

Beyond War Study Guide

Readings and Preparation

for

Session 7

War is obsolete

We all live on one planet
We are one

**The means are
the ends in the making**

The means are
the ends in the making

The world is truly at a crossroads. We face many complex problems whose solutions will take more than just physical resources and financial expenditures. To meet these challenges the rules of international behavior will have to be changed. The roots of the current crisis of civilization lie within humanity itself. Our intellectual and moral development is lagging behind the rapidly changing conditions of our existence, and we are finding it difficult to adjust psychologically to the pace of change. Only by renouncing selfishness and attempts to outsmart one another to gain an advantage at the expense of others can we hope to ensure the survival of humankind and the further development of our civilization.

Each generation inherits from its predecessors the material and spiritual wealth of civilization. Each generation is responsible for preserving this inheritance and developing it for the succeeding generations.

Mikhail Gorbachev
As quoted in Architects of Peace

We must all, including the diplomats and national leaders, change our point of view. We must recognize that extreme nationalism is a thing of the past. The idea that it is just as important to do harm to other nations as to do good to your own nation must be given up. We must all begin to work for the world as a whole, for humanity...

The time has now come for morality to take its proper place in the conduct of world affairs; the time has now come for the nations of the world to submit to the just regulation of their conduct by international law.

Linus Pauling

We must be the change we seek in the world.

Gandhi

The means are the ends in the making

What peoples and nations can do instead of war:

In Session 6

- A. nonviolent conflict resolution processes
- B. appropriate, humanitarian foreign aid

In Session 7

- C. international law**
- D. international cooperation and collaboration**

Reading List for Session 7

Essential Reading

- Who are We to One Another at this Time in History?
- Focus Questions and Activities for Session 7

C. International Law

- Examples of International Law: 18 Possible Reasons Why
- Commentary: Salute to An American Hero
- Example of International Law: The International Criminal Court
- Case Study: Tribunal for the Former Yugoslavia
- Case Study: Tribunal for Rwanda

D. International Cooperation and Collaboration

- Commentary: Saving Humanity From Hell
- A World in Larger Freedom
- Public Opinion Vs, Politicians' Attitudes
- The United Nations Can Help...Because It Already Has

Focus on the United States

- International Cooperation: Why We Need It
- International Cooperation: How to Improve It
- What To Do About Terrorism
- What To Do About the Spread of Deadly Weapons

Optional Reading

- Selected Articles of the United Nations Charter
- Passages of the United States Constitution

Who Are We To One Another At This Time In History?

In Session 7 we explore “the means are the ends in the making” within the categories of international law and cooperation and collaboration between peoples and nations. These categories are part of a new mode of thinking that citizens and officials can use to build a world beyond war. Fundamentally, these categories--and how they are employed--answer, on a practical level, the question:

“Who are we to one another?”

...we, the people who live together on this planet moving through space.

The readings in this session provide vital history regarding international treaties, the International Criminal Court as an example of the exercise of international law, information about the United States’ involvement in international affairs, and perspectives on international relationships.

The “Focus on the United States” section from the new book “U.S. in the World” provides thoughtful analysis about international cooperation and collaboration in the contexts of terrorism and the spread of deadly weapons.

These readings distill useful and life-affirming ideas in the context of a complex and chaotic world. These and more ideas are necessary in order to make human life sustainable in the nuclear age.

Much of the work to develop the legal principles and practice and successful cooperation and collaboration that is described in this session has been done by generations before us. The United Nations was formed in 1946 in the wake of World War II, based on previous thinking and action which created the League of Nations. International Treaties have been thought through and used to create agreement, stability and prosperity in past generations. Now it is our turn to mine the rich resources of our education and prosperity, which we have inherited, to invest in civilization, a sustainable future, and a world beyond war.

Focus Questions for Session 7

1. Has anything changed in your understanding of “The means are the ends in the making” this week? If so, what?
2. As you look at world events and relationships through the lens of this idea, what happens?
3. What did you think when you read “18 Possible Reasons Why”? What did you feel? What do you think should happen related to international treaties and international law?
4. The United Nations is related to both international law and international cooperation and collaboration. In light of the readings in this session and the other information you know, what do you think the role of the United Nations should be?
5. What is the best role of citizens in the context of international law and international cooperation and collaboration?

Focus Activities for Session 7

1. Are you finding that you are “sticking with” remembering the Behavioral Implications? Why or why not? What is your experience?
2. Relate the Behavioral Implications to world events--what if peoples and nations were united in conforming to the Behavioral Implications? What do you think would happen? Do you see any evidence of this in the readings?
3. As you read the newspaper or watch the news this week, reflect on the four categories of what peoples and nations can do instead of war. How do these seem to you? In light of the information presented in Session 6’s readings related to the U.S. Military Budget and what it would cost to fund appropriate foreign aid and the other three categories, what do you think?

Session 7

C. International Law

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- Case Study: Tribunal for the Former Yugoslavia
- Case Study: Tribunal for Rwanda

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Possible Reasons Why

Shortly after the United States withdrew from the Antiballistic Missile (ABM) Treaty, Richard DuBoff of *Z Magazine* put together this list of international actions undertaken by the United States in recent years. It may help us all to understand some of the contributing factors to the way our nation is viewed from outside its borders.

1. *The 1972 Antiballistic Missile Treaty.* In December 2001, the United States officially withdrew from the Treaty, gutting the landmark agreement—the first time in the nuclear era that the U.S. renounced a major arms control accord.

2. *Biological and Toxin Weapons Convention.* Ratified in 1972 by 144 nations including the United States. However, in July 2001 the U.S. walked out of a London conference to discuss a 1994 protocol designed to strengthen the Convention by providing for on-site inspections.

3. *United Nations Agreement to Curb the International Flow of Illicit Small Arms.* Drafted in July 2001, the agreement was approved by everyone except the U.S.

4. *UN Human Rights Commission.* In April 2001, the U.S. was not reelected to the Commission, after years of withholding dues to the UN (including then current dues of \$244 million) and after having forced the UN to lower the U.S. share of the UN budget from 25 to 22 percent.

5. *International Criminal Court (ICC) Treaty.* Set up in The Hague to try political leaders and military personnel charged with war crimes and crimes against humanity. Signed in Rome in July 1998, the Treaty was approved by 120 countries, with 7 opposed (including the U.S.).

6. *Land Mine Treaty.* Banning land mines, it was signed in Ottawa in December 1997 by 122 nations. The United States refused to sign, along with Russia, China, India, Pakistan, Iran, Iraq, Vietnam, Egypt, and Turkey.

7. *Kyoto Protocol* of 1997, for controlling global warming. Declared “dead” by President Bush in March 2001.

8. *Economic espionage and electronic surveillance of phone calls, e-mail, and faxes.* In May 2001, the U.S. refused to meet with European Union nations to discuss these issues, even at lower levels of government.

9. *Organization for Economic Cooperation and Development (OECD).* The U.S. refused to participate in OECD-sponsored talks in Paris, May 2001, on ways to crack down on off-shore and other tax and money-laundering havens.

10. *Pledge by 123 nations to ban the use and production of anti-personnel bombs and mines,* February 2001. The U.S. refused to join.

11. *International Plan for Cleaner Energy,* July 2001. Out of the G-8 group of industrial nations (U.S., Canada, Japan, Russia, Germany, France, Italy, UK), the U.S. was the only one to oppose it.

12. *UN General Assembly resolution calling for an end to the U.S. embargo of Cuba.* Passed in October 2001 for the tenth consecutive year by a vote of 167 to 3. The U.S., Israel, and the Marshall Islands opposed it.

13. *Comprehensive [Nuclear] Test Ban Treaty.* Signed by 164 nations and ratified by 89 including France, Great Britain, and Russia; signed by President Clinton in 1996, but rejected by the Senate in 1999.

14. *UN Convention on the Rights of the Child.* The U.S. has signed but not ratified this 1989 agreement, which protects the economic and social rights of children. The only other country not to ratify is Somalia, which has no functioning government.

15. *Optional Protocol to the UN's International Covenant on Civil and Political Rights.* Passed in 1989 and aimed at abolition of the death penalty, and containing a provision banning the execution of those under 18. The U.S. has neither signed nor ratified, and specifically exempts itself from the latter provision, making it one of five countries that still execute juveniles (along with Saudi Arabia, Democratic Republic of Congo, Iran, and Nigeria). China abolished the practice in 1997, Pakistan in 2000.

16. *1979 UN Convention on the Elimination of All Forms of Discrimination against Women.* The only countries that have signed but not ratified are the U.S., Afghanistan, Sao Tome, and Principe.

17. *International Court of Justice (The Hague).* In 1986 the Court ruled that the U.S. was in violation of international law for "unlawful use of force" in Nicaragua through its actions and those of its Contra proxy army. The U.S. refused to recognize the Court's jurisdiction. A UN resolution calling for compliance with the Court's decision was approved 94-2 with only the U.S. and Israel voting no.

18. Measured by the percentage of their gross domestic product contributed to foreign aid, the three highest providers are Denmark (1.01%), Norway (0.91%), and the Netherlands (0.79%). The lowest are Australia, Portugal, and Austria (all 0.26%), UK (0.23%), and the U.S. (0.10%). □

“18 Reasons Why” provides information about international law and the cooperation and collaboration inherent in international treaties. Knowing the information is step one. Which, if any, of these treaties do you think the United States should sign, ratify and to which should the U.S. adhere?

Who decides the policies of the United States and other countries? What should the role of individual citizens and groups of citizens be?

"The world is poorer for the treasure we have lost with the passing of Admiral Carroll. He was the conscience of CDI and will live on in the hearts and memories of his friends and colleagues at CDI and throughout the world."

— Center for Defense Information

Salute to an American Hero



Rear Admiral Eugene J. Carroll, who died earlier this year at age 79, was a rare breed. He was a military man who understood that America's security was threatened by an over-reliance on military might.

In speeches and articles in his post-retirement years, Carroll advocated abolishing all nuclear weapons. He vigorously criticized high military budgets (which he called uncontrollable), new armaments, and missile defense systems (which he called counter-productive).

Carroll was equally alarmed by America's increasing drift toward hegemony. Noting that never in the history of the world has one nation exercised the preeminent influence on world affairs as does America, Carroll asked: "Could this great power slip away, be thrown away, and the 21st century become the anti-American Century?" His answer: "It depends on whether we attempt to perpetuate an American global hegemony as the world's only military superpower—or if we seek to exercise constructive

leadership as a cooperative member in a peaceful world community governed under the rule of law."

Carroll joined the Navy in 1945, and flew Skyraider dive bombers from an aircraft carrier during the Korean War, eventually commanding two Skyraider attack squadrons. In the Vietnam War, he commanded an amphibious assault ship and the aircraft carrier Midway. Later, he was the first naval officer to serve as director of American military forces in Europe, where he was responsible for 7,000 nuclear weapons. It was here that he became troubled by the possibility of their use.

