peace and

security matters, in development or in humanitarian affairs. . . . [therefore] the secretary-general is of the view that the Organization needs to review and update the ways in which it interacts with civil society . . .<sup>109</sup>

To strengthen the UN's ties with NGOs the secretary-general has pledged "All substantive departments of the UN will designate an NGO liaison officer to facilitate access by civil society to the UN. At the country level . . . the UN system should create more opportunities for tripartite cooperation with governments and civil society."<sup>110</sup> This may not sound like a revolution, but for an intergovernmental organization that, in principle, only deals with sovereign governments, it reflects a recognition by the secretary-general that the UN's own best interests will be served if it builds relationships with politically and economically influential actors that operate above and below interstate relations.

NGOs are not easy partners. They are often fiercely independent and act without accountability.<sup>111</sup> They also may hold political and ideological views that can change and sometimes conflict with governments and international organizations. They are able to engage more quickly and flexibly than governments or international organizations, in part because they are willing and able to bend or circumvent many traditional diplomatic obstacles to such involvement. Their access to local communities often allows them to be much more aware of the early warning signs of trouble than are embassies that may be in a capital city hundreds of miles away. Their reports of a worsening situation can spark more substantial interventions by governments and international organizations.

If the UN and governments are discovering a need for NGOs to advance their interests, NGOs are increasingly requiring official support and protection, particularly when complex emergencies threaten or are under way. NGOs may be close to the action but they are also often most vulnerable to harassment or expulsion if they offend local authorities. They have no diplomatic immunity and can become the targets of warring factions, as has occurred recently in Bosnia and central Africa. This growing interdependence between NGOs and governments and international institutions is still quite new and may be difficult to sustain. Mutual suspicion between the two sectors remains and they can have intense conflicts of interest over whether and how to deal with a troubled state. On balance, however, NGOs are potent allies of the UN and governments for preventing and alleviating conflicts within states.

NGOs are diverse and difficult to define. They are most abundant in the advanced industrialized democracies where they are the sinews of civil society, making up for the shortcomings and restraining the excesses of governments and free enterprise. As the Norwegian example shows and as is confirmed by a comparative study of the role of NGOs in 13 OECD countries, NGOs' size and influence can vary greatly both at home and abroad.<sup>112</sup> The Union of International Associations lists more than 15,000 NGOs that operate in three or more countries and that draw their finances from sources in more than one country. The number of NGOs is growing rapidly.<sup>113</sup> Forty-one NGOs were granted consultative status to the UN in 1948, 377 by 1968, and more than 1,200 by 1997.<sup>114</sup>

The United States has more than 1 million nonprofit organizations with a combined income of over \$400 billion that employ some 8 million people. On a per capita basis, other democratic nations also make huge commitments to the independent sector: 170,000 registered charities in England and Wales, with an income of over \$7 billion; 700,000 nonprofit associations in France that employ 4 percent of the national labor force; 200,000 organizations in Sweden that claim a total of 31 million members, which suggests multiple memberships by that country's citizens; and in Canada \$62 billion passes through registered charities, nearly 13 percent of the country's GNP in 1993, which employ 9 percent of the labor force.<sup>115</sup>

Only small proportions of Western NGOs are active internationally, but the total figures suggest the potential for mobilizing public support for humanitarian intervention. In the United States, although only

about 600 NGOs with budgets in excess of \$1 million per year operate abroad, their combined expenditures of over \$11 billion in 1996 is nearly 15 times greater than what the U.S. government spends for its Continental Development Fund for Africa. In addition, the number and size of these NGOs is rising. During the decade prior to 1995, the number of humanitarian and development agencies registered with the U.S. Foreign Assistance Agency jumped 240 percent to a total of 434. An estimated 40 million citizens donate money to these groups annually, a potentially huge political constituency for humanitarian and other international actions.<sup>116</sup>

Abetted by the revolution in communications and information technology, internationally active NGOs are weaving their own worldwide networks that operate largely beyond the reach of governments, while generating political and social forces that few governments--least of all the leading democracies--can ignore. Moreover, the heads of international organizations are turning more and more to NGOs for political and economic support in carrying out difficult mandates and in lobbying the governments that determine those mandates. The biggest international NGOs, and the ones of greatest interest to the UN's humanitarian agencies are the handful of humanitarian and development organizations such as CARE, Save the Children, Catholic Relief Services, and World Vision, each with budgets in the tens or hundreds of millions of dollars and with thousands of staff around the world. Less conspicuous are two other categories of NGOs involved in early warning and conflict prevention roles of interest to the UN and its humanitarian and human rights agencies.<sup>117</sup>

Advocacy organizations, such as Amnesty International, the U.S. Committee for Refugees, and United Nations associations comprise a second group of NGOs with strong interests in preventive action. Although advocacy groups claim barely 1 percent of funding for NGOs, they have considerable influence and contribute to public policy debates on virtually all major issues in open societies around the world. The most dramatic recent example of their influence was the worldwide mobilization of pressures that led to the Ottawa intergovernmental agreement to ban land mines in 1997. In addition to their influence on particular issues, several of the large advocacy NGOs publish annual global surveys on the status of human rights, refugees, military expenditures, and violent conflicts that have become the common reference points for the media, governments, other NGOs, and anyone else with an interest in preventing deadly conflict.

