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## **A UNITED NATIONS EMERGENCY PEACE SERVICE TO PREVENT GENOCIDE AND CRIMES AGAINST HUMANITY<sup>1</sup>**

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### **The Need**

Despite the need to be able to move quickly to prevent genocide and crimes against humanity, the United Nations has no capacity to avert such catastrophes, even when prompt action could save hundreds of thousands of lives. The international community's failure to stop genocide in Rwanda in 1994 and to avert "ethnic cleansing" occurring in the Darfur region of Sudan a decade later illustrate this incapacity, as do the other massive killings of civilians in Cambodia, the former Yugoslavia, East Timor, Sierra Leone, the Democratic Republic of the Congo, Liberia, and elsewhere. In recent years, huge atrocities have killed millions of innocent people, wounded millions more, forced tens of millions from their homes, destroyed entire economies, and wasted hundreds of billions of dollars.

After witnessing genocide, everyone promises: "Never again." But mass murder *has* happened again, and yet again. The time to stop it has come, at least in all those instances where the international community could have a reasonable probability of success. Yet existing international capabilities are simply unable to meet this responsibility. "Too little, too late" has become the rule rather than the exception. As the UN Secretary-General has warned, without serious reforms and institutional innovation, the United Nations will be unable to prevent future human catastrophes.<sup>2</sup> The conscience of every human being should be shocked and aroused by

the international community's inability to quell atrocities in Darfur ten years after the lessons "learned" in Rwanda.<sup>3</sup>

Although many factors cause "too little, too late," a single innovation could address most of them: the creation of a permanent UN Emergency Peace Service to protect those victimized by war, genocide, and crimes against humanity. Such a service could save millions of lives and billions of dollars, while also advancing the rule of law against heinous crimes. Of course it would not be a panacea for security problems in general; indeed its purpose is to complement—not replace—other essential national, regional, and United Nations efforts. Yet such an Emergency Peace Service could provide immediate, full protection in some crises and serve as an advance group that would prepare the way for subsequent additional help when needed—a vital function that is not covered by any existing agency.<sup>4</sup> Such a service might also address environmental accidents and natural disasters where they threaten enormous loss of life and local and national governments are unable or unwilling to avert a severe humanitarian crisis.<sup>5</sup>

The time is finally right to create a permanent UN Emergency Peace Service to ensure that the next preventable humanitarian disaster will not occur. First, a growing number of people are acknowledging that every government's sovereign rights arise from an equally solemn responsibility to protect the people it governs. This duty, rooted in the concept of "sovereignty as responsibility," means a government is obligated to protect its people, to prevent crises that put its population at risk, to refuse to inflict arbitrary death on its citizens, and to bring equitable assistance to victimized people for recovery after a crisis.<sup>6</sup> "It is the peoples' sovereignty rather than the sovereign's sovereignty"<sup>7</sup> that is gaining weight in decision-making today. The state "is now widely understood to be the servant of its people, and not vice versa."<sup>8</sup> If a state clearly violates its sovereign responsibility, which includes accountability to its people, to its signature of the UN Charter, and to the entire international community of states responsible for compliance with human rights agreements, then the international community has a duty to stop massive death or other large-scale human suffering out of respect for peoples' sovereignty.<sup>9</sup> Indeed, ". . . the core challenge to the Security Council and to the United Nations as a whole in the next century," declared Secretary-General Annan, is "to forge unity behind the principle that massive and systematic violations of human rights—wherever they may take place—should not be allowed to stand." This is exactly what a UN Emergency Peace Service could do.

In addition, an impressive number of studies carried out by the United Nations, by national governments, and by independent experts conclude that more highly skilled personnel need to be deployed more rapidly during crises to prevent armed conflict, protect civilians, and enforce the law.<sup>10</sup> The growing recognition of need for a new UN capability has led to numerous efforts to prepare more readily available national police and military units, regional forces (e.g., NATO), voluntary forms of international collaboration (e.g., the Standby High Readiness Brigade), and *ad hoc* mechanisms (e.g., the Economic Community of West African States in Liberia and Sierra Leone). The African Union's growing interest in developing a capacity to intervene against war crimes, genocide, and crimes against humanity, and the G-8 Action Plan for Expanding Global Capacity for Peace Support Operations are also important steps.<sup>11</sup> Yet none of these groups will be *immediately* available. They cannot be deployed quickly because of insufficient readiness or because they require national decisions that in practice have delayed deployments. None possesses the full range and depth of competence needed. And these other forces may, in some cases, lack the legitimacy essential for eliciting financial support and enforcing measures that hold leaders accountable to international law.

In short, whether acting within or outside of the United Nations, governments have yet to develop a reliable capability for rapid action to prevent genocide, enforce peace, and transform conflicts to restore law, justice, and civil order to nations torn apart by violence. Despite widespread acknowledgment that the world needs an integrated global effort to prevent armed conflict and to protect potential victims from catastrophes, there is no agreement on what to do next. As a result, even if the international community speaks through the Security Council and agrees to act in a particular case, it still lacks the tool needed to meet the challenge. The uncertainty on how to proceed in providing a swift and effective capacity can be resolved—if enough people agree on the following proposal to create a permanent UN Emergency Peace Service.