In an article, "The Case for Nuclear Abolition," Admiral Carroll wrote: "During the horrible confrontation with the Soviet Union we called the Cold War, I frequently stood nuclear alert watch on aircraft carriers. For a period of time, my assigned target was an industrial complex and transportation hub in a major city in Eastern Europe. Although the destruction of that target would have done little to defeat the Soviet Union,

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it was only one of dozens of comparable targets to be attacked by aircraft from two carriers in the U.S. Sixth Fleet. My bomb alone would have resulted in the death of an estimated 600,000 human beings.

“Multiply that 40 or 50 times and you can understand what the two carriers alone would have done, and that was only a fraction of the planned destruction to be wreaked by hundreds of aircraft and missiles from NATO bases in Europe. Despite the obvious fact that those weapons would never defend Europe, only destroy everything there, the U.S. was then urging NATO to add neutron bombs, Pershing II missiles, and Ground Launched Cruise Missiles to the European arsenal.

“From these up-close personal experiences I came to understand that nuclear weapons are truly unusable, worthless for any rational military purpose. Fought with nuclear weapons, the war destroys whatever the objective might have been. There is no evil greater than the barbaric, indiscriminate destruction which the weapons would inflict on the earth and all who inhabit it.”

Carroll was appalled at the current U.S. posture toward nuclear weapons, including the continued hair-trigger alert status in which we keep nuclear forces; the continued production of new tritium supplies for our arsenal of 12,000 nuclear weapons; and most recently the rejection by the Bush administration of the Non-Proliferation Treaty, an action Carroll saw as “threatening the spread of nuclear weapons into new hands. American leaders have declared that nuclear weapons will remain the cornerstone of U.S. national security indefinitely. In truth, as the world’s only remaining superpower, nuclear weapons are the sole military source of our national *insecurity*. We have

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been presented with a challenge of the highest possible historic importance: the creation of a nuclear weapons-free world. The end of the Cold War makes it possible—the dangers of proliferation, terrorism, and a new nuclear arms race render it necessary.”

After his retirement, Admiral Carroll served for many years as deputy director of the Center for Defense Information (CDI), a group headed by retired admirals and generals, and dedicated to promoting optimum ways to assure a secure America. In *Timeline* July/August, 2000, we published an article by Admiral Carroll titled, “Confrontation or Cooperation?” In it, he decried the U.S. failure to be part of many important international agreements.

Carroll noted that the U.S. and Somalia were the only two countries who refused to sign the UN Convention on the Rights of the Child. He labeled “contentious” Congress’ refusal to appropriate the money needed to implement the inspections required by the Chemical Weapons Convention, which outlaws the manufacture, possession, or use of chemical weapons.

He noted as “a stark example of America’s growing isolation,” the U.S. Senate’s blocking ratification of the UN Convention on the Law of the Sea, “which took 24 years to come to fruition and which accommodated every U.S. demand. As a result, we have lost all rights to participate in the development of a body of international law which covers 70 percent of the Earth’s surface and protects freedom of navigation, fisheries, the oceanic environment, and the wealth of the global seabed. It is difficult to conceive of a more foolish, shortsighted failure to advance the rule of law in the world order, nor one more certain to generate unnecessary

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confrontations with other nations in the future.”

Carroll called the U.S. position on the International Criminal Court “sadly ironic.” Early on, the U.S. was a leading proponent of a permanent international tribunal which would have jurisdiction over war crimes, crimes against humanity, and genocide. However, the U.S. insisted on its right to veto any action of the court, a position voted down 120 to 7 by the other nations involved. In the end, the U.S. actively sought to torpedo the formation

of the court itself, and has made individual agreements with 22 nations not to turn Americans over to the ICC. Further, Congress passed a law giving the president free reign to use any means to free an American held by the court.

The abolition of land mines was another issue Admiral Carroll felt strongly about. The week before his death, the *Christian Science Monitor* ran an editorial he co-wrote titled, “Another War, Another Round of Land Mines?” which noted that the U.S., which is one of only a few nations not to have signed the Ottawa Anti-Personnel Land Mine Treaty, had not renounced their use in Iraq, and was reportedly transferring U.S. land mines to Qatar, Saudi Arabia, Diego Garcia, and elsewhere in the region.

As for the future of America if it keeps on its militaristic, threat-oriented course, Carroll noted: “One truth stands out in history—every nation or empire which would subjugate others will ultimately

fail if they attempt to base their domination on military force. There are two reasons for this. First, the people of the hegemon will finally refuse to make the sacrifices in blood and treasury necessary to maintain military control over others. Second, the subjugated will ultimately rise in opposition to reject the sovereign. Nevertheless, in the face of both history and common sense, the U.S. Congress and the Executive seem determined that they can deny both by making military power the primary instrument of U.S. foreign policy.

“Our attitude seems to be at the very root of America’s rejection of cooperative efforts to make the world a safer place under the rule of law. Chauvinistic jingoes claim to see a threat to U.S. sovereignty in every agreement which subjects Americans to international norms. Our leaders seem to believe that as the world’s most powerful nation we alone are empowered to proclaim and enforce American standards and judgments anywhere in the world. We refuse to accept any international rules adopted by global consensus which could in any way infringe upon or limit U.S. freedom to act independently in our own interests as we define them. [But] no nation is wealthy enough to sustain the burden indefinitely of being the superpower on guard everywhere around the globe.

“Our security, and the solutions to such problems in the future, will be promoted far more effectively through wise U.S. foreign policies that lead away from confrontation and make America the leader in a more peaceful, cooperative world order in the 21st Century.”

Words from a warrior for peace who will be sorely missed.

— Mac Lawrence

No nation is wealthy enough to sustain the burden indefinitely of being the superpower on guard everywhere around the globe.



The International Criminal Court

After the devastation of World War II, the Allies put Nazi leaders responsible on trial to demonstrate that 'never again' would such blatant destruction of human life and dignity be permitted. Unfortunately, in the succeeding fifty years, the world sustained atrocity after atrocity without having recourse to any permanent, global mechanism for the prevention and punishment of such crimes. However, with the creation of the International Criminal Court (ICC), the world has begun to fulfill the post-WWII commitment.

The temporary ICC building in The Hague

The ICC came closer to reality on 1 July 2002 when the Rome Statute came into force, heralding a global commitment to hold dictators and other perpetrators of gross violations accountable for their crimes. The ICC is a permanent court to investigate and bring to justice individuals who commit the most serious crimes of international concern. Initially, the Court will have jurisdiction over genocide, war crimes and crimes against humanity. The crime of aggression will be added once a definition has been agreed and added to the Rome Statute by amendment. The ICC is meant to complement national legal structures, and will act only when the national systems are either unwilling or genuinely unable to proceed.

The treaty to establish the ICC was adopted in Rome on July 17, 1998 by the affirmative vote of 120 countries at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, or the "Rome Conference." Inspired by the Nuremberg trials, and the International Criminal Tribunals for Rwanda and the Former Yugoslavia, 160 countries negotiated the treaty that designed the world's first permanent International Criminal Court to prevent perpetrators of the most heinous crimes from eluding justice.

As of September 2003, 92 countries are party to the Rome Statute. [Click here to see list of signatory states and states parties.](#) State Parties encompass countries from all regions of the globe, including major US allies: all NATO members (except Turkey); all member-states of the European Union; and two Permanent Members of the UN Security Council (France and the United Kingdom). The United States played a key role in negotiating the original treaty – particularly in ensuring due process and rights of the accused – but in the end voted against the creation of the Court, citing concerns that American service members could be subject to investigation or prosecution.

Cases will come before the International Criminal Court in one of three ways: the United Nations Security Council may refer a "situation" using its powers under Chapter VII of the UN Charter regardless of where or by whom the crime or crimes in question were committed; a situation may be referred to the Prosecutor by a country that has ratified the Rome Statute; or the Prosecutor may initiate an investigation on his or her own (but may only pursue it with the approval of the Pre-Trial Chamber). Except in the case of a Security Council referral, the ICC will only be able to exercise jurisdiction over crimes committed by nationals or on the territory of countries that have ratified the ICC.

One of the most significant innovations will be the role of victims in the ICC. Victims will be able to participate in the proceedings through legal representatives, and to seek reparation. In addition, a Trust Fund for victims is to be established.

The Assembly of States Parties (ASP) is the governing body of the International Criminal Court, and consists of all those countries that have ratified the Rome Statute. They held 4 meetings in New York between 2002 and 2003. The ASP will hold future session in The Hague. On 3-7 February 2003, the Court's 18 judges were elected by the Assembly of States Parties. On April 21, 2003, Luis Moreno Ocampo of Argentina was unanimously elected Prosecutor of the International Criminal Court ([click to Human Rights First's Statement on Moreno Ocampo's election](#)). He took his oath of allegiance on June 16, 2003. Bruno Cathala was unanimously elected by the ICC's 18 judges to be the ICC Registrar. Court personnel reflect the geographical and legal diversity of the member countries.

After the Rome Conference in 1998, the UN's General Assembly held Preparatory Commission (PrepCom) sessions to determine the mechanics of the Court. On September 10, 2002, the ASP adopted documents including the Rules of Procedure and Evidence and the Elements of Crimes, the Relationship Agreement between the UN and the Court, the Financial Regulations of the Court, and the Agreement on Privileges and Immunities. [Click here to see key documents](#)

The ICC is now operational and has announced its intention to investigate crimes committed after July 1, 2002 in [Uganda](#) and the [Democratic Republic of Congo](#). States may still join the Court by depositing their instrument of ratification or accession with the UN.

The International Criminal Tribunal for the Former Yugoslavia (ICTY)

The International Criminal Tribunal for the former Yugoslavia (ICTY) is the first truly international criminal court to hold individuals accountable for the most serious crimes recognized by the international community. The ICTY was established by the United Nations Security Council in May 1993 to bring to justice those responsible for committing genocide, crimes against humanity and war crimes in the territory of the former Yugoslavia since 1991. The seat of the Tribunal is The Hague.

Why is the Tribunal needed?

In the early 1990s, after the collapse of the Yugoslav communist regime, political instability and longstanding inter-ethnic rivalry combined to cause the outbreak of civil war in Bosnia and Croatia. The greatest suffering fell upon civilians who were regularly the subject of brutal attacks by soldiers, paramilitary groups and police. Most horrifying was the death and destruction affected through the genocidal policy known as "ethnic cleansing." Over 250,000 were killed and 1 million displaced as sub-state ethnic forces asserted their autonomy and acted on expansionist aims. In this state of war and violence it was hoped that an international criminal tribunal would assist in the effort to restore peace and security and deter further atrocities. Only through this mechanism could the perpetrators of the mass human rights violations be held accountable and justice be brought to the victims. This work continues today.

How was the Tribunal established?

