GLOBAL RESPONSE TO LOCAL CONFLICT

Address by Hon Gareth Evans QC MP to Institute of Postcolonial Studies Forum on *Reconciling the Tensions: Globalism to Localism*, University of Melbourne, 7 April 1999*.

The harrowing situation in Kosovo yet again paints in stark relief the central security dilemma of the post Cold War era. When and how should the global community respond, if at all, to deadly conflict threatened or occurring within state borders? Four big questions cry out for answers, and none of them are easy.

Why should intrastate conflict ever be a matter for concern for the international community?

Traditional thinking sees security essentially in terms of protecting the physical and political integrity of states. In that view, the security role of the UN, or groups of states acting under UN auspices, is limited to the maintenance of "international peace and security ". "International" is taken to require a cross-border element-- preferably direct border transgression, as with Iraq's invasion of Kuwait, but at the very least external support for internally warring parties, refugee spill-over effects, or some other similarly explicit impact.

As pressures grew after the Cold War for recognition of a right of humanitarian intervention in response to various crises, developing countries regularly expressed concerns that this might be heralding a new era of imperialism, with an American-led Security Council using humanitarian crises as a vehicle for heavy-handedly forcing its will on states whose forms of governance it dislikes. Now that the US, with its NATO allies, has taken to acting without any Security Council cover at all, these concerns can be expected to be even more forcibly expressed.

But something is going on in the contemporary world which cannot be ignored. Armed conflicts have already claimed more than 20 million lives since the end of World War II, with the overwhelming majority of them now occurring locally, within state borders rather than between states. They are not going away. And commonly these conflicts involve strategies of ethnic expulsion and annihilation, with belligerents often deliberately targeting women, children, the poor and the weak. More civilians are being killed than soldiers - by one estimate at the rate of about nine to one.

Throughout what has been called the "zone of conflict", which includes the former

communist states, much of sub-Saharan Africa, and parts of Central and Latin America and South Asia, a downward spiral of economic decline, often exacerbated by official corruption and mismanagement, has created governments that are at or near the point of collapse and that are being challenged, often violently, by their own citizens.

The collapse of the Soviet empire and the disintegration of its command economies have brought wrenching social, political, and economic change to all the former communist states. The parallel transition from state repression to relative political license has facilitated the emergence of long-suppressed ethnic, religious, and political hatreds--and created new ones

Ethnic and religious differences are not in themselves causes of conflict. Most people live in harmony most of the time. (Multi-nation states and multi-state nations are in fact far more prevalent worldwide than homogenous nation-states: some 40 per cent of the world's states have five or more sizable ethnic populations, with a mere 20 per cent being relatively ethnically homogenous). But religious and ethnic differences can become a very real problem when historical grievances--sometimes as much imagined as real--are exploited by unscrupulous political leaders, especially in periods of economic stress.

Slobodan Milosevic is just one of those contemporary masters of demagogic politics and chauvinistic myth making, guaranteeing his survival by generating or compounding successive conflicts in Vojvodina, Croatia, Bosnia and now Kosovo. Contemporary ethnic violence stems as much from deliberate government policies as from traditional communal antagonisms.

Throughout the zone of conflict, with some ethnic movements seeking to secede and create their own states, some seeking to overthrow existing regimes, and others seeking substantial degrees of autonomy, there is little evidence that violent intrastate conflict is likely to decrease of its own accord in the near or mid-term future.

Taking action to prevent, and to the extent possible resolve, that deadly conflict must be seen as a responsibility for the entire international community. There is both a moral and a sharply practical dimension to that obligation. Preventing or stopping deadly conflict serves the most vital human interest of all, that of survival. Failing to act to ensure the very survival of our fellow men and women, when action is possible, diminishes us all as human beings.

Practical self-interest also demands that we develop a broader concept of what really are national interests. As the Final Report of the Carnegie Commission on Preventing Deadly Conflict argues, when every violent conflict is dismissed as distant and inconsequential, we run the risk of allowing a series of such episodes to undermine the vitality of hard-won international norms. In a world of unprecedented proximity and economic, political and

social interdependence, in which national well-being increasingly depends on the security and prosperity of other states and peoples, indifference of this sort could have corrosive consequential effects for everybody.

