

JOAN B. KROC

Distinguished Lecture Series

The Honorable Gareth Evans

*Preventing Mass Atrocities:
Making “Never Again” a Reality*



JOAN B. KROC
INSTITUTE FOR
PEACE & JUSTICE
UNIVERSITY OF SAN DIEGO



JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE

Distinguished Lecture Series

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University of San Diego

San Diego, California

The Honorable Gareth Evans

*Preventing Mass Atrocities:
Making “Never Again” a Reality*

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Fostering Peace, Cultivating Justice,

Creating a Safer World



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JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE



The mission of the Joan B. Kroc Institute for Peace & Justice (IPJ) is to foster peace, cultivate justice and create a safer world. Through education, research and peacemaking activities, the IPJ offers programs that advance scholarship and practice in conflict resolution and human rights. The Institute for Peace & Justice, located at the University of San Diego, draws upon Catholic social teaching that sees peace as inseparable from justice and acts to prevent and resolve conflicts that threaten local, national and international peace.

The IPJ was established in 2000 through a generous gift from the late Joan B. Kroc to the University of San Diego to create an institute for the study and practice of peace and justice. Programming began in early 2001 and the building was dedicated in December 2001 with a conference, “Peacemaking with Justice: Policy for the 21st Century.”

The Institute for Peace & Justice strives, in Joan B. Kroc’s words, to “not only talk about peace, but to make peace.” The IPJ offers its services to parties in conflict to provide mediation and facilitation, assessments, training and consultations. It advances peace with justice through work with members of civil society in zones of conflict and has a focus on mainstreaming women in peace processes.

The Women PeaceMakers Program brings into residence at the IPJ women who have been actively engaged in peacemaking in conflict areas around the

world to document their stories, share experiences with others working in peacemaking and allow time for reflection on their work.

A master’s program in Peace and Justice Studies trains future leaders in the field and will be expanded into the Joan B. Kroc School of Peace Studies, supported by a \$50 million endowment from the estate of Mrs. Kroc.

WorldLink, a year-round educational program for high school students from San Diego and Baja California connects youth to global affairs.

Country programs, such as the Nepal Project, offer wide-ranging conflict assessments, mediation and conflict resolution training workshops.

Community outreach includes speakers, films, art and opportunities for discussion between community members, academics and practitioners on issues of peace and social justice, as well as dialogue with national and international leaders in government, non governmental organizations and the military.

JOAN B. KROC DISTINGUISHED LECTURE SERIES

Endowed in 2003 by a generous gift to the Joan B. Kroc Institute for Peace & Justice from the late Joan Kroc, philanthropist and international peace proponent, the Joan B. Kroc Distinguished Lecture Series is a forum for high-level national and international leaders and policymakers to share their knowledge and perspectives on issues related to peace and justice. The goal of the series is to deepen understanding of how to prevent and resolve conflict and promote peace with justice.

The Distinguished Lecture Series offers the community at large an opportunity to engage with leaders who are working to forge new dialogues with parties in conflict and who seek to answer the question of how to create an enduring peace for tomorrow. The series, which is held at the Joan B. Kroc Institute for Peace & Justice at the University of San Diego, examines new developments in the search for effective tools to prevent and resolve conflict while protecting human rights and ensuring social justice.



DISTINGUISHED LECTURE SERIES SPEAKERS

- April 15, 2003 Robert Edgar, Ph.D.
General Secretary, National Council of Churches
The Role of the Church in U.S. Foreign Policy
- May 8, 2003 Helen Caldicott, M.D.
President, Nuclear Policy Research Institute
The New Nuclear Danger
- October 15, 2003 Richard J. Goldstone
Justice of the Constitutional Court of South Africa
The Role of International Law in Preventing Deadly Conflict
- January 14, 2004 Ambassador Donald K. Steinberg
U.S. Department of State
Conflict, Gender and Human Rights: Lessons Learned from the Field
- April 14, 2004 General Anthony C. Zinni
United States Marine Corps (retired)
*From the Battlefield to the Negotiating Table:
Preventing Deadly Conflict*
- November 4, 2004 Hanan Ashrawi, Ph.D.
Secretary General — Palestinian Initiative for the
Promotion of Global Dialogue and Democracy
*Concept, Context and Process in Peacemaking:
The Palestinian-Israeli Experience*
- November 17, 2004 Noeleen Heyzer, Ph.D.
Executive Director — United Nations Development
Fund for Women
*Women, War and Peace: Mobilizing for Security
and Justice in the 21st Century*

- February 10, 2005 The Honorable Lloyd Axworthy, Ph.D.
President, University of Winnipeg
The Responsibility to Protect: Prescription for a Global Public Domain
- March 31, 2005 Mary Robinson
Former President of Ireland and United Nations
High Commissioner for Human Rights
Human Rights and Ethical Globalization
- October 27, 2005 His Excellency Ketumile Masire
Former President of the Republic of Botswana
*Perspectives into the Conflict in the Democratic Republic of the Congo
and Contemporary Peacebuilding Efforts*
- January 27, 2006 Ambassador Christopher R. Hill
U.S. Department of State
U.S. Policy in East Asia and the Pacific
- March 9, 2006 William F. Schulz
Executive Director — Amnesty International USA
Tainted Legacy: 9/11 and the Ruin of Human Rights
- September 7, 2006 Shirin Ebadi
2003 Nobel Peace Laureate
Iran Awakening: Human Rights, Women and Islam
- October 18, 2006 Miria Matembe, Alma Viviana Pérez, Irene Santiago
Women, War and Peace: The Politics of Peacebuilding
- April 12, 2007 The Honorable Gareth Evans
President — International Crisis Group
Preventing Mass Atrocities: Making “Never Again” a Reality

BIOGRAPHY OF THE HONORABLE GARETH EVANS

Gareth Evans has been since January 2000 president and chief executive of the Brussels-based International Crisis Group (Crisis Group), the independent, global, nongovernmental organization with some 130 staff members on five continents which works, through field-based analysis and high-level policy advocacy, to prevent and resolve deadly conflict.

Born in 1944, he went to Melbourne High School, and holds first class honors degrees in law from Melbourne University (B.A., LL.B.) and in politics, philosophy and economics from Oxford University (M.A.). Before entering the Australian Parliament in 1978, he was an academic lawyer specializing in constitutional and civil liberties law and a barrister specializing in industrial law. He became a Queens Counsel in 1983.

A member of the Australian Parliament for 21 years, he was senator for Victoria from 1978 to 1996, serving as deputy leader (1987-1993) and then leader (1993-1996) of the government, and was a member of the House of Representatives from 1996 until September 1999, serving as deputy leader of the opposition (1996-1998). He was a Cabinet minister in the Hawke and Keating Labor governments for 13 years, in the posts of attorney general (1983-84), minister for resources and energy (1984-87), minister for transport and communications (1987-88) and foreign minister (1988-1996).

Evans was one of Australia's longest serving foreign ministers, best known internationally for his roles in developing the U.N. peace plan for Cambodia, bringing to a conclusion the international Chemical Weapons Convention, founding the Asia Pacific Economic Cooperation forum and ASEAN Regional Forum, and initiating the Canberra Commission on the Elimination of Nuclear Weapons.



Gareth Evans speaking at the Joan B. Kroc Institute for Peace & Justice.

He was Australian Humanist of the Year in 1990, won the ANZAC Peace Prize in 1994 for his work on Cambodia, was made an Officer of the Order of Australia in 2001, and was awarded honorary Doctorates of Law by Melbourne University in 2002 and Carleton University in 2005. In the United States he received in 1995 the \$150,000 Grawemeyer Prize for Ideas Improving World Order for his Foreign Policy article “Cooperative Security and Intrastate Conflict,” and was awarded by Tufts University in 2003 the Dr. Jean Mayer Global Citizenship Award. His other international awards include the Chilean Order of Merit (Grand Cross), given in 1999 primarily for his work in initiating APEC.

Evans has written or edited eight books, including *Cooperating for Peace: The Global Agenda for the 1990s* (1993) and *Australia's Foreign Relations* (1991), and has published over 90 chapters in books and journal articles (and many more newspaper and magazine articles) on foreign relations, politics, human rights and legal reform.

In 2000-2001 he was co-chair, with Mohamed Sahnoun, of the International Commission on Intervention and State Sovereignty, appointed by the government of Canada, which published its report, “The Responsibility to Protect,” in December 2001. He was a member of the U.N. Secretary General’s High-Level Panel on Threats, Challenges and Change, whose report, “A More Secure World: Our Shared Responsibility,” was published in December 2004; the Commission on Weapons of Mass Destruction sponsored by Sweden and chaired by Hans Blix, which reported in June 2006; and the International Task Force on Global Public Goods, sponsored by Sweden and France and chaired by Ernesto Zedillo, which reported in September 2006.

He previously served as a member of the Carnegie Commission on Preventing Deadly Conflict, co-chaired by Cyrus Vance and David Hamburg (1994-97), and is currently a member of the U.N. Secretary-General’s Advisory Committee on Genocide.

Evans has maintained strong academic and scholarly connections throughout his career, lecturing at many universities around the world. In May 2004 he was elected as an honorary fellow of Magdalen College, Oxford, and is a member of the International Advisory Board of U.N. Studies at Yale, the Advisory Council of the Institute for International Studies at Stanford, and the Editorial Advisory Board of the Cambridge Review of International Affairs.

Among other current positions, Gareth Evans is a fellow of the Foreign Policy Association and a member of the International Council of the Asia Society, the International Advisory Board of the Pew Global Attitudes Survey and the International Advisory Board of the Asia-Pacific College of Diplomacy, Australian National University.

He is married to Professor Merran Evans, an econometrician who is pro vice chancellor (planning) at Monash University, Australia. They have two adult children, Caitlin and Eamon. His leisure interests are reading and writing, travel, architecture, opera, golf and Australian Rules football.

INTERVIEW AND STUDENT MEETING WITH GARETH EVANS

The following is an edited compilation of an interview with The Honorable Gareth Evans conducted by Diana Kutlow, program officer at the Joan B. Kroc Institute for Peace & Justice (IPJ), and a private meeting held with graduate students from the University of San Diego (USD) and the greater San Diego region. Both the interview and meeting were held on April 12, 2007.

Q: Question from interviewer or student

GE: Answer by Gareth Evans

GE: Let me just say a few words about the International Crisis Group. It started in the mid-1990s, as a response to the horrors of Srebrenica and Rwanda in particular, with a feeling that there had to be some kind of new organization created that would be effective in getting governments to think about things they didn't want to think about and to do things they didn't want to do. It began very small: just a two-person office in London. But it had very high aspirations, designed to be a conflict prevention and resolution organization with a particular focus on issues of mass atrocity, but really broader than that. Its methodology was a three-legged stool — field-based research; policy prescriptions flowing from that research which would hopefully be real world and not out to space; and advocacy which wouldn't be so much mass campaigning and drum beating, but high-level, using what were intended to be fairly high-level resources. The kind of people who were associated with the organization from the beginning were former presidents, prime ministers and foreign ministers and the like, and their idea was to put together a group which would really be able to mobilize responses at a high level.

Crisis Group began in the Balkans in the late '90s, where we had this succession of ever-unfolding crises, and it dipped an early toe or two in the water in parts of Africa. But when I came aboard in early 2000, after a long career in Australian politics, it was really still very small: 20 people, a full-time budget of



Evans with IPJ Spring 2007 interns and USD students (l-r) Daniela Loo, Nick Diamond, Rebecca Deadman and Gabriella Stumpf

about \$2 million, really working only in Europe and a little bit in Africa, with a headquarters in Brussels and a small office in Washington — that was about it. We are now 130 people, with a full-time budget of nearly \$15 million; we're on the ground in about 60 different places of conflict or potential conflict around the world; and we have major advocacy offices not only in Brussels and Washington, but also in New York, with smaller liaison offices in London and Moscow, and are hopefully about to be in Beijing, where I was just a few days ago negotiating a presence there.

What we have been able to do with those resources is really about four things. First is to provide a really useful early warning system for global policymakers in the United Nations and national governments and elsewhere. We produce a monthly *CrisisWatch* bulletin, bringing all this information together I think more consistently, and hopefully coherently, than anyone else.

Secondly, we get involved in peace negotiations that are taking place, although not as the kind of characters you see on the White House lawn holding hands

aloft at the end of a successful negotiation: we don't do the formal conciliation or mediation, like The Carter Center or Sant'Egidio or others of that kind. What we really do is work behind the scenes, whether it's in Aceh or Nepal or Sudan, in Burundi or Congo or wherever — working with the mediators, with the parties, identifying process strategies, identifying substantive solutions and putting pressure through public discourse on the various players.

The third thing we do is come up with a lot of grand design stuff on the big issues, whether it's Israel and Palestine and an endgame approach to political settlement there, or strategies for dealing with Iraq, Iran, North Korean nukes and issues of that kind. It's not so easy to see the immediate return from that, but hopefully we are significant in influencing the policy debate that goes on.

And the fourth thing we do is develop strategies at all stages of the conflict cycle. We try to anticipate things that haven't happened yet and may not for some time, but sure as hell are likely to because of the internal dynamics of the country or region in question, for example in Central Asia. Then, as situations get closer to actual conflict, we develop strategies for avoiding the outbreak. Then, there are strategies for containing and resolving conflict — peace negotiations, persuasion and coercion, and perhaps strategies for military engagement if at the end of the day that's the only solution; then, as you come out of the conflict cycle, strategies for post-conflict peacebuilding, to ensure that violence won't recur.