The atrocities, in particular the horrific practice of "ethnic cleansing", caused an international outcry – these were the kinds of mass human rights violations that literally "shocked the conscience of mankind." As the record of atrocities grew, so did the belief that those responsible must be held accountable. The novel establishment of a UN war crimes tribunal was the result of the international community's view that finally "something must be done". In 1992, having already determined that the situation constituted a threat to international peace and security, the Security Council passed Resolution 771. By that resolution, the Council determined that those who committed or order the commission of grave breaches of the Geneva Conventions were individually responsible for such breaches and called on the international community to cooperate in the collection of evidence. Following this, the Council asked the Secretary General to commission a group of experts to examine the evidence. In response to the experts' report, the Security Council decided to create an international tribunal and asked the Secretary General to draw up a proposal for its establishment. Finally, on May 25, 1993, as the violence continued, the Security Council acted under Chapter VII of the UN Charter to pass Resolution 827 and bring the Statute of the ICTY into force. It is this resolution, which binds all UN Member States, that gives the Tribunal's orders the force of law throughout the world.

What is the nature of the ICTY's jurisdiction and trial process?

The ICTY has jurisdiction to prosecute individuals for "serious violations of international humanitarian law", namely, grave breaches of the Geneva Conventions of 1949 (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4) and crimes against humanity (Article 5). The Tribunal's jurisdiction is limited to crimes committed on the territory of the former Yugoslavia. While recognition of the successor states of Yugoslavia is a matter of dispute, the geographic area within jurisdiction includes what has become known as Bosnia and Herzegovina, Serbia and Montenegro, Croatia, Kosovo, Macedonia and Slovenia. Jurisdiction runs from January 1, 1991 until a date to be determined once peace is secured and full responsibility for judicial administration can be handed back to the relevant states.

The ICTY has concurrent but primary jurisdiction over other courts, both in the former Yugoslavia and around the world (Article 9). This means that domestic courts can prosecute individuals for crimes falling within the Tribunal's jurisdiction, but that the ICTY has the power to request national courts stay their proceedings, in the interests of international justice, and transfer the accused to the Tribunal for prosecution. Once the Tribunal has tried an individual, that individual cannot be tried again on the same

charges by national courts (Article 10). However, where individuals have been tried in domestic courts, they may be tried again by the ICTY if the domestic trial did not meet the requisite standards of impartiality and independence, or where the charges did not correspond to the crimes within the Tribunal's jurisdiction (for example, a domestic prosecution for multiple counts of assault rather than war crimes). In that event, the Tribunal will take into account any penalty imposed by the national court in determining sentence.

The trial process combines inquisitorial aspects of the civil law system and adversarial aspects of the common law system. Trials are conducted in accordance with the internationally recognized standards of due process contained in the Rules of Evidence and Procedure. However, a trial can only commence once the Tribunal secures the presence of the accused – the Statute does not permit trials in absentia. Once an indictment is finalized, an arrest warrant is issued. But in the absence of an "international police force", the ICTY is dependent on international cooperation for the apprehension and transfer of accused persons. The tribunal similarly requires international cooperation for the collection of evidence, freezing of assets of indictees, the relocation of vulnerable witnesses and the enforcement of orders and sentences. If an accused is found guilty and sentenced, the sentence can be served in countries that have concluded agreements with the ICTY for that purpose. States that have done so include Denmark, Germany, Spain, France, Sweden, Austria, Norway, Finland and Italy. The maximum sentence is life imprisonment.

The judges

Originally, there were 11 judges divided into two Trial Chambers (comprising three judges each) and an Appeals Chamber (comprising seven judges, only five of which sit on any one appeal). However, given the increase in the Tribunal's case-load, this has been expanded to 16 full time judges and a maximum of nine ad litem (temporary) judges which can be drawn from a pool of 27 such judges. There are now three Trial Chambers, each of which can be divided into "sections" comprising three judges (either permanent or ad litem) to hear cases (Article 12). The judges are elected by the UN General Assembly for four-year terms (Articles 13bis and 13ter). To be elected, judges must be "persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices" (Article 13). No two permanent judges, and no two ad litem judges, may be of the same nationality. Permanent judges, but not ad litem judges, may be re-elected.

How is the ICTY organized?

The Tribunal employs well over one thousand people from approximately 80 nations. All its activities are funded out of Member States' voluntary and assessed contributions to the UN, as well as some private and NGO support. The budget of the Tribunal has been steadily growing, from US\$ 276,200 in 1993 to US\$ 96,443,900 in 2001. In addition to the judicial chambers, the Tribunal has two other main organs: the Office of the Prosecutor and the Registry.

The Office of the Prosecutor has three main duties: 1) investigating crimes, including collecting evidence, identifying witnesses and exhuming mass graves, 2) preparing indictments (charges), and 3) presenting the prosecution's case before the Tribunal. The Prosecutor is independent of the Security Council or any state or other international organization and may initiate investigations at her own discretion or on the basis of information provided by individuals, governments, international organizations or NGOs.

The administrative and managerial arm of the Tribunal is the Registry, which has responsibility for scheduling hearings, translating proceedings and filing and archiving legal documents. Beyond these basic administrative tasks, the Registry contains a number of specialized units. For example, the Witnesses and Victims Support Section provides support to this vulnerable group before, during and after proceedings, to ensure that testimony is given freely and without endangering the witness or victim. The Defence Council Unit is responsible for providing legal aid. While accused persons remain free to retain counsel of their own choosing, where they cannot afford legal representation they may be assigned counsel at the Tribunal's expense. In that case, an accused may choose counsel from a list of names maintained by the Registry. The Registry also manages the Detention Unit where individuals are held following their arrest and until they are either acquitted and released or found guilty and transferred to the jurisdiction in which

they are to serve out their sentence.

Has the Tribunal fulfilled its mandate?

There is no doubt that the ICTY has made an enormous contribution to international criminal and humanitarian law. Prior to the establishment of the Tribunal, many important legal questions had never fallen for determination or had lain dormant since the Nuremberg and Tokyo trials. Notable judgments have addressed the application of the Geneva Conventions, the interpretation of rape as a war crime and a crime against humanity, the application of humanitarian law to internal armed conflict, and the clarification of the nature of individual criminal responsibility (especially in relation to superior orders, duress and command responsibility).

Individuals that have been or are being investigated or prosecuted include those from all the relevant ethnic, political, economic and social backgrounds. By October 2002, 112 individuals had been indicted by the ICTY: 27 were deceased or had their indictments dropped, 35 were in custody awaiting trial, 9 had been temporarily released pending trial, 8 were released after trial, 5 were serving sentences, and 25 remained at large, including Bosnian Serb Leader Radovan Karadzic and Bosnia Serb General Ratko Mladic, both of whom have been charged with genocide among other crimes. Currently the Tribunal is hearing the trial of Slobodan Milosevic, the former President of the Federal Republic of Yugoslavia.

Even though the majority of the violence has ended, the ICTY continues to administer justice for the victims and survivors of these international crimes. As the ongoing trial mechanism that holds perpetrators accountable for their actions, the ICTY remains an indispensable part of the effort to bring lasting peace and reconciliation to the war-torn region. Given the fragile peace that currently exists, the residual ethnic tension and the poor judicial and executive infrastructure in the newly emerging states, it is not yet possible to hand to domestic courts and prosecutors the responsibility of carrying out fair, independent and impartial trials of those suspected of committing heinous international crimes.

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The International Criminal Tribunal for Rwanda (ICTR)

The International Criminal Tribunal for Rwanda (ICTR) was established by the United Nations Security Council to prosecute individuals responsible for genocide, crimes against humanity and serious violations of international humanitarian law committed in Rwanda during 1994. The Tribunal is located in Arusha, Tanzania.

Why is the Tribunal needed?

A potent and tragic combination of political instability and longstanding inter-ethnic rivalry plunged Rwanda into unprecedented violence in 1994. Between 500,000 and 1 million Tutsis and moderate Hutus were killed during the genocidal campaign, the majority within a three month period. At the time, neither the UN nor any other international coalition intervened. After the violence, many of the perpetrators fled Rwanda and scattered within the region and around the world. Rwanda's infrastructure, ruined by war, was not able to administer justice in respect of the wide-scale atrocities. It was hoped that the international community, acting through the UN Security Council, could end the impunity and contribute to the process of reconciliation by establishing an international judicial mechanism as part of its efforts to restore international peace and security.

How was the Tribunal established?

An international outcry followed the violence. Prior to the massacres of 1994, the Security Council had already determined that the situation in Rwanda posed a threat to international peace and security. In July 1994, partially in response to a request for assistance from the Rwandan government, the Security Council passed Resolution 935 requesting the Secretary General to form a commission of experts to report on the violence. The commission concluded that there was ample evidence to indicate that both sides had committed international crimes, including genocide and violations of international humanitarian law, but that the majority had been committed by Hutus against the Tutsis. Following this report, the UN set about drafting a statute for a proposed Rwandan criminal tribunal. In many ways, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) served as a model and, not surprisingly, their statutes have many features in common. At the conclusion of the drafting process, on November 8, 1994, the Security Council, acting under Chapter VII of the UN Charter, passed Resolution 955 establishing the ICTR. The Resolution included the Tribunal's Statute as an annex.

What is the extent of the Tribunal's jurisdiction?

The ICTR can prosecute individuals (not governments or organizations) for "serious violations of international humanitarian law", namely, genocide (Article 2), crimes against humanity (Article 3) and violations of Article 3 common to the Geneva Conventions and of Additional Protocol II (Article 4). The Tribunal's jurisdiction is limited to crimes committed on the territory of Rwanda, by nationals of any state, between January 1, 1994 and December 31, 1994. However, there is one exception in excess of this limited jurisdiction – Rwandan nationals may be prosecuted for crimes committed in the territory of neighbouring states.

The ICTR has concurrent but primary jurisdiction over other courts (Article 8). This means that domestic courts can try Rwandans for their crimes but that the Tribunal has the power to stay other proceedings and order that the accused be transferred to it for prosecution. Once an individual has been tried by the Tribunal, that individual cannot be tried again on the same charges by national courts (Article 9). However, where individuals have been tried in domestic courts, they may be tried again by the ICTR if the domestic trial did not meet the requisite standards of impartiality and independence, or where the charges did not correspond to the crimes within the Tribunal's jurisdiction (for example, a domestic prosecution for multiple counts of assault rather than war crimes).

Securing the presence of an accused before the Tribunal is a necessary but difficult process – the Tribunal's Statute does not permit trials in absentia. Once an indictment is finalized, an arrest warrant is issued but, in the absence of an "international police force", the ICTR is dependent on international cooperation for the

apprehension and transfer of accused persons. If an accused is found guilty and sentenced, the sentence can be served in countries that have made such arrangements with the ICTR. Mali, Benin and Swaziland have entered into agreements for this purpose.