## The Proposal

Most recent humanitarian crises have demonstrated four needs: (1) to take action to prevent war and dire threats to human security and human rights; (2) to offer secure emergency services to meet critical human needs; (3) to maintain or reinstate law, order, penal, and judicial processes

with high professionalism and fairness; and (4) to initiate peacebuilding processes with focused incentives to restore hope for local people that their society and economy have a future. The UN Emergency Peace Service proposed here is designed to provide a rapid response to these needs. It would possess five unique strengths:

- it would be permanent, based at UN designated sites, include mobile field headquarters, and be able to act immediately to cope with an emergency;
- it would be individually recruited from among those who volunteer from many countries so it would not suffer the delays of creating ad hoc forces or the reluctance of UN members to deploy their own national units;<sup>12</sup>
- its personnel would be carefully selected, expertly trained,<sup>13</sup> and coherently organized, so it would not fail in its mission due to a lack of skills, equipment, cohesiveness, experience in resolving conflicts, or gender, national, or religious imbalance;
- it would be a dedicated service with a wide range of professional skills within a single command structure, prepared to conduct multiple functions in diverse UN operations, enabling it to avoid divided loyalties, confusion about the chain of command, or functional fragmentation; and
- it would provide an integrated service encompassing 12,000 to 15,000 civilian, police, judicial, military, and relief professionals, enabling it to deploy all the components essential for peace and enforcement operations.

With these professional capabilities, a UN agency would, for the first time in history, offer a rapid, comprehensive, internationally legitimate response to crisis, enabling it to save hundreds of thousands of lives and billions of dollars through early and often preventive action.

Each field unit would contain sufficient strength and versatility to provide robust security as well as the necessary range of skills and services to initiate conflict transformation and the rule of law within their sphere of control while simultaneously addressing human needs. The Emergency Peace Service might deploy UN protection personnel to prevent large-scale killings,<sup>14</sup> a police unit to help provide safety in tense local communities and to protect those delivering humanitarian services to threatened people,

and a disaster relief service. Where needed, it could also provide reliable, early, on-site fact-finding, rapid mobility for preventive action to protect civilians at risk, information-gathering for war crimes investigations, humanitarian assistance, and prompt start-up of peacebuilding operations. The UN Service would also include units to re-train and monitor local police, to conduct conflict resolution efforts, and to respond to humanitarian crises growing out of environmental or natural disasters that national governments are unable or unwilling to address.<sup>15</sup>

The proposed Emergency Service would be designed to complement but not to replace existing or expanded peace operations by the United Nations, regional international organizations, and national governments. Protecting people against victimization from armed conflict and gross violations of human rights may at times require more personnel than the proposed UN Emergency Peace Service could provide by itself. Moreover, because peacebuilding often requires extensive and sustained efforts, long-term success in preventing genocides and other crimes against humanity will require support from the wider UN system and complementary efforts by national and regional actors. The proposed Emergency Service might be viewed as a “first in, first out” response to a crisis, although in particular cases it might continue the deployment of some personnel, such as for training and monitoring local civilian police, after other agencies have arrived to address any needs too large and long-term for the UN Emergency Peace Service to handle by itself.

Fortunately, several recent initiatives provide the essential foundation on which to build the proposed UN Emergency Peace Service. These include the expansion of the UN Department of Peacekeeping Operations, the refinement of the UN Standby Arrangements System (UNSSA), the development of the multinational Standby High Readiness Brigade for UN peace operations (SHIRBRIG),<sup>16</sup> and the new strategic deployment stocks in Brindisi, Italy. For the larger tasks, further implementation of the recommendations in the Brahimi Report and regional efforts, such as those being pursued by African countries and by the European Union, are necessary. The recommendations of the High-Level Panel on Threats, Challenges, and Change and the Secretary-General’s report, *In Larger Freedom: Towards Development, Security and Human Rights for All*,<sup>17</sup> should also be heeded. Implementation of these measures would not diminish the need for the UN Emergency Peace Service. Indeed they would enable it to function more effectively, while it, in turn, would contribute to broader goals for preventing

genocide and enhancing rapid-reaction capability.

We commend the proponents of these other initiatives and offer our support for further development of these measures. Nonetheless, many officials in the United Nations and national governments recognize that some inherent limitations in these arrangements point toward the need to take further steps. Although the recent reforms enhance the UN's capacity for peacekeeping, they cannot and will not provide an assurance of rapid response to fast-breaking crises because they still depend on national deliberations, decisions, and provision of personnel. Such limitations inevitably delay response. Repeated efforts to overcome such limitations have failed, suggesting that they can be overcome only through a new institutional initiative. In short, the existing arrangements are essential and should be expanded, but they are insufficient. They will remain slower than often needed, less reliable and well-prepared than desirable, and understandably less competent than a dedicated force in carrying out delicate, specialized, multiple functions simultaneously. Indeed, the existing agencies would be able to perform their existing tasks and the measures suggested by the High-Level Panel more effectively if these tasks were carried out in tandem with the kind of professionalism proposed in a UN Emergency Peace Service. In addition, the proposed Service could help overcome existing gaps in political will and capabilities.