We produce lots and lots of reports which go to governments and many others about what to do at each stage of these cycles in various parts of the world: all in all, we produce about 90 to 100 reports and briefing papers a year. In addition, we publish about 120 to 140 op-eds in all the major papers of the world each year. And we had in the news pages about 18,000 media mentions last year, even though we don't really go chasing media for the sake of it. Our style and strategy is more “complex solutions for complex problems,” rather than seven-second sound-bites — but we do a bit of that nonetheless. We do have people like John Prendergast, whom you may have met on this campus,¹ who is Mr. Grassroots Campaign, but that's a bit unusual for the general style

¹ John Prendergast, senior advisor at the International Crisis Group, spoke at the institute on January 22, 2007.

of the organization. We have to have this capacity to mobilize responses on particular urgent and important issues which are being ignored, but most of the rest of the time we're doing our campaigning in a slightly different, more muted way.

We have a Web site which has become quite a major resource and much utilized by students all around the globe, as well as by, hopefully, policymakers, with about 5 million visits to that site last year and — for those of you who know the difference — about 120 million hits, but that doesn't count: it's about visits, people actually opening the site and looking at it. Page views also count, and I think we had about 25 million of them, with each visitor in effect opening five pages on the site.

As an organization we have about 90 to 100 interns a year coming in and working in Brussels and Washington and New York and in various other places around the world, for three months or six months or whatever time that people can give. They are an absolutely fantastic resource, no two ways about it, and we get a huge amount of interest from graduates in international relations programs, peace and justice programs and so on, all around the planet. In fact, we had over 4,000 applications last year for those 100 or so positions, so it's not easy to get in, but it's an indication of the kind of stuff we're doing and why people want to get involved.

Q: Let me start with the criteria for picking the areas that Crisis Group focuses on. What kinds of criteria do you use and how often do you review those criteria? There are many areas of the world that must be clamoring for your attention.

GE: Well, first above all, we look to situations which are crying out for international attention in terms of either preventing a conflict or resolving it, bringing it to a satisfactory, sustainably peaceful solution. Secondly, we look to whether we as an organization can add real value in that enterprise. Thirdly, we look at whether we have the resources, or can raise the resources, to put

people on the ground to work on the issue, because our whole methodology is based on a field presence, rather than fly in, fly out, or being stuck behind computer screens in the beltway. And fourthly, we look at overall managerial time commitment and whether the resources are there to follow through the project with effective advocacy and effective delivery. If you spread yourself too thinly, it's not possible to produce either a first-class written product or first-class follow-through product.

I think one of the secrets of such successes Crisis Group has had is that every report we produce is not just a matter of throwing a cover around something that's produced from the field. It's a very protracted, ongoing, iterative process of inputs from Washington and New York and from our most senior board members as to how the issue should be looked at and resolved, and a lot of internal discussions, particularly on the policy recommendations, involving many different people within the organization. So, it's a genuinely corporate product, and as such there are limitations on the number of things we can do well at any given point of time.

We do review every year what we're doing and the relative prioritization of resources, and luckily a very large proportion of our funding is core funding — the ratio is close to 70 percent core to 30 percent specific purpose, which means we have a lot of flexibility or potential flexibility in the way in which we can move resources around to mirror issues of real current need, rather than just being stuck with doing things that people have paid for us to do which are really not any longer all that relevant.

Q: The next question that follows on that is the question of longevity in some of these crises: You're talking about 20-year crises, ones that may take 15 years to actually flare up, but which you can see happening and building slowly. How do you find the institutional resources, the focus, or how do you avoid what we call "crisis fatigue," both within your own organization and with the people you are trying to do advocacy with?

GE: Well, we know that we're in for the long haul with a great many of these situations, and in some ways, getting in well in advance of a situation that has yet to reach an explosive head is the best possible position to be, even though the time frame and the commitment required is that much more difficult to sustain. But advising governments about the development assistance strategy — governance capacity building, grievance remedying and so on — which are best designed to avert a conflict, can be some of the most useful work that we do. Of course, as with all prevention in any context whatsoever, when you succeed at prevention nothing happens, therefore nobody notices, so this kind of activity is not designed to win you many plaudits or big funding in the wider world, but nonetheless, it's among the most important things we do.

The most harrowing situations are those hot conflicts which go on and on, with many, many people suffering and dying, living in conditions of misery, or at the very best with massively wasted life opportunities, but in these cases there's absolutely no choice but to work at it and work at it and work at it, and try to manage and minimize the conflict as best you can until such time as you can finally create enough leverage to externally or internally position the players to reach some political settlement.

But even then, of course, the task is not complete because we've discovered, if nothing else, that the best single indicator of future conflict is past conflict, and that one of the overwhelming reasons why so many conflicts have re-erupted in recent times to devastating effect — for example in Angola and Rwanda to take just two — is because insufficient attention was paid by the international community to the follow-through stage. It was as if with the signing of the peace agreement and maybe the positioning of a few desultory peacekeeping resources to monitor a ceasefire, the job was done. But, of course, the job isn't done until you have dealt with the underlying causes that generated the first conflict and are quite likely to lead to the whole ugly business breaking out again if you don't get out of that cycle. And that can involve really major development strategies; it can involve the reshaping of the constitution of the country in terms of governance, autonomy arrangements, human rights protections, and then ensuring that the machinery actually works.

The worst possible thing is to believe that you've accomplished something by having an election and having some notionally democratically representative leadership in place. Far too often in the past that's been the occasion for closing the door and saying "we're off" as an international community, whereas all too often, unless you had a chance to rebuild civil society, you're simply endorsing pre-existing power structures with all the tensions and contradictions that generated the first round of the conflict.

We're learning to do this stuff a lot better. We're building, we're creating institutions like the Peacebuilding Commission now in New York that will hopefully mitigate these problems in the future. But again, this is stuff which requires a long haul commitment, and we, ourselves, in Haiti and elsewhere, have had this internal debate: Can we walk away when we're writing reports saying in very loud words of one syllable to the international community, "You should not walk away"? There's a real case for sticking around and monitoring and scrutinizing these post-conflict developments, and to ensure that the whole cycle, as I said, doesn't start again.

Q: You mentioned Haiti, and it seems to be that that's one of the few areas in South America where Crisis Group is working publicly, that there's been a lot of focus on. Are you doing more work in South America than that?

GE: Well, we have two projects in Latin America and the Caribbean. One is Haiti and the other is in Colombia, where we've done really quite a lot of work now, over the last five years or so, in dealing essentially with the civil situation there and the ongoing conflict with the FARC [Revolutionary Armed Forces of Colombia] and the ELN [National Liberation Army] and the paramilitaries, and, of course, the drug issue which feeds into that and which has been so much of a conflict reinforcer for so long. We've also done some work in Bolivia and Ecuador, and more recently in Venezuela, and so we have an office in Bogotá, which is tracking that part at least of the continent. It's an area which probably deserves more attention than we've given it, and more resources. We've debated this internally quite often, but for the moment, bearing in mind those criteria I mentioned earlier on, that's the level at which we've been able to make a commitment so far and no more than that.

Q: Last year in our conflict resolution class, we studied, among other conflicts, the Nepal conflict, and we read the report from the Crisis Group. I'd like to hear your opinion of the peace agreement that they signed. What do you think the situation in Nepal is right now?

GE: Well, we're reasonably optimistic. It keeps being subjected to side winds of one kind or another, including currently the squabble that's going on down in the southern plains part of the country. But we, rather unfashionably, took the view from the beginning that the Maoists were really Maoists in name only — not that they were cuddly social democrats, but they were capable of being brought in from the cold; they were not so wedded to a sort of crazed, revolutionary ideological agenda that it was impossible to contemplate them being part of the deal. This is not the view that the Americans could ever be persuaded about, including in particular the ambassador on the ground, who read "Maoist" and reached for his shotgun and that was the end of rational discourse. But despite that, the deal happened.

The king made every mistake in the book that it was possible to make. What started out was a country and a community that didn't much like him, and hated the idea of a succession by his son, but nonetheless were reasonably keen on maintaining the monarchy as a symbol of continuity and all the rest of it. That seemed to be a real show-stopper in terms of the Maoists, with the democratic parties somewhere in between. But the king so comprehensively discredited himself by his own behavior during that whole period, that really now it's perfectly thinkable that the monarchy will not only be stripped of any power — which has happened already — but it will disappear altogether. I think you can envisage that happening without the country falling apart and without the military rushing to the defense.

So, it's really quite fragile, the situation in the country. Crisis Group is still there on the ground, we have a project and we're writing about this stuff all the time. It wasn't just one report, it's a whole series of them. But, in a word, we're reasonably optimistic that this thing will sort itself out. Part of the problem has been that the democratic political parties, who had to be the real engine for

holding the middle ground, are really almost as bad as they've been generally portrayed: feckless, with a leadership without any great capacity and often geriatric to boot. But bit by bit by bit, there are signs that the country is getting its act together. Some brighter, younger people are exercising a bit more influence as things evolve, and it's just possible. I'm reasonably optimistic.

Q: With the independence now of the Central Asia republics and the re-growth of Islam in that area, it's obviously causing some tensions between the populations and their communist leaders. What do you think are going to be the solutions to some of those situations?

GE: Well, the key thing is that by their continued repression of most forms of civil society, the door of the mosque is the only one that's been left open, and an awful lot of the resurgence of Islam is a function of just that reality: that it's the only form of opportunity people have to mix and find common ground. So, it's no surprise that in that environment you're seeing some radicalization of some of those Islamic movements, Hizb ut-Tahir and others, that perhaps inherently have no particular commitment to caliphates and the revolution and all the rest of it, or to a jihadist mindset, but in a sense are being pushed into it by the continuing ugliness of the regimes.

It varies a lot from country to country. In Uzbekistan it's as nasty as it gets anywhere. In some of the others, Tajikistan and so on — Kazakhstan's a bit more relaxed — this is a long-term explosion waiting to happen. It's not going to happen immediately, but this is a classic area of long-term conflict prevention that we're working on. We've produced, as you probably know, many, many reports examining different aspects of the situation, everything from the cotton industry to the condition of the prison system in Tajikistan. It's all pretty exotic stuff, but all relevant in getting a picture of what is happening. The Islamic thing has a momentum that it should not have had, had there been any kind of rational willingness to create genuinely free and open civil society structures and allow a genuinely competitive democratic discourse. There are hints of a willingness from time to time to do that in some of them — Tajikistan and Kyrgyzstan and Kazakhstan — but it's very variable and not a good picture I think.

Q: Traditionally, Crisis Group has done their reporting by conflict or regional areas, but there are some thematic areas you've gotten into. Are you concerned about diluting Crisis Group's efforts in any way by looking at these thematic issues, or do you feel that they're necessary because there are overarching themes hitting these different regions?

GE: Our value-added is unequivocally in focusing on particular geographical situations and their complex dynamics with all the factors that impact upon them, then coming up with recommendations and then doing the appropriate advocacy to follow it through. We are constantly being urged to pool that experience from many different conflict situations and produce big thematic reports on such issues as gender and conflict, or environmental issues and conflict, or HIV/AIDS as a security issue, or whatever. My own reluctance to take this on is fairly strong because we simply don't have the kind of pool of research resources that many other think tanks or research institutes do in this area, and it would be a diversion of our basic mission to put such a pool together.

I think the success of any institution depends on having a very clear idea of what your particular value-added mission is, what makes you distinctively different and what particular contribution you, and perhaps even you alone, can make. And with Crisis Group we've defined that pretty clearly and I think we need to stick to it. That doesn't mean that we won't from time to time write a thematic paper if we think an issue is being neglected or not well understood and is of real relevance. And a good example of that is the paper that we did a couple of years ago called "Understanding Islamism." It was an attempt to cut through an awful lot of the generalized nonsense that was being written about the dangers of Islamic activism in the context of the anxiety about terrorism. By meticulously untangling the different strands of that activism and making clear how limited a phenomenon the really anxiety-producing brand of Islamic activism — namely violent jihadism — actually was, I think we did quite a service to the policy community.

But on issues like gender and conflict and so on, I think we do best by simply, in a context-specific way, making clear what the nature of the gender issues are — not only what the problems for women are in a particular situation, but also, of course, the contributions that women can make as peacemakers. That is something, incidentally, that is being increasingly much better understood by those in the conflict resolution business these days, including with the help of the work of people at this institute.

Q: We know that in many conflicts the local dynamics that lead to the conflicts are commonly what's addressed in conflict resolution, but systemic factors that may lead to conflict — like world trade and debt issues, poverty, the global war on terror — may be a little more complex. Does Crisis Group address the global contexts of these local conflicts?

GE: It's very hard to quantify the degree of relevance or impact some of the global wallpaper is having on the immediate situation in front of you. We certainly know that poverty as such is not necessarily any kind of indicator of conflict — it's only poverty when combined with a sense of group deprivation or inequality or something of that kind that it takes off as a cause. Again, religious affiliation by itself is not an indicator of anything, not least because there are so many different streams, within Islamic thought in particular.

One of the most interesting reports we did — and one of the most downloaded reports we've ever done — is the one I just mentioned, "Understanding Islamism," which is an attempt to pull apart the different strands: the missionary strands which are non-political in character, albeit sometimes fairly fundamentalist, and have no particular significance as conflict generators; more or less democratic political strands; and then the violent jihadist strands — and untangling that in the parts of the world where these things have particular resonance or appeal.

We certainly take the point on certain issues, like the unresolved Israeli-Palestinian conflict that is a huge source of ongoing grievance right across the Arab Islamic

world. We make the point over and over again that many, many of these conflict situations or terrorist situations would be a hell of a lot more comfortably resolvable, with a lot less community support for the perpetrators of violence and so on, if we could do a serious job of tackling those issues. And that's one of the reasons we spend so much time on those big, difficult and intractable issues — because they have so much resonance elsewhere.

But having said all that, what we mainly do is just concentrate on particular regional situations, country situations, and try and untangle the dynamics that are actually working in those particular environments, and leave it to others to draw attention to the great big thematic generalizations that it's possible to draw. We regard the role that resource shortages play in conflict, the role that environmental degradation plays in conflict, the role that greed versus grievance plays in conflict — there are theories on all this stuff and lots and lots of literature, which we regard as usefully indicative of what might be operating in a particular location, what might be a subtext which lies behind something more obvious. And to the extent that it helps us focus on possible causes, this kind of analysis is quite useful.