There has been much criticism about the Tribunal's ability to process all the cases falling within its jurisdiction. By October 2002, fewer than 70 suspects had been arrested and only 11 trials had been completed. The strain has, on occasion, compromised the ability of the ICTR to guarantee due process. In one case, the Appeals Chamber was forced to order the release of a detained suspect because he had not been informed of the charges against him, was not promptly transferred from detention in Cameroon, and had not been brought before the Tribunal within the required period. However, criticism of the parallel domestic judicial process in Rwanda has been heavier. Over 120,000 people are in custody awaiting trial. On current estimates, it could take well over 100 years to process them all. Despite recent efforts and the commitment of resources to the "Gacaca Courts", concerns about delay, detention conditions and due process abound.

The judges

The ICTR is composed of 14 judges, nine in the Trial Chamber and five in the Appeal Chamber (Article 11). The Trial Chamber itself is divided into three separate chambers with three judges sitting in each. The Appeals Chamber is located in The Hague as is shared with the International Criminal Tribunal for the former Yugoslavia (Article 12(2)). The judges, who must be of high moral character and suitably qualified, are all elected by the UN General Assembly and no two judges can be of the same nationality (Article 12). The President of the ICTY is elected by all the judges, and each Trial Chamber elects a Presiding Judge (Article 13). On August 14, 2002 the Security Council, in resolution 1431, authorized the creation of a pool of 18 ad litem judges, of whom up to 4 would sit at any one time.

How is the ICTR organized?

Besides the Trial and Appeal Chambers, the ICTR has two other main organs; the Office of the Prosecutor and the Registry.

The Office of the Prosecutor is a separate and independent organ of the Tribunal located in Kigali, Rwanda as well as in Arusha, and is responsible for investigating crimes within the jurisdiction, framing indictments (charges) and prosecuting cases before the Tribunal (Article 15). The Office is headed by the Chief Prosecutor who, like the Appeals Chamber, is shared with the ICTY. The Chief Prosecutor is appointed for a four year term by the Security Council upon nomination by the Secretary General (see Article 16, Statute of the ICTY).

The Registry is responsible for the administration and management of the Tribunal, providing legal and judicial support services to the Trial Chambers and the Prosecutor. The Registry has also taken a lead role in the Tribunal's approach to witnesses and victims. The Witnesses and Victims Support Section, organized under the auspices of the Registry, provides support to this vulnerable group before, during and after proceedings, including maintaining their anonymity where appropriate and even arranging their relocation if necessary. The Registry also has a role to play in providing defence counsel. While accused persons remain free to retain counsel of their own choosing, where they cannot afford legal representation they may be assigned counsel by the Tribunal. So far, all persons before the Tribunal have claimed to be indigent. In that case, an accused may choose counsel from a list of names maintained by the Registry. Currently, the list comprises approximately 70 legal practitioners (mostly from Europe, America and Africa) who are sufficiently qualified and willing to act as defence counsel.

In total, the Tribunal employs over 700 people from more than 80 nations. It is funded almost exclusively by UN Member States through their assessed and voluntary contributions to the UN. The ICTR is also aided and supported by the work of NGOs. Funding has gradually increased, from US \$30 million in 1996 to almost US \$80 million in 2000.

Has the Tribunal fulfilled its mandate?

The work of the ICTR is far from complete. As of October 2002, of the 80 persons indicted, 60 were (or had been) in custody and arrest warrants had been issued in respect of another 20 who remained at large. Of the 60 in detention, one had been acquitted, eight had been sentenced, 22 were involved in ongoing proceedings and 29 were in detention awaiting trial. The Tribunal aims to complete its mandate by 2008, and is contemplating transferring some outstanding cases to states that are prepared to try them. This was made possible by the introduction of Rule 11 bis to the Tribunal's Rules of Procedure and Evidence. Despite concerns over the work that remains incomplete, the Tribunal has had many notable achievements. It has obtained international cooperation for the arrest of suspects and the appearance of witnesses. To date, over 200 prosecution and defence witnesses from Africa, Europe and America have testified. Through more than 500 decisions on motions and points of law, the ICTR has made a significant contribution to the field of international criminal law, most notably in relation to the recognition of rape as genocide, convictions for sexual crimes and outrages against human dignity. Landmark decisions have been handed down including the first ever international conviction for the crime of genocide (the celebrated Akayesu case) and the sentencing of former Prime Minister Jean Kambanda after he pleaded guilty to four counts of genocide and two counts of crimes against humanity. This process is not only significant in holding accountable those who masterminded the genocide, but also makes a contribution to restorative justice, the rights of victims and the worldwide struggle against impunity for international crimes.

The ICTR has also gone some way to addressing the criticism leveled at it. Most of these changes have attempted to enhance due process and judicial efficiency. Procedures have been amended to give the Trial Chamber the discretion to allow an indictment to be changed after the appearance of the accused. The Tribunal has established new rules (rule 46(A), RPE) for dealing with misconduct by defence counsel and prosecutors appearing before the Tribunal. Counsel must now give an undertaking as to their availability and their intention to represent the client for the duration of the proceedings. Judicial flexibility has also been increased by the rotation of judges through the Trial Chambers.

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Session 7

D. International Cooperation and Collaboration

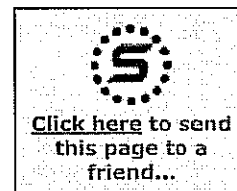
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- The United Nations Can Help...Because It Already Has



Saving humanity from hell

The failure of the UN to make heaven on earth should not obscure its mundane achievements, argues UN Under-Secretary General **Shashi Tharoor**.

In March 2003, as the debates were raging in the Security Council over Iraq, a BBC interviewer rather glibly asked me: 'So how does the UN feel about being seen as the "i" word - irrelevant?'



He was about to go on when I interrupted him. 'As far as we're concerned,' I retorted, 'the "i" word is "indispensable".'

It wasn't just a debating point. Those of us who toil every day at the headquarters of the UN - and even more our colleagues on the front lines in the field - have become a little exasperated at seeing our institutional obituaries in the press. The contretemps over Iraq in 2003 has led some to evoke a parallel to the League of Nations, a body created with great hopes at the end of the First World War, which was reduced to debating the standardization of European railway gauges the day the Germans marched into Poland.

Such comparisons are, to say the least, grossly overstated. As Mark Twain put it when he saw his own obituary in the newspaper, reports of the UN's demise are exaggerated.

And yet we live with a paradox. A Pew poll taken in 20 countries in mid-2003 showed that the UN had suffered a great deal of collateral damage over Iraq.¹ The UN's credibility was down in the US because it did not support the US Administration on the war, and in 19 other countries because it did not prevent the war. The equivalent polls this year show the UN's standing at its lowest ever.



Taking refuge: Cambodian children repatriated from Thailand in 1992.
Photo: Howard Davies / Exile Images

This year the UN turns 60. In the UN system 60 is the age at which we contemplate retirement. Is the UN ready to be pensioned off? On the contrary, we are seizing this occasion to contemplate renewal, not retirement. In 2005 the UN will debate the report of the Secretary-General's High-Level Panel on Threats, Challenges and Change, which is examining the entire architecture of the international system built up since 1945. A summit of the UN General Assembly will also review the Millennium Development Goals established five years ago by the largest single gathering of Heads of State and Government in human history. Kofi Annan spoke last year of the world being at a 'fork in the road'. The UN's 60th Anniversary year is a crucial one in determining which path the world takes.

On the principle that the best crystal ball is a rear-view mirror, it is important to recall that the UN was founded during a period when the world had known almost nothing but war and strife, bookended by two savage World Wars. Horror succeeded horror until, in 1945, the world was brought face to face with the terrible tragedies wrought by war, fascism, attempted genocide and nuclear bombing. The second half of the 20th century, though far from perfect, was a spectacular improvement on the first half, for one simple reason: because, in and after 1945, a group of far-sighted leaders drew up rules to govern international behaviour, founding institutions in which different nations could co-operate, under universally applicable rules, for the common good.

The keystone of the arch, so to speak - charged with helping keep the peace between all nations and bringing them all together in the quest for freedom and prosperity - was the United Nations itself. The UN was seen by visionaries like former US President Franklin Delano Roosevelt as the only possible alternative to the disastrous experiences of the first half of the century. As he stated in his historic speech to the two US Houses of Congress in February 1945, the UN would be the alternative to the arms races, military alliances, balance-of-power politics and all the arrangements that had led to war so often in the past.

**...the one thing you
cannot do with a
bayonet is to sit on it...**

Roosevelt's successor, President Harry Truman, put it clearly to the assembled signatories of the UN Charter in San Francisco on 26 June 1945:

'You have created a great instrument for peace and security and human progress in the world... If we fail to use it, we shall betray all those who

have died in order that we might meet here in freedom and safety to create it. If we seek to use it selfishly - for the advantage of any one nation or any small group of nations - we shall be equally guilty of that betrayal.'

Of paradise and power

That was then, of course, and this - 60 years later - is now. How many of today's critics of the UN would recognize the voice of an American President in Truman's speech that historic day? 'We all have to recognize,' he declared, 'no matter how great our strength, that we must deny ourselves the licence to do always as we please. No one nation... can or should expect any special privilege which harms any other nation... Unless we are all willing to pay that price, no organization for world peace can accomplish its purpose. And what a reasonable price that is!'

I suspect that there are many in Washington today who would not agree that this is indeed a reasonable price for the world's only superpower to pay in the interests of something as amorphous as 'world peace', especially in an era of terrorism. It is in the United States, above all, that the organization has suffered most. Perhaps part of the problem lies in the fundamental American critique of the place of the UN in today's world. The notion has gained ground of late, particularly in the wake of Robert Kagan's book *Of Paradise and Power*, that the elemental issue in world affairs today is the incompatibility of the American and 'European' diagnoses of our contemporary geopolitical condition.

In this view, the US sees a Hobbesian world, rife with menace and disorder, that requires the imposition of order and stability by a leviathan, while Europe (and much of the rest of the world) imagines a Kantian world of peace and rationality which can be managed by reasonable-minded leaders coming to sensible arrangements through institutions like the UN.

Since the latter view is a fantasy, such analysts suggest, the institutions underpinning it are equally impractical and ineffectual. In the real world, a Hobbesian leviathan could not possibly function if it were to be tied down by a system of rules designed to serve smaller states: it would be a Gulliver restrained - in Charles Krauthammer's words - by the 'myriad strings' of the Lilliputians 'that diminish its overweening power'. Hence the answer lies in disregarding the UN and, as Michael J Glennon has argued in *Foreign Affairs*, restoring might to its rightful place in world affairs.

