

OLD ILLS, NEW REMEDIES?

Cedric Thornberry, 30 September 2002, Helsinki

Mr President -

As you will remember, the extraordinarily free and fair elections in Namibia in 1989, which you yourself supervised and controlled, coincided precisely with ³the Fall of The Wall² and prompted much speculation. You will also recall, Mr President, the arrival in Windhoek, a few days later, of the 20th Century Magi, its Wise Men, coming in disguise as Ambassadors Plenipotentiary, and despatched by their Governments, to find urgent answers. ³What did you do here? However did you civilise the South African Government? Won't you, please, give us copy of your Blueprint?²

The answer we gave our diplomatic friends was not quite what some of them wanted :- we said, in effect, that every crisis situation demands its own particular remedy, which takes account of all the relevant circumstances. Above all, there is no ³One Size, Fits All² in peacekeeping - or international crisis management.

But a new, post-Wall political environment did allow new access to some old problems, especially in Eastern Europe and South Africa, and helped to develop some novel remedies. In those days, ³classical², Chapter VI, peacekeeping had been seen as a remarkable UN invention. But it had rather limited application, and when I first went peacekeeping nearly twenty five years ago there had been just twelve operations in the previous more than thirty years. Some were very small military observer missions - though the UN had also of course a large presence in Cyprus and in the Congo where, under Dag Hammarskjold, it had played a major active role in holding the country together, and allowing it to take some kind of decisions about its own self-determination.

In its ³classical² form a UN peacekeeping mission helps to freeze a situation, and usually has a few battalions, plus some logistics and military observers, is often stationed between the parties¹ front lines, and is usually led by a two or three star general. Meanwhile others, not always from the UN, seek a long-term solution to whatever the problem was that had brought about the crisis. It is still a valuable tool, helping to deal with many international problems.

In Namibia, by contrast, the UN operation was deeply involved in the process of change, peace-building and national reconciliation, and had been entrusted by the Security Council with bringing about free and fair elections, after first forcing enough political and legal change to enable the population to have a realistic chance of exercising a free choice about their future. In Namibia, peacemaking and peacekeeping were in the same

hands (the alternative could have been a nightmare)

It was clear to us that a ³peacekeeping operation² could be tailored to deal with a wide variety of circumstances, and could achieve many different objectives. - provided that - a few - fairly elementary and self-evident - rules were observed. These included the need to have adequate and timely resources, to have the continuing support of the Security Council and the Secretary-General, and the continuing co-operation and consent of the parties, against whom - in peacekeeping - only minimum force might be used in self-defence. Other subordinate but vital rules were about the legitimacy of the operation and related to, for instance, the antecedents and nationality of the leadership of the mission and of the troop contingents, the impartiality of the mission's conduct, and, of course, the objectivity of the Security Council in dealing with the subject-matter.

The Namibian operation of 1989-90 broke a great deal of new ground, though it was squarely founded upon the experience of the Organisation in what by then had amounted to seventeen operations. Thus, UNCIVPOL was reintroduced in a supervisory and human rights¹ role, a major public information and outreach programme was set up, UNTAG drew upon UN staff members of all nationalities, and appointed women to all levels (not only at a secretarial) at almost a 50:50 ratio with men. There was a first huge pre-election return programme for refugees and former fighters (though nothing like as large as those that took place later in, for instance, Cambodia and Mozambique); and the UN deployed its personnel - civilians, civil police and military - throughout the whole of the country. Its central function - that of supervising and controlling elections for a first constituent assembly - was conducted by, overall, nearly two thousand UN personnel who came and went as required in the various electoral stages. Its planning also incorporated some basic military maxims :- ³he who plans should do,² and ³time spent on reconnaissance is rarely wasted².

Almost unnoticed at the time, UNTAG focused from the start on the process of national reconciliation and nation-building, and the political parties did not delay in following this lead.

This pioneering operation, together with a new world political environment that was allowed to develop, permitted the creation of new remedies, and by the 1990s, complex international peace support operations, with active UN mandates, were taking place throughout the world. A number - such as those in Mozambique, Macedonia, Eastern Slavonia and East Timor - were rather - or very - successful; others, less so. It was uncomfortable, trying to lead a UN peace support operation in the field at this time. Sometimes, the Security Council appeared to understand such operations and their basic principles only imperfectly. In some cases it produced Resolutions and Presidential Statements with happy abandon, in total disregard of what could and could not be done with existing resources.

One three-star western general, trying to achieve humanitarian results under difficult circumstances in Bosnia, stated publicly that he no longer even read Security Council Resolutions; they became longer and longer, he said, the less connected they were with reality. Reality included that we in UNPROFOR were by that time taking more than one fatality per week as well as, in a typical period, many other casualties. In what was supposed to be a peacekeeping mission, many of our personnel came under fire on average every few days; and most had no fully secure shelter.