I don't know if that answers the question. I'm not underplaying the relevance of these things as factors. But whether they're directly explanatory factors in a particular case on the ground is always a bit problematic. Usually something much more immediate, in terms of local grievances or local personalities or local madmen, is more explanatory.

You can certainly never understate the role of individuals. For all the theories written over the years about the currents that generate conflict, whether you have the luck of the draw with individuals — a Mandela or a Milosevic when you're in transition, an Arafat or an Ataturk — it really is just hugely significant. That is very unfashionable in the literature, but in the real world it is enormously relevant.

Q: In dealing with high levels of government or international bodies, you've said you can appeal to the level of reason or emotion. But is it a challenge to

get public support? We've talked briefly about your new campaign wing. Do you feel any need to look at public education about prevention, about the possibilities for peacekeeping, about the things that might build a general understanding among the public that will allow you to mobilize more quickly when needed?

GE: Well, I'm not sure that public education is the right word because that implies some massive institutional commitment, but we are in the business, certainly all of us in the NGO and academic peace community, of trying to get people to understand much better the nature of conflict and the relevance of that conflict to their own lives and the necessity of their own governments to be playing a major role in preventing and resolving them. This is an easier sell these days as the world gets even more globalized and interdependent, and it becomes that much harder to talk as [Neville] Chamberlain did in the 1930s of "quarrels between people which we know little in far away countries," because we know about the impact of failed or failing rogue states harboring terrorism, we know about the potential impact for the transport of weapons of mass destruction, we know about the impact for refugee outflows, health pandemics spreading — all of these things that are very capable of impacting very directly on people's lives.

So, it's a question of how we get that message out. Traditional media is the classic vehicle for doing that, and so we do spend a lot of time talking to journalists and getting them to write stories about this; writing, directly, op-eds for publication in the opinion pages for those who read them; but also working with the more user-friendly forms of media, like "60 Minutes," ABC's "Nightline," and programs of that kind, and encouraging them — or in some cases using our resources to assist them to put teams in the field — to actually record what's going on and to get that information back to a larger audience.

In the electronic age, with the Web and people's far greater accessibility to feed information through texting and e-mail and all those other devices, there's a whole new universe of communication with a mass audience that is opening up,

and we're just feeling our way as to how best to utilize that technology. People of my age are remarkably ill-equipped to be creative about this, but we certainly have plenty of people on board who are.

But all that said, there's always going to be something of a division of labor in organizations as to who does what, and I think Crisis Group's real, real value-added in the larger scheme of things is not so much grassroots campaign organization itself, but as an outfit which is really getting to the heart of understanding the dynamics of these issues, identifying the appropriate solutions, and engaging in the kind of advocacy which gets that analysis and those recommendations into the heads of policymakers and those who are capable of directly influencing policymakers, by which I mean other NGOs in the policy community, and of course, the media.

It's important to recognize both your strengths and your limitations as an organization and work to your strengths, so that probably means that we'll never get quite the degree of recognition that some other organizations do that are much more focused on mass campaigning: the Amnestys and the Human Rights Watches and so on. Their essential *raison d'être* is to identify a problem and then to put the spotlight of really intense publicity on it, in the hope and expectation that by doing so, policymakers will be moved to take some action. We, by contrast, are dealing most of the time with far more complex problems requiring complex solutions that don't easily lend themselves to seven-second sound-bites or that form of communication. But we work together very harmoniously with other organizations in the peace community, and that's a very useful division of labor.

Q: The International Crisis Group based in Brussels — you're very well integrated with the U.N. system, with the E.U. [European Union]. How effective has it been in dealing with the United States' government and the powers that be here?

GE: More effective than you would perhaps think given that so many of our senior members are refugees from the Clinton administration. The truth is we have a very strong office in Washington, led by Mark Schneider, a former head of the Peace Corps and Latin American human rights specialist, who, although a Democrat, has spent years working across the aisle, and is very well-known in the administration. Moreover, we have on our board, of course, a complete cross-section of Republicans and Democrats, including some of quite a hard-line, neo-con persuasion. And that's meant that we've always had pretty good access to this administration, even when we've been quite critical of some of the things it's been doing.

I, personally, for example, have known Paul Wolfowitz very well since he was ambassador in Indonesia and have always had a lot of respect for his intelligence and commitment, even though I completely disagreed with his role in the Iraq war and quite a few other things as well; but it was always possible to maintain a civilized conversation. The truth of the matter is our reports are not written in a strident, declamatory mode. We can be quite tough in our analysis and our prescriptions, but it's in a way that's calculated to be influential rather than counterproductive, and basically along the lines that "we have a problem here, let's try and find ways together of solving it — in your interests as much as everyone else's." And that tends to be reasonably productive.

Also, of course, Washington isn't and never has been a monolith, and there are all sorts of interagency arguments going on all the time. There's always bound to be someone somewhere in the system, even in the most apparently impenetrable of administrations, that likes the line you're taking and is prepared to use the material which you are supplying. Similarly, in Congress we have excellent relations right across the party spectrums and spend a lot of time giving evidence on the Hill and talking to people. So, as much as any single NGO can be influential, I think we've been reasonably significant players in Washington, as elsewhere.

Q: All of the areas I have been studying are dealing with conflicts that are occurring internally rather than across international borders. With this proliferation of internal conflicts in the post-Cold War period, what do you think international organizations and intergovernmental organizations, like the United Nations, need to do to meet these challenges of internal conflicts?

GE: It's true that is the nature of contemporary conflict. If you look at a graph in terms of the way in which conflicts have been occurring, interstate ones just disappear by the end of the '80s. The internal ones are really the gigantic bulk of it. And that threw the international system, the United Nations and others, into a bit of turmoil through the '90s, because you obviously have a need for international action in a number of these situations where terrible things are happening, and the government in question is either unable to do anything about it or is part of the problem because it's actually either engaged in slaughter or ethnic cleansing itself, or encouraging others to do it. So, that was really the great tension in the international system, which was one of the reasons for the birth of my own organization: this inability to react effectively to the Rwanda-type situations, to the Balkan-type situations, culminating in the Srebrenica massacre in particular. What do you do about it?

The U.N. Charter seems to say internal affairs are nobody else's business, and that's been the great tradition of international relations. And yet on the other hand, there are human rights imperatives, plus basic human instincts, crying out to do something. That issue was just not resolved during the '90s, and the United Nations totally floundered for most of that period.

What actually happened is, I think, that we've solved the problem conceptually with the emergence of this concept of the "responsibility to protect," which I'll be talking more about this evening. But what the responsibility to protect principle basically says is that dealing with these internal situations is the front-line responsibility of the state itself: we'll pay acknowledgment and lip service, we'll accept that principle. But if the sovereign state itself lacks the will or lacks the capacity to do anything about civilian protection in these situations, then

the responsibility shifts to the wider international community to do whatever is necessary to prevent a situation unfolding in a catastrophic way, or if it does so unfold to react to it appropriately, ultimately by military intervention if all else fails, in really extreme situations.

There's been a lot of resistance to this principle of the responsibility to protect, or R2P as its become known, which obviously was rather nerve-jangling to a lot of governments around the world. But one of the big and heroic things that happened was that, through a whole sequence of events, culminating in the World Summit in 2005 at the United Nations, that principle was actually unanimously accepted by all the world's leaders. The big trick now is to operationalize that, get everybody to pay more than lip service in particular situations as they arise, and Darfur is a good current example of the difficulty in getting that to happen. But I think conceptually we have overcome that basic dilemma that internal conflict was nobody else's business, at least in the case of the ones involving really catastrophic civilian protection issues. So, life does move on.

We in fact have done a lot better as an international community in just helping deal with other forms of internal conflict that are capable of solution through intelligent application of policy and decent mediation and a little bit of external hand-holding, a little bit of external pressure of one kind or another — not taking the form of military interventions, but just helping situations find their solution. Examples are the north-south situation in Sudan — mediated by the Kenyans with a lot of input from a lot of others, including ourselves — and the situation in Burundi which has, with a lot of effort by a lot of players including the United Nations, just managed to hold together over the last decade and a half, even though it has exactly the same demographics as in Rwanda, with Hutu and Tutsi tribal traditions of conflict and continuing local tensions.

The truth is that more conflicts have been resolved over the last 15 years than have started. So, despite popular opinion to the contrary, and perhaps all our intuitions to the contrary, there's actually been a very significant decline in the number of conflicts, the number of battle deaths, even the number of atrocities

and massacres. And mainly that's been attributable to a lot of hands-on effort by the United Nations and other relevant players, regional organizations and so on, that have regarded as their responsibility to try and assist in the resolution, rather than just leaving it to the internal players.

... despite popular opinion to the contrary, and perhaps all our intuitions to the contrary, there's actually been a very significant decline in the number of conflicts, the number of battle deaths, even the number of atrocities and massacres.

Q: I would like to follow up on your comment about the World Summit in 2005 and the point that responsibility to protect as a concept was actually accepted in principle. I'm interested in your opinion of the ways ideas change over time — is it just about niche diplomacy? Is there any way of institutionalizing that in a way that more progressive ideas can enter the United Nations or other groups internationally?

GE: Well, I think the responsibility to protect is an intriguing example in the history of ideas because it's probably the fastest in history to be accepted — to move in this case from a gleam in the eye of an obscure commission through to a unanimously U.N. General Assembly-endorsed concept. All of these things — a series of reports, including of the high-level panel of the secretary-general and a report of the secretary-general himself, the role at the governmental level of countries like Canada — came together in a remarkable, and I think a fairly fortuitous, way. It does normally take much longer than that for ideas to catch hold and to be actually embraced or to get that degree of imprimatur.

Ideas are very important. They are ways of framing and conceptualizing debates and enabling people, if you can find the right idea and the right concept, to find at least the beginnings of common ground where that didn't previously

exist. There are always all sorts of people who are very skeptical and cynical, who say, “Why are you wasting your time with all that rubbish? Just get on with the business of trying to sort things out instead of worrying too much about how you may dress it up.” But this can be very, very important indeed.

Q: The general concept of responsibility to protect has been accepted, and the popular perception of that concept seems to be accepted as well, not just on the government levels, but there was the recent report that you did a story on about the general population saying that this sounds like a good idea. But where do you draw the line, or where do you think the line should be drawn for the responsibility to protect? Does it cover lack of health care? Does it cover poor treatment of women? Is it strictly a question of violent deaths?

GE: The phrase itself, “responsibility to protect,” is of course capable of being given a very general application, exactly in the way the phrase “human security” was capable of being given very broad application. My instinct is to try to preserve it for the quite narrow situation of mass atrocity crimes, recognizing that although this is only one of the world’s problems — and not necessarily by any means the biggest — it’s an area which has seen some catastrophic horrors in living memory, and just in the last couple of decades, and where it’s critically important to try to create some kind of international consensus as to how to deal with. The truth of the matter is there was no consensus at all until very recently with, as I’ll say in the lecture, a lot of resistance to the concept which preceded it, of “the right to intervene.”

The point about changing that language — turning the right to intervene upside down and coming up with a concept of not a “right” but a “responsibility,” and not “to intervene” but “to protect,” or in other words, looking at these issues from the victims’ point of view rather than that of the big guys throwing their weight around — was to create the possibility of a consensus when none had previously existed as to how to address these issues. And I think it’s important in that context not to dilute that by making R2P an all-purpose vehicle for many areas of public policy which may have the capability linguistically of being embraced under that umbrella.

Q: The difference there also I think is that a lot of these other issues already have structures set up to deal with them, consensus on them in other places, so you don’t need necessarily the responsibility to protect structure.

GE: Well, that’s true. You have the Millennium Development Goals, albeit more honored in the breach than the observance: there are shortfalls in deliverability and delivery, and shortfalls in natural commitment, but you don’t have argument about the basic conceptual issues that are involved. This is an area where there was a huge argument, and this little phrase has served to defuse a great deal of it — not without potential for backsliding, but it’s an area where you’ve just got to hang on to such gains as you’ve been able to make.

Q: Now, in an ideal world, there would be a relatively quick process by which this could be brought to bear in a conflict situation where there were a lot of deaths occurring. When you look at what you would ideally like to see happening with this concept being implemented, how do you envision that happening?

GE: Well, I envisage early-warning alarm bells going off everywhere. If we envisage, for example, another Rwanda — with very early evidence emerging on the ground of not just some minor order violence, but potentially massively orchestrated violence of a very serious kind — when that happens now, unlike the early ‘90s, I think you can be assured that there are enough resources from my own organization and many others on the ground now for the alarm bells to ring. It won’t be a matter of people being able to ignore and pretend that they don’t know about what’s happening. It’s then going to be a matter of mobilizing resources both in a top-down and bottom-up way.

I think, too, that armed with the consensus which now exists at the World Summit and armed with the Security Council itself having accepted the principle of responsibility to protect, we have now a vehicle to go directly to the Security Council, with the chance these days of much less immediate resistance than would previously have been the case. You will still get resistance of the kind that we saw just a couple of months ago to human rights violations in

Myanmar, or Burma, with China and Russia and some other countries working very hard to exclude them from consideration by the Security Council — but they were not responsible to protect situations of actual, impending mass killings or ethnic cleansing.

I think now, in a situation like Kosovo in '99 or Rwanda in '94 or Srebrenica in '95 — the classic examples we all think of — one or other countries would have them in to the Security Council very, very quickly. And the secretary-general himself has the capacity to bring matters to the attention of the Security Council, and he would regard himself as having, under the cover of the General Assembly resolution at the World Summit in 2005 and the Security Council's own thing, ample mandate to do that. It's important that he be properly advised and supported in this, and thus it's very important that we proceed with something that's on the books at the moment, and that's the consolidation of this position of special advisor on the prevention of genocide and other mass atrocities or crimes against humanity. I was on a committee that recommended that that position be maintained and in fact upgraded. So, I think for all those reasons, one could expect the issue to get that kind of attention very quickly.