The third category of NGOs is the smallest but also the one most directly engaged in conflict prevention and management--the so-called Track II efforts that have had some success clarifying differences and reaching nonbinding agreements that can become the basis for more formal UN or other intergovernmental talks. Notable examples of this are the Community of Sant'Egidio, which launched a successful peace process in Mozambique, and the Kettering Foundation's Inter-Tajik Dialogue that by mid-1997 had convened 19 rounds of confidence-building workshops for the main factions in the Tajikistan civil war. Both initiatives helped pave the way for UN-sponsored talks and the prevention of recurring conflict.

In recent years there has been an explosive, although uneven, growth of NGOs in developing and former Communist countries. In some cases, notably South Africa and much of Latin America, NGOs are relatively well established, while civil society is still very thin and fragile throughout the new states that were formerly part of the Soviet Union. Organizations in all of these countries can, often with financial and technical assistance from NGOs abroad, help prevent conflict in local communities before they spark or exacerbate national crises. Examples include the network of grassroots efforts to prevent conflict between Hungarians and Romanians, organized by the Project on Ethnic Relations of Princeton, New Jersey; a German Marshall Fund-supported series of village dialogues in the Czech Republic aimed at easing tensions between Czechs and the Roma (Gypsy) minority; the work of the Presbyterian Church to resolve disputes over grazing and water rights between local communities in war-torn southern Sudan; the Lutheran World Relief training programs in conflict prevention and resolution involving peasants and

agricultural extension workers in Nicaragua; and the Palestinian Centre for Rapprochement between People, which promotes dialogue between Palestinians and Jews.<sup>118</sup> While in South Africa a rapidly expanding and diverse community of internationally nurtured indigenous NGOs that were created during the final two decades of apartheid helped build the political foundation for a peaceful transition to majority rule and avoided what could have been a horrific complex emergency.<sup>119</sup>

Although most governments and international organizations recognize NGOs as legitimate and influential actors in world affairs, the Norwegian example of a public/private partnership in humanitarian action remains exceptional. Most NGOs define themselves as independent of, or in opposition to, governments--even though many depend on government funding or subsidies. There is no agreed international political framework for NGOs, governments, and international organizations to plan for and respond to complex emergencies.<sup>120</sup> The inclusion since 1992 of NGO representation on the Interagency Standing Committee that is chaired by the emergency relief coordinator was a major early step toward institutionalizing cooperation between the UN and NGOs, cooperation that has gained operational significance in successive crises.

Cooperation remains difficult for several reasons, however. First, the imperatives for them to work together are quite new. Prior to the 1990s, governments viewed NGOs as little more than contract workers for disaster relief and technical assistance. Second, there is still intense competition among NGOs for funding, access, and policy influence. Third, the unpredictability and diversity of complex emergencies discourage joint planning and favor *ad hoc* arrangements among coalitions of the concerned. Coordination among NGOs, donor governments, and UN agencies has nevertheless become a popular theme for international conferences.<sup>121</sup> The UN or anyone else obviously cannot impose whatever emerges from such efforts; it can only be achieved voluntarily as a function of mutual interests.

Preventing complex humanitarian emergencies and the deadly conflicts that generate and sustain them will require more than reform of the UN, the activism of a few strong supporters, and legions of NGOs. Political leadership, above all, is needed to develop and defend a compelling rationale for intervention. Governments remain reluctant to take preventive action, especially when this requires intervention in the internal affairs of another state. Interests in preventive action diverge within and between those with the capacity to intervene, and there is no agreed formula for sharing the costs and political risks. In Stanley Hoffmann's view, "There simply is, at present, no international consensus on the need to act preventatively against states that use their sovereign rights to pursue policies dangerous for humanity."<sup>122</sup>

In the mid-1990s such leadership is in particularly short supply among the United States and the other major powers that are domestically challenged and have lost their international bearings. Considerable international disorientation is also evident among developing countries as they continue to gather periodically under the anachronistic banner of the "Nonaligned Movement." Despite the reluctance of many governments to redefine their post-Cold War interests in ways that would make preventive action compelling, there are signs that some political leaders in troubled regions and in international organizations are prepared to give greater priority to supporting human rights and democratic values as a way of reducing the risks of complex emergencies and deadly conflict.

## **NEW VOICES IN AFRICA**

Governments in Africa are beginning to address the domestic problems of troubled states. This might seem unsurprising in a region that has been so badly scarred by ethnic conflicts and the suffering of millions of refugees and internally displaced. African states, however, are among the world's most vociferous defenders of sovereign rights. For nearly four decades African leaders have been nearly unanimous in calling for international respect for the territorial frontiers that they inherited from their

former colonial masters. Except for the post-Cold War secession of Eritrea from Ethiopia, the patchwork of now 53 territorial units has remained unchanged since the imperial era. Despite the recent international outcry over alleged severe human rights abuses to large numbers of refugees in the Democratic Republic of the Congo, the new government of Laurent-Desire Kabila has demonstrated that the demand for respect of sovereignty still can keep outsiders effectively at bay.

