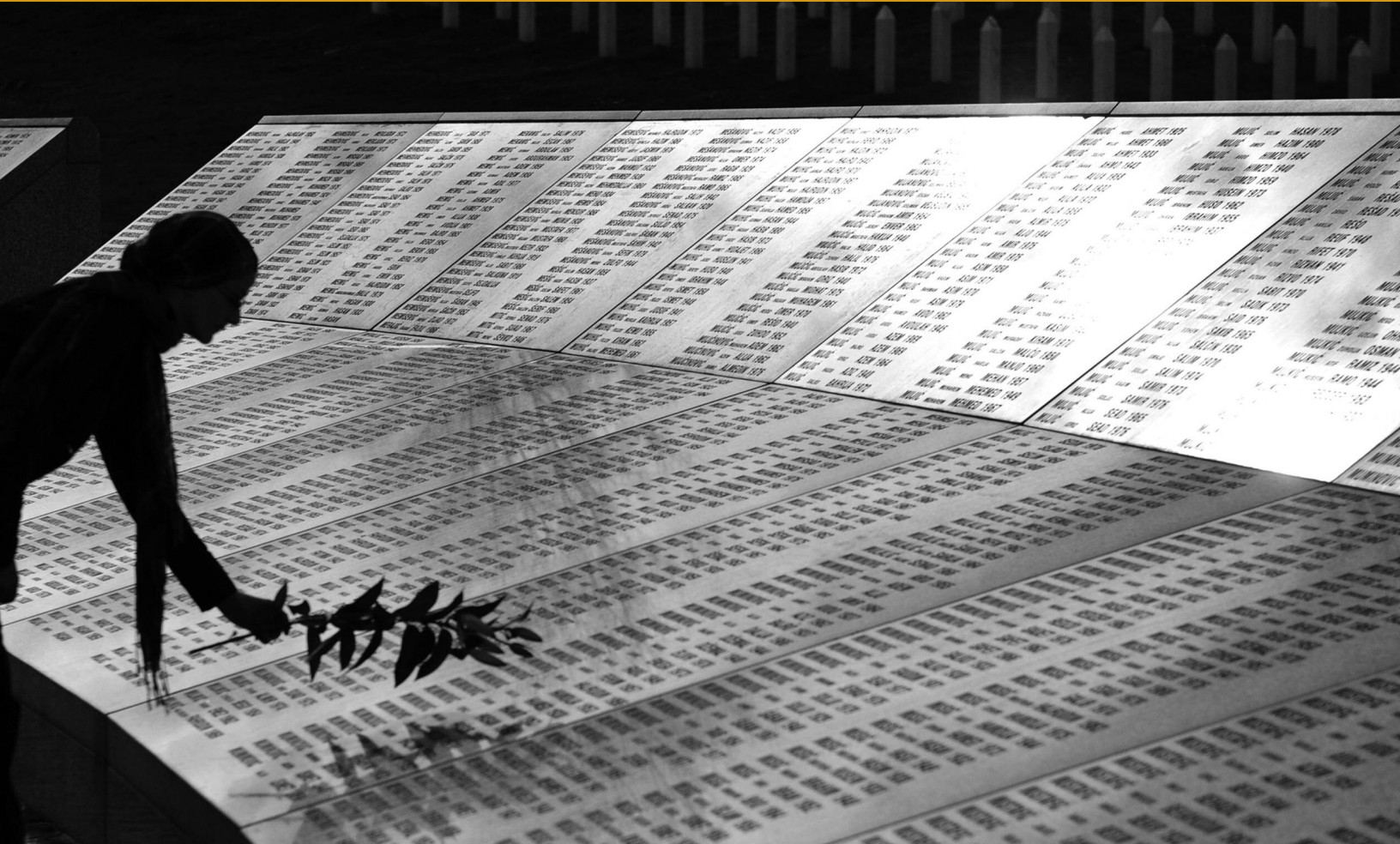# Preventing Identity Conflicts Leading to Genocide and Mass Killings

In cooperation with

The Office of the Special Adviser on the Prevention of Genocide,

United Nations

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CONTENTS

Executive Summary

Genocide and mass killings are preceded and prepared by identity conflicts that escalate into targeted mass killing. They can be the work of rebel movements, but frequently are that of the sovereign state against its own people. They are generally pathologically defensive reactions to a perceived existential threat. What is required to prevent this situation is a return to (or move toward) the ideal condition of "normal politics," where government responds to the needs and demands of its citizens, and the citizens regularly review its record in adequately providing this response. It is the object of the intervention—the shortcoming to be prevented—that confers a responsibility to protect the target of identity conflict, but there is no agreed threshold of seriousness that compels intervention. Early warnings abound; early awareness and early action are lacking; a "Security Weather Agency" is needed.