It's always going to be messy and difficult, but I'm reasonably confident that in a really stark, unambiguous case of imminent violence or actually occurring massive violence, we'd get a much better response than we did in the '90s. But we can't be complacent about that and I just hope to God the test never comes.

Q: When Donald Steinberg was here, he really felt they had been somewhat blindsided by what happened in Rwanda.²

GE: Well, Don was in the middle of all that. But with the Mogadishu syndrome and all the rest of it at the time, it was not a happy moment for Clinton or [Madeleine] Albright or any of them; they just didn't want to know at that stage. And, of course, they couldn't have, I suppose, envisaged the scale of it. But now that we've seen the scale, now that we've seen the rapidity with which carnage of this scale can occur, I think we just have a much more heightened

sensitivity. People say Darfur is the counter-example, but in some ways it is a demonstration of just how difficult it is to mobilize an effective response. But Darfur was never quite as unambiguous and as easily describable a situation as the Rwanda one or the Balkans ones were. I don't in any way diminish the significance or ugliness of it, but it's a very difficult one for anyone to handle, even with the best will and capacity in the world.

Q: With the situation in Darfur, the government is actually responsible for these atrocities, or is assumed to be, and so this would be a situation that the international community has a responsibility to intervene since the sovereign government is not. So, according to the commission [on Intervention and State Sovereignty], what is the next step to be taken: does their sovereignty need to be respected or can they take steps to intervene?

GE: Well, I think it is a case of an application of the responsibility to protect in the sense that here's a government that, either through inability or more obviously through being not willing to do so, has failed to protect a significant portion of its own population — and in fact more than that, has actively encouraged the janjaweed militia to go after particular sections of the community, starting with the original rebel groups, but then extending out to a number of villages that are seen as supporting, tacitly or otherwise, those rebels, with things developing on a very ugly scale. It's less intense at the moment, perhaps because so many people are already displaced or have already been killed or have died. There's an uneasy stalemate at the moment, but some violence certainly continues to occur.

So, what do you do in that situation? You can properly regard it as a case for international intervention: clearly there's been a failure to prevent it, so we're moving into the reaction stage of the responsibility to protect continuum. But what form should that reaction take? It's not a matter of respecting sovereignty now; it's a matter of just working out what is on balance likely to be the most effective policy approach, and the one that's likely to have least downside risk consequences.

² Donald Steinberg spoke at the institute as part of the Distinguished Lecture Series on January 14, 2004. From 1994 to 1995, he was senior director of African affairs at the National Security Council.

The way the international community has been approaching Darfur so far has been to try and get a negotiated solution, which involves three basic elements: first, a ceasefire, so that nobody is doing any active shooting anymore; second, a civilian protection strategy to ensure that people in the displaced areas are not only protected from any further military action or sporadic action by raiding parties or militias and so on, but also protected in the sense of ensuring their survival with food, water and all the rest; and third, a political settlement to resolve the original outstanding grievances between the Darfurian rebel groups and the central government. There's already been a peace agreement negotiated a year or so ago, but that's extremely fragile at the moment and was never really good enough to resolve the underlying issues. So, all of these elements are outstanding.

To address the immediate issue of civilian protection, there has been this African Union force of 7,000; it has gone in there with the consent of the Khartoum government after a lot of pressure from the other African countries. The big issue now is whether Khartoum will consent to putting another 13,000 international troops, basically from the U.N. countries, in there as well to bring that protection force up to 20,000, which is arguably what is necessary to protect from any ongoing violence and also to give people sufficient confidence that they can actually move back to their home villages and be safe in doing so. But that's something the Khartoum government continues to say it will, it won't, it will, it won't. It's going backwards and forwards, and this is a stand-off at the moment.

That's led to, of course, people saying this is just terrible — there's so much suffering, and it must be time for coercive military force to be applied. Quite apart from the issue of who is going to volunteer to do it — which is always a very big practical issue — there is a real, conceptual issue of whether this is a proper case for the exercise of non-consensual coercive force. This is where you get into quite complex arguments about what the proper criteria should be for the use of military force. There are a number of them, and even if you're satisfied that the sufficient threshold of real harm is occurring, even if you're satisfied that the response will be properly motivated, even if you're satisfied

that the response will be proportional to the nature of that harm, even if you're satisfied that all other non-military options have either been tried or would be likely to fail if they were tried, you've still got one last criteria always to apply, and that is the balance of consequences: Will a nonconsensual military invasion actually do more good than harm or the converse?

And this is a very hard question to answer in Darfur. My organization has wrestled with it and we've basically taken the view that in the present circumstances, putting in an invasion force — even if one could be mustered — would almost certainly cause more harm than it would resolve for two main reasons. One, it would make absolutely impossible the continuation of the humanitarian relief effort, which is currently feeding over 2 million people in the camps with something like 13,000 humanitarian agency workers on the ground: the reason being you just couldn't give them the protection they need, and the logistical entry points in terms of the supply chains are so limited that the Sudan government could very easily choke off supply and make it impossible for the agencies to do their job.

The other thing that almost certainly would happen is that the very fragile north-south agreement, which resolved a 20-year civil war which cost the lives of over 2 million people (a much greater scale than Darfur) and is just holding together by a very slim thread at the moment, would not hold with a great flood of invasion forces coming in to the west.³

And that's the kind of calculation you have to make. It doesn't mean you throw up your hands and say, "OK, that's it, the responsibility to protect has no application here. It's failed." What it does mean is that you have to start focusing very hard on some other pressure points that will actually change the behavior of the Khartoum government. And the truth of the matter is that there's a whole bunch of them available, which the Security Council and others have talked about often enough, but just haven't utilized. They are variations on the sanctions theme. It's not just individually targeted sanctions against the key players — financial and travel and so on — but really effective sanctions

3 The Comprehensive Peace Agreement that ended the civil war between the north and south was signed in 2005.

against companies doing business with Sudanese companies; things having to do with the flow of oil funds and actual supply of oil offshore, and what you can do through the banking system.

So Darfur is a case of the responsibility to protect, probably not a case requiring the most extreme form of R2P reaction, i.e., military intervention, but sure as hell one for applying other forms of pressure to change the balance of calculations. And there'll be many, many situations like that where you just have to make some rather complex calculations. Unfortunately, an awful lot of the Save Darfur Coalition activity and the general campaigning and consciousness-raising here in the U.S. has really rather leapt over all the complexities of the situation. All those multi-million dollar pages of ads in the papers with their one line, "Save Darfur" or "Do Something"—they haven't really been responsive to the realities of the situation.

The other thing about Darfur is that it is a classic example of the "g" word — genocide — being counterproductive, because the truth of the matter is that there was never really very good evidence that all the necessary elements of establishing genocide, particularly in terms of the necessary kinds of intent to destroy in whole or part a particular group on the basis of ethnicity, nationality and so on, were in fact satisfied.

Now the present administration ... rushed into using the "g" word very early on, but that led to absolutely no differences in behavior than if they had not used the word. And the trouble was, by having used it, they upped the ante.

With Rwanda, everybody was rushing around in the United States government desperately anxious to avoid the "g" word because that would create some sense of obligation to act. So, that is what all the Clinton people are now saying:

we didn't do it because if we acknowledged it was genocide, we would have had to act under the Genocide Convention, and we didn't really think that was politically sustainable. Now, the present administration — Colin Powell and the rest of them — rushed into using the "g" word very early on, but that led to absolutely no differences in behavior than if they had not used the word.

And the trouble was, by having used it, they upped the ante. A U.N. commission went in there and did its own investigation of what was going on. It decided there were all sorts of very ugly crimes against humanity and other offenses against international law being committed, but they couldn't in all honesty find that it was genocide. And that then became, of course, a huge propaganda triumph for Khartoum, enabling the regime to say, "We've been cleared." They hadn't been cleared at all, but they were able to say, "Who? Us? Genocide? No." There's a real downside risk in getting over-exuberant about some of the campaign strategies on these things. An awful lot of this business is weaving your way through very, very complex things in order not to do more harm than good along the way.

Q: My question is about the infrastructure of the international community. If you take a class over at the law school, they'll tell you there's no really legitimately recognized international law that is adhered to locally. So, my question is, from your perspective, do you feel like you have the proper infrastructure necessary to accomplish the things that you want to? Is the ICC [International Criminal Court] able to do what it needs to do, and do you have the tools necessary to enact the change you're hoping to?

GE: Well, international law is a very strange beast, with no mechanisms to enforce it and uncertain commitment and uncertain content very often. When part of the received body of law is what academics write about the law, that's a bit troubling. It's a continuing zone of uncertainty, but it's absolutely indispensable that there be, generally, rule-based order. Certainly some of the rules are very, very clear indeed. In the U.N. Charter and the Security Council, the application of the use of force and the inability to be acting legally, however



morally you might think you're acting, depend on it being a case of proper self-defense or of being authorized by the Security Council: if it is neither of those things, you can't do it. This is a very important thing to hang onto when all else is shifting sands.

But bit by bit by bit, the institutional framework is coming together; in particular in the legal area, it is coming together. The International Court of Justice in The Hague, the one who does the big stuff between states and so on, is struggling because so many countries decline to acknowledge jurisdiction, and even when it has the jurisdiction, it can't really enforce its dictates. But the interesting area is the development of international criminal law, which has been happening apace in the sense of universal jurisdiction, which doesn't depend on any particular court or legislation, but arguably is inherently exercisable by states.

An example is Belgium, where I live, where a superior court tried a group of Rwandan nuns a little while ago — they had actively participated in herding people into a church, locking the doors to enable somebody else to throw in the grenades that came in afterwards. They were wholly complicit in some very ugly parts of the genocide. They had fled to Belgium, but that didn't immunize them because people there said, we're so horrified by this that we're actually going to use the resources of the state to prosecute you. The exercise with [Augusto] Pinochet, involving courts in Britain and Spain, is another example of how things are changing — with the likes of Dr.[Henry] Kissinger and Mr. [Donald] Rumsfeld, being, I suspect, more than a little edgy about it.

But the real action is occurring in the context of the new International Criminal Court, which is having a lot of teething troubles as you'd expect, because it's not allowed to reach back into the past. Its jurisdiction only starts from 2002 in terms of the cases it can take. And it has confronted very early on the dilemma of having to deal with impunity cases and charging people for war crimes and crimes against humanity, in situations of ongoing conflict where attention can very often arise between the demands of peace on the one hand and the demands of justice on the other. Lawyers and human rights people tend to look

at it purely in the demands of justice — stringing people up by piano wire who thoroughly deserve it — and pay no attention to the argument that this is going to inhibit the effective conclusion of a peace negotiation by those people who don't want to be so strung up.

On the other hand, organizations like ours fully acknowledge the human rights imperative, desperately want the criminal court to establish a track record of convictions that will be a deterrent to people doing this stuff in the future, but nonetheless have to deal — as I do for example with the Uganda situation involving Joseph Kony, and more particularly the current situation in Darfur — where there's a huge tension between one's instincts to pursue justice, but at the same time be willing and able to give amnesty in the interests of getting a peace settlement.

So, all these issues are never going to be easily resolved even if you create the infrastructure, even if you get universal buy in, and even if you get a willingness to enforce the outcomes of these tribunal decisions. You're still going to have conceptual dilemmas and policy dilemmas in the way you apply the law. But it is very important that we do continue to build and consolidate a set of compelling international norms.

The responsibility to protect is a classic example of something which is certainly not a rule, at the moment, of customary international law, but it has the status of, probably now, an international norm — having at least that degree of endorsement and recognition and acceptance. And maybe it's capable of evolving into, with practice and with acceptance over time, a rule of customary international law, which basically says that thou shalt not chop up your own people or allow others to do so, and if you do, thou shalt be prepared to accept, without fussing, your country being intervened in by others. That's putting it rather crudely, but that's the essence of it.

So, I think the tools are there in terms of the basic ground rules of international law. It's very important that they be observed by those countries that are very influential. One of the alarming things has been, frankly, U.S. exceptionalism in the last six or seven years, the desperate unhappiness about consolidating international norms and rules and buying into them. But everything has its season and the wheel is now turning: there's been a huge backlash against that not only internationally, but also obviously domestically, so with a bit of luck we'll be back on some kind of track in the near future.

Of course, in trying to prevent and resolve conflict, you don't depend just on that structure of norms and rules and institutions. A hell of a lot of it is just negotiation and the exercise of leverage and pressure of an extracurricular kind, working on what tools and what resources and what kinds of influence you can persuade people to bring to bear. There's plenty you can do outside the framework of that set of laws and institutions, and probably that will go on being the case, because international law is never going to be as comprehensive a framework and guide, a compelling set of rules for action, as is the case with law domestically. It's just a different universe. But it all comes together and you certainly need to know, if you're going to get into the business of operating in this universe professionally, what is and is not possible within that international framework.

Q: In your 1995 *Foreign Policy* article on cooperative security and intrastate conflict, you talked about proposing institutional changes at the United Nations as part of some of your advice. And I'm just wondering, based on your experience with APEC [Asia-Pacific Economic Cooperation] and ASEAN [Association of Southeast Asian Nations] Regional Forum, what would you say are some of the major insights you've found in terms of institutional changes, both in terms of obstacles and facilitators? I'm mostly interested in women's human rights and how the institutions influence the evolution of women's human rights.

GE: Well, it's a very frustrating business but somebody's got to do it. You've got to keep working away and nagging away at this. I think some of the more effective institutional changes have been the creation of these regional

organizations around the place. I wouldn't really rank APEC and the ASEAN Regional Forum high among the success stories as compared with the original aspirations; they haven't really done very much. But the African Union, I think, is on the way to becoming a reasonable success story. Certainly there was a huge change in the culture of the regional organization when it moved from being the OAU [Organization of African Unity] to the African Union. The doctrine is really terrific; it's just that there's a huge gap between the doctrine and the capacity to actually apply it and practice it: politics is politics and it's always hard.