How is it possible to reconcile international action with the principle of non-intervention in internal affairs?

As early as April 1991, then UN Secretary-General Javier Perez de Cuellar stated that the traditional prerogatives of state sovereignty needed to be reassessed in the light of "the shift in public attitudes towards the belief that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents." By 1992, his successor Boutros Boutros-Ghali was arguing that "the time of absolute and exclusive sovereignty... has passed; its theory was never matched by reality."

The UN's reluctance to intervene decisively in Bosnia, Somalia, Haiti, Rwanda and now Kosovo has had much more to do with an absence of political will in the Security Council, to make the commitment at all or to provide the necessary resources, than with any perceived constraints imposed by international law. As Sir Anthony Parsons, former British ambassador to the UN, has put it, "Where there is a will to intervene, a way can always be found around the legalistic obstacles".

All that said, it is still helpful to take a fresh look at possible doctrinal foundations, within the UN Charter itself, for a more wide-ranging security role for UN organs - and for one or more states acting explicitly under a UN umbrella - than traditional, state-centered doctrine would allow. It is not merely a matter of having theory catch up with practice. The more compelling consideration is that the international will to intervene decisively and helpfully in intrastate conflicts has been flagging, even when those conflicts have been on the genocidal and conscience-shocking scale of Rwanda. That will badly needs some reinjected momentum.

Two approaches seem particularly worthy of further exploration. The first is to develop the notion that "security", as it appears in the Charter, is as much about the protection of individuals as it is about the defense of the territorial integrity of states. "Human security", thus understood, is at least as much prejudiced by major intrastate conflict as it is by interstate conflict . The multiple references in the Charter to "international" peace and security could, in this reading, refer as much to threats to citizens as to threats to borders: an "international" security issue would simply be one that the international community, through the Security Council, is prepared to regard as significant enough to be so treated. Article 99 gives the Secretary-General authority to bring to the Security Council "any matter which *in his opinion* may threaten the maintenance of international peace and

security "; that description can and should be taken literally.

Article 2.7 does on its face inhibit the UN's doing anything to intervene in matters that are "essentially within the domestic jurisdiction" of any state, but that phrase begs the key question, and the article itself allows an exemption for the most extreme interventions of all, viz. peace enforcement operations under Chapter VII of the Charter.

A second approach, which could either stand alone or be seen as reinforcing the "human security" reading just described, would pursue to its logical limits the international community's obligations, under the UN Charter, to protect basic human rights, bearing in mind that the most basic human right of all, that of life, is repeatedly violated on a very large scale in intrastate conflicts.

Faith in fundamental human rights is asserted in the Preamble; their promotion and observance are identified as general objectives of the UN in Article 13; their observance is identified as a specific obligation of the organization and its members in Articles 55 and 56; the General Assembly has an open-ended mandate to discuss and make recommendations on those, as on other Charter matters, in Article 10; and there is nothing in the express language of Chapters V, VI, and VII that excludes the Security Council from addressing them.

It is important to appreciate that in dealing with human rights issues, the UN system has not been inhibited by Article 2.7 to the extent that might have been expected. The development of the UN's human rights institutions and agenda since 1945 has involved the gradual overriding of initially strict views about nonintervention in internal affairs. The initial condemnation of apartheid by the General Assembly in 1952 was an important milestone, as was the creation of the special rapporteur system in 1967 and the introduction of confidential scrutiny procedures by the Commission on Human Rights in 1970.

In the context of the UN Charter, and even more clearly with the Universal Declaration, human rights are as much about economic, social, and cultural rights as they are about traditional civil and political rights, and as much about minority and group rights as they are about individual rights. The beginning of contemporary wisdom about a great many claims for self-determination by ethnic, national, or religious groups is to characterize them as claims for the recognition or protection of group rights *within* states, rather than necessarily as a challenge to state sovereignty.