Yet those basic principles of peacekeeping that I have just mentioned were often disregarded in New York. As regards former Yugoslavia, nobody could apparently explain to the Security Council the essential difference between peacekeeping under Chapter VI of the Charter, and enforcement under Chapter VII - with the far-reaching differences between two forms of military action, weaponry and deployment.

Unhappily, this Security Council crisis coincided with a division of opinion in the United States defence establishment over the role of international peace support operations - a division which is still evident - and with a serious military miscalculation in Mogadishu which brought about many casualties and a widespread political reaction in the States. (I spent some time in Mogadishu and Somalia shortly after, and was dismayed to see that UN personnel sent to protect Somalis were instead themselves having to be protected from the anger of the disillusioned citizens).

Nevertheless, other bodies, and most particularly NATO, began to experiment - in Bosnia and elsewhere in the Balkans - with the peacekeeping concept, adapting it to the circumstances they found. NATO had a steep learning curve and brought to peace support operations the joint training and immensely detailed co-ordination that had been instilled in western defence methods in its forty-odd years.

In the seven years since NATO/PfP operations and exercises began, one has witnessed an encouraging growth of understanding in its ranks of the roles of such bodies as the UN, UNHCR, the International Committee of the Red Cross, the World Food Programme, UNCIVPOL, and major intergovernmental and non-governmental bodies such as OSCE and Medecins Sans Frontieres - and of the need to co-operate together to achieve optimal results. Indeed, I am not always sure that all civilian bodies have a similar understanding of the concerns of their opposite numbers in the military ...

Moves towards regionalism in peace support and crisis management have well-known advantages and drawbacks which have recently been reiterated in some dramatic African and European situations, and I do not think I have time to discuss them at any length today. Former Secretary-General of the

UN Boutros Ghali was much attached to regionalism, and such bodies do, of course, have a closely specified role under the UN Charter, in Chapter VIII, dealing with ³Regional Arrangements². But I feel that there is a need, elsewhere, to clarify their place and their, as it were, constitutional functioning. You will recall, for instance, that the UN Charter and the UN's Staff Rules are firm in supporting the independence of the UN and the answerability of its staff members to the Secretary-General, only. Despite the positive aspects of regionalism, which are there for all to see, one should remain vigilant against the possibility of stumbling into illegal intervention and even, in the twenty-first century, any form of neo-colonialism. I think it also remains to organise the international community so that we can avoid duplication and even multiplication of effort - easy to say - yes, I know - everybody favours coordination, but not for themselves ... The issue remains.

It has been refreshing to re-read the Brahimi Panel Report on UN peace support operations. Its forthright comments and proposals deserve every support. By the time it was written, in 2000, 53 peace support operations had taken the field, and their annual budget was around \$2.6B - a drop in the ocean compared with the size of national defence budgets, and extraordinarily good value for money. The re-organisation of the UN's DPKO is welcome, though its growth by more than 200 persons is not without evident dangers.

The widespread presence of ngos, and of the media, is another of the major changes that have taken place in the last ten or fifteen years. We felt, in Namibia, quite overcome by the fifty or so ngos, and the couple of hundred journalists who visited. The press later made its way to Somalia, Central Africa and, of course, Bosnia and Herzegovina. In ex-Yugoslavia as a whole there must have been nearly a thousand ngos of all descriptions and loyalties and degrees of professionalism, and, when I left there, we had issued nearly 6,000 sets of press credentials, most to the international press.

No-one who saw the news being put together by CNN journalists on some sniper-ridden corner in Mostar, or beside the horror of a mass grave in Vukovar, or under the reinforced concrete ramp at the PTT building in Sarajevo, can have had any doubt that the young men and women of the media believed they had an important mission, every bit as passionately as the rosy-cheeked UNPROFOR platoon leaders - a media mission to bring home realities to the people in their own countries, and often give them the chance to check the media's perception of those realities against those of their government ministers and spokespersons. Everyone today, I suppose, is aware of what is called the ³CNN factor², and of the awakening of electorates to common bonds of humanity. Even if it happens on a rather selective basis, following the cameras.

The Fall of the Wall helped to liberate a variety of democratic, including human rights¹, elements, imposing new populist pressures upon governments. This on balance seems to me to be rather a healthy trend, even though the press bit me in the leg with some regularity when I was in the field. I see no principle why the conduct of foreign affairs should not be subject to the same democratic evaluations as any other area of decision-making. But it is true that in regard to ex-Yugoslavia many governments simply did not know what to do until near the end of the war, and that others were scared of the implications of just about any course of action they took there, and thus felt especially harassed by the media..

One of the more traditional and formalised means of peacefully settling international disputes (as set out in Chapter VI, article 33 of the UN Charter) is of course by submitting them to a court for judicial settlement. And we are seeing an absolute explosion of judicial business, these last few years - with, in Europe and Africa, courts determining the guilt of politicians and generals for unspeakable acts of, sometimes, even their subordinates. The regional human rights¹ bodies, too, have become active and respected upholders of standards which their leaders have promised their citizens to uphold.