Nevertheless, old and overly rigid regional norms of sovereignty appear to be giving way to a new political consensus. In June 1993, at the Organization of African Unity summit in Cairo, the OAU Central Mechanism for the Prevention and Management of Conflict was established with three elements: a central organ of 16 states that rotate annually to convene on short notice to decide when, where, and how to intervene in a burgeoning crisis; an executive secretariat to staff the central organ; and a conflict management division based at OAU headquarters in Addis Ababa.<sup>123</sup> Although this was not the African peacekeeping force that the most enthusiastic backers imagined, the mechanism has taken root and received several million dollars of support from the United States and West European donors. In its first two years, "preventive diplomatic missions" were sent to Somalia, Liberia, and Burundi.<sup>124</sup>

By mid-1997 the conflict management division had developed its own early warning system, based on some 120 variables and reasonably extensive continent-wide information and intelligence gathering procedures. The central organ of 16 states convened to decide how to respond to acute problems in troubled states, such as sending special envoy Mohammed Sahnoun to try to prevent an escalation and mediate an early resolution of the Republic of the Congo (Brazzaville) conflict. When there are less dramatic signs of trouble, such as reports of extreme human rights abuse, military buildups, or the forced displacement of people, the secretariat reportedly has at least been able to summon the ambassadors from the country at risk and has threatened to "go public" with the OAU's concerns if local problems are not resolved peacefully and fairly.

There is much international and regional skepticism about the OAU's capacity to undertake conflict prevention and resolution. The organization has been little more than a rarefied debating forum for autocrats during much of its life and member states have, for the most part, not paid their assessments or sent their most capable people to staff the secretariat. Its few attempts at peacekeeping, notably in Chad in 1992, were not successful. Even its recent and promising efforts at preventive action, such as the deployment of 65 peace observers in Burundi, lack essential radio and other equipment and are poorly organized.

More muscular subregional military efforts condoned by the OAU--notably the West African peacekeeping and peace enforcement operation (ECOMOG--the ECOWAS Monitoring Group) in Liberia--have also been fraught with operational difficulties and allegations of misconduct. In addition, the actions by Rwanda and its Central African allies to back insurgent forces in Eastern Zaire, with widespread evidence of continuing atrocities noted earlier in this report, are reminders that there are also leaders capable of aggressive cross-border military actions that ignore or reject OAU or UN involvement.

Despite this mixed picture, a historic transition in regional security affairs is under way in Africa that could foreshadow the emergence of new norms and capabilities for preventive action. Deadly conflicts have given way to reconciliation and nation building in South Africa, Mozambique, Uganda, Ethiopia, Eritrea, and Namibia. The old guard of autocrats who remain the staunchest defenders of absolute sovereignty are gradually being displaced by more democratic regimes led by advocates of human rights and humanitarian action to stem the forces of fragmentation around the continent.

Among the new voices of reason that resonate across the region and beyond, those from South Africa carry special weight. Deputy President Thabo Mbeki, for example, speaks often of an "African Renaissance" that is full of hope for preventive action:

There are problems that have afflicted the African continent for some decades, great political instability in many countries, one-party states, military coups, internal conflicts, leading to the large number of refugees. . . . We must, as Africans, take our destiny into our own hands. . . . I believe that the notion of renewal, of rebirth of the continent, requires that we must address the question of national sovereignty because the reality is that instability in, for example, the Democratic Republic of the Congo, would have an impact on the rest of Africa, including a country as far away as South Africa. I think it requires the development of a continental consensus. That means that OAU should be able to say, for example, there is trouble brewing in South Africa and we are concerned about that.<sup>125</sup>

Those who share Mbeki's views were given strong encouragement by UN Secretary-General Kofi Annan in a remarkable address to African heads of state during their June 1997 OAU summit in Harare, Zimbabwe. With pointed candor that was unprecedented for a secretary-general addressing member governments, Annan identified domestic political ills that can lead to deadly conflict. He began by describing modern African history as a series of three waves, with a note of hope about the future. But the heart of the matter is the need to curb military rule and respect human rights.

First came decolonization and this struggle against apartheid. Then came a second wave, too often marked by civil wars, the tyranny of military rule, and economic stagnation. I believe that a new era is now in prospect, Africa's third wave . . . of lasting peace, based on democracy, human rights, and sustainable development. . . . The success of the third wave begins with a single and simple proposition--the will of the people. The will of the people must be the basis of governmental authority in Africa, and governments, duly elected, should not be overthrown by force. . . .

Africa can no longer tolerate, and accept as faits accomplis, coups against elected governments, and the illegal seizure of power by military cliques, who sometimes act for sectional interests, sometimes simply for their own. Armies exist to protect national sovereignty, not to train their guns on their own people.

Some may argue that the military regimes bring stability and predictability, that they are helpful to economic development. That is a delusion. Look at the example of South America, where the militaries are back in their garrisons, democracy thrives, and economies soar.

Accordingly, let us dedicate ourselves to a new doctrine for African politics: Where democracy has been usurped, let us do whatever is in our power to restore it to its rightful owners, the people. Verbal condemnation, though necessary and desirable, is not sufficient. We must also ostracize and isolate putschists. Neighboring states, regional groupings, and the international community all must play their part.