## **The Decision to Deploy**

The Security Council is the first, the most legitimate, and the most likely body to authorize the UN Emergency Peace Service and to clarify the threshold criteria that would justify deploying it. But if the Security Council is unable to act because of a veto, then other forms of authorization may be desirable<sup>18</sup> to prevent war crimes, genocide, or crimes against humanity. The two next best alternatives to the preferred legitimacy of Security Council action are: authorization by the UN General Assembly under the Uniting for Peace Resolution,<sup>19</sup> or authorization by a regional international organization for intervention in one of its own member states. Even less widely viewed as legitimate, but perhaps still acceptable, would be authorization for intervention by a regional international organization in a state *not* a member of the organization, especially if the conflict affects member states, as might have happened when NATO intervened in Kosovo.<sup>20</sup>

The United Nations could also authorize the Secretary-General to de-

ploy the Emergency Peace Service as a result of his or her own decision, under carefully specified conditions defined in advance by the Security Council or General Assembly. If the Secretary-General determined that those conditions were met, then he or she could immediately deploy the UN Emergency Peace Service without waiting for any other body to deliberate.<sup>21</sup> If such authorization did occur, the Security Council could retain its power to withdraw the Emergency Service by passing a resolution following its normal voting procedures.<sup>22</sup>

Regardless of the particular form of authorization, six principles, most of which have been recommended by the International Commission on Intervention and State Sovereignty, provide a useful set of standards for decision-making.<sup>23</sup> This framework arises from the norms contained in existing international treaties, including the UN Charter, the Genocide Convention, the Geneva Conventions, and the findings of a variety of expert commissions, as well as from traditional just war thinking. To reassure all parties who are understandably concerned about enabling *unwarranted* interventions, the following high standards should be met to justify coercive intervention: (1) a legitimate authority must authorize deployment; (2) there must be a just cause;<sup>24</sup> (3) intervention must be undertaken with a right intention; (4) intervention should occur only when there is an immediate and evident threat of gross violations of international humanitarian and human rights law; (5) the means employed must be proportional to and consistent with the ends sought; and (6) a reasonable prospect of success must exist.

The fourth of these guidelines reformulates the traditional standard of “last resort,” which is appropriate for conventional military combat, to fit internationally authorized coercive measures of law enforcement, which reflect less a right to engage in conventional military combat than the international responsibility to protect people under severe threat. The International Commission on Intervention and State Sovereignty has noted that the requirement of last resort should not be used to delay intervention, including preventive deployments, when justified. “Last resort” needs to be understood as a restraint against *premature* use of international coercion, but “this does not necessarily mean that every . . . option must literally have been tried and failed: often there will simply not be the time for that process to work itself out.”<sup>25</sup> When internationally authorized personnel function as much as possible in a police mode of operations to enforce international law against genocide, for example, the goal presumably would be to address the crisis at a moment *early* enough to avoid mass murder. Early deployment

of law enforcers and conflict specialists to address an imminent threat of genocide not yet underway can sometimes avoid later need for more large-scale military combat. Requiring international authorization for deployment, eschewing unnecessary violence, and focusing law enforcement on *individual* rather than collective misconduct, insofar as possible, provide some reassurances against abuse of international police power.

While recognizing the wisdom and propriety of avoiding unwarranted coercive interventions, there also is a co-existing *duty* to prevent large-scale loss of life and gross violations of human rights such as genocide.<sup>26</sup> Because the proposed Emergency Service would, for the first time in history, enable the international community to discharge its responsibilities at the time when it can do the most good with means that exact the least moral cost—in the early stages of a crisis—it would incur fewer painful ethical dilemmas than less timely interventions which in the past have occasionally divided those emphasizing human rights from those emphasizing peace and nonviolence, thereby impeding effective restraints on the perpetrators of mass violence.

## The Costs

Although the proposed UN Emergency Peace Service would entail significant financial costs, these almost certainly will be far less than the costs that will occur from conflicts allowed to fester until they spiral out of control in the absence of such a service.<sup>27</sup> Estimates on the cost of the UN Service vary, but start-up expenses could come to \$2 billion, with an annual recurring cost of \$900 million or more, depending on field operations.<sup>28</sup> Although this cost could be viewed initially as beyond the capacity of UN member states, such a service would reduce the number and size of other UN peace operations, help prevent armed conflicts from escalating or spreading, and reduce the high costs of prolonged operations. It is likely to be a cost-effective instrument, able to reduce the overall costs of UN peace and enforcement operations in the long run.<sup>29</sup> The Carnegie Commission on Preventing Deadly Conflict found that the international community “spent approximately \$200 billion on conflict management in seven major interventions in the 1990s (Bosnia and Herzegovina, Somalia, Rwanda, Haiti, the Persian Gulf, Cambodia, and El Salvador).” It could have saved \$130 billion of this amount “through a more effective preventive approach”<sup>30</sup> that a UN Emergency Peace Service would help make possible. Additional bil-

lions could have been saved by external powers that were involved directly or indirectly in the conflicts.<sup>31</sup> Yet if the proposed Emergency Service saved only one or two billion “conflict dollars” annually, which it almost certainly would do, it would be a cost-effective investment for saving both lives and financial resources.<sup>32</sup>