That won't be a workable solution for every one of these problems - for example East Timor in the climate now prevailing - but it is the key to resolving a great many other conflicts around the world, actual and potential. Restoring the autononomous status of Kosovo may or may not now provide a workable basis for the resolution of the crisis in

Yugoslavia, but it is worth remembering that the problem may never have become a crisis in the first place had Milosevic not removed that status in 1989.

It is one thing to construct a rationale to justify international interest and ultimately intervention in intrastate as well as interstate disputes or conflicts; it is quite another thing to determine when and how it would be appropriate for that interest to be expressed, or the intervention mounted, in particular cases. It is something else again to mobilize the international commitment and resources necessary to give practical effect to such involvement. It is to these questions that we must now turn.

How can there be justification for intervention in some cases but not others equally deserving?

In a world where commitment and resources are always likely to fall short of aspirations, it makes infinitely more sense to concentrate efforts on peace-building and other preventive strategies - preventive diplomacy and preventive deployment - than on after-the-event peace restoration. That holds as much for intrastate as for interstate conflicts: violent conflicts are always far more difficult and costly to manage and resolve than nonviolent disputes, and failed states are extremely difficult to put back together again.

On the subject of costs it is worth remembering that the military cost of the six-weeks peace enforcement operation in the Gulf was $70 billion. Establishing a global network of regional preventive diplomacy centres, which could conceivably have headed off this conflict, would cost not much more than $20 million per year: 1/3500th of the dollar cost, let alone human cost, of going to war.

These points can never be made too strongly or too often, but are all too often totally neglected in practice. Statespersons, or aspiring statespersons, always like to be seen to be doing something, and successful early prevention is almost by definition invisible.

While prevention is always better than cure, it remains important that there be some credible international capacity to deal collectively and forcefully with deadly conflicts that cannot be prevented or resolved by other means. There may well be, as we have argued, credible theoretical bases for global intervention in local conflict in appropriate cases. The difficulty in practice is to define what are appropriate cases (the problem of criteria) and to deliver what will be effective responses (the problem of capacity).

There are a number of threshold criteria that might be considered appropriate in determining whether intervention in an intrastate conflict is warranted:

that there is a consensus that not just any human right but the most basic, the right to life, is under direct and widespread threat;

that there is no prospect of alleviation of the situation by the government--if there is one--of the state in question; that all nonmilitary options have been considered, tried where appropriate, and have failed;

that there is a report from an impartial and neutral source, such as the International Committee of the Red Cross, that the humanitarian dimensions of the crisis can no longer be satisfactorily managed;

that there has been consultation reflecting not only a wide spectrum of expert advice but, so far as possible, the views of external and internal parties involved;

that there is a high degree of consensus on the issue between developed and developing countries; and

that hard-headed assessments have been made about the international community's capacity, in terms of human resources, finance, and organizational skills, to follow through from addressing the immediate crisis to helping the affected state regain its viability as a functioning sovereign state able to take care of its own citizens.

Being a suitable case for treatment is never itself going to be enough, given resource constraints, to guarantee it. But the impossibility of intervening everywhere should not bar the UN from acting anywhere. President Clinton made exactly the same point about his own country's role when he said last week in the context of the Kosovo crisis that "just because we can't do everything for everyone doesn't mean that for the sake of consistency we should do nothing for anyone". As Charles William Maynes has written recently, "The international community must accept the inevitability of what might be called opportunistic idealism."

It is becoming apparent, however, that this brand of idealism is in increasingly short supply. As the initial response to the horrors in Rwanda starkly demonstrated, it is becoming more and more difficult to get the UN's member states to intervene forcibly anywhere, at least when vital national interests are not seen to be immediately involved. And the unhappy experience of the NATO allies in Kosovo is unlikely to contribute to an early change of heart.

Where are the resources for intervention to come from?