The success of Africa's third wave depends equally on respect for fundamental human rights. The conflicts that have disfigured our continent have, all too often, been accompanied by massive human rights violations. I am aware of the fact that some view this concern as a luxury of the rich countries for which Africa is not ready. I know others treat it as an imposition, if not a plot, by the industrialized West.

I find these thoughts truly demeaning of the yearning for human dignity that resides in every African heart. Do not African mothers weep when their sons or daughters are killed or maimed by agents of repressive rule? Are not African fathers saddened when their children are unjustly jailed or tortured? Is not Africa as a whole impoverished when even one of its brilliant voices is silenced?

So I say this to you, my brothers and sisters, that human rights are African rights, and I call upon you to ensure that all Africans are able fully to enjoy them. Let us work together and with the United Nations to develop good governance and respect for the rule of law. When we succeed, Africa will have taken a great step forward.<sup>126</sup>

The UN secretary-general can only exhort member governments. His use of the "bully pulpit" in this way should, however, help shift the focus of political debate in Africa away from state rights and more toward human rights. It should also strengthen the hands of the growing and diverse coalition of multilateralists who are also calling for more effective multilateral preventive action: Sadako Ogata and other leaders within the UN, the score of activist UN member countries, and the growing legion of NGOs that are involved in all phases of humanitarian action. These multilateralists seem to have no illusions about the prevalence and intractability of deadly domestic conflict. Yet none are resigned to inaction. They share a common doctrine, not yet formalized, that holds intervention justified when domestic unrest threatens regional or international security and when serious violations of human rights occur.

## **DECEMBER 10, 1998**

A recurring theme of this report is the centrality of human rights to preventing deadly conflict in the aftermath of the Cold War. If governments want to eradicate the plague of domestic political disasters that develop into complex humanitarian emergencies and threaten the foundations of regional and international order, they must develop the norms, political will, and international capacity to hold each other accountable for how they treat their own citizens.

On December 10, 1998, the United Nations will mark the fiftieth anniversary of the Universal Declaration of Human Rights. Although governments have barely a year to prepare this event, they should seize it as a historic opportunity to rekindle the vision of human rights held by the UN's founders and imbue that vision with fresh practical relevance. Human rights in the aftermath of World War II represented more than a set of abstract ideals as an end in themselves. The extreme abuses of political and personal freedoms under Hitler's Germany were seen, in retrospect, as the stark warnings of a potential aggressor. The drafters of the UN Declaration understood that a government that abused the rights of its own citizens could just as easily abuse the rights of its neighbors. As was noted earlier in this report, however, there was no consensus about how to give this insight operational meaning and the declaration remains a statement of principles without any enforcement mechanisms. With the onset of the Cold War, human rights took on an ideological cast, primarily as a Western policy instrument in the campaign to contain and undermine Communism. Many governments in developing countries found political advantage in this polarization by denouncing human rights as an attempt by the Western powers to fuel domestic divisions, undermine their capacity to govern diverse societies, and to continue to dominate their former colonies. The fiftieth anniversary should be the occasion for reopening the broad issue of human rights abuse as an early warning of trouble and of the types of responses that are appropriate, necessary, and politically feasible.

Some governments will continue to oppose any effort to advance human rights, which they dismiss as "neocolonial" Western interference in their domestic affairs. The 1993 Vienna World Conference on Human Rights revealed, however, that virtually all governments will go along with at least hortatory pledges to support the basic principles of the Universal Declaration. More important, the conference also confirmed that more and more governments seem genuinely committed to improving the rights of minorities, women, children, and other vulnerable citizens as the right and necessary policies for achieving international acceptance and sustainable development. What the conference did not address, however, are the threats to regional and international security that are posed by those states that are unwilling or unable to deal with the most egregious human rights abuses, which are the precursors of refugee flows and deadly conflict.

The general aims of the 1993 World Conference were to broaden awareness and acceptance of what constitutes human rights, to include social, economic, and cultural dimensions, as well as the political and legal protections, and to draw attention to the most vulnerable segments of any society. This was only the second global meeting on human rights since the adoption of the Universal Declaration, the first having been held in Tehran in 1968, and preparations for Vienna were very elaborate. They began in 1989 with the passage by the General Assembly of a resolution calling for a world meeting to review and assess progress made in the field of human rights since 1948. In the four years leading up to Vienna, the UN sponsored an ambitious series of planning meetings in Geneva, plus regional meetings in Tunis, San Jose, and Bangkok to develop a consensus for what became the Vienna Declaration and Program of Action.<sup>127</sup> Representatives of 171 states adopted these documents by consensus, which were subsequently endorsed by the General Assembly.<sup>128</sup>

The Vienna conference can claim major advances in getting governments to pledge their support for the rights of women, children, and indigenous peoples. The final document also emphasized for the first time the interdependence between human rights, development, and democracy. The conference did approve creating a position of UN High Commissioner for Human Rights; however, as noted earlier in this report, there are no mechanisms of enforcement or agreements that include the leverage of reciprocal rights and obligations, such as trade or arms control agreements. Human rights are still only the declared goals of states.