There are many flaws in this argument, but the key one lies in its central premise. For the UN was not created by starry-eyed Kantians but as a response to a Hobbesian world. The UN Charter was the work of the victorious Allies of the Second World War. They saw the Hobbesian world of the preceding three decades and vowed 'never again'. The leviathan imagined by the visionary statesmen of that era (notably FDR himself) was not a single power: it was a

system of laws that would ensure that the world of the second half of the 20th century would be a better place than the one that had barely survived the first half. The US itself had a major stake in such a system. Gulliver was to lead the Lilliputians, not feel tied down by them; they provided him with a springboard, not a rack.

Saving graces

So what has gone wrong? It might be useful to confront the misgivings of the sceptics on their own terms. Some portray a UN that passed resolutions but could not agree to implement them, and ask if the Iraq war didn't prove that the US and Britain could do without the UN altogether. They may not have needed the UN to go to war - but they certainly needed it to manage the peace. The return of the US to the Security Council immediately after the war was an acknowledgement by Washington that there is, in Secretary-General Kofi Annan's words, no substitute for the unique legitimacy provided by the UN. Washington has discovered in Iraq that the US is better able to win wars alone than to construct peace. As Talleyrand said, the one thing you cannot do with a bayonet is to sit on it.

The UN is now seen as so essential to the future of the world that Switzerland, long a holdout because of its fierce neutrality, decided by referendum in 2002 to end its isolation and join. No club that attracts every eligible member can easily be described as irrelevant.

What's the use of the Security Council, some ask, if it's paralyzed by disagreement on something as important as Iraq? Doesn't the veto render it ineffective? Not quite. Even while they were disagreeing on Iraq, the Members of the Security Council were agreeing on a host of other vital issues, from Congo to Côte d'Ivoire, from Cyprus to Afghanistan.

No, the Security Council is not perfect. It has acted unwisely at times, and failed to act at others: one need only think of the 'safe areas' in Bosnia and the genocide in Rwanda for instances of each. All too often, Member States have passed resolutions they themselves had no intention of implementing. Even so, the UN's record of success is better than that of many national institutions. As Dag Hammarskjöld, the great second Secretary-General, put it, the UN was not created to take humanity to heaven, but to save it from hell.

And that it has done, innumerable times. During the Cold War the UN played the indispensable role of preventing regional crises and conflicts from igniting a superpower conflagration. Its peacekeeping operations make the difference between life and death for millions around the world.

And yet the UN is not simply a security organization; it is not a sort of NATO for the world. When the present crisis has passed, the world will still be facing (to use Secretary-General Kofi Annan's phrase) innumerable 'problems without passports' that cross all frontiers uninvited; weapons of mass destruction and terrorism, certainly, but also the degradation of our common environment, contagious disease and chronic starvation, human rights and human wrongs, mass illiteracy and massive displacement.

These are problems that no one country, however powerful, can solve on its own - as someone once said about water pollution, we all live downstream. They cry out for solutions that, like the problems themselves, cross frontiers. The UN, for all its imperfections, has built up a solid record of achievement. It has brought humanitarian relief to millions in need and helped people to rebuild their countries from the ruins of armed conflict. It has challenged poverty, fought apartheid, protected the rights of children, promoted decolonization and democracy and placed environmental and gender issues on the top of the world's agenda. It solves the 'problems without passports' by devising blueprints without borders. There's nothing else like it.

This is why I am proud to use the other 'i' word - and to affirm the UN's indispensability, as the only effective instrument the world has available to confront the challenges that will remain when Iraq has passed from the headlines.



Shashi Tharoor, an Indian national, is UN Under-Secretary-General for Communications and Public Information. He is also the author of six books, including the award-winning political satire *The Great Indian Novel* (1989), and *India: From Midnight to the Millennium* (1997).

1 See also The Pew Research Center, 'A Year After Iraq War', 16 March 2004. <http://people-press.org>

A World "In Larger Freedom"

Kofi Annan's Plan for the United Nations

As the United Nations celebrates its 60th anniversary, there is widespread consensus that the institution requires reform if it is to meet the challenges of the 21st Century. As Secretary of State Condoleezza Rice remarked in an interview on April 15, 2005, "There's no doubt that this is an organization that needs updating and reforming in order to be effective. [The U.S. is] a founding member of the United Nations. We shouldn't abandon it. We should make it a stronger instrument."

Even before Dr. Rice took office, Secretary General Kofi Annan had made UN reform a key component of his administration. On March 21, 2005, Annan released a report entitled *In Larger Freedom*, in which he proposed groundbreaking recommendations as part of a comprehensive strategy to restructure and improve the United Nations. With a UN summit in New York City scheduled for this upcoming September, Annan's report is an obvious starting point for world leaders to engage in a new dialogue about what security means in the 21st Century, how global issues such as terrorism, poverty and disease must be dealt with, and the ways in which the UN can play an effective role in an era of global interdependence. Below are a few of the key components – and likely topics for September's summit – from Annan's *In Larger Freedom*.

Millennium Development Goals

In 2000, the international community agreed to confront global poverty, hunger, disease and other development concerns by laying out

key pragmatic targets for 2015 known as the **Millennium Development Goals (MDGs)**. In his report, the Secretary General addressed MDGs and emphasized that "humanity will not enjoy development without security, or security without development." One of the key proposals put forth by *In Larger Freedom* is for Member States to reach, by 2015, the 0.7 percent of gross national income they committed to help people lift themselves out of poverty.

Warning System for Disasters

Annan also called for the establishment of a **worldwide warning system for all natural hazards**, building on existing national and regional capacity. As Ambassador Howard Baker, who led the U.S. delegation to the UN World Conference on Disaster Reduction, said in January 2005, "...never again should lives be lost because a global tsunami warning system doesn't exist... [The United States is] committed to do whatever it takes, in partnership with others, to expand and enhance the existing Pacific Ocean tsunami warning system into a global system including the Indian Ocean, the Atlantic Ocean and Caribbean Sea to protect coasts and coastal areas from tsunami threats."

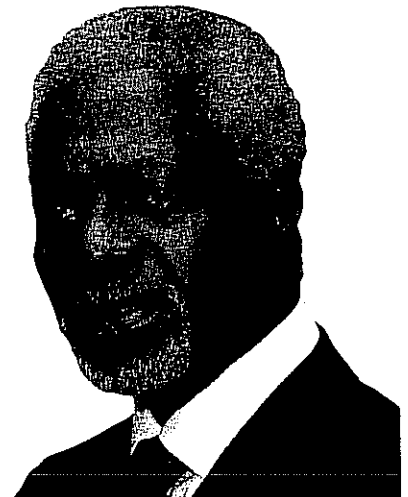
Terrorism

In his report, the Secretary General pushes Member States to agree on a clear **definition of terrorism** as any intentional attack on civilians and noncombatants by non-state actors for political purposes. This would be a major step for the UN, defying the notion of some Member States that "one man's

terrorist is another man's freedom fighter." The U.S. played a prominent role in creating the Counter-Terrorism Committee at the UN. The committee has since become a leading promoter of collective action against international terrorism.

Peacebuilding Commission

Another key proposal of *In Larger Freedom* is the establishment of a **Peacebuilding Commission** and a **Peacebuilding Support Office** in the Secretariat. Currently, half the countries that emerge from conflict revert back to instability within five years. To combat this pattern, Annan proposes a permanent office that would identify states on the verge of collapse, provide assistance to prevent such collapses, and sustain the efforts of the international community in post-conflict peacebuilding operations. Annan states, "If we are going to prevent conflict we must ensure that peace agreements are implemented and sustained in a sustainable manner."



KOFI ANNAN'S IN LARGER FREEDOM

Freedom from Want

- The international community should dramatically accelerate action to meet the Millennium Development Goals (MDGs) by 2015.
- The Doha trade negotiations should fulfill its development promise no later than 2006, with Member States providing duty and quota-free market access for exports from the least developed countries.

- Debt relief should be provided to poor countries so that they can achieve MDGs on time.
- Countries should develop an inclusive international framework beyond the Kyoto Protocol to address climate change and other global environmental threats.

Freedom from Fear

- Member States should agree on a clear definition of terrorism and commit to a comprehensive anti-terrorism strategy.
- Member States should establish a Peacebuilding Commission and a Peacebuilding Support Office to assist war-torn countries in their post-conflict transition.

- The international community should strengthen disarmament and non-proliferation of nuclear, chemical and biological weapons.
- The Security Council should adopt a resolution setting guidelines for decisions regarding the use of force.

In a world of interconnected threats and challenges, it is in each country's self-interest that all of them are addressed effectively. Hence, the cause of larger freedom can only be advanced by broad, deep and sustained global cooperation among States."

—UN Secretary General Kofi Annan, *In Larger Freedom*



Democracy Fund

In his report, Kofi Annan acknowledged the importance of promoting democracy and urged the international community to "welcome the creation of a Democracy Fund at the United Nations, to provide funding and technical assistance to countries seeking to establish or strengthen their democracy." The fund, which was proposed by President Bush at the UN General Assembly on December 21, 2004, would allow a board of donors and democracies to support NGOs and other entities with their assistance to countries in transitional democracy.

Human Rights Council

It is no secret that the current Commission on Human Rights is broken, allowing countries such as Libya and Sudan to cover up their own porous human rights records rather than promote better practices. Kofi Annan has proposed replacing this Commission with a smaller Human Rights Council. Membership in the new Council would require a two-thirds majority vote from the UN General Assembly and would be limited to states with credible human rights records.

Security Council Expansion

The report also puts forth two recommendations on how to make the Security Council more representative of the international community. Model A calls for six new permanent seats – with no additional veto power – and three new, two-year non-permanent seats divided among major regional areas. Model B calls for no new permanent seats, but for a new category

MANAGEMENT REFORMS IN PROGRESS

- A **Management Performance Board** has been established to monitor senior managers and brief the Secretary General on matters that require his attention.
- The Secretary General has urged Member States to endorse reforms to **improve accountability, transparency and efficiency** within the Secretariat.
- The UN is consolidating a comprehensive **anti-fraud and corruption policy** based on existing practices and a recent model developed by the World Bank.
- The United Nations has taken **action on sexual exploitation** by peacekeeping officials in the Democratic Republic of Congo. In the last 16 months, 147 peacekeepers have been investigated, 77 have been expelled from the mission, and five UN civilian staffers have been fired.
- In May 2005, **Christopher Bancroft Burnham**, the top U.S. State Department finance expert, was appointed the UN's new management chief. His role will be to strengthen accountability, ethical conduct and management performance.
- The Secretary General established two **executive-level decision-making committees** – to deal with policy matters and management issues – in order to speed up top-level decision-making.
- The Secretary General introduced a tough **whistleblower policy** to enable staff to come forward with concerns without fearing retribution. The policy will be reviewed by staff before implementation.

of eight, four-year renewable seats and one, two-year non-permanent (and non-renewable) seat divided among major regional areas. It is important that world leaders not allow debate on this issue to stop them from tackling other reforms.