Early or structural prevention involves the creation of regimes or norms and standards of behavior to prevent identity conflict and genocide. When accepted standards of behavior are in place, they can be used as guidelines for states to deal healthily with their own challenges and problems, and also for third parties to assist them in achieving appropriate responses. Relevant regimes concern *managing ethnic relations, fostering democratization, responding to population displacement, protecting human rights, performing good governance, exercising the responsibility to protect,* and *preventing genocide* itself. United Nations organs, notably the UN General Assembly, have a role in developing regimes, but they are not self-enforcing.

"Early-late" or operational (pre-crisis) prevention includes policing, dialogue, ripening, mediation, separation, and preemptive accountability—

practices which can be employed by the UN Security Council and Special Representatives of the Secretary-General (SRSGs) to forestall escalating identity conflicts and prevent genocide. Late (and earliest) postcrisis intervention, lest it happen again, includes monitoring and reconstruction, and reconciliation and remediation once violence has been brought under control.

Introduction

Genocide is extremely rare, mass killings much less so.[1] Genocide and mass killings do not break out unannounced; they are preceded and prepared by identity conflicts that escalate into targeted mass killing. These conflicts can be instigated by rebel movements, but frequently they are the work of the sovereign state, making external intervention difficult.[2] More strikingly, such conflict does not generally stem from an aggressive action, but a pathologically defensive reaction against a perceived existential threat.[3] Instigators of identity conflict feel themselves targeted, ultimately for extermination, by another identity group who they feel must be defeated and ultimately exterminated, and so, in a security dilemma, they themselves target the perceived threateners for extermination. Expressed in these terms, the message makes it easy for political entrepreneurs to rally support for their designs. Whether this fear is realistic or not is irrelevant; often it is not, usually it has some grain of evidence taken out of proportion, and sometimes it is at least ostensibly accurate. But the point, which will serve as the entry point of analysis, is that political entrepreneurs sell this fear to their client public to gain support.

What is required to prevent this situation is a separation of the political entrepreneurs from the public, the removal of the fears of identity groups, and protection of identity diversity, through a

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1   On definitions and distinctions, see Raphael Lemkin, "Genocide," *American Scholar* 15, no. 2 (April 1946): 227-230; Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1982), pp. 19-28; Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge, UK: Cambridge University Press, 1989), pp. 7-8; Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale University Press, 1990), p. 23. Note that despite the attempt to limit, for example, the responsibility to protect to "preventing genocide, war crimes, ethnic cleansing, and crimes against humanity," even those terms retain a certain flexibility. The UN Security Council, in resolutions 1612 and 1820 (2005 and 2009 respectively), "underscored that rape and other forms of sexual violence would constitute war crimes, crimes against humanity or constitutive acts with respect to genocide." See United Nations Secretary-General, *Implementing the Responsibility to Protect*, UN Doc. A/63/677, January 12, 2009, para. 34.

2   In global trends in political and in economic discrimination of minorities, government plus mixed (governmental and/or societal) measures are strongly dominant. Monty Marshall and Ted Robert Gurr, *Peace and Conflict 2005: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy* (College Park, MD: University of Maryland Press, 2005).

3   See Ervin Staub, *Overcoming Evil: Genocide, Violent Conflict, and Terrorism* (Oxford: Oxford University Press, 2009); David R. Mandel, "Instigators of Genocide," in *Understanding Genocide*, edited by Leonard S. Newman and Ralph Erber (Oxford: Oxford University Press, 2003); Mark Anstey, Paul Meerts, and I. William Zartman, eds., *To Block the Slippery Slope: Reducing Conflict and Preventing Genocide* (Oxford: Oxford University Press, 2011).

return to (or move toward) the ideal condition of "normal politics." This concept refers to a notion of governance where government responds to the fears, needs, and demands of all of its citizens, and the citizens regularly review the record of the government in adequately providing this response. Whatever its local form, this type of relation between governors and governed is the condition for the stable management of conflict.[4] If the motivating fears cannot be exorcized, then measures must be taken—from within or, if not, from without—to disarm those who hold them and render them incapable of causing damage. This is a necessarily intrusive challenge, especially when the political entrepreneur is a government.

There have been a number of excellent recent full-length works that address the challenge of preventing genocide, laying out the elements in a toolkit.[5] Yet they seem to consider the problem as a matter akin to fighting a forest fire, laying out good measures to counter the conflict from the outside. This essay will attempt to look from the inside, taking into account the fact that actors in identity conflicts and genocide perpetrators do not want to be deterred. They are bound to a sacred cause, even rationally so, if often to a demented degree. While this review will take the salient features of previous works into account, in a succinct manner, it will attempt to adapt their proposals to fit the nature of identity conflict and genocide itself. Let it be understood that "conflict" does not necessarily mean "violent conflict;" the violent stage is an escalation from the initial, political stage and cannot be understood in isolation from it. The violent stage, in turn, is the potential predecessor of genocide itself.