## The Benefits

The benefits of a permanent, sophisticated UN Emergency Peace Service are clear. In past crises, the UN has often been unable to assemble personnel and provide assistance in less than three to six months. Even then these *ad hoc* forces were not always well prepared for their demanding tasks. The proposed UN Service would directly surmount these difficulties and also lift the burden that now makes governments reluctant to deploy their own national citizens in conflicts with high risk and low national interest. As a dedicated UN Service with personnel recruited from among carefully selected volunteers, it would no longer need to acquire the last-minute approval of or meet the conditions imposed by each member state that participates in a conventional peacekeeping operation. Life-saving decisions for international help would be easier for the Security Council to make. The UN Service could also play a constructive preventive role during crises when mass violence might otherwise appear tempting to some. If cynical political leaders in strife-ridden societies knew that a rapid reaction UN Service could be deployed quickly to enforce international law, some of those political leaders who otherwise might be tempted to commit misdeeds would be more likely to be deterred. As Secretary-General Annan put it, “If states bent on criminal behavior know that frontiers are not the absolute defence; if they know that the Security Council will take action to halt crimes against humanity, then they will not embark on such a course of action in expectation of sovereignty impunity.”<sup>33</sup>

The UN Emergency Peace Service could also help where a government would *consent* to the deployment of UN personnel, rather than be forced to accept them, either as a result of pressure from the Security Council or because a government wanted UN help to prevent its society from sliding into chaos and genocide. The Indonesian government, for example, eventually accepted a multinational force to keep peace in East Timor for two reasons. First, the Security Council pressed for acceptance and the office of the Secretary-General let members of the government know that they

might face criminal responsibility for their inability to stop violence if it was also accompanied by their continued refusal to accept proffered UN help. Second, an *ad hoc* UN interventionary force, with Australian help, actually existed and stood at the ready. A permanent UN Emergency Peace Service could play a similar deterring role even earlier and more effectively,<sup>34</sup> thereby helping to elicit consent for a UN deployment. Such a Service would increase the willingness of both the Security Council to deploy and a state to give consent to a UN presence, thereby doubly facilitating UN prevention of mass murder and possibly war.

Of course a UN Emergency Peace Service would be no panacea; it would not have worked well in every one of the conflicts since the end of the Cold War. Yet even in crises that might turn out to be too large for the proposed Service to manage, it could play a vital role in enhancing the effectiveness of other UN and regional capabilities, serving first as a rapid-reaction team to avert a spiral toward social break-down and subsequently as an advance party preparing the way for later deployment of other capabilities.

Moreover, a conflict that in retrospect might appear to have been beyond the capacity of a small emergency service might have been amenable to successful intervention if it had occurred in an early preventive phase of a conflict's life cycle. Increasingly, governments understand that early preventive action is more effective and less costly than later, larger efforts after a conflict has escalated and spread. The capacity to respond rapidly is often crucial for preventing bloodshed that, once begun, may tear the social fabric forever beyond repair.

If it had existed in the 1990s, such a capacity could have prevented untold destruction and suffering while reducing or eliminating the high costs of post-conflict reconstruction after a society and its supportive infrastructure have been devastated by violent conflict. Instead of waiting for weeks or even months for national assistance to respond to a UN call, the UN would have the option to deploy its own discrete Service immediately, with highly trained personnel, operating with a clear chain of command responsibility, using the best equipment available, and possessing the highest overall competence and legitimacy to prevent atrocities.

## The Call to Action

Many leaders from scores of national governments, the United Nations, regional organizations, human rights organizations, religious groups, and surviving members of victimized families around the world are calling for a rapid deployment capability to protect the innocent from further atrocities.<sup>35</sup> There are encouraging signs of support for developing such a capacity in the African Union, in the European Union, among progressive governments elsewhere, and in public opinion from every corner of the world.<sup>36</sup> But because governments have not answered this call, responsibility for breathing life into a United Nations Emergency Peace Service now lies with members of civil society, in cooperation with the United Nations, regional organizations, and governments wherever possible. With support from those convinced of the need to end genocide and other crimes, an Emergency Service *can* be created, and sooner rather than later.

The next step in establishing a UN Emergency Peace Service is to build widespread, well-informed political influence by expanding the network of supportive parties. Help will be needed from diverse sectors of civil society, particularly NGOs, foundations, and academe. Determined efforts by a global constituency are required. Fortunately, such a constituency already has leaders who are experienced in transnational politics, because this proposal builds upon and links the previous work of many people, including efforts such as the Panel on UN Peace Operations (Brahimi Report),<sup>37</sup> the report of the International Commission on Intervention and State Sovereignty, the High-Level Panel on Threats, Challenges, and Change, and the other path-breaking initiatives to enhance UN rapid deployment, to emphasize preventive measures, to de-legitimize and remove anti-personnel land mines, and to establish the permanent International Criminal Court.