Synopsis

With a consensus that the United Nations needs reform, Secretary General Annan has laid out a broad new vision, and clear recommendations, to make the international body a more accountable and effective 21st Century institution. The

Bush Administration must treat *In Larger Freedom* as such, and not as an *à la carte* menu. Rather than cherry picking specific proposals, the U.S. would be better served to use Annan's report as a strategic starting point for the UN reform agenda. By acknowledging the utility of a global deal that takes into account "the needs of others," the U.S. will be better able to advance its objectives while reasserting the world community's common interests. ●

Contributing Writer: Fatema Abdul Rasul

Freedom to Live in Dignity

- The international community should embrace the "responsibility to protect" as a basis for collective action against genocide, ethnic cleansing and crimes against humanity.

- The Office of the High Commissioner of Human Rights should be strengthened with greater resources and more staff, and should play a more active role in deliberations.
- A Democracy Fund should be created at the UN to assist countries seeking to establish or strengthen democracy.

Strengthening the United Nations

- The Security Council should be restructured to represent today's world.
- The Commission on Human Rights should be replaced with a more credible Human Rights Council.

- Member States should give authority to the Secretary General to restructure the Secretariat.
- The Economic and Social Council should be reformed to effectively assess the UN's development agenda.



The Stanley Foundation
Number 48

Summer 2005

**America's
politicians
frequently
misjudge
how closely
they share
their
constituents'
vision of the
United
States' role in
the world....**

Americans and Their Representatives Back the UN Public Opinion Versus Politicians' Attitudes

Strong support for US global engagement

This spring the Stanley Foundation, along with Americans for Informed Democracy and the United Nations Foundation, cosponsored a series of town hall-style meetings throughout the Midwest that included discussion on the future of US-UN relations. Featured speakers at two April 19 events in the Twin Cities were Thomas Pickering, former US ambassador to the United Nations, and Charles J. Brown, president and CEO of Citizens for Global Solutions. Brown explores the puzzling disconnect between the American public and its foreign policy leaders. This article was co-authored by Sam Stein, an Edward Rawson Communications Fellow at Citizens for Global Solutions.

Famed commentator H. L. Mencken once noted that “nobody ever went broke underestimating the taste of the American public.” Today, Mencken would feel vindicated, knowing that the US government is drastically underestimating the public’s support for the United Nations and UN reform.

Currently, within and between political parties, an argument persists as to whether the US-UN relationship most appropriately represents a dysfunctional marriage or a failed kinship. Take for example Congress’s last session, in which 74 members of the House of Representatives, including Majority Leader Tom Delay (R-TX), voted to cut all of the United States’ financial support for the United Nations, while, in contrast, Secretary of State Condoleezza Rice urged that “we shouldn’t abandon [the UN], we should make it a stronger instrument.”

In actuality, these deep divides over the United Nations are highly *unreflective* of the general consensus held by the American public. Americans don’t see US-UN relations as dysfunctional or unsalvageable. Rather, they see the partnership as one of convenience. Poll after poll shows that the majority of Americans not only support the United Nations and its mission but would like to see the international body strengthened so that it can meet the challenges of the 21st century. In fact, in a 2001 Pew poll, 92 percent of the public said that strengthening the United Nations should be an American foreign policy objective.

Unfortunately, political officials and members of the media rarely acknowledge such findings. Often, they flat out disregard them. In a study by the Center of International Security Studies, 67 percent of Congress and 62 percent of the media said that they believed the public, in fact, did not support strengthening the United Nations.

In addition, America’s politicians frequently misjudge how closely they share their constituents’ vision of the United States’ role in the world and its relationship with the international community. According to a 2004 Chicago Council on Foreign Relations study, 78 percent of elected leaders and 66 percent of the public believe the United States should support UN policy even if it may not reflect America’s priorities. However, only 16 percent of elected leaders estimated that the public shared this position. Likewise, while 84 percent of elected leaders and 78 percent of the public believe the United States should participate in UN international

peacekeeping operations, only 39 percent of elected leaders said the public shared their view.

The Mile-Wide Gap

Our elected officials are proving Mencken’s axiom; they are underestimating the public they’ve been appointed to serve. As a result, a mile-wide gap exists between actual public sentiment and what elected officials perceive public opinion to be. These findings are depressingly unfortunate. Currently, there is a small but diminishing window of opportunity for America to reform and forge the relationship it wants with the United Nations.

This opportunity comes in the form of Secretary-General Kofi Annan’s recently released report *In Larger Freedom*, which offers what journalist Traci Hukill calls “the most dramatic reforms since [the United Nations’] inception in 1945.” Annan’s recommendations—both comprehensive in detail and sweeping in vision—are very much structured around America’s interests. For example, Annan’s report calls for such US-supported proposals as:

- A peacebuilding commission to help countries transition from civil war to functionality.
- A democracy fund to unite and promote nations with shared democratic principles.
- A “worldwide warning system for all natural hazards” to save thousands of lives from future tsunamis.
- The replacement of the Commission on Human Rights with a smaller Human Rights

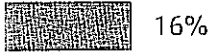
The UN: Perceptions vs. Reality

Leaders



What leaders believe: Asked whether they thought the United States should support UN policies even if those decisions do not reflect US priorities, 78 percent of foreign policy leaders surveyed agreed.

Leaders overall



What they think the public believes: Only 16 percent of those leaders believe a large majority of the public shares this position.

Public



What the public actually believes: In reality, 66 percent of the American public believes the United States should support UN policy even if it means that the United States will sometimes have to go along with a policy that is not its first choice.

Source: The Chicago Council on Foreign Relations, 2004

How is it possible that Congress is so out of step with the preferences of the public and the elite on such a range of foreign policy questions?

One possible factor may be that Americans in all types of leadership positions, including Congress and high-level members of the executive branch, misread the attitudes of the general American public. They may not feel that the public supports such positions, so that it is politically risky to pursue them. This may be especially true for new multilateral initiatives.

—From the CCFR and PIPA report, *The Hall of Mirrors: Perceptions and Misperceptions in the Congressional Foreign Policy Process*, October 1, 2004.

Council, whose members would agree to abide by standards the council oversees.

For many, *In Larger Freedom* is a practical and appealing starting point for any UN reform discussion. Even the caustic, anti-UN Senator Norm Coleman (R-MN) noted that: "It's in America's interest to look at ways to partner with countries that share our values. We need a Democracy Caucus at the UN."

Citizens' Role

Yet much more is needed to turn Annan's proposals into reality. For

starters, the American public must remind their elected officials that they support a US foreign policy of broad multilateralism, one that includes a more collaborative and productive US-UN relationship. In addition, America's leaders must stop underestimating the public's desire for a stronger, more accountable, reformed United Nations.

Clearly, there exists a large community comprised of the public and policymakers who, despite different political persuasions, often share a vision of UN reform and US global engagement.

Unfortunately, neither the people nor policymakers have made the connection, nor have they recognized the power they could bring to these issues should they join forces. This disconnect must be overcome if the United Nations is to be an effective partner for US foreign policy. Our elected officials must start paying attention to the voters by uniting in support of a reformed United Nations capable of responding to the threats and challenges of the 21st century.

In July 2004, the Chicago Council on Foreign Relations and the Program on International Policy Attitudes (PIPA) of the University of Maryland surveyed 450 individuals who hold key leadership positions in US foreign policy circles.

Those interviewed included 100 congressional members or their senior staff; 41 administration officials such as assistant secretaries and other senior staff in various offices dealing with foreign policy; 75 university administrators and academics who teach in the area of international relations; 59 journalists who handle international news; 50 religious leaders; 38 senior business executives; 32 labor presidents; 29 presidents of major private foreign policy organizations; and 25 presidents of major special interest groups relevant to foreign policy.

Those interviewed do not necessarily reflect the view of the inner circle of foreign policy decision-makers in the White House or the Department of Defense. However, many of the interviewees exercise direct authority over US foreign policy, while others may affect policy indirectly in a variety of ways.

The public sample included 1,195 Americans.



The United Nations Can Help Build a Better Iraq—Because It Has

From the outset of war in Iraq, the U.S. media generally portrayed its population as primitive and fanatical, and the UN and its sister agencies as contentious and ineffective. However, the story of a major humanitarian effort just prior to the war presents a different picture—one that offers more hope for the future.

The oppressive regime of Saddam Hussein, coupled with the bombing of the 1991 Gulf War and twelve years of sanctions, had left Iraqi children with one of the worst mortality rates in the world. One in eight died before age five, one third were malnourished, and one quarter were without safe drinking water.

Despite these severe conditions, in a concentrated five-day campaign starting February 23, 2003, some 14,000 volunteers from 880 health clinics in Iraq, with the help of the World Health Organization, UNICEF, and the Red Crescent, swept through the country to deliver polio vaccine to 98 percent of its four million children under five. Despite tension and dread over the impending war, the campaign went off smoothly, as a result of precise planning and execution.

As summarized by the manager of the program, Dr. Mohamid Al-Ani, “It was something for Iraq to achieve eradication of polio under the conditions we face.”

Iraq had been running twice-yearly polio immunization campaigns since 1995. While they achieved high coverage, 77 children contracted polio in 1999, showing that too many had been left unvaccinated. “At that point,” said Dr. Al-Ani, “we sat down with UNICEF and WHO and took a hard look at what we were doing. We might have held on to the excuse that sanctions simply made polio eradication too difficult, but this was not acceptable. We were determined to show the world and ourselves that Iraq had the skill and will to get rid of polio, no matter what.”

UNICEF Executive Director Carol Bellamy emphasized the need to complete eradication, not just in Iraq but in the whole region. “To eliminate polio,” she said, “you have to shut it down everywhere. This is a disease that crosses borders easily, so it is essential that we complete this year’s immunization and reach every child.”

continued on next page

Earlier campaigns had been managed from Baghdad. The new strategy called for much greater responsibility to be placed at the district level, and involved more investment in equipment, increased numbers of vaccinators, delivery of vaccine to individual homes, and a much more aggressive communication effort. The European Commission Humanitarian Aid Office (ECHO) also stepped in with critical funding—more than \$2 million since 2000.

A Close-up of the Campaign

The Alawi Qasim Primary Health Care Centre serves a poor mobile population clinging to the outskirts of Basra. Some

families here look toward the city for their incomes; others rely on the surrounding farmland. The land is dry and dusty. The buildings, mostly constructed from cement, are almost indistinguishable from the monotone landscape.

Dr. Liqaa Jaffer, a dynamic woman, serves as director at the Alawi Qasim Health Centre. When the new polio strategy was introduced, Jaffer became a member of the local Basra campaign team and attended a training course on “micro-planning” that was supported by UNICEF. For Jaffer it was an eye-opener.

“We learned the mechanics of planning and managing the campaign,” she says.

“I became responsible for recruiting and training vaccinators and for enlisting the support of community leaders. One month before every campaign, we surveyed every house in the community to identify all the children under five.”