There are three periods for strategies that can be used to reduce the danger and strengthen the installation of normal politics: early, generic measures of structural prevention that establish and enforce standards for nonconflictual behavior, thus removing the excuse for fear; "early-late," pre-crisis measures of operational prevention to halt the violent escalation of the conflict and restore

harmony; and postcrisis measures to heal wounds and prevent a reprise of conflict. This essay will lay out a summary outline of what works in these directions and why, and why not when it does not. It begins with a discussion of the mandate to prevent and its ambiguities, and then guidelines for the exercise of that mandate.

The role of the UN's principal organs—notably the Secretariat (including the Secretary-General and special advisers), the Security Council, and General Assembly—is highlighted where possible. However, it must be remembered that UN action and a fortiori follow-up ultimately depend on the policies of member states. Thus, what the various parts of the UN system have done is not necessarily a good guide to what they can do or what they could do if their possibilities for action were expanded. The Office of the High Commissioner for National Minorities (OHCNM) is an example that could stand as a model to strengthen the role of the UN Office of the Special Adviser on the Prevention of Genocide and of the Special Adviser with a focus on the responsibility to protect.

The Mandate to Prevent

First, one has to step outside the problem and consider the legitimacy of getting involved. What gives outsiders the right to intervene to prevent identity conflict leading to genocide, how—including how early—can and should this right or duty be exercised, and what can be done to preempt the need for physical/military intervention before it becomes the only remaining resort? After the end of the Cold War, in the last decade of the past millennium and the first of the current one, intervention in internal situations that could give rise to identity conflicts and genocide far from matched the rhetoric that highlighted prevention. The international financial institutions (IFIs)—the World Bank and International Monetary Fund—slowly included political criteria such as governance and institutionalization in their financial relations with developing countries and even approached a veiled political conditionality in

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4   I. William Zartman, ed., *Governance as Conflict Management* (Washington, DC: Brookings Institution, 1997).

5   David Hamburg, *Preventing Genocide: Practical Steps Toward Early Detection and Effective Action* (Herndon, VA: Paradigm, 2008); Madeleine Albright and William Cohen, *Preventing Genocide: A Blueprint for US Policymakers* (Washington, DC: USIP, 2008); Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington, DC: Brookings Institution, 2008); Sato Hideo, *Containing Conflict: Cases in Preventive Diplomacy* (Tokyo: Japan Center for International Exchange, 2003); Bruce W. Jentleson, ed., *Opportunities Missed, Opportunities Seized* (Lanham, MD: Rowman & Littlefield, 2000); I. William Zartman, ed., *Preventive Negotiation: Avoiding Conflict Escalation* (Lanham, MD: Rowman & Littlefield, 2001).

their lending.[6] Security Council members shied away from any muscled intervention until it was too late (as in Liberia), apologized for their inaction (as in Rwanda), commissioned a study (as in Congo-Brazzaville), entered late with heavy-handed coercion (as in Bosnia), or ceded place—also late—to a Coalition of the Responsible (as in Kosovo). Their excuses involved the Vietnam and Somali syndromes, which suggested that based upon past experience democratic publics would no longer back intervention, despite the fact that polls often show that public opinion would support international action and even casualties if appropriately explained and justified. Once in the new millennium, while much of the rest of the world clung to the same excuses, the US in the name of preventing a long-term danger, invaded a country that posed no immediate threat to its security, removing a previously genocidal despot and introducing democracy. All of the above actions over the past two decades were condemned from various quarters, just as stoutly as they were defended from others as appropriate and necessary.

Clearly it is the object of the intervention—the danger to be prevented—that confers a mandate or legitimacy on the intervener, but there is no agreed threshold of seriousness that compels intervention. There is a growing feeling that under some circumstances still to be consensually defined, the egregious exercise of targeted oppression and genocide justifies intrusive foreign action. The mandate covers functional as well as physical intervention, that is, civilian as well as military interference in internal affairs and also external pressures and inducements affecting state policies and policymaking. Still, there is no consensus on the degree of imperfection required to justify prevention: How bad does it have to be? And how intrusive can the intervention be—to provide merely friendly counsel or to compel irresistibly?

The main limitation is proportionality or "no net harm," taken from the laws of war, that is, the cure should not be more costly or damaging than the

illness.[7] Conditions clearly leading to genocide can certainly justify friendly warnings and predictions from fellow sovereign states and strident broadcasts from nongovernmental organizations (NGOs). But when they are not heeded, are threats and promises, invasions, and subversions justified? And even if such measures are legitimized by events and