To succeed in creating this life-sustaining UN Emergency Peace Service, a growing number of citizens' organizations and leaders of civil society are determined to implement these essential steps:

- (1) identify interested parties throughout the world to establish a large, diverse, well-organized network of support;
- (2) draw on expert knowledge to ensure that the growing constituency is well informed and to provide a more detailed vision of how to establish an effective Emergency Peace Service;
- (3) secure agreement, after full consultation, on the principles, composition, and financing of a preferred model for the UN

Emergency Peace Service;

- (4) develop a compelling website, well-researched studies on all major issues, solid promotional materials showing the costs and benefits of the proposal, an expanding list of endorsements, and an expert speakers' bureau, coordinated from agreed institutional homes; and
- (5) encourage wide consultative and networking processes among non-governmental organizations, the UN system, and national governments to shape and implement a successful strategy.<sup>38</sup>

The creation of a United Nations Emergency Peace Service will produce enough true benefits for all countries to demonstrate that, when it comes to stopping genocide and crimes against humanity, "the collective interest *is* the national interest."<sup>39</sup> The proposed UN Service could curtail violence in divided societies, deflect venomous attacks between those of different identities and religious traditions, end a culture of impunity, encourage the concentration of scarce resources on meeting human needs rather than on harming one's neighbors, and bring an energizing focus to the meaning of common, human security. It could produce monumental benefits in lives saved, mothers and daughters protected against grievous violations, families still able to live at home, time and money never spent to kill and destroy, tolerance maintained, laws upheld, and communities at peace. By acting together we can enliven that spark of human solidarity that lives, too often hidden, within people everywhere on earth. *Finally*, we can give genuine meaning to "Never again."

## Endnotes

<sup>1</sup>This essay was written by Robert C. Johansen on behalf of the Working Group for a United Nations Emergency Peace Service. It is based in part on an early draft by H. Peter Langille and on comments from members of the Working Group. This proposal grew out of a symposium on “Genocide and Crimes Against Humanity: The Challenge of Prevention and Enforcement,” co-sponsored by the Nuclear Age Peace Foundation; the Simons Centre for Peace and Disarmament Studies, Liu Institute for Global Issues, University of British Columbia; Global Action to Prevent War; and the Law and Society Program, University of California, Santa Barbara, December 5-6, 2003. Parts of this essay draw on the initial concept, case, model, and plans for a United Nations Emergency Service developed by H. Peter Langille, and discussed in his *Bridging the Commitment-Capacity Gap: A Review of Existing Arrangements and Options for Enhancing UN Rapid Deployment* (Wayne, NJ: Center for UN Reform Education, 2002). This essay also builds on earlier work to develop UN rapid deployment capabilities for preventing armed conflict and protecting civilians in emergencies, including William R. Frye, *A United Nations Peace Force* (New York: Oceana Publications, 1957); Robert C. Johansen and Saul H. Mendlovitz, “The Role of Enforcement of Law in the Establishment of a New International Order: A Proposal for a Transnational Police Force,” *Alternatives: A Journal of World Policy* 6 (1980): 307-338; Robert C. Johansen, “UN Peacekeeping and the Changing Utility of Military Force,” *Third World Quarterly* 12 (1990): 53-70; Brian Urquhart, “For a UN Volunteer Military Force,” *New York Review of Books* 40 (10 June 1993): 3-4; Howard Peter Langille, James Hammond, and Carleton Hughes, “A Preliminary Blueprint of Long-Term Options for Enhancing a United Nations Rapid Reaction Capability” in David Cox and Albert Legault (eds.), *UN Rapid Reaction Capabilities: Requirements and Prospects* (Cornwallis: The Pearson Peacekeeping Press, 1995); Robert C. Johansen, “Enhancing United Nations Peacekeeping” in Chadwick F. Alger (ed.), *The Future of the United Nations System: Potential for the Twenty-first Century* (Tokyo: The United Nations University Press, 1998), 89-126; Howard Peter Langille, “Conflict Prevention: Options for Rapid Deployment and UN Standing Forces,” Special Issue of *International Peacekeeping*, Tom Woodhouse and Oliver Ramsbotham (eds.) 7 (2000): 219-253 [reprinted in Oliver Ramsbotham and Tom Woodhouse (eds.), *Peacekeeping As Conflict Resolution* (London: Frank Cass Publishers, 2000)]; and Saul Mendlovitz and John Fousek, “A UN Constabulary to Enforce the Law on Genocide and Crimes Against Humanity,” in Neil Reimer (ed.), *Protection Against Genocide: Mission Impossible?* (London: Praeger, 2000), 105-122.

<sup>2</sup>Kofi Annan said: “We are living through a crisis of the international system” calling into question “whether the institutions and methods we are accustomed to are really adequate. . . .” Quoted in Felicity Barringer, “Annan Warns of World ‘Crisis,’” *New York Times*, 31 July 2003, A 16.