The list was used to ensure accurate forecasting of the right number of vaccines, but its value to Jaffer went much further. “For the first time we knew how many children there were in our community, where they were, whether they had come to the clinic before.”

The district team was responsible for ensuring that vaccines were delivered in the right quantities to the right locations, for reporting broken refrigeration equipment, and for ensuring that sufficient ice packs and cold boxes were available for the vaccination teams. With the new door-to-door strategy, the number of teams nationwide expanded to 7,000, each including one vaccinator and one registrar.

Before 2000, the vaccinators were paid only 50 cents a day. “It was not enough,” said Dr. Al-Ani. “Some of the vaccinators had to give up a day’s work to join the vaccination teams. They needed a decent wage.” With support from ECHO, vaccinator pay was raised to \$2 per day. Funding from ECHO also helped to supply kerosene refrigerators, thermometers, generators, cool boxes, vaccine carriers, ice packs, and deep freezers. These resources helped UNICEF directly supply 10 million doses of polio vaccine, despite delays in procurement through the UN Sanctions Committee.

As the campaign was launched, announcements were emblazoned on

“It was something for Iraq to achieve eradication of polio under the conditions we face.”

***Dr. Mohamid Al-Ani
Program Manager***

banners strung across the busiest streets. The call to vaccinate went out from mosques, community organizations, schools, and women's groups. Television spots ran every half-hour, reminding parents to vaccinate their children. Organizations such as the Federation of Iraqi Women supported the campaign, calling on their members throughout the country to volunteer.

Abdullah Yagoob was one of the 14,000 vaccinators. Each day of the campaign, Yagoob was out of his house at dawn and into the poor neighborhoods that lie on the outskirts of Basra. Going from door to door, he laughed with mothers in their doorways, played with kids on the street,

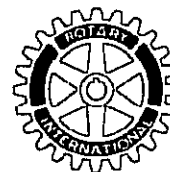
tickled babies' chins, dropped the polio drops into open mouths, and left a mark of his passing on gates and walls, showing that all children in the household five and under had been vaccinated.

UNICEF Director Carol Bellamy described the intensified effort as "an act of hope and faith in the future—and a major achievement for a country that has been devastated by two major wars and 12 years of sanctions." □

Walt Hays is a local chairman for the final phase of Rotary's Polio Eradication Campaign. He compiled the material on Iraq's campaign from press releases by UNICEF.

The Iraqi Effort Was Part of a Larger Campaign

The vaccination effort in Iraq was part of an international campaign to eradicate polio that was launched in 1985 by Rotary International, a U.S.-based service organization with 1.2 million members in 30,000 clubs in 163 countries. Working with the U.S. Centers for Disease Control and health ministries in host countries, as well as WHO and UNICEF, Rotary set the goal of eradicating polio worldwide by 2005, the 100th anniversary of the organization's founding. When the campaign started in 1985, there were 350,000 cases of polio reported, and the disease was endemic in 125 countries. Since then Rotary has raised over \$500 million, lobbied governments to contribute \$1.5 billion (the U.S. increased its budget from \$9.8 million in 1995 to \$130 million in 2001), and organized 10 million volunteers for National Immunization Days. As a result of the combined efforts of the participating agencies and governments, only 480 cases were reported in 2001, and the disease had been eliminated in all but seven countries—such as Iraq—where conditions like extreme poverty, civil conflict, and political oppression have hindered efforts. Now it is hopefully eradicated in Iraq as well.



Session 7

Focus on the United States

- International Cooperation: Why We Need It
- International Cooperation: How to Improve It
- What To Do About Terrorism
- What To Do About the Spread of Deadly Weapons

We must all, including the diplomats and national leaders, change our point of view. We must recognize that extreme nationalism is a thing of the past. The idea that it is just as important to do harm to other nations as to do good to your own nation must be given up. We must all begin to work for the world as a whole, for humanity...

The time has now come for morality to take its proper place in the conduct of world affairs; the time has now come for the nations of the world to submit to the just regulation of their conduct by international law.

Linus Pauling

10A INTERNATIONAL COOPERATION: W H Y W E N E E D I T

Arguments & Facts to Help You Make Your Case

Interconnected World; Common Sense

Cooperation is a means to an end, a common sense tool to get things done—it's real people, in government and out, working together on issues that matter to our daily lives. Many issues we face are bigger than any one nation—even the U.S.: finding terrorists anywhere they hide; stopping killer germs before they reach our shores; making the global economy work for us and for everyone. Working with other countries and international institutions like the UN multiplies our strength, expands our options, and shares our costs and risks. Just as in our own communities, the process of cooperating on “easy” issues builds trust and relationships that help when harder issues come along.

- The United States belongs to military alliances in Europe and Asia that, when we choose to use them, mean our troops won't have to fight alone. Our partners now provide nine-tenths of the troops keeping the peace in the Balkans and one-third of the troops in Afghanistan. Even in a country as close as Haiti, soldiers from Canada, Chile, and France make up almost half the total military presence.
- The international treaties and agreements that we have helped to shape now govern much of our lives:
 - Making international air travel safe
 - Setting the rules that ensure mail and phone calls get where they're going
 - Outlawing deadly weapons
 - Fighting illegal drugs
 - Promoting basic values we share, such as ending child labor.

American Way

The U.S. has a proud history of bringing nations together for the common good.

- International institutions like the UN are not alien institutions; we helped to create them to serve our purposes, and we can lead in updating them to do the same. The U.S. was crucial to the creation of every one of the global institutions that kept the peace and built our strong economy in the second half of the 20th century—from the UN and NATO to economic institutions such as the World Bank and International Monetary Fund.
- We've built institutions not for their own sake but because we had a vision that attracted others—a vision of equality, justice, and opportunity for all. When we lose sight of that vision, we lose the support of others—often just when we need it most.
- One of our most cherished values as Americans is the idea that everyone is equal under the law; when nations around the world share that view and agree on what the law is, we are all better off.

Cooperation works—and the benefits we gain outweigh the costs.

Like most things in life, we tend not even to notice this cooperation when it's working well. But our world would be changed completely if all this cooperation didn't exist—or if we, the world's strongest nation, stopped supporting it.

Results

- International cooperation through organizations such as UNICEF, the UN Children's Fund, has improved the lives of the world's children more in the past 40 years than the world had done in the previous 100.
- Our UN dues and support for other groups during the past 40 years have also helped cut worldwide illiteracy in half and raise average global life expectancy by 20 years.
- UN peacekeepers and postconflict experts have helped end conflicts and rebuild governments in places no one else could or would—East Timor, Sierra Leone, and Liberia, to name a few.
- This UN record is remarkable, considering that all UN agencies together spend less in a year than one medium-sized U.S. state.
- Just as when we choose to belong to a particular club or church, or live in a particular neighborhood, there are costs. But also just as in our own lives, the benefits of cooperation far outweigh these costs:
 - **Expense.** The UN's annual budget [core plus agencies] is about \$10 billion dollars—just \$1.70 for each person on Earth. By comparison, the state of Arkansas spends more than that in a year. Less than 25 percent of UN costs are paid by the U.S.—a pretty good investment, considering how much it leverages from others.
 - **Freedom of action.** Sometimes we do limit our actions; but we always have the option to opt out, and usually we gain far more by knowing that others will also face limits on what they can do that might harm us.
 - **Not getting our way.** Sometimes we don't get exactly the result we want—and it's important to be ready to deal with that. But just as in life, when one decision doesn't go our way, that doesn't invalidate everything we've accomplished with others.
 - **Imperfection.** Just because people break laws here at home, we don't give up on having laws. In the same way, we can use international law—and our partners—to help catch cheating when it happens. Internationally, too, the real question is: Wouldn't we be worse off with no rules-of-the-road at all?



10B INTERNATIONAL COOPERATION: HOW TO IMPROVE IT

Arguments & Facts to Help You Make Your Case

Can-do

All institutions need periodic retooling to meet new challenges.

From the UN, NATO, and the World Bank to international human rights standards to the basic rules of trade, the U.S. played a key role in developing all the key pillars of the international community. We are better off because we did; and we still have the strength, ingenuity, and foresight to work with others to make those institutions strong and useful for the future. A great deal has changed in the world since those institutions were created—but we are certainly still up to the challenge. We get good results when we cooperate to update and improve international institutions so that they can meet 21st-century challenges:

- **More responsive to private citizens:** Increasingly, private citizens and not-for-profit groups play an important part in shaping international negotiations. Neither the treaty banning landmines nor the agreement to publicize globally the risks of smoking could have happened without citizens' involvement. Religious groups and private citizens have also played key roles in negotiating peace agreements in Burundi, Sudan, and elsewhere.
- **Better run to private-sector standards:** At the UN, for example, reform has scored important successes, such as creating a strong inspector general and cutting headquarters staff by 20 percent.
- **Deserving public trust:** Across the international community, pressure from governments and civic groups has led to more openness and accountability in how money is spent and how decisions are made. Things aren't perfect, but the public has access to documents and meetings that was unthinkable just a decade ago.
- **Support shared values:** Critics of the World Bank, International Monetary Fund, and other institutions intended to invest in poor people have pointed out that it makes no sense to support some goals in ways that undermine others, such as lending to corrupt or undemocratic governments, funding projects that harm the environment, or forcing countries to shortchange health and education to meet budget targets. These institutions are retooling—and can do more—to maximize the benefits of having strong international support while minimizing unintended harm.

Practice What You Preach

Successful partnership is a two-way street. Some of the most important things we can do to get the kind of cooperation we want from others involve being a good partner ourselves. We can't expect others to honor rules we refuse to obey, or to keep their promises when they perceive that we don't keep ours. Conversely, we know that when we acknowledge and respect the interests and concerns of others, they are much more likely to respect ours.

- Where we've cooperated with others from the beginning on security and peacekeeping, we bear much less of the burden; in the Balkans, for example, U.S. troops have always shared the burden with others and are now just a tenth of the forces keeping the peace.

- Our partners find it hard to understand when most of the world's nations together agree on a treaty based on principles we say we hold dear, yet we insist on special treatment for ourselves or announce that we will walk away instead of working to make a treaty better. For example, it is clearly in our interest to prevent other countries from obtaining dangerous nuclear and biological weapons, yet we aren't taking part in a treaty that forbids the testing of nuclear weapons (the Comprehensive Test Ban Treaty), and we opposed a treaty banning germ warfare. We think of ourselves as second to none in supporting women's rights, yet we haven't adopted the Convention to End Discrimination Against Women; we have also opted out of agreements banning landmines, limiting the use of child soldiers, establishing basic rights for workers, fighting global warming, and the like. Yet in all these areas, we support the goals of the agreements, and in many cases, American ideas and beliefs actually provided the imperus for negotiations.