Preparations for the 1998 anniversary are less ambitious but in the same vein as those in advance of Vienna. In 1995, the UN General Assembly called for "a dynamic partnership between governments, UN agencies and programs and regional institutions, national institutions, academic institutions and nongovernmental organizations" in preparing for the fiftieth anniversary.<sup>129</sup> The High Commissioner met with a group of NGOs on December 13, 1996, to discuss artistic events and publications, including suggestions to translate and disseminate the Universal Declaration into more languages. In addition, there have been experts meeting to devise recommendations for voluntary government actions to protect and promote human rights, and meetings on the importance of economic development to create an environment conducive to human security and well being.

Rather than attempting a reprise of the Vienna Conference, the UN secretary-general and the High Commissioners for human rights and humanitarian affairs should use the occasion of the fiftieth anniversary to build political support for using the promotion of human rights as an instrument of collective security. Recalling the underlying concerns of the drafters of the 1948 Declaration, they should focus on the role of human rights as an early warning of situations where the domestic abuses of power could escalate into complex emergencies that threaten regional and international security. The purpose of the December 10, 1998, anniversary should not be to celebrate 50 years of progress in human rights but to announce the start of a new effort to give the declaration operational meaning in preventing deadly conflict.

If the fiftieth anniversary of the Universal Declaration were to focus on human rights abuse as an early warning of a potential crisis and as a criterion for international response, this would raise fundamental issues about the nature of the United Nations and the balance between the Charter's provisions for mandatory actions for collective security under Chapter VII and the guarantee of noninterference under Chapter I, Article 2 (7). The Security Council first decided that severe human rights abuse posed a threat to international peace and security when Britain and the United States finally yielded to pressures from developing countries and their own publics and joined a Security Council majority in imposing a comprehensive mandatory arms embargo against South Africa (1979-1994).<sup>130</sup> Since the end of the Cold War, the Security Council has imposed mandatory sanctions to reverse, or at least prevent a worsening of, domestic crises in Rwanda, Haiti, Somalia, Liberia, Angola, and the former Yugoslavia. In all of these

cases, actions were taken belatedly and with little or no immediate positive effect. Opportunities for earlier preventive action in response to the warnings of human rights abuse were ignored. These more recent lessons should inform the deliberations surrounding the fiftieth anniversary of the Universal Declaration.

Realistically, reaching a consensus on the criteria and mechanisms for linking human rights abuse to preventive action is unlikely in advance of this anniversary. UN leaders, in cooperation with concerned governments and NGOs, however, could use the special meeting of the General Assembly on December 10, 1998, as the political launching pad for developing a new consensus for integrating human rights criteria and assistance to all phases of UN peace operations, but with special emphasis on early preventive action and diplomacy.

The internal character of states has become a legitimate international concern that is no longer tied to Cold War ideological alignments. As Boutros Boutros-Ghali stressed in his 1992 *An Agenda for Peace*:

. . . The task of leaders of states today [is] to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world. . . . If every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well being for all would become ever more difficult to achieve. One requirement for solutions to these problems lies in commitment to human rights . . . [which] should enhance the situation of minorities as well as the stability of states.<sup>131</sup>

As noted at the outset of this report, between 1989 and 1996 there were 96 armed conflicts around the world and only five were between states; the rest were internal, and most reflected ethnic differences.<sup>132</sup> These troubles are more than rekindled ancient hatreds; they are harbingers of difficulties ahead. The major questions that should motivate preparations for the fiftieth anniversary of the Universal Declaration of Human Rights are: How salient are human rights abuses as early warnings of conflicts within states? Should the UN take a more active role in helping governments deal with problems of human rights abuse to prevent such conflicts in the future? If so, then how?

Developing tentative answers to these questions, along with options for government action, does not require the elaborate process of consultation and consensus building that preceded the Vienna conference in 1993. Rather, the High Commissioner for Human Rights has primary responsibility for planning the fiftieth anniversary celebration. The secretary-general should seize the opportunity of welcoming the new High Commissioner, Mary Robinson, and announce that, in addition to the effort already under way, she will prepare a report assessing human rights as an instrument of conflict prevention and collective security that will be presented to a special meeting of the General Assembly on December 10, 1998. The report would address analytic, institutional, and operational issues and be developed in conjunction with the secretary-general's broader program for UN reform.

The analytic work would deal primarily with the lessons learned from UN involvement in past crises, the salience of human rights as a precursor of humanitarian emergencies and deadly conflict, and the human rights dimensions of post-Cold War preventive diplomacy and humanitarian action. The research and analysis would be carried out by the UN Centre for Human Rights, in cooperation with the secretary-general's new Strategic Planning Unit, and with the help of research facilities of other UN agencies. This would be augmented when necessary by external research contracts with leading universities and think tanks around the world. Research and analysis obviously are no substitute for action, but they can inform and give impetus to action, either by helping to remove excuses for doing nothing or by helping avoid actions that cannot succeed and that would undermine the prospects for acting in future contingencies.