<sup>3</sup>With the UN report on Srebrenica and the Independent Inquiry on Rwanda, Kofi Annan acknowledged UN failures, expressed his own deep remorse, and said, “Of all my aims as Secretary-General, there is none to which I feel more deeply committed than that of enabling the United Nations never again to fail in protecting a civilian population from genocide or mass slaughter.” *Report of the Independent Inquiry into the Actions of the United Nations and Srebrenica: Report of the Fall of Srebrenica*, UN Document A54/549, 15 November, 1999.

<sup>4</sup>See H. Peter Langille, *Bridging the Commitment-Capacity Gap. . .*; Saul Mendlovitz and John Fousek, “A UN Constabulary to Enforce the Law. . .”

<sup>5</sup>Because the UN emergency service is focused on averting widespread loss of life, if deployment were to occur in connection with an environmental disaster, it would occur only after recognition by the appropriate authorizing body that the disaster was so severe as to extend beyond the capacity of a state and other relevant international organizations to address it and likely to result in a state’s fundamental failure to protect many of its own people, either because it was unable or unwilling to do so.

<sup>6</sup>Francis M. Deng, the Representative of the Secretary-General on Internally Displaced Persons and a former Sudanese diplomat, has articulated this concept in reconciling sovereign immunity from external intervention with international responsibility to intervene, by adding to the three traditional attributes of sovereignty (territory, a people, and governmental authority), a fourth characteristic: respect for a minimal standard of human rights. Francis M. Deng, *Protecting the Dispossessed: A Challenge for the International Community* (Washington, D.C.: Brookings Institution, 1993); Francis M. Deng et al., *Sovereignty as Responsibility* (Washington, D.C.: Brookings Institution, 1995); and Francis M. Deng, “Frontiers of Sovereignty,” *Leiden Journal of International Law* 8 (1995): 249-286; Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis in Displacement* (Washington, D.C.: Brookings Institution, 1998).

Former Secretary-General Boutros Boutros-Ghali earlier recognized the changing boundaries of sovereignty when he wrote “The centuries-old doctrine of absolute and exclusive sovereignty no longer stands. . . . A major intellectual requirement of our time is to rethink the question of sovereignty.” Boutros Boutros-Ghali, “Empowering the United Nations,” *Foreign Affairs* 72 (Winter 1992-1993): 98-99.

Secretary-General Kofi Annan observed that “state sovereignty, in its most basic sense, is being redefined. . . . States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time, individual sovereignty—by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties—has been enhanced by a renewed and spreading consciousness of individual rights. . . .” He said “we should welcome” the “developing international norm in favour of intervention to protect ci-

vilians from wholesale slaughter. . .” Kofi Annan, “Two Concepts of Sovereignty,” *The Economist* 352 (18 September 1999): 49-50. Annan earlier said “The Charter protects the sovereignty of peoples. It was never meant as a license for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power.” See “Reflections on Intervention,” Ditchley Foundation Lecture 26 June, 1998, reprinted in *The Question of Intervention: Statements by the Secretary-General* (New York: United Nations, 1999), 6. See also Kofi Annan, “Secretary-General’s Speech to the 54th Session of the General Assembly,” September 20, 1999; and *Report of the Secretary-General on the Work of the Organization*, Document A/54/1.

<sup>7</sup>Kofi Annan, “Two Concepts of Sovereignty,” 49-50.

<sup>8</sup>Kofi Annan, “Secretary-General’s Annual Report to the General Assembly,” *UN Press Release*, 20 September 1999: 2.

<sup>9</sup>The International Commission on Intervention and State Sovereignty observed that “If by its actions and, indeed, crimes, a state destroys the lives and rights of its citizens, it forfeits temporarily its moral claim to be treated as legitimate. Its sovereignty, as well as its right to nonintervention is suspended.” International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa, Canada: International Development Research Centre, 2001), 136; 5-13. See also Ramesh Thakur, “Global Norms and International Humanitarian Law: An Asian Perspective,” *International Review of the Red Cross*, 83, no. 841 (March 2001): 35.

<sup>10</sup>See, for example, Government of Canada, *Towards A Rapid Deployment Capability for the United Nations, Report by the Government of Canada* (1995); Robert C. Johansen, “The Future of United Nations Peacekeeping and Enforcement: A Framework for Policymaking,” *Global Governance* 2, no. 3 (September-December 1996): 299-333; Stephen P. Kinloch, “Utopian or Pragmatic? A UN Permanent Military Volunteer Force,” *International Peacekeeping* 3 (Winter 1996); Brian Urquhart and Francois Heisbourg, “Prospects for a Rapid Response Capability: A Dialogue,” in *Peacemaking and Peacekeeping for the New Century*, ed. Olara Otunnu and Michael W. Doyle (Lanham, MD: Rowman & Littlefield Publishers, 1998), 189-99; William J. Durch, *Discussion of the Report of the Panel On UN Peace Operations: The Brahimi Report* (The Stimson Center, 2000); Howard Peter Langille, “Renewing Partnerships for the Prevention of Armed Conflict: Options to Enhance Rapid Deployment and Initiate A UN Standing Emergency Capability,” Canadian Centre for Foreign Policy Development and the DFAIT (June 2000), <http://www.worldfederalistscanada.org/langille1.pdf>; United Nations, “Report of the Panel on United Nations Peace Operations,” <http://www.un.org/peace/reports/peaceoperations/docs/a55305.pdf>, A/55/305-S/2000/809; John G. Heidenrich, *How to Prevent Genocide: A Guide for Policymakers, Scholars and the Concerned Citizen* (Westport: Praeger, 2001); Challenges Project, *Challenges of Peace Operations: Into the 21st Century, Concluding Report* (Stockholm: Elanders Gotab, 2002); William