The UN system has only the resources that its member states provide it, and even when they all pay their dues, that's not very much. It perhaps puts the size of the operation in context to make the point that the entire UN system (including agencies like the WHO and IMF) has less employees than the three Disneylands, and only about a third of the number worldwide selling McDonalds.

The unhappy reality is that, in the absence of threats to vital perceived interests, it is extraordinarily difficult for democratic states to sustain domestic support for distant and risky military operations overseas--even when governments may wish to do so. A constituency can probably always be found to respond to blatant cross-border aggression like Iraq's, but local conflicts are much more problematic. It is difficult to believe that international public education programs will make much difference, but political leaderships should not shirk the challenge of at least trying.

Can the problem of member state resistance to involvement in dangerous UN operations be resolved by creating a professional volunteer UN standing force? Sir Brian Urquhart - probably the UN's best known and most distinguished public servant - has been a persistent advocate of that approach, not only to solve the commitment problem, but also to have a rapid deployment capacity able to get to the sites of conflicts and defuse them much faster than is possible when each new UN operation has to be laboriously assembled from scratch.

It is difficult to conceive of a UN standing force ever being able to muster the 200,000 or so troops now estimated to be required to mount a ground war in Yugoslavia, but it should not be impossible to contemplate the eventual creation of a substantial fire-brigade force of a kind that could make a real difference, if introduced early, in a number of recent disputes and conflicts that subsequently escalated out of control.

Although the idea of the UN standing force has in the past been ruled out as unrealistic (including by me), the UN's recent impotence in the face of genocide in Rwanda has given everyone cause for reconsideration. Clearly, however, the force of 5,000 troops proposed by Urquhart would be too small, even if its purpose was simply to mount initial operations that would subsequently be taken over by UN forces constituted on a more orthodox basis. The point has been made that a small rapid reaction force could not have been sent to Kigali because it would already have been preoccupied in Gorazde. And it might have had difficulty in getting to Gorazde because of prior commitments in Mozambique, and in Somalia, and in Liberia, and in Angola... Here as elsewhere, hard choices can never be avoided.

Cost will be the key reason, though not the only one, for member states' resisting the

creation of a rapid reaction force of any size. But, again, if there really is a will to tackle the issue, there are plenty of avenues available. One route would be through reallocating a small proportion of existing defense expenditure. It has recently been estimated that if member states contributed just 5 per cent of their defense spending to the UN, the world body would have a security budget of some $40 billion a year--more than 10 times the mid-1990s peacekeeping budget. Relative military balances would be retained, and no state would be significantly worse off economically, since existing national defense outlays would remain the same--the only difference being that the UN would spend 5 per cent of them.

If that rationale does not appeal, and one can have no illusions that it will, a simpler one can be constructed on the basis of diversion of defense savings: On current trends, some $460 billion will be saved by the reductions in global arms expenditure between 1994 and 2000--a "peace dividend" of more than $70 billion a year.

Quite apart from member states, not least the US, paying their assessed contributions on time and in full, which would be a helpful start, there are plenty of other ways to augment the UN's funding. Some of the more intriguing proposals are those that have a rational nexus with international peace and security, for example, a levy on international airline travel (a flat rate charged at just $10 per international passenger-sector, which would hardly seem enough to force people back to steamships, would yield $3 billion).

Similar amounts could be raised from a small levy on passports, or a "Tobin" or turnover tax on foreign-exchange transactions of a size sufficient to throw some sand in the gears of speculative currency dealing, but not trade finance or longer term investment: with the contribution that uncontrolled short term capital flows made to the recent international financial crisis, one might have thought that the Tobin tax idea is one whose time has at last come. Finding relatively painless ways of meeting the resource costs of a genuine commitment to peace is not the whole answer, but it would be a very good beginning.

Until all the issues I have raised have been addressed the global response to local conflict is going to remain reluctant, erratic and wholly insufficient to meet the scale of the tragedies that all too regularly are unfolding before our eyes. The 20th century has been by far the bloodiest in the history of the world. It is up to all of us to ensure that the next century does not rival it.

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