The research and analysis can also contribute to institutional reform by strengthening High Commissioner Robinson's role as a member of the secretary-general's new senior management group (SMG). Under the terms of Annan's July 1997 reforms, he will chair the SMG that will comprise the convenors of the UN's four new interagency executive committees (Peace and Security, Economic and Social Affairs, Development Cooperation, and Humanitarian Affairs). Human rights, the fifth core mission of the UN, are advanced by only one specialized agency--UNHCHR--and do not need an executive committee. As noted earlier, the secretary-general has stressed that human rights will be represented at each of the other executive committees and presumably High Commissioner Robinson will be an essential member of the senior management group. By December 1998, there should be solid evidence of how well the secretary-general's plan to "mainstream" human rights is working across all UN departments, programs, and funds. High Commissioner Robinson should also have developed specific insights into the current and potential role of human rights as an early warning instrument in advancing the UN's mission in peace and security and humanitarian affairs. These findings can be a major contribution of her report and, together with the research and analysis, provide a solid context for the operational sections.

There should be at least two parts to operational prevention. The first would deal with the immediate tactical benefits of incorporating early warning of human rights abuses and response into the preventive actions undertaken by the secretary-general. Under Article 99 of the Charter, the secretary-general "may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." Although this provision has been rarely used in the past, it has new potential as an instrument for preventive action now that the Cold War is past. In recent years the secretary-general also has been able to use personal envoys and special representatives to help defuse and manage potential crises.<sup>133</sup> Still, the secretary-general has too little capacity to do the global monitoring and assessments that are required for adequate early warning, and he is even less well equipped to engage the parties to a local dispute in efforts of conflict prevention. The High Commissioner's report should highlight the importance of the human rights component for the secretary-general's preventive actions and should suggest ways to strengthen this capability.<sup>134</sup>

The second operational component would be of a longer-term and strategic nature. High Commissioner Robinson's special report in December 1998 should anticipate the deliberations two years hence when the secretary-general has proposed that the General Assembly in the year 2000 be convened as a "Millennium Assembly," with a summit segment. "Heads of Government," Annan suggests, "could come together to articulate their vision of prospects and challenges for the new millennium and agree on a process for fundamental review of the role of the United Nations."<sup>135</sup> Although it is likely that the "Millennium Assembly" will be more form than substance, governments could use it as a forum for deciding how best to balance states rights and human rights.

The purpose and import of this exercise would not be to promote human rights for moral or ideological reasons, but to tie the defense of human rights to a new collective security strategy of conflict prevention. In a sense, it would be an overdue effort to meet the fundamental concerns of the founding members of the United Nations. The 1945 approach to peace building marked a significant departure from past practice. Instead of repressing former enemies, the United States led an unprecedented effort to assist their reconstruction in ways that would encourage them to become capable partners, economically and politically. For the rest of the world, however, the founders of the UN preferred to concentrate on building capable economic partners while reinforcing the traditional norms of sovereign equality and noninterference. They limited the new collective security provisions of the UN Charter to threats of international aggression, not domestic repression.

When the Cold War ended no one proposed convening a major peace conference to consider how to prevent future conflicts. By the 1990s, the threat of a third world war among the major powers had at last all but disappeared. The strategic realignment that had occurred with the trilateral alliance of Europe,

North America, and Japan and the peaceful dissolution of the Soviet Union was no less significant than those that produced the treaties of Westphalia (1648), Vienna (1814-1815), Versailles (1918), or San Francisco (1945). Although there was no need for governments to reconvene to design more durable arrangements to prevent another major interstate war, they made no serious attempt to prevent the conflicts that have led to more than 4 millions deaths since 1989 and the hordes of refugees and internally displaced that have been the subjects of this report. It is therefore not unreasonable to assume that future historians may one day ask why there was no major peace conference following the Cold War.

If the governments attending the "Millennium Assembly" were able to develop the norms, capacity, and will to act collectively in support of human security--at least to the degree that they have been willing to support state security--this gathering might rival the significance of the San Francisco conference of 1945. The 1998 special meeting of the General Assembly to consider the link between human rights and collective security would be the logical next step in this direction. After the Cold War the internal character of states has become a matter of increasing non-ideological concern. More and more governments in Latin America, Africa, Asia, and the former Soviet bloc are discovering common interests in promoting regional and international standards of human and minority rights, if only to keep potential refugees at home.

A historic convergence of national interests and support for basic human rights may be emerging from the terrible realities that may lead historians to one day label the immediate post-Cold War years as the era of complex humanitarian emergencies. The frequency of these intensely violent local conflicts and their international effects are unprecedented and were unforeseen. The widening international consensus on protecting human rights, and the rise of democratic values that ultimately are the only way to prevent these conflicts, have, however, been evident for some time. Nearly 20 years ago, the U.S. multilateralist Harlan Cleveland foresaw the basis of the emerging international order that Kofi Annan might well agree should be the core concern of the "Millennium Assembly." In a 1979 essay on the internationalization of human rights, Cleveland noted that:

We may be living, even if we are not yet noticing and articulating, through one of those profound shifts in human values that comes along once a millennium. . . . The idea of human rights--the notion that societies should be managed "as if people mattered"--is so fundamental, so "natural," so obvious once revealed, that it just may be the first revolution to achieve a global reach, the first world-class superstar in the history of political philosophy.<sup>136</sup>

If this proves prophetic, there may finally be hope of protection for people in peril. Governments must, however, become more willing and able to act collectively to promote human rights as a way to reduce the need for humanitarian assistance and to prevent deadly conflict. Over the long term, a new balance must be struck between the competing imperatives of human rights and sovereign rights if peace and security are to prevail within and between states.