J. Durch, Victoria K. Holt, Caroline R. Earle, Moira K. Shanahan, *The Brahimi Report and the Future of UN Peace Operations* (Washington, D.C.: Henry L. Stimson Center Report, 2003), <http://www.stimson.org/pubs.cfm?ID=90>.

<sup>11</sup>See African Union Constitutive Act, Art. 4(h); and *G8 Action Plan for Expanding Global Capacity for Peace Support Operations*, <http://www.g8usa.gov/pdfs/0610ActionPlanPeaceOperations.pdf>.

<sup>12</sup>More than a sufficient number of dedicated, skilled individuals are to likely volunteer for this professional service [See the Commission on Global Governance, *Our Global Neighborhood* (New York: Oxford University Press, 1995), 112]. They would be paid on a full-time basis as are other UN civil servants. Applicants would be encouraged from all member states to encourage universal representation.

<sup>13</sup>Training would focus not only on expertise within a person's primary functional area of responsibility, but also on international human rights law and the laws of war.

<sup>14</sup>Although the proposed UN service would not be a large force designed to conduct major military combat, it must have a sufficient enforcement capability to maintain security and safety for the people within its area of operations. If armed personnel are deployed in sufficient numbers, they often are able to operate more in a police mode than in a combat role even if they are military personnel. In most of the tense incidents in Kosovo following the cease-fire agreement, for example, this was true of the NATO role, where 40,000 soldiers were deployed.

<sup>15</sup>On the unrealized potential of UN civilian police, see Robert C. Johansen, "Enforcing Norms and Normalizing Enforcement for Humane Governance," in *Principled World Politics: The Challenge of Normative International Relations*, edited by Paul Wapner and Lester Edwin J. Ruiz (New York: Rowman & Littlefield, 2000), 218-227. For a detailed list of required units, see H.P. Langille, *Bridging the Commitment-Capacity Gap . . .*, 128.

<sup>16</sup>For analysis of the SHIRBRIG, see H.P. Langille, "La Brigade multinationale d'intervention rapide des forces en attente des Nations Unies (BIRFA): est-elle perfectible?" in Jocelyn Coulon (ed.), *Guide du maintien de la paix* (Outrement: Athena Publications, 2004), 111-126.

<sup>17</sup>The panel said the Security Council needs "to be prepared to be more proactive in the future, taking decisive action earlier." If a state fails in its "responsibility to protect its civilians from large-scale violence," then "the international community . . . has a further responsibility to act. . . ." See "A More Secure World: Our Shared Responsibility," *Report of the Secretary-General's High-level Panel on Threats, Challenges and Change* (New York: United Nations, 2004), 4; A/59/565, 2 December 2004; available at <http://www.un.org/secureworld/report.pdf>, accessed December 13, 2004. See also

UN Secretary-General, Report to the General Assembly, March 21, 2005, available at <http://www.un.org/largerfreedom/>.

<sup>18</sup>The Working Group for a UN Emergency Peace Service agrees with the International Commission on Intervention and State Sovereignty that a higher emphasis should be placed on making the Security Council work better than on developing alternatives to the Security Council as a source of authority, although the latter may be needed if the Council is paralyzed by a veto. See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 49.

<sup>19</sup>United Nations General Assembly, “General Assembly Resolution 377A, November 3, 1950 (V),” in *Charter Review Documents*, 557-61.

<sup>20</sup>For discussion of these issues, see International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 53-55.

<sup>21</sup>For comment on this approach, see Saul Mendlovitz and John Fousek, “Enforcing the Law on Genocide,” *Alternatives* 21(1996): 253.

<sup>22</sup>A veto could prevent passage of a withdrawal resolution, thereby leaving the Secretary-General with the right to keep the emergency service in place if he or she chose to do so.

<sup>23</sup>International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 31-37.

<sup>24</sup>“Just cause” is associated with coercive responses to prevent crimes against humanity, genocide, war crimes specified in the Geneva conventions and protocols; suffering caused by state collapse and resultant starvation, civil war, and gross violations of human rights; and overwhelming natural or environmental catastrophes where the state is unable or unwilling to prevent severe humanitarian crisis. See *The Responsibility to Protect*, 32.

<sup>25</sup>See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 36.

<sup>26</sup>The duty to prevent is clearly stated in the Genocide Convention, Article 1. See also *The Responsibility to Protect*, xi-xiii.