But that is going to be a lot of the future: getting regional organizations to do more of the grunt work in this whole range of peace and security issues, including preventive as well as reactive measures — we're not talking just about military responses here. The evolution and development of the E.U., as not just an economic organization but as, slowly, slowly, slowly, a defense and security organization able to actually send its own resources and to get its act together, is going to be important over the long haul. Repeat: You just have to keep working away at those things.

Organizations like UNIFEM [United Nations Development Fund for Women] and so on, they're very much part of the system, and how effective they are depends very much on who's leading them at any given time, I have to say. You can create institutions until the cows come home and think you've done something useful about mobilizing effective resources, but they have to be led by the right people and staffed by the right people and have the right energy content about them.

For example, the Office of the High Commissioner for Human Rights, a position which has had a mixed record, but which now under Louise Arbour, is being built into a really effective institution — a far more relevant and useful institution in fact than the one that all the debate was about, the new Human Rights Council. Even with its new membership and processes, it comes across as the same old collection of people doing totally useless things for endless amounts of time in Geneva, very much by contrast with the commissioner's office.

Within the U.N. system itself in New York, one of the new institutions for which I was arguing most over the last few years was the creation of a Peacebuilding Commission to try and fill the gap that existed in this post-conflict stage. We have traditionally had a skewed bell curve with a huge amount of attention and resources going into conflict situations in the first few months after ceasefires or peace agreements were entered into, and then a rapid falling away of interests and commitment thereafter. What seemed to me was really needed was an effective institutional structure which would bring together all the key bilateral and multilateral institutional players to just ensure continuity, that sustainability of commitment. Now, that idea is limping toward effective implementation at the moment. The Peacebuilding Commission exists; it's more a talking thing than an action thing, but it's potentially quite important. In the context of the huge range of things that have to be done in post-conflict environments, including the area in which you're interested, it's desperately necessary to have a proper institutional framework to ensure that things happen.

The biggest institutional question of all and the hardest nut to crack is the composition of the Security Council ...

The biggest institutional question of all and the hardest nut to crack is the composition of the Security Council, because 60 years after the creation of the United Nations, it's more and more obvious that the composition of the Security Council, the five permanent members [P-5], is completely out of sync with contemporary power realities. The developing countries in Africa and Latin America and elsewhere are very quick to point that out. Even though there's a really ugly complacency on the part of the P-5 — that they can stare this down and go on exercising this differential authority in perpetuity — the truth of the matter is that although it won't happen very quickly, there's really going to be a continuing erosion of credibility, of respect for the institution, unless we make that change.

But the politics of that, and I know it because I've been involved in the issue for the last few years, are really just nightmarishly difficult, and it's going to be very hard. I think institutional change in structures is important, but so, too, are the ways institutions actually operate in practice. You have to really be prepared to work around them to get things done, as with what I was saying before about international law, because you can't just assume that you'll have the instruments at hand to get things done through the institutional structures at hand.

WELCOME BY DIANA KUTLOW, PROGRAM OFFICER AT THE JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE

Good evening. Welcome to the Joan B. Kroc Institute for Peace & Justice at the University of San Diego. I am Diana Kutlow, the program officer for the Joan B. Kroc Distinguished Lecture Series. I am very pleased to be standing in tonight for our executive director, Joyce Neu, who is in Washington on sabbatical at the U.S. Institute of Peace, and also for Dee Aker, our interim director, who is on a brief trip to Nepal, working with the constituencies for peace there, working hopefully toward a peaceful election.

Tonight is the last of the three Distinguished Lecture Series events this year. We have been very thankful to have all international speakers this year. As part of the university's drive toward internationalization and producing globally competent students, we feel it is very important to bring an international perspective to the issues that are facing us in today's world. We had Nobel Peace laureate Shirin Ebadi in the fall for a lecture at the Jenny Craig Pavilion with 1,800 people, including most of the students at the university through the provost's encouragement. We had a wonderful panel with experts from Asia, Latin America and Africa on gender-inclusive peacebuilding, right before the Women PeaceMakers Conference in the fall. And then tonight, our speaker is visiting us from Australia, but he is certainly a global citizen. These distinguished speakers help us to see the world in ways that we may not if we were only looking at it through our own eyes or through the U.S. media. And hopefully, they get us to push ourselves to make the changes in the world that we want to see.

In an e-mail exchange with our speaker about the title for tonight's lecture, I asked about using the word "genocide" instead of "mass atrocities." And he told me he felt that the word had become very narrowly defined in legal terms and that he really wanted to look more broadly at the kinds of mass atrocities that are happening all over the world that may not fit that definition. His thoughts have stayed with me as I think about how even low-level conflicts can stoke the cycles of violence that lead to mass atrocities, which usually leave civilians, especially



Evans on stage with Diana Kutlow, program officer at the IPJ.

women and children, as their victims. And I am sure his comments tonight will encourage me to think more about other issues and hopefully encourage you to think as well, but more importantly, to act on them in our everyday lives.

Now, I am pleased to welcome Julie Sullivan, provost and vice president of the university, to introduce tonight's speaker. Thank you.

INTRODUCTION BY JULIE SULLIVAN, VICE PRESIDENT AND PROVOST OF THE UNIVERSITY OF SAN DIEGO

Good evening. It is my pleasure to welcome you to the University of San Diego and also to introduce our distinguished speaker this evening. Gareth Evans, since January 2000, has been the president of the Brussels-based International Crisis Group. The International Crisis Group is an independent, nonprofit NGO [nongovernmental organization] with some 130 staff members located on five continents. They work worldwide through field-based analysis and high-level advocacy to prevent and resolve deadly conflict. Gareth, before he became the leader of the International Crisis Group in 2000, had a very auspicious, over two-decade career in Australian politics. Most of us know his name as the foreign minister of Australia. During his time there he had several accomplishments, but several that we would probably be most familiar with are his work with the U.N. peace plan for Cambodia, his significant work on the Chemical Weapons Convention, and the new Asia Pacific regional economic and security architecture.

In addition to being a politician and a world leader in areas such as conflict resolution, Gareth has maintained a very active academic and scholarly background. He is the author of numerous books, chapters and journal articles in the areas of foreign relations, human rights and legal and constitutional reform. He maintains connections with several academic institutions and journals. At Yale University he is a member of the International Advisory Board of U.N. Studies. At Stanford University he is a member of the Advisory Council at the Institute for International Studies — this is giving me some ideas, by the way, Gareth — and he serves on the Editorial Advisory Board of the Cambridge Review of International Affairs. Gareth also is a very valued leader in input and an advisor to significant policymakers. He is a member of the U.N. Secretary-General's Advisory Committee on Genocide Prevention — these are numerous, but very impressive. He is chair of the World Economic Forum's Global Governance Initiative, Peace and Security Expert Group. He is fellow of the Foreign Policy Association, member of the International Council of the Asia Society and a member of the International Advisory Board of the Pew Global Attitudes Survey.



USD Vice President and Provost Julie Sullivan with Gareth Evans

Clearly his wisdom and experience has been significant and valuable to people all around the world, and it is really our honor to welcome him to the University of San Diego this evening. Please join me in welcoming him.



*Preventing Mass Atrocities:
Making “Never Again” a Reality*

The Honorable Gareth Evans

Thanks very much, Julie, and good evening, ladies and gentlemen. Thanks for that very generous introduction. It really is an enormous pleasure and a privilege for me to have been invited to participate in this lecture series, not least since I find myself following in the footsteps of people of such extraordinary caliber and global reputation as Richard Goldstone, Mary Robinson, Hanan Ashrawi, Lloyd Axworthy and Shirin Ebadi. After just a few short years of existence, the Joan B. Kroc Institute for Peace & Justice really is now on the map, not only for its fantastic building and facilities — better than I've seen just about anywhere in the world — but as a center of excellence for policy-oriented debate, dialogue, teaching, outreach and practical policy action in the cause of global peace.

And that is a tribute to the quality of the institute's staff, who run these outstanding programs so well and who — particularly Diana Kutlow, who you heard from at the beginning, and Erika Lopez — have looked after me so admirably during my visit here. It's a tribute also I think to the breadth of vision of the University of San Diego administration, which has understood very clearly — in a way that many others may not have — how an institute like this, and a School of Peace Studies of the kind now being put in place, can add real luster to a university's national and international reputation and stature. And above all, it's a tribute to Joan B. Kroc herself, whose extraordinary generosity made the whole thing possible.

It is one of my abiding sorrows that I didn't meet Joan Kroc before she died four years ago. And that's not just because someone prepared to spend during her lifetime and beyond something like \$100 million on supporting peace programs is the kind of person presidents of organizations like mine dream of getting to know. It's because she was obviously such a wonderful, larger than life, character. Your founding director, Joyce Neu, told me in a message the other day that had Saint Joan, as she described her, still been with us, she would have been sitting here in the front row, a model of panache and elegance, maybe not able to follow the lecture very closely because she became very hard of hearing in her last years, but every now and again winking broadly at the speaker. Of all the distractions I've weathered over the years, I think that would probably have been the most disconcerting, knowing that to do the polite thing and wink right back — as I certainly would have been minded to do — would have the rest of the audience thinking I had lost my marbles.

The topic about which I have been asked to talk to you this evening is one on which I sometimes think we have all lost our marbles, or at least — what may or may not be the same thing — our sense of common humanity and collective morality.

How many more times will we look back wondering, with varying degrees of incomprehension, horror, anger and shame, how could we have let it all happen?

“Never again” we said after the Holocaust. And after the Cambodian genocide in the 1970s. And then again after the Rwandan genocide in 1994. And then just a year later after the Srebrenica massacre in Bosnia. And now we're asking ourselves yet again, in the face of more mass killing and dying in Darfur, whether we really are ever going to be capable, as an international community, of stopping nation-states murdering their own people, or allowing them to be murdered by others within their borders. Since 2003, in this region of Sudan, more than 200,000 have died from outright violence or war-related disease and malnutrition, well over 2 million have been displaced, peacekeeping efforts have been manifestly inadequate, peace negotiations have gone nowhere, humanitarian relief is faltering, the conflict is spilling over into neighboring territories and countries and the overall situation remains desolate. How many more times will we look back wondering, with varying degrees of incomprehension, horror, anger and shame, how could we have let it all happen?

The truth of the matter is that it has taken the world an insanely long time to come to terms with the idea that there is something fundamentally and intolerably wrong about states killing or forcibly displacing large numbers of their own citizens, or standing by when others do so. For centuries, going all the way back to the emergence of the modern system of sovereign states in the 1648 Treaty of Westphalia, the view has prevailed that, to put it bluntly, sovereignty — the possession by a country of the recognized trappings of independent statehood — is a license to kill; that what happens within state borders, however grotesque and morally indefensible, is nobody



else's business. In the history of ideas, there have been some very bad ones indeed, and few more destructive over the centuries than this.

One would have thought Hitler's Holocaust would have put paid to that notion once and for all. Certainly major gains were made. Individual and group human rights were recognized in the U.N. Charter and, more grandly and explicitly, in the Universal Declaration of Human Rights. And with the drafting of the Charter of the Nuremberg Tribunal in 1945 came the recognition in international law of the concept of crimes against humanity, which could be committed by a government against its own people, and not necessarily just during wartime.

But running alongside all this was a continued, very clear recognition of the traditional view of state sovereignty. The language of the 1945 U.N. Charter says in Article 2(7) that nothing should authorize intervention in matters essentially within the domestic jurisdiction of any state. The U.N. founders were overwhelmingly preoccupied with the problem of states waging war against each other, and took unprecedented steps to limit their freedom of action in that

respect. But, notwithstanding all the genocidal horrors inflicted during the Second World War, they showed no particular interest in the question of what constraints might be imposed on how states dealt with their own subjects.

The state of mind that even massive atrocity crimes, like those of the Cambodian killing fields, were not the rest of the world's business prevailed throughout the U.N.'s first half-century of existence. Vietnam's invasion of Cambodia, which stopped the Khmer Rouge in its tracks, was universally attacked, not applauded. The traditional view of sovereignty, as enabling absolute control of everything internal and demanding immunity from external intervention, was much reinforced by the large increase in U.N. membership during the decolonization era. The states that joined were all newly proud of their identity, conscious in many cases of their fragility and generally saw the non-intervention norm as one of their few defenses against threats and pressures from more powerful international actors seeking to promote their own economic and political interests.

Not even the signing of the Genocide Convention of 1948 made much difference, despite its apparently explicit override of the non-intervention principle for the most extreme of all crimes against humanity. The coining of the word "genocide" by the legal scholar Raphael Lemkin in 1944 — yoking together the Greek noun for family, tribe or race, and the Latin verb for massacre — was itself an important development in the history of ideas, capturing some of the momentous quality of actions that are aimed not just at destroying individuals, but whole national, racial, ethnic or religious groups — targeting, as Lemkin put it, the essential foundations of their life as such groups.

But it was almost as if, with the signing of the Genocide Convention, the task of addressing man-made atrocities was seen as complete. It took the major powers years (in the case of the United States, 40 years) to ratify it. It was rarely invoked after it was ratified and has never been effectively applied either to prevent or punish actual atrocities. The U.S. government's willingness to embrace the "g" word in the case of Darfur did not make a cent's worth of difference when it came to taking more robust action in response. And the long-awaited test case in the International

Court of Justice, Bosnia against Serbia, decided recently that Serbia had not itself committed genocide in Srebrenica — though it did have some culpability for failing to prevent it. This showed all too clearly what lawyers have long feared: that the legal definition of genocide in the convention — requiring, in particular, very particular kinds of intent to be proved toward a very particular kind of group — is just so narrow in scope that there are very few kinds of behavior by either individuals or governments that will be caught by it.

With the arrival of the 1990s and the end of the Cold War, the prevailing complacent assumptions about non-intervention did at last come under challenge, as never before. The quintessential peace and security problem became not interstate war — war between states — but civil war and internal violence perpetrated on a massive scale. With the break-up of various Cold War state structures, most obviously in Yugoslavia, and the removal of some superpower constraints, conscience-shocking situations repeatedly arose.