Success is measurable. We can judge success by whether our actions bring us closer to our goals and make successful cooperation more likely in the future. Helpful questions include:

- **Does updating forms of cooperation make a difference?** A revolutionary partnership of UN agencies, pharmaceutical companies, American hospitals, private foundations, the Centers for Disease Control and Prevention, and the Government of Botswana is helping that African country become the first to aim to test and treat every citizen for HIV/AIDS—and also to research an AIDS vaccine that could be used everywhere.
- **Is cooperation leading to measurable gains in solving a problem?** Smallpox was eradicated, and polio has almost been wiped out, only because doctors, scientists, and governments from around the world worked together to track and fight the diseases wherever they appeared. In the same way, international health cooperation helps fight diseases like SARS, flu, and HIV/AIDS—and helps scientists watch out for dangerous germs and bioweapons.
- **Is it making people, institutions, and nations more likely to work together in the future?** NATO, an alliance of the U.S., Canada, and West and Central European nations, has had a remarkable record in bringing those countries, as well as others that hope to join in the future, together not just on military matters but also on broader security, economic, and human rights concerns. Also, shortly after 9/11, all UN members agreed to take dramatic steps to increase their cooperation against terrorism. But that agreement hasn't been followed up strongly, and it has yielded relatively little.
- **Could we do it alone?** In many areas—from shouldering the costs of rebuilding Iraq to preserving the Brazilian rainforest to fighting child labor in South Asia—the answer is no.

Results

12A WHAT TO DO ABOUT TERRORISM

Arguments & Facts to Help You Make Your Case

Interconnected; Teamwork

Terrorists with a global reach take full advantage of all the ways our world is interconnected—we need strong antiterrorist partnerships to fight back. The groups that use terror as a tactic to threaten us are mobile, flexible, and hard to trace. They threaten many nations, but the United States' unique power and visibility also make us uniquely vulnerable. This means that we have a high stake in investing in alliances and partnerships to fight back. We must defeat global terrorists globally, not just at U.S. borders.

- We've seen in Afghanistan, Iraq, and elsewhere that our military is better off when it has partners, when its actions have the respect of all sides, and when it can depend on strong support through diplomacy, intelligence, and other means to achieve its mission.
- To start dismantling al Qaeda's worldwide networks, for example, we've needed the goodwill and hard work of UN peacekeepers to track stolen explosives in the Sahara Desert; of international bankers to track accounts in Germany, Italy, and elsewhere; of telephone companies in Switzerland to track phone cards used in Pakistan; and of the law enforcement agencies and coast guards of a dozen countries to shut down export businesses in Europe, the Middle East, and North Africa.
- The U.S. has stopped suspected attackers from crossing our borders by working closely with law enforcement agencies in Canada and Jordan (at the time of the celebrations of the Millennium New Year) and France and the United Kingdom (regarding threats to transatlantic flights)—and those are just the cases that have been publicly reported.
- When the U.S. isn't able to be a good partner and to respond to other countries' concerns, it can mean that suspects are allowed to go free, leads are not investigated, and warnings are not heeded—and sometimes that we and our men and women in uniform are left to act dangerously alone.

Comprehensive

A smart strategy against terrorism will be comprehensive and focus on preventing attacks. Global terrorist groups rely on shadowy international networks, making use of illegal and legal facilities in many countries. Our response must be just as networked, connecting the dots among the different sites and sources for terrorist recruitment, training, and financing. That means strong diplomacy, police, and intelligence—and strong cooperation with other countries—as well as a strong military. And it means taking a look at all of our actions in the world—from how we get our energy to how we help poor people—to see if our actions are helping or hurting our fight against terrorism. For example:

- Breaking up the financial networks that keep terrorists in business demands help from banks, businesses, and law enforcement agencies across borders;
- Border security, and cooperation with travel authorities in other countries, are vital to ending terrorists' freedom of movement;

- Homeland security is part of our defense. We can do more to frustrate attacks on our ports, borders, cities, and industry; we can make sure that firefighters, police, hospital staffs, and others on the front lines have the equipment they need; and we can close the communication gaps among local and national officials. These moves will protect us—and they will make life harder for terrorist planners.
- Better intelligence and understanding of the cultures in which terrorists are living and working demands more investment in diplomats who can be our eyes and ears, and in language training for diplomats and intelligence officers alike. Experts say we need to at least double the number of Arab linguists the government employs—a shortage that may take 20 years to fill.
- *See the discussion of deadly weapons, pages 80-81, for more on the nuclear, biological, and chemical threat.*

Our strategy must be long term. Terrorism works as a tactic when it gets the attention of an international audience that is alienated and angry. Part of ending support for the extremists who use terrorism as a tactic is helping to shape a world where we win back that audience—and where people can see that there are better ways to address grievances.

- We must show that our values and commitments are real and have meaning—by living by them in what we do overseas, and by protecting the civil liberties and freedoms that make our country what it is at home.
- Global terrorists take advantage of weak, desperate states to hide their operations. We need to help those states grow stronger by investing in their economies, education, and health, and by looking ahead to help prevent them from failing in the first place. How much agony would we have been spared if, after its civil wars of the 1980s, Afghanistan had not been allowed to grow so desperate that the Taliban could rule it, and invite Osama bin Laden in to plan and execute the 9/11 attacks!
- Global terrorists also take advantage of places where America is hated and feared. Working now to gain the trust and respect of others, by listening to their views and showing respect for their priority concerns—disease, economic growth, poverty—is an investment in our long-term security.
- Global terrorists use conflict, injustice, and indignity as recruiting tools. It's in our interest to be on the side of those working to end violence, not exploit it, in places like the Middle East.
- *For more discussion of how we can shape a better world, see pages 82-83.*

Farsighted

↖ root causes
↖

12B **WHAT TO DO ABOUT THE SPREAD OF DEADLY WEAPONS**

Arguments & Facts to Help You Make Your Case

Teamwork

We can do a great deal, working with others around the world, to protect ourselves from the spread and use of deadly nuclear, chemical, and biological weapons. To protect the U.S. as fully as we can from deadly attacks on Americans at home and abroad, we must work in a global partnership to keep these weapons away from terrorists and governments that would use them against us—and prevent them from being built in the first place. Illegal weapons networks span the globe; our partnerships to stop them must be equally global.

- Americans' fears are shared by the experts and leaders of both parties: An attack on the U.S. by a terrorist group or state armed with weapons that could cause mass civilian casualties is the greatest risk to our security.
- They also agree on the smart response: "playing offense" to keep those weapons from being built, and making sure that existing weapons don't fall into the hands of those who would harm us. Homeland defense is crucial but not sufficient.
- The U.S. can't be everywhere, doesn't catch every violation, and can't pay for every inspection. We need other nations to help do this hard, expensive work—and to help communicate the benefits of playing by the rules—and the consequences when rules are broken.
- This investment in prevention pays off—we've had some close calls, but so far no terrorist group has used nuclear weapons, no government has used one since 1945, and very few have even attempted chemical or biological attacks. We need to keep it that way.

Pragmatic and Smart; Can-do

A smart effort to prevent these weapons' spread and use will use our resources and know-how to make weapons materials and capabilities secure—and set global norms that discourage countries from building weapons in the first place. Deadly weapons are contagious—we want to stop their spread before it begins whenever we can.

- In 2003, Libya responded to years of talks and pressure from the U.S. and others by deciding that the best use for its nuclear weapons program was to give it up. That's the kind of result we want.
- We know where there are nuclear and chemical facilities and materials that aren't adequately protected—in many cases, governments like those of Russia and Ukraine have actually asked us for help in securing or destroying their dangerous materials. Russia alone has enough nuclear material to make 60,000 nuclear bombs on top of the 20,000 it already has. Sixty percent of those materials are unsecured and vulnerable to theft. It's just smart to lock down or destroy these materials before they fall into the wrong hands. But we're moving very slowly—at current rates of spending, it will take us another 10 years to secure just the materials in other countries' research reactors. We can do better.

A comprehensive plan to reduce the threat of deadly weapons

will try to solve the underlying problems that make these weapons tempting; and prepare to safeguard our people.

- Controlling deadly weapons and limiting their spread buys us time to solve the underlying problems that make countries want to spend scarce money on these weapons in the first place.
- The parts of the world today where countries and terrorist groups are looking to acquire these weapons are among the most unstable—the Middle East and South Asia. Where conflicts have been resolved—in South Africa and its neighbors, in Europe, and in the major countries of South America—no one is looking to build these deadly weapons anymore. That's why helping to end conflicts is an investment in our own security.
- Homeland security is also important—to safeguard ourselves and to make it clear to terrorists that targeting us won't be easy. *[For more on homeland security priorities, see terrorism, page 78.]*

This approach has a history of success. Our comprehensive partnership with other nations has actually reduced the number of nations pursuing nuclear, chemical, and bioweapons technology. We have built a strong set of laws and standards that make it clear that the international community rejects the further development and use of these weapons; and we have broad international agreement on what to do about countries that cheat.

- During the early 1960s, President Kennedy predicted that we would be unable to prevent as many as 25 nations from gaining nuclear weapons by the 1970s. But he was wrong—because he and subsequent presidents from both parties reached out to other nations to try to prevent proliferation, today only 8 countries have nuclear weapons.
- This network of law and diplomacy begun by President Kennedy convinced many major countries to drop their own nuclear weapons programs, including Argentina, Brazil, Germany, Japan, South Africa, and South Korea.
- Three countries—Belarus, Kazakhstan, and Ukraine—inherited nuclear weapons after the breakup of the Soviet Union. U.S. and international persuasion convinced them to give up their weapons and become non-nuclear states.
- Because of the Chemical Weapons Convention, 151 countries—including China, India, Iran, Pakistan, Russia, and the U.S.—gave up all chemical weapons, and 2 million chemically armed weapons have been destroyed, never to be used or fall into the hands of terrorists.
- Our joint programs with Russia and other post-Soviet states provide 40,000 weapons scientists in those countries with funding for peaceful research. That's 40,000 scientists who have not sold their expertise to Iran, Iraq, or North Korea.
- In 2001, a bipartisan commission estimated that we could address the full range of these threats by spending just 1 percent of our defense budget over the next 10 years. That's a price we can afford to pay.

Comprehensive

Results



Optional Reading

for

Session 7

Articles from Chapters 6 & 7 of the United Nations Charter

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES



Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.



Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.



Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.



Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by

the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.



Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.



Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Charter of the United Nations - Chapter 6

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CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION



Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.



Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.



Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.



Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.



Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.



Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.



Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans

for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.



Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.



Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.



Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they remember.



Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.



Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.



Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Charter of the United Nations - Chapter 7

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UNITED STATES CONSTITUTION

PREAMBLE: We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Read: the passages about “preparing for the common defense” and “to define and punish...offenses against the law of nations...”

These passages are to be found under “powers granted to Congress.”

To read the United States Constitution, see any encyclopedia or find on the internet at:

<http://www.house.gov/Constitution/Constitution.html>