<sup>27</sup>In the “Secretary-General’s Annual Report to the General Assembly,” Kofi Annan said, “Even the costliest policy of prevention is far cheaper, in lives and in resources, than the least expensive use of armed force.” “UN Press Release,” September 20, 1999, [www.globalpolicy.org/secgen/sg-ga.htm](http://www.globalpolicy.org/secgen/sg-ga.htm), accessed July 29, 2004.

<sup>28</sup>Even if annual expenditures amounted to \$3 billion, for the United States to pay

25 percent of the costs would amount to only about \$2 for each U.S. citizen. Other industrialized countries would pay \$1 to \$2 per capita. The per capita cost for poor countries would be less than 10 cents. These amounts could be placed in the regular UN budget assessments. Alternatively, the emergency force could be funded from small levies on the weapons trade, military budgets, or international currency exchanges if the international community should decide to do so.

<sup>29</sup>For further cost-benefit analysis of a UN emergency service, see Langille, *Bridging the Commitment-Capacity Gap . . .*, 75-114.

<sup>30</sup>International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, 20. See also Carnegie Commission on Preventing Deadly Conflict, *The Costs of Conflict: Prevention and Cure in the Global Arena*, eds. Michael E. Brown and Richard N. Rosecrane (Lanham, Md: Rowman & Littlefield, 1999).

<sup>31</sup>Secretary-General Annan emphasized the economy of prevention when he noted that the premature withdrawal of UN peacekeepers by the international community, no less than when it unreasonably delays a deployment, “can be costly in both financial and human terms,” because dealing with the aftermath of genocide costs much more than preventing it. The cost of reinforcing UNAMIR in Rwanda, for example, with the 5,000 soldiers that UN commander General Romeo Dallaire “thought were needed to prevent or stop the genocide has been estimated at \$500 million; the cost of humanitarian assistance to Rwanda and the region consequent on the genocide was in excess of \$4.5 billion.” See United Nations Security Council, Report of the Secretary-General, “No Exit Without Strategy: Security Council Decision-making and the Closure or Transition of United Nations Peacekeeping Operations,” S/2001/394 (April 20, 2001): 5-6. <http://www.globalpolicy.org/security/peacekpg/reform/2001/0420sgreport.pdf>, accessed 13 January 2005.

<sup>32</sup>Irwin Cotler reported to the Stockholm International Forum on Preventing Genocide that “trite as it is profound,” the “best protection against mass atrocity is the prevention of the ‘killing fields’ to begin with.” The international community “spent eight times more dealing with the aftermath of conflict and genocide than it invested in the prevention of it.” The full cost of genocide “is incalculable.” See “Address by the Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada for the Stockholm International Forum,” Stockholm International Forum on Preventing Genocide: Threats and Responsibilities, Sweden, January 26, 2004, [http://www.preventinggenocide.com/files/Canada\\_eng.pdf](http://www.preventinggenocide.com/files/Canada_eng.pdf), accessed July 27, 2004.

<sup>33</sup>Kofi Annan, “Secretary-General’s Annual Report to the General Assembly,” *UN Press Release*, 20 September 1999: 5.

<sup>34</sup>The Commission on Global Governance concluded that “the very existence of an

immediately available and effective UN Volunteer Force could be a deterrent in itself. . . . As its skill, experience, and reputation grew, its need to use force would probably decrease. . . . It is high time that this idea—A United Nations Volunteer Force—was made a reality.” The Commission on Global Governance, *Our Global Neighborhood*, 112.

<sup>35</sup>See, for example, Erskine Childers and Brian Urquhart, *Towards a More Effective United Nations* (Uppsala: Dag Hammarskjöld Foundation, 1992); Commission on Global Governance, *Our Global Neighborhood*; Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict* (Washington, D.C.: Carnegie Commission on Preventing Deadly Conflict, 1997); Neal Riemer, *Protection Against Genocide* (Westport, CN: Praeger, 2000); John Heidenrich, *How to Prevent Genocide: A Guide for Policymakers, Scholars and the Concerned Citizen* (Westport: Praeger, 2001).

<sup>36</sup>See, for example, the opinion polling done by the Program on International Policy Attitudes at the Center for the Study of Policy Attitudes and the Center for International and Security Studies at the School of Public Affairs, University of Maryland. Data as early as the 1990s showed 79 percent of the U.S. public favored improving UN rapid deployment capabilities. Summary data is reported at the Council for a Livable World Education Fund, <http://www.clw.org/un/unpol96.html>, accessed August 10, 2004.

<sup>37</sup>Scholars at the Stimson Center are following these and related reforms. See [www.stimson.org/fopo](http://www.stimson.org/fopo).

<sup>38</sup>H. P. Langille, “Overview of Current UN Efforts: Enforcement, Rapid Deployment, Protection of Civilians and the Prevention of Armed Conflict,” paper presented at the symposium, “Genocide and Crimes Against Humanity: The Challenge of Prevention and Enforcement,” University of California, Santa Barbara (December 5, 2003), 19.

<sup>39</sup>Kofi Annan, “Two Concepts of Sovereignty,” 49. Emphasis added.