But old habits of non-intervention died very hard. Even when situations cried out for some kind of response — and the international community did react through the United Nations — it was too often erratically, incompletely or counterproductively, as in the debacle of Somalia in 1993, the catastrophe of Rwanda in 1994 and the almost unbelievable default in Srebrenica just a year later, in 1995. Then came Kosovo in 1999, when the international community did in fact intervene as it probably should have, but did so without the authority of the Security Council in the face of a threatened veto by Russia, raising anxious questions about the integrity of the whole international security system.

In response to these emerging situations a powerful new idea did emerge, and dominated international discourse through the 1990s. This was the concept, coined by the founder of Medicines Sans Frontiere, Bernard Kouchner, of “droit d’ingerence,” the “right to intervene,” or more fully, the “right of humanitarian intervention.” The trouble with this language is that, while it was from many perspectives a noble and effective rallying cry, around the world it enraged as many as it inspired. Throughout the decade arguments about the right to intervene,

mostly from the global north, were met by equally vehement claims, mostly from the global south, about the primacy and continued resonance of the concept of national sovereignty. Battle lines were drawn, trenches were dug and verbal missiles flew. The debate was intense and very bitter, and the 1990s finished with it utterly unresolved in the United Nations or anywhere else.

U.N. Secretary-General Kofi Annan at one stage made his own effort to resolve the conceptual impasse at the heart of this debate by arguing that national sovereignty had to be weighed and balanced in these cases against individual sovereignty, as recognized in the international human rights instruments. But this fell on deaf ears, being seen not so much as resolving the dilemma of intervention, but restating it. In his report to the General Assembly in 2000, the secretary-general brought the issue to a very public head, saying in language that was both moving and agitated, and which resonates to this day: “If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violations of human rights ... ?”⁴

The task of meeting this challenge fell, in the event, to the International Commission on Intervention and State Sovereignty, which was sponsored by the Canadian government⁵ — more particularly its far-sighted, then foreign minister, Lloyd Axworthy, one of my predecessors in this distinguished lecture series. I had the privilege of co-chairing the commission with the Algerian diplomat and veteran U.N. Africa advisor, Mohamed Sahnoun, and we had a great team to work with — including as the U.S. representative, Lee Hamilton (without whom no panel of the great and good would these days ever be complete). We presented our report entitled “The Responsibility to Protect,” at the end of 2001.

The objectives of the commission, as we defined them to ourselves from the outset, were essentially threefold: to produce a guide to action on responses by the international community to internal, man-made, human-rights violating catastrophes, which would be intellectually credible and satisfying, not profoundly offending either the lawyers or philosophers — well-represented I see here this evening; secondly, which would be politically credible enough not to be rejected out

⁴ See Related Resources.

⁵ The International Commission on Intervention and State Sovereignty is also referred to in the lecture as the Canadian Commission.

of hand as a framework for action by either north or south, by the permanent five members of the Security Council or any other major international constituency; and thirdly, compelling enough in its basic message to be able in practice to actually motivate action and mobilize support when a situation demanding such a response arose. In the event, we made, I think it is fair to say, four main contributions to the international policy debate which have been resonating ever since.

The first, and perhaps ultimately politically the most useful, was to invent a new way of talking about humanitarian intervention. We sought to turn the whole weary debate about the right to intervene on its head, and to re-characterize it not as an argument about the right of states to do anything, but rather about their responsibility — one, to protect people at grave risk. The relevant perspective, we argued, was not that of prospective interveners — the big guys wanting to throw their weight around — but rather those needing support. The searchlight was swung back where it should always be: on the need to protect communities from mass killing and ethnic cleansing, women from systematic rape, children from starvation. The commission's hope was — and so far, broadly, our experience has been — that using “responsibility to protect” rather than “right to intervene” language would enable entrenched opponents to find new ground on which to more constructively engage.

*We sought to turn the whole weary debate
about the right to intervene on its head ...*

We very much had in mind the power of new ideas, or old ideas newly expressed, to actually change the behavior of key policy actors. And a model we very much had in mind in this respect was the Brundtland Commission, which a few years earlier had introduced the concept of “sustainable development” to bridge the huge gap which then existed between developers and environmentalists.⁶ With a new script, the actors have to change their lines and think afresh about what the real issues in the play actually are.

⁶ The Brundtland Commission is also known as the World Commission on Environment and Development, chaired by Gro Harlem Brundtland. See Related Resources.

... using “responsibility to protect” rather than “right to intervene” language ... enable[s] entrenched opponents to find new ground on which to more constructively engage.

The second contribution of the commission, linked with the first and again conceptually significant, was to insist upon a new way of talking about sovereignty. We argued, building on an earlier formulation by Francis Deng, that its essence should now be seen not as “control,” as in the centuries-old Westphalian tradition, but again, as “responsibility.” The starting point is that any state has the primary responsibility to protect the individuals within it. But that is not the finishing point. Where the state fails in that responsibility, through either incapacity or ill will, a secondary responsibility to protect falls on the wider international community. That, in a nutshell, is the core of the responsibility to protect idea, or — in this age of acronymphomania — R2P, as we are all now calling it for short.

The third contribution of the commission was to make it clear that the responsibility to protect was about much more than intervention, and in particular military intervention. It extends to a whole continuum of obligations: the responsibility to prevent these situations arising — most obvious and important of all in an ideal world, but most consistently neglected in the real one; the responsibility to react to them when they did, with a whole graduated menu of responses, from the persuasive to the coercive; and the responsibility to rebuild after any intrusive intervention.

The remaining contribution of the commission was to come up with guidelines for when the most extreme form of coercive reaction, military action, would be appropriate. That's when the rubber really hits the road if you want a morality-driven policy to have take-up in the real world — if you want idealism to be realistic. The first criterion was obviously legality, and here we saw our task as not to try and find alternatives to the clear legal authority of the Security Council, but rather to make it work better, so there was less chance of it being bypassed.

With a new script, the actors have to change their lines and think afresh about what the real issues in the play actually are.

That was followed by five criteria of legitimacy, designed as a set of benchmarks which, while they might not guarantee consensus in any particular case, would hopefully make its achievement much more likely. Although I have to confess I didn't quite have in mind this lecture at the University of San Diego when we crafted them, these five criteria would be very familiar to an audience of Catholic intellectuals because they were unashamedly based on "just war" principles. In short, the principles we specified were: the seriousness of the harm being threatened; the motivation or primary purpose of the proposed military action; whether there were reasonably available peaceful alternatives; the proportionality of the response; and the balance of consequences — whether more good than harm would be done.

It is one thing to develop a concept like the responsibility to protect, but quite another to get any policymaker to take any notice of it. The most interesting thing about the "Responsibility to Protect" report is the way its central theme has continued to gain traction internationally, even though it was almost suffocated at birth by being published in December 2001, in the immediate aftermath of 9-11, and by the massive international preoccupation with terrorism, rather than internal human rights catastrophes, which then began.

In just five short years, a remarkably brief time in the history of ideas, the responsibility to protect concept evolved from a gleam in an international commission's eye to what now has the pedigree to be described as a broadly accepted international norm, and one with the potential to evolve further into a rule of customary international law. On any view, that's an encouraging story, and we ought to be encouraged by it.

The concept was first seriously embraced in the doctrine of the newly emerging African Union, and over the next two to three years it won quite a constituency among academic commentators and international lawyers, which is a not unimportant constituency, given that international law is the rather odd beast that it is, capable of evolving through practice and commentary as well as through formal treaty instruments.

But the big step forward came with the U.N. 60th anniversary World Summit in September 2005, which followed a major preparatory effort involving the report of the 2004 High-Level Panel on Threats, Challenges and Change (of which I was, rather conveniently, a member), which fed in turn into a major report by the secretary-general himself. Both these reports emphatically embraced the responsibility to protect concept, and the summit outcome document, unanimously agreed to by the more than 150 heads of state and government present and meeting as the U.N. General Assembly, unambiguously picked up the core recommendations. Its language, though a little wordier and woollier than it needed to be, was quite clear-cut in picking up the core theme of the commission report. The key words were these:

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. ... We accept that responsibility and will act in accordance with it. ... The international community, through the United Nations, also has the responsibility to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII

— which is about the use of force —

... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.⁷

⁷ See Related Resources.

That this endorsement happened was anything but inevitable. Not much else of any significance was agreed to by the summit, despite all the preparatory build up and high expectations. A fierce rearguard action was fought almost to the last by a small group of developing countries, joined by Russia, who basically refused to concede any kind of limitation on the full and untrammled exercise of state sovereignty, however irresponsible that exercise might be. What carried the day in the end was not so much consistent support from the E.U. and U.S. — support which after the invasion of Iraq in 2003 was not particularly helpful, it has to be acknowledged, when it came to meeting these familiar sovereignty concerns. The support that mattered rather was persistent advocacy by sub-Saharan African countries, led by South Africa; a clear and historically quite significant embrace of limited sovereignty principles by the key Latin American countries; and some very effective last-minute personal diplomacy with major, wavering country leaders by Canadian Prime Minister Paul Martin.

A further important conceptual development has occurred since the September 2005 summit: the adoption by the Security Council in April last year of a thematic resolution on the Protection of Civilians in Armed Conflict, which contains in an operative paragraph an express reaffirmation of the World Summit conclusions relating to the responsibility to protect. And we have now begun to see that resolution, in turn, now being invoked in subsequent specific situations, as with Resolution 1706 of August 2006 on Darfur. A General Assembly resolution may be helpful, as the World Summit's unquestionably was, in identifying relevant principles, but the Security Council is the institution that matters when it comes to executive action. And at least a toehold there has now been carved.

But this is just about where the good news ends. We simply cannot be at all confident that the world will respond quickly, effectively and appropriately to new human catastrophes as they arise, as the current case of Darfur is all too unhappily demonstrating. The responsibility to protect has become a potentially powerful idea, but it will only be really powerful if it is implemented in practice. There is much unfinished business to attend to, falling, from my perspective, into four main categories.

The responsibility to protect has become a potentially powerful idea, but it will only be really powerful if it is implemented in practice.

The first problem is to hold the line against backsliding. We cannot, unfortunately, assume that the bridgehead achieved at the World Summit and in subsequent Security Council resolutions will necessarily hold. Some member states, particularly in Asia, were very reluctant to accept this part of the summit outcome document, and continue to fight a rearguard action against it. They have been much aided in this respect by R2P's false friends. Occasional efforts by defenders of the 2003 invasion of Iraq, notably the UK government, to paint it as justified by R2P principles (as other defenses in terms of the possession of weapons of mass destruction or support for international terrorism crumbled away) have not been at all analytically persuasive. But they have succeeded admirably in reinforcing the arguments of R2P opponents that any concession as to the limits of state sovereignty would create an excuse that would be exploited all too willingly by neo-colonialists and neo-imperialists keen to return to their bad, old, interventionist habits of decades past.

One sign of possible difficulties ahead was the rejection by the Security Council in January this year — with vetoes from China and Russia (cast together for the first time since 1972), and South Africa voting against — of a resolution condemning Burma's, or Myanmar's, appalling human rights record. The argument of the opponents was that the government's behavior was not a threat to international peace, and thus outside the Security Council's jurisdiction. It is certainly arguable that Myanmar's human rights violations, while deplorable, have not been of the same character or scale of those in Darfur or Kosovo or Srebrenica or Rwanda before it, and as such do not squarely raise R2P principles.

But it is disturbing nonetheless to see prevailing a narrow view of the scope of the Security Council's authority under the U.N. Charter, and the parallel return to favor of a broader view of the protection from international scrutiny and censure conferred by state sovereignty. As the retired Archbishop of Cape Town, Desmond Tutu, put it: "If others had used the arguments we are using today when we asked them for their support against apartheid, we might still have been unfree." Those of us concerned to consolidate R2P as a universally accepted international norm — and one legitimizing close attention by the Security Council to the behavior toward their own people of a number of deeply unsavory regimes — will have to stay on our toes for a good while yet.

The second bit of unfinished business is to adopt guidelines for the use of military force. The Canadian Commission recognized that the issue of when it was right to fight — to use the most extreme of the options available to react to an R2P situation — had to be specifically addressed if the idealism of our concept of international responsibility was to be realistically applicable in practice. We accordingly identified, as I have already mentioned, a set of prudential criteria in this respect which we argued should be adopted by the Security Council.

These were, again, the seriousness of the harm being threatened, which would need to involve large scale loss of life or ethnic cleansing to *prima facie* justify something as extreme as military action; the motivation or primary purpose of the proposed military action (whether it was primarily to halt or avert the threat in question, or had some other main objective); whether there were reasonably available peaceful alternatives; the proportionality of the response; and, not least, the balance of consequences — whether overall more good than harm would be done by a military invasion.

These recommendations were subsequently embraced both by the high-level panel I referred to and by the secretary-general in his own report to the 2005 World Summit — but not adopted by it. And they remain in limbo. They were rejected, those criteria, by the U.S. in particular, because it didn't want any restraints on its unrestricted freedom of action in situations. And they were rejected by the G-77,

the developing countries, on the rather less than understandable ground that to articulate these criteria was somehow to encourage the great powers to misuse them and to apply military force notwithstanding. Be that as it may, for whatever reason, they were not endorsed.

Of course, no criteria of the kind the commission argued for, even if agreed as guidelines by the Security Council, will ever end argument on how they should be applied in particular instances, for example, Darfur right now, where my own organization, the International Crisis Group, has taken the view that when it comes to coercive military intervention, at least right now the balance of consequences test argues against this. It would very disastrously impact the humanitarian relief effort which is keeping some 2 million people alive, and also, it would probably lead to total breakdown of the north-south peace agreement which is hanging by a thread at the moment.

We've argued that a coercive, military invasion-type response, even if it could be put together, would be inappropriate for those reasons, and that the real need is for coercive economic pressure to be applied, particularly by the U.S. But it is hard to believe these criteria would not be more helpful than the present totally ad hoc system in focusing attention on the relevant issues, revealing weaknesses in argument and generally encouraging consensus.