Just thirty years ago any lawyer taking his client's case to the European Court of Human Rights, was regarded as being - on a scale of insanity - somewhere between intolerably eccentric and incurably mad. But these few years have seen an historic revolution in the position of the individual and of non-state entities in the theory and practice of international law. It is with good reason that the Pinochets of this world fear the advent of an International Criminal Court with a general jurisdiction. But the protection of human rights is a two-way street, and I can think of no good reason why the same law that guarantees my human rights should not intervene against me when I trample on those of my neighbour.

Personally, I am still affected by the experience I once had near Osijek in Eastern Slavonia when our troops caught a gang in the act of burning down a Croat house in a small village, and driving away the inhabitants (it might just as well have been a Serb house in a Croat village). The residents were simple peasant people who had held out against the dreadful practice dismayingly called ³ethnic cleansing². Next morning I saw the ringleaders. I warned them that the practice had to stop - their leaders had agreed, and I warned them about the new Yugoslavian International Criminal Court. I can hear them, today, sneering as I told them of its jurisdiction and powers. They fully believed they were beyond and above the law.

One of the most interesting and rapidly growing international actions relates to the groups, inter-governmental, governmental and non-governmental, advocating and assisting in the establishment of democratic government - a concept that has never seen such an advanced

high-water-mark as today.

The desire of populations for information about setting up effective working democracy in their countries has become well-known - ranging from party fund-raising, to the creation of information-bases and libraries for parliamentary work, to training programmes for all parts of the system - for candidates and party workers, for electoral officials and poll-watchers. In many instances all the parties' activists were invited to one or another of these programmes and all came, often for the whole day each day of the week. Their appetites for knowledge and understanding of every practicality of democracy seemed inexhaustible. OSCE and some non-governmental organisations have done especially important work in this field, and the UN, too, after many years of silence on the subject, has become active.

I have been somewhat upbeat this morning in my brief and rather breezy tour d'horizon. But now I must say less comfortable things. Much of our society has made truly remarkable progress in finding just and responsible ways to resolve crises in the years since 1990. But it has also to be said that millions of people are losing their new faith in democracy because of election abuse by senior officials and their party machines, and by the failure of governments to meet the needs of their peoples, material and non-material. I myself have seen some acts of extraordinary and brutal cynicism during elections in the Caucasus and Central Asian regions in the last few years.

According to UNDP's Human Development Report for 2002, 81 countries have moved, since 1980, to some form of democracy, and 33 military governments have been replaced by civilian ones. Nearly 140 out of the world's approximately 200 independent countries have held democratic elections. But, UNDP notes, there is a continuing failure by the international community to estimate accurately what it takes to have a functioning democracy, and it, too, notes with alarm the falling participation rate in almost all countries' elections in the last years. Millions, it says, are losing faith in democracy because of the prevalence of election fraud and abuse.

This is something with which the international community can deal, if it so chooses, though there are many reasons for falling participation rates in most of the world, other than the notorious electoral activities of the so-called 'Power Ministries' in some formerly totalitarian states, and their equivalents, elsewhere.

Another reason for alienation has been the failure of newly-established democracies to bring about substantial economic progress for the vast mass of their citizens. Nearly half the world's population of around 6 billion live on less than two dollars a day, and the populations of more than 60 countries have lower per capita incomes than in 1990. According to UNDP, a

major reason for the situation is the failure of rich countries to expand free trade quickly enough to help these struggling economies. Today's farm subsidies in western countries may yet exact a higher cost than that merely paid by their exchequers.

We are much better equipped, today, to deal with the symptoms of crisis, even pre-empting future crises, than ever before. In this regard, I believe that the recent history of Macedonia, since the deployment of a pre-emptive UN peacekeeping force in 1993, is worthy of the most intensive study, because for once the international community did act like a community and has managed - at least so far - to achieve a kind of equilibrium which the recent elections there, aptly and closely observed by OSCE, have further developed. Taking this case in point, focused action now, to deal with underlying problems, and not only their symptoms, will I believe be both welcomed by the Macedonian people and applauded by most if not all of their neighbours.

It also seems to me that one of the dangers which we face if we concentrate overmuch on the symptoms of crisis, at the expense of their substance, is a growing peril, an endemic cycle of poverty, dictatorship, hopelessness, alienation and terrorism in much of the world, and that the west will soon find that it thinks it needs to create an Orwellian fortress complete with massive external walls and appalling laws. The shocking tragedy of 11 September last has perhaps foreshadowed some of the menace.

The brief I was given this morning was to help set the scene as to where the international community stands in its capability to manage crisis and conflicts, how conflicts and peacekeeping have changed after the end of the Cold War, to talk about new challenges in regard to the rule of law and good governance - and many other things, some of which I have been able only to touch upon.

In summary, then, I believe our society has been quite inventive over the last decade in its creation of new methods. But there is no substitute for political will, including political prioritisation in regard to these problems. I am not sure that in regard to our world society's root problems, we can say that we have yet met that test. Failure to do so, however, could have alarming consequences.