## Notes and References

1. U.S. State Department intelligence officer Charles Jefferson uses the term "troubled states" for "those countries which for internal reasons have attracted the interventionist attention of the international community. . . . It is more policy-oriented than the frequently used "failed states" or "collapsed regimes." . . . It applies also to circumstances in which a regime is unwilling to succor its citizens in the face of natural or man-made disaster. It applies as well to those cases in which a regime is in complete control but is engaged in behavior so odious that intervention . . . is mandated by international authorities or undertaken by other states." Charles J. Jefferson, "'Troubled States' in Today's World" (Second International Workshop on Low Intensity Conflict, Stockholm, June 4-6, 1997), publication forthcoming.

2. For thoughtful reflections on the political roots of this reluctance see: Edward Mortimer, *A Few Words on Intervention: John Stuart Mill's Principles of International Action Applied to the Post-Cold War World* (London: John Stuart Mill Institute, 1995).
3. Alexander L. George defines stable peace as "a relationship between two states in which neither state considers engaging in the use of military force, or even making a threat of force in any dispute between them." Stable peace he distinguishes from "precarious peace"--an acute conflict relationship when "peace" means little more than the temporary absence of war--and "conditional peace"--a less precarious conflict in which general deterrence plays the predominant role except in infrequent crisis or pre-crisis situations in which one or both sides resort to "immediate deterrence" to avoid war. The U.S.-Soviet relationship during the Cold War is the prime example of conditional peace, a precarious peace prevails in the Middle East, but Germany and France now enjoy a stable peace. Alexander L. George, "Foreword" in James E. Goodby, *Europe Undivided: The New Logic of Peace in U.S.-Russian Relations* (Washington, USIP Press, 1998).
4. The term "complex emergency" emerged in the early 1990s in the corridors of the UN General Assembly during negotiations to establish the Department of Humanitarian Affairs (DHA) as an overall coordinating body in the UN Secretariat, headed by the DHA's under-secretary-general, who is of equal rank to the heads of the other main operating departments, Peacekeeping Operations and Political Affairs. The term is ambiguous because it is often used to describe both the complex origins and nature of the conflict itself, as well as the complexity of the international response to ameliorating the human suffering and resolving or at least containing the local conflict. What is different about the post-Cold War era is not the complexity of local forces that spawn mass violence, but the scope and nature of the international response. It is the latter dimension that is the primary focus of this report. "Complexity," explains Astrid Suhrke, "refers to the interlocking causes, justifications, and aims, which require more comprehensive solutions than those devised by simple 'relief' measures." In Astrid Suhrke, *Humanitarian Assistance and Conflict: A 'State of the Art' Report* (Bergen, Norway: Chr. Michelsen Institute, 1997), p. 10. "Complex prevention" is used in this report in a similar way, to indicate the causes, justification, and aims of mass violence within states that require more intricate and comprehensive measures than are involved in national defense strategies for preventing conflict between states.
5. U.S. Mission to the United Nations, *Global Humanitarian Emergencies, 1996* (New York: United States Government, February 1996), p. 3.
6. Figures cited by Ted Robert Gurr and Will H. Moore in "Ethnopolitical Rebellion: A Cross-Sectional Analysis of the 1980s with Risk Assessments for the 1990s," *American Journal of Political Science* 41, no. 4 (October 1997): 1079-1103. The data in this study may be obtained on the University of Maryland's Minorities at Risk Project Web site: [www.bsos.umd.edu/cidcm/mar](http://www.bsos.umd.edu/cidcm/mar). Of the 58 conflicts, 20 are rated as "major armed conflicts," defined as those that caused more than 1,000 deaths in the preceding year; and 38 are rated as lower-intensity conflicts, defined as those that caused 100 to 1,000 deaths in the preceding year. Another recent study, *Armed Conflicts Report, 1997* (Project Ploughshares, Institute of Peace and Conflict Studies, Waterloo, Ontario, summer 1997) estimates that in 1996 there were more than 40 deadly conflicts that killed more than 1,000 people in about 35 countries.
7. Christer Ahlstrom, *Casualties of Conflict: Report for the World Campaign for the Protection of Victims of War*, Department of Peace and Research, Uppsala, 1991, pp. 8, 19.
8. U.S. Committee for Refugees, *World Refugee Survey 1997* (Washington: U.S. Committee for Refugees, 1997), p. 8.
9. U.S. Mission to the United Nations, *Global Humanitarian Emergencies, 1997* (New York: United

States Government, April 1997), p. 5.

10. U.S. Committee for Refugees, p. 12. The 11 countries are Austria, Belgium, Canada, Denmark, France, Germany, the Netherlands, Sweden, Switzerland, the United Kingdom, and the United States.

11. Adam Roberts, *Humanitarian Action in War* (London: International Institute for Strategic Studies, 1996), p. 12.

12. Michael Maren, *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity* (New York: Free Press, 1997), p. 237.

13. Ruth Leger Sivard, *World Military and Social Expenditures, 1996* (Washington, D.C.: World Priorities, 1996), p. 11. Figure is for 1994.