The third bit of unfinished business is to build available capacity. If R2P is not to remain more theoretical than real, we must somehow solve the problem of capacity, ensuring that the right civilian and, as necessary, military resources are always there in the right amounts and with the appropriate capability. And that means having readily available a set of responses that are somewhere between, as Lee Feinstein puts it in a recent Council of Foreign Relations paper, "the stark options of 'Doing Nothing' and 'Sending in the Marines'."⁸

We need stronger early-warning coordination and response machinery at the center — with the U.N. secretary-general having a person of real international stature, working full-time and with appropriate support staff reporting to him as special

⁸ See Related Resources.

advisor on the prevention of genocide and other mass atrocities — something the secretary-general is considering right now as we speak. We need effective diplomatic capacity ready and available and properly resourced to negotiate and mediate those situations which are capable of being stopped by effective early intervention of this kind. We need a repertoire of carefully thought through sanctions measures, with an effective, professionally resourced mechanism ready to be put in place immediately to monitor the application and effectiveness of those sanctions. We need a full range of civilian capabilities, especially effective policing, on permanent standby with the capacity to be immediately deployed.

And we do also need effective preparedness to mount military operations for civilian protection purposes, with the consent, if at all possible, of the government in question — as was the case in East Timor, for example, and has been the case with the limited forces so far sent to Darfur — but in really extreme cases, if there is no other way of protecting the people in question from slaughter and ethnic cleansing, without that consent.

The experience of the current A.U. [African Union] mission in Darfur is a classic demonstration of the problem of capacity — too few troops, too poorly equipped and too immobile to perform effectively even the limited civilian protection task required by their present mandate. The United Nations is currently feeling desperately overstretched, with over 80,000 military and 15,000 civilian personnel deployed worldwide. But with the world's armed services currently absorbing some 20 million men and women in uniform — with another 50 million reservists and 11 million paramilitaries — it hardly seems beyond the wit of man to work out a way of making some of that capacity available when and where it's needed to prevent and react to man-made catastrophe.

Another crucial, practical, operational issue is to address the question, up until now almost completely neglected by the world's militaries, of developing detailed concepts of these R2P civilian protection operations, which involve neither traditional war fighting, where the object is not to stop violence as such, but to defeat an enemy, nor peacekeeping operations, which although these days usually

involve much more than the traditional passive monitoring, have still not come to grips with the kind of responses needed to cope with the threat or reality of atrocity crimes. It's not just a matter of force configuration, but of developing new doctrine and new kinds of rules of engagement and new kinds of training.

Finally, there's the question, when you talk about unfinished business, of generating the political will to act. As always this is the biggest and hardest piece of business to achieve. But we have to recognize that finding the necessary political will to do anything hard, or expensive, or politically sensitive, or seen as not directly relevant to national interests, is just a given in public affairs, domestically or internationally. Its absence should not be a matter for lamentation, but mobilization. Political will is not hiding in a cupboard or under a stone somewhere waiting to be discovered: it has to be painstakingly built.

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All of us have a role in this respect, not only those occupying the commanding heights of policymaking and decision making, but academics and students and NGOs and ordinary members of the community of the kind gathered here this evening. It is a matter of not just top-down effort — with key officials in key governments and those who can influence them directly (as hopefully we in Crisis Group can) making the effort to persuade and mobilize their peers in the international community to take the necessary action in the U.N. Security Council and elsewhere. It's also a matter of bottom-up mobilization: making the voices of ordinary, concerned citizens heard in the corridors of power.

At any level, the key to mobilizing the necessary political will from all the necessary policy actors — and there are a large cast of them, both at the national government

and intergovernmental levels — is partly, of course, to have good organization and good lobbying techniques and good contacts. But above all it is to have good arguments, intelligently and energetically advanced. Those arguments may be party interest arguments, designed to consolidate a government’s vocal domestic base — always an important element in the Bush administration’s interest in Sudan, such as it has been.

They can be national interest arguments, and they’re in fact much easier to make now in relation to “quarrels in far away countries between people of whom we know nothing” — to recall that famously dismissive language of the British Prime Minister Neville Chamberlain at the time of Munich in the 1930s — because of what we do know now about the capacity of failed states in this globalized world to be a source of havoc for others. There are financial arguments, in terms of a million dollars worth of preventive action now saving a billion dollars worth of military intervention later. And then, there are in fact usefully deployable moral arguments, given that however base politicians’ real motives may be, they always like to be seen as acting from higher ones. So, it’s important to give them the arguments to do just that.

*... the case for R2P rests simply on our common humanity:
the impossibility of ignoring the cries of pain
and distress of our fellow human beings.*

We can, if we need to, always justify making responsibility to protect a reality on hard-headed, practical, national interest grounds: states that can’t or won’t stop internal atrocity crimes are the kind of rogue states, or failed or failing states, that can’t or won’t stop terrorism, weapons proliferation, drug and people trafficking, the spread of health pandemics and other global risks.

But at the end of the day, the case for R2P rests simply on our common humanity: the impossibility of ignoring the cries of pain and distress of our fellow human

beings. For any of us in and around the international community — from individuals to NGOs to national governments to international organizations — to yet again ignore that distress and agony, and to once again make “never again” a cry that rings totally empty, is to diminish that common humanity to the point of despair. We should be united in our determination to not let that happen, and there is no greater or nobler cause on which any of us could be embarked. Thank you very much.

QUESTIONS AND ANSWERS

The audience submitted questions which were read by Diana Kutlow.

DK: Thank you very much, Gareth. I'm going to start with a question that came through cyberspace via Joyce Neu — you know it's killing her not to be here tonight. We all realize the benefits of focusing on particular crises, of bringing attention to different conflicts, but are there dangers as well that by doing that publicly we in fact are pushing people to try to consolidate their positions in a way that may cause more violence in those areas?

GE: Absolutely not. There's never enough attention that you can give to these situations, never enough spotlight or publicity you can put on the ugliness of what's occurring. The really horrible actions of really horrible people flourish best in dark corners and dark spaces and away from that spotlight. The horrors of Rwanda were really only able to be perpetrated because they were given insufficient attention, insufficient publicity, were far too readily dismissed as just another episode in the endless repertoire of conflict between tribal actors in darkest Africa. The only way to begin to deal sensibly and effectively with these issues is to bring them into the spotlight of public discourse and international discourse.

It's true that sometimes when it comes to solving these problems and finding solutions to some of these conflicts, and the atrocity perpetration is going on, you do need to use back channels to operate outside the framework of that publicity, in a way that might be seen as involving some abdication of responsibility to tell truth to power, or some abdication of responsibility to keep an issue in the spotlight. True it is that sometimes that's what diplomatic mediation and negotiation are all about. Sometimes you have to negotiate some rather unpalatable things, like possibly giving amnesty to people sitting across the table from you, who you would prefer to have strung up by piano wire.



But the truth of the matter is that for all those sort of tactical and strategic considerations, the worst possible thing that can happen when one is in the business of conflict prevention and mass atrocity prevention is for just nobody to really know what's going on, nobody to notice what's going on, and for that horror to sort of flourish without any attention at all. There are some downside risks, yes, at the margin in some of these cases to giving it attention when you're trying to negotiate an outcome. But, by and large, overwhelmingly, the balance is on the side of really close and immense attention.

DK: Now, kind of in light of that answer, you had many choices when you left politics. You could have gone into business, you could have gone to work for the international organizations at the United Nations directly, but you chose to work through an NGO. I'm curious about why an NGO was the spot you felt you could be most effective.

GE: Well, I wasn't sure I was going to be effective at all, but it just sounded like a pretty good change of pace and direction from 21 years of relentless

exposure and media up every nostril, cameras and microphones — and it was just a sense that I wanted to take stock. And the NGO that I went to at that stage really was a change of pace because it didn't have, as it has now, 130 people working in 60 countries with a budget of \$15 million. We had 20 people working in three countries with a budget of less than \$2 million, stuck away in a funny little, sort of “maison de ville” in the back streets of Brussels. So, it wasn't that I thought I was going to change the world in a different way; I wasn't quite sure I was going to be able to change anything.

But it really is interesting: the freedom of action that NGO involvement gives you is very different of course from the kinds of constraints that are upon you as a government. You really can speak out, speak your mind on all sorts of issues. Whether anyone takes any notice is something else, but you do have that freedom. What's lacking of course, and where I do notice the contrast, is the lack of any actual executive authority — you're not actually sitting in the rooms where decisions are made. All you can hope to do is influence those who are, and to that extent you are always going to be a bit of a bit player. But there is a really very significant and increasing role to be played by these bit players these days, and it really is quite extraordinary the way in which the nongovernmental community has burgeoned and grown so rapidly and has become such a significant source of information, analysis and ideas for policymakers.

One of the things that has stuck in my mind rather vividly was a conversation I had with Kofi Annan just a couple of years ago. He said, “Look, when I read your reports,” and interestingly, he did read our reports, “I know that what I'm very often hearing is the voice of my own U.N. people on the ground that I'm not hearing coming up through the system in the U.N. itself,” with all the self-censorship and all the pressures and all the constraints and all the backside protection from the higher ups, all the anxiety not to offend member states that comes with the territory in a lot of those institutional environments. He said, “I know because of your independence and because you've got access to all these people, you're recording what they're really thinking about these situations, and I'm getting and hearing the unvarnished truth of all this.” And that was encouraging.

It's extraordinary how many governments support an organization like mine — about 24 of them at last count, with really quite large sums of money. And they do so because what is lacking these days from so many governments, even great and powerful countries like the United States that have no particular resource constraints on putting people in these situations, is the capacity of diplomats to do their traditional jobs. They're all locked up behind high stone walls and barbed wire and with all sorts of constraints about who they can talk to, and it's very difficult to get the sense of the pulse of what's going on in these situations, who the real actors are, what the real dynamics are. So, organizations like mine and like other NGOs that are working on the ground in this context become really quite significant sources of information and analysis in a way that really does make you feel that at least you're contributing something of relevance to the wider situation.

DK: The question of sanctions was one that you brought up as perhaps being very effective in Darfur. Can you be more specific about the kinds of sanctions you think would be effective there?

GE: Well, stopping janjaweed camel drivers with AK-47s from shopping in Harrod's is clearly not going to be a huge constraint, so there's only up to a point that targeted sanctions on travel and external bank accounts and so on have an impact. But they sure as hell have an impact on the political leaderships of these countries, and they're a very important dimension, but by no means the end of it. What you've got to start looking at once you've moved past that group of sanctions are those that really do bite on the larger economic interests, particularly if you can narrow it in some way to the interests of the power elite within the countries in question. Very often there are particular businesses through which they act and raise their revenues. That's certainly the case in Darfur: a lot of the militias are supported by particular businesses that have very close associations with the governing regime and could be specifically targeted. There are all sorts of ways in which oil revenue and other significant inputs could be directly targeted and affected if the international community was serious about applying sanctions.

And there are, in particular, what we're now learning again to be the most effective of all economic sanctions: the sort of banking restrictions, a lot of them quite informal in character, that can be imposed to stop effectively the flow of investment funds, the flow of trade finance and other kinds of things that make the wheels turn round. The U.S. in particular is very, very capable of applying this kind of sanction, often through informal rather than formal mechanisms, just making it clear to various financial actors in the U.S. and E.U. and elsewhere that if they engage with or support these various unsavory regimes, they will have difficulty themselves doing business with the U.S. banks or other actors in the U.S. financial system. It doesn't take too many nods and winks and messages of that kind for a lot of business to dry up. The U.S. has been quite happy to employ those techniques, as I well know, in the context of North Korea and Iran and even in the context of Hamas in Palestine, but so far deeply reluctant to do so in the case of Darfur.

So, that's one of the areas in which I think a hell of a lot more could be done and is being done at the moment to change the cost-benefit calculation of the leadership of that regime, and that's really what the sanction stuff is all about. You've got to be very careful about blunt, widespread sanctions which impact directly on populations at large, and we've had a lot of experience of sanctions overkill in the past and that's made sanctions to some extent discredited as a policy tool. But properly, carefully, surgically, clinically applied to the people who deserve that kind of attention, they can be very effective indeed. And I for one would love to see a bit more of that kind of pressure being applied in the current situation in Darfur.

DK: Well, of course, after Darfur there are a number of other places — and I'm sure this is what happens when you have the responsibility to protect concept — everybody wants to fit their particular concern into it. But three questions here: How do you see the responsibility to protect working in Zimbabwe? What about northern Uganda where 1,000 people are dying every week? And the Israeli-Palestinian conflict, where I know the International Crisis Group has worked extensively? Do you see a possibility of international intervention?

GE: Well, each one of these are conflict situations or human rights-violating situations, which entirely justify international attention, engagement, pressure, various forms of action, but are not necessarily characterizable as responsibility to protect situations. The case of Zimbabwe, for example: even though there have been some shocking violations of human rights recently committed by [Robert] Mugabe, there hasn't been anything really remotely comparable to what he in fact did in Matebeleland in the 1980s, which did involve the mass killing of political opponents in one particular part of the country, comparable to Saddam Hussein's tactics on the Kurds in the north in the late 1980s and the Shiites in the south in the early 1990s. But in the case of Zimbabwe, that's not current behavior which satisfies that sort of threshold.

The current human rights-violating behavior, while peculiarly horrible, is not really all that distinct from the human rights violations of many other actors, dictators, tyrants around the world. And you have to be very careful about saying these are responsibility to protect situations because in doing so, you play into the hands of those many countries in the developing world that see the responsibility to protect concept, as I described it, as being simply a device for giving the old imperial powers the sense that they can once again intervene with impunity in just about everything that's going on inside the developing world, everything they don't like.