14. Ambassador Princeton Lyman, Assistant Secretary of State for International Organization Affairs, U.S. Department of State, remarks published in *Healing the Wounds: Refugees, Reconstruction and Reconciliation*, Report of the Second Conference Sponsored Jointly by the United Nations High Commissioner for Refugees and the International Peace Academy, June 30-July 1, 1996, p. 49.

15. Isaiah Berlin, "Return of the Volksgeist: Nationalism, Good and Bad," in *At Century's End: Great Minds Reflect on Our Times*, ed. Nathan P. Gardels (La Jolla: ALTI, 1995).

16. Ted Robert Gurr and Will H. Moore, "States Versus Peoples: Ethnopolitical Conflict in the 1980s with Risk Assessments for the 1990s," April 30, 1996; Ted Robert Gurr and Michael Haxton, "Minorities Report: Ethnopolitical Conflict in the 1990s: Patterns and Trends," April 1996; and for fuller background see: Gurr, *Minorities at Risk* (Washington, D.C.: United States Institute of Peace, 1993).

17. Mohammed Ayoob, "The Old-New Disorder in the Third World," in *The United Nations and Civil Wars*, ed. Thomas G. Weiss (Boulder: Lynne Rienner, 1995 ), pp. 13-30.

18. Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1992), para 17. These ideas were more fully developed in Boutros-Ghali's *An Agenda for Democratization* (New York: United Nations, 1996).

19. International Bank for Reconstruction and Development, Articles of Agreement, IV, Sect 10. "Political Activity Prohibited," states: "The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions. . ." One international financial institution with a mandate to promote political change, namely democracy, within its borrowing members is the European Bank for Reconstruction and Development. See EBRD web page, <http://www.ebrd.org/intro/index.htm>. Also, Melanie H. Stein, "Conflict Prevention in Transition Economies: A Role for the European Bank for Reconstruction and Development?" in *Preventing Conflict in the Post-Communist World*, ed. Abram Chayes and Antonia Handler Chayes (Washington, D.C.: Brookings, 1996).

20. For a review of this history see John Stremlau and Francisco Sagasti, *Preventing Deadly Conflict: Does the World Bank Have a Role?* (Washington, D.C.: Carnegie Commission on Preventing Deadly Conflict, 1998).

21. For a review of these early internal deliberations see Operations Policy Department of the World Bank, *Governance: The World Bank's Experience*, November 29, 1993.

22. World Bank, *World Development Report 1997: The State in a Changing World* (New York: Oxford University Press, 1997).
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26. Melanie H. Stein, "Conflict Prevention in Transition Economies: A Role for the European Bank for Reconstruction and Development?" in *Preventing Conflict in the Post-Communist World*, ed. Abram Chayes and Antonia Handler Chayes.
27. See, for example, Thomas G. Weiss and Leon Gordenker, eds., *NGOs, the UN and Global Governance* (Boulder: Westview, 1996); Ian Smillie and Henny Helmich, eds. *Nongovernmental Organizations and Governments: Stakeholders for Development* (Paris: OECD, 1994); and Landrum R. Bolling, *Private Foreign Aid* (Boulder: Westview, 1992).
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35. For background and interpretation of the provisions see chapter 3 in Arthur C. Helton, "Refugees: An Agenda for Reform," in *Human Rights: An Agenda for the Next Century*, ed. Louis Henkin and John Lawrence Hargrove (Washington, D.C.: American Society of International Law, 1994).

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55. Michael Pugh and Alex Cunliffe, "The Lead Agency Concept in Humanitarian Assistance: The Case of UNHCR," *Security Dialogue* 28, no. 1 (March 1997), pp. 17-30.
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74. Ibid., p 5. As of mid-May 1997, only the International Committee of the Red Cross (ICRC) had categorically refused to comply with the use of facilitators.
75. Ibid., p. 9.
76. Open Society Institute, *Forced Migration Projects: 1995 Annual Report* (New York: Open Society Institute, 1996).
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83. Ibid., "Institutional Framework," pp. 6-11.

84. Ibid., "Operational Framework," pp. 12-18.
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88. Ibid., p. 2.
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91. See, for example: *Healing the Wounds*, a report of the second conference sponsored jointly by the United Nations High Commissioner for Refugees and the International Peace Academy, 30 June-1 July 1996.
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95. United Nations, "Renewing the United Nations: A Program for Reform," Report of the Secretary-General, July 14, 1997, p. 51.
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97. All of High Commissioner Ogata's statements before the Commission on Human Rights can be found at the UNHCR's Web site: <http://www.unhcr.ch>.
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100. Ibid., p. 55.
101. Rotberg and Weiss, *From Massacres to Genocide*, pp. 149-168.
102. "The Representative of the Secretary-General on Internally Displaced Persons," in Roberta Cohen and Jacques Cuenod, *Improving Institutional Arrangements for the Internally Displaced* (Washington, D.C.: Refugee Policy Group, October 1995 ), pp. 46-48.

103. For an elaboration of these recommendations see: *Ibid.*, "Strengthening the Position of the Representative," pp. 58-59.
104. Cyrus Vance and David Hamburg, *Path finders for Peace* (Washington, D.C.: Carnegie Commission on Preventing Deadly Conflict, 1997).
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