It seems to me that what you've got to try and do is recognize that not all instruments are appropriate to deal with every class of problem. The responsibility to protect, while the language purely linguistically is broad enough to apply to all sorts of things — including the responsibility to protect people from environmental degradation, the responsibility to protect people from HIV/AIDS pandemics and things of this kind — to use the language in that way would dilute it of all its utility, of all its relevance in building a consensus to deal with one particular kind of problem with which it showed it was spectacularly incapable of dealing in the 1990s.

What the responsibility to protect is all about is finding, as I've tried to describe, an alternative to the right to intervene language in the case of really

catastrophic human rights violations involving mass killing or large scale ethnic cleansing, when right to intervene language just didn't have any kind of resonance, didn't attract any kind of consensus at all. So, what we — just on the principle of solving one problem at a time or in the best way we can — recognized was that here's a problem still crying out for solution. We have to confront the possibility of conscience-shocking situations of this kind recurring, and let's reserve this concept to those sorts of situations with really major things happening here and now — not in the distant past — and as a result, maximizing the chances of winning international consensus to deal at least with those situations in a way that we can ensure that they will never again recur. So, that's the rationale and a similar rationale as I can spell it out in more detail we haven't time.

DK: A quick question about individual countries taking on this responsibility to protect: If the international community cannot agree on the benchmarks, cannot agree on when those benchmarks have been met, what responsibility do individual countries have to respond?

GE: Well, there's a huge amount of responsibility to protect that can be exercised falling short of a consensus in the Security Council. I mean, the responsibility to prevent involves all sorts of strategies, development strategies, political mediation and negotiation and support strategies that are perfectly within the scope of individual countries to apply without any larger framework for doing so. Similarly, with these less-than-coercive military force options that we're talking about — sanctions in particular — you don't need, as international law now stands, Security Council support or endorsement to apply very tough, coercive economic sanctions on anybody. Plenty of those have been applied in the past by the U.S., by Europeans against countries they didn't like for one reason or another, justified or not. There's no problem about doing any of that. The problem is making them effective when they're erratic, or incompletely or not universally applied. But that's a different issue, and some sanctions can be, as I've tried to explain with banking sanctions a moment ago, very effective indeed when applied individually.

So, there are all sorts of opportunities, and this is part of thinking about responsibility to protect as being about more than just military reaction. When it comes to military intervention, or coercive or non-consensual military intervention at least, there is obviously a real problem if the Security Council won't go along, won't agree, if somebody threatens a veto and stops there being that endorsement. This is exactly what happened in 1999 in Kosovo. It was a situation which seemed to cry out for that kind of military intervention: ethnic cleansing was occurring, killing was occurring, Milosevic had a track record — it was there starkly for the world to see. What can you say about those situations?

I don't think you can ever say sensibly, intelligently, that in these circumstances there is a legal right to bypass the Security Council, that it's permissible for a coalition of democracies or a coalition of the well-intentioned to go past the Security Council. I don't think you can ever make that concession, because once you do it's a terrible slippery slide to the kind of world that Mr. Bush seems to be comfortable with, but I bet most of us in the rest of the world are not — that is, a world without rules, a world without that framework of order.

What you can say though in those situations is what we said in the report of the Canadian Commission — and I have to say this was one of the hardest bits of the report to negotiate with Lee Hamilton because he, as a good U.S. guy, was absolutely determined to preserve some sort of right of freedom of action for coalitions of the willing to deal with the Kosovo sort of situation, and he and I went hammer and tongs on this for days on end before we hammered out this compromise. What we really came up with was something that still offends, I think, the conceptually clean-minded among the lawyers and philosophers around the place, but actually carries a bit of resonance with those who are more familiar with political deals, because this was really a political deal, a political proposition.

What we agreed to say was this and I think it resonates very well. When a conscience-shocking situation comes along, where all the criteria for military

action — the ones that I spelled out — seem to be satisfied (a very high threshold, satisfied in terms of the harm that is being caused; the proper intention, with no other motives at issue other than to protect people; the proposed response being quite proportional; it being the last resort, in the sense of all other options manifestly failing and likely to continue to fail; and there is no obvious reason to think that the results will be disproportionately bad, in the sense that the bad will outweigh the good if you go ahead with it), the Security Council then, because of Russian or some other pig-headedness, says “No, we’re going to veto this”; and if under those circumstances, one or more like-minded countries say, “What the hell, we’re going in to do it nonetheless because the situation cries out for it,” and they do it and they’re successful; and then if the world says, “You are successful, we agree with what’s been done, it was the right thing to do” — if all those conditions are then satisfied, the short point is that politically, that puts the Security Council right out on a limb. It creates a situation in which they’re the ones lacking the credibility, in which their credibility — the credibility of the Security Council as an institution — is at risk because they’ve misread the play. And the short point is, too many errors of judgment of that kind by the Security Council will be really quite catastrophic for the credibility of that institution, and should lead over time to a recognition by the Security Council members that they can’t afford to make those mistakes again.

It’s a sort of roundabout political argument, but it’s a way of approaching it which doesn’t say that under no conceivable circumstances can you do it, if the Security Council says no for whatever wrong-headed reason — no, you can’t do it, full stop, that’s the end of the argument, let’s watch people die. It doesn’t say that. It says you do it in the knowledge that if you get it right, you’ve thrown the onus back in the other direction. Hopefully that will lead over time to a change in the Security Council behavior.

DK: You mention political will as being perhaps the toughest part of what needs to happen for some of these things to move forward. We have two questions about political will. Looking at grassroots organizations like Save

Darfur or Nonviolent Peaceforce, what can these organizations do, and should they be given more resources if that’s such an important part of it?

GE: Well, political will, as I said, needs to be generated in a rather top-down sense and a bottom-up sense — the bottom-up sense particularly in urgent situations as they come along, where the top-level policymakers are demonstrating indifference or worse. Grassroots campaigning under those circumstances — and my colleague John Prendergast, who some of you have met and who has appeared on this campus and will again shortly at commencement, is an absolute master at generating that kind of response — to simply show loudly and clearly that there really is a constituency out there that we can’t afford to ignore: it makes people sit up and take notice in the corridors of power. And by saturating congressmen with e-mails and messages and so on, you really do change quite considerably the dynamics of indifference which might otherwise apply. So, it’s a very important part of the repertoire.

Whether every organization should be trying to do everything in this respect is sort of an issue that we discuss internally among ourselves in the International Crisis Group. We tend to do the really boring, backroom stuff: grassroots, field-based analysis; policy recommendations; high-level advocacy; working behind closed doors; writing complicated reports with complicated solutions to complicated problems. We tend to leave the seven-second sound-bites to others, but it’s not because we don’t agree that’s a highly relevant part of the range of responses that are necessary to generate a response. It’s just that some organizations are better doing some things and other organizations are better doing others, because, for example, what we have to do is to preserve at all costs our credibility with the policymakers and not be seen as out there to get them, to campaign, to embarrass them. Our role is essentially to say that this is what’s happening and this is the way you can help resolve it and this is a whole bunch of reasons, political and financial and national interests and moral, why you should do this.

What we need to do I think in the case of R2P is to develop — and a group of us are talking about this right now as we speak, and I'm going to New York tonight to have a meeting about this tomorrow — a global coalition to deal with the need for further consolidating the R2P norm internationally, but also generating a more coherent and systematic response among the grassroots organizations that are campaigning in particular cases to make this response a reality. Hopefully we'll be able to generate some resources, if not from governments — it's not easy in these situations — but from foundations and benefactors and supporters, in order to try and harness the energy that is out there in the community, and the commitment and the will to resolve these issues. But, it's a multi-tiered, multilayered, multidimensional response that's necessary. None of this stuff is simple. You don't get very far just by putting millions of dollars worth of ads in newspapers saying, "Darfur is horrible, do something about it."

I should finish this question I suppose with an anecdote about my own response, and it goes back to why I joined this particular organization. When I was a minister — as I was for 13 years, a foreign minister for eight years, and doing a lot of other things as well — I was constantly meeting with groups of NGOs who would say to me, "Minister, you really ought to care about this situation. You ought to do something about it."

And I would say to them, "Well, I do care or I wouldn't be spending my time meeting with you across this table. But what I really want to get my head around is what can I do? What can the Australian government do, the lightweight in the international league list when it comes to economic power and military power, maybe energetically available diplomatically — but what's the leverage we can employ? Who? What? When? Where? How? Please give me some answers to that."

Invariably, NGOs would say to me, "Well, that's not our pay grade. We're just in the business of sensitizing you. We're in the business of energizing you. We're in the business of telling you you've got to do something."

And so, I think there is a pretty familiar story. Those Save Darfur Coalition ads telling the Washington government they've got to do something, they're a little bit in that category. So, I said to myself, if ever I'm in a position of being involved in the NGO universe, what I want to do is to be involved with an organization that actually answers those sorts of questions: Who? What? When? Where? How? What kind of leverage is available? What, if you are appropriately minded, can you actually do to change the situation? And that's the particular role that we're trying to play in that respect. It's not that I, in any way, want to diminish that other role. It's just to say that it all has its place in this wider universe of activism.

DK: Well, I'm going to ask one last question, and it's for the victims of these conflicts. Someone asked a very interesting question: What voice should the victims have in these decisions about actions being made on their behalf, and how can that voice be heard?

GE: Well, there's no more effective advocacy that one can mobilize and deploy than the advocacy of victims, to policymakers who might otherwise just be indifferent. I mean, the great mirror is being able to get CNN cameras involved — the old cliché, but it's true. If you can get those victims' stories cast indelibly in the minds of decision makers, it changes their perspective. I mean, it just cuts through and makes people recognize, for all the obvious differences, there is a common humanity there and there is something which cries out for attention. So, at the level of stimulating engagement, stimulating a response, victims' stories are fantastically important.

At the level of what kind of particular strategies are most appropriate to deal with situations, well, that will obviously depend a hell of a lot on the particular kind of situation you're dealing with. Sometimes it's highly-complex diplomatic maneuvering, and legal and constitutional frameworks are going to have to be devised to give people a place in the sun and so on, and what's necessary is just the mobilization of that kind of expertise, rather than the emotional impact.

But then when you move on to some of the issues like transitional justice — what do you do in the aftermath of a conflict when it comes to punishing the perpetrators of atrocity crimes and to what extent should you go down the path of criminal justice, to what extent should you go down the path of truth and reconciliation commissions or some other way of accommodating that hurt without the formal trappings of legal trial and punishment? — here I think, again, it's fantastically important to listen to what the victims have to say about that, because it's really quite remarkable how often victims in some of these country situations will say, to the extent that you can get a common view, that what we really want to do is just put this awful horror behind us. We don't want the trappings of trial and punishment and endlessly protracted arguments and witness appearances and all the stress that's associated with that — we really do just want to move on.

Now, sometimes that's what some people used to call false consciousness, and what the victims are really doing is suppressing something which the lawyers really should be getting out and doing anyway — and I think in a case like Cambodia it's quite interesting that over time, views on this have waxed and waned. There's no doubt that people were just sort of numb in the immediate aftermath of the civil war that I helped to negotiate a solution to, and retributive justice was the last thing on their mind. But as time has gone on and the immediate pain has worn off and the larger sense of injustice has taken hold, there is more of a mood that we're not going to let this go without having at least some of those perpetrators up there in lights.

But for all the different models there are for dealing with these situations — and there are all sorts of institutions which now exist to deal with these issues — there's no cookie-cutter model that's applicable, or that should be applicable without hearing and listening very, very carefully to what those people, those women, those kids, those men, who've suffered have to say. So, it's a very important part of the whole process, but how it works out in any particular case is, as with just about everything in this business, very hard to generalize. Everything depends on really knowing and really understanding the dynamics of each particular situation.



Evans discussing his lecture with a member of the San Diego community.

RELATED RESOURCES

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Chartered in 1949, the University of San Diego is a Roman Catholic institution of higher learning located on 180 acres overlooking San Diego's Mission Bay. The University of San Diego is committed to promoting academic excellence, expanding liberal and professional knowledge, creating a diverse community and preparing leaders dedicated to ethical and compassionate service.

USD is steadfast in its dedication to the examination of the Catholic tradition as the basis of a continuing search for meaning in contemporary life. Global peace and development and the application of ethics and values are examined through campus centers and institutes, such as the Joan B. Kroc Institute for Peace & Justice, the Values Institute, the TransBorder Institute, the Center for Public Interest Law, the Institute for Law and Philosophy, and the International Center for Character Education. Furthermore, through special campus events such as the Social Issues Conference, the James Bond Stockdale Leadership and Ethics Symposium, and the Joan B. Kroc Distinguished Lecture Series, we invite the community to join us in further exploration of these values.

In recent years, the University of San Diego has hosted many distinguished guests, including Nobel Peace Laureates and former Presidents Jimmy Carter and Oscar Arias, Supreme Court justices, United Nations and United States government officials, as well as ambassadors from countries around the world. In 1996, the university hosted a debate between presidential candidates Bill Clinton and Bob Dole.

The USD campus, considered one of the most architecturally unique in the nation, is known as Alcalá Park. Like the city of San Diego, the campus takes its name from San Diego de Alcalá, a Franciscan brother who served as the infirmarian at Alcalá de Henares, a monastery near Madrid, Spain. The Spanish Renaissance architecture that characterizes the five-century old University of Alcalá serves as the inspiration for the buildings on the University of San Diego campus. The architecture was intended by the founders, Bishop Charles Francis Buddy and Mother Rosalie Hill, to enhance the search for truth through beauty and harmony.

Recent additions, such as the state-of-art Donald P. Shiley Center for Science and Technology and soon the new School of Leadership and Education Sciences building, carry on that tradition.

A member of the prestigious Phi Beta Kappa, USD is ranked among the nation's top 100 universities. USD offers its 7,500 undergraduate, graduate and law students rigorous academic programs in more than 60 fields of study through six academic divisions, including the College of Arts and Sciences and the schools of Business Administration, Leadership and Education Sciences, Law, and Nursing and Health Science. The Joan B. Kroc School of Peace Studies is scheduled to open Fall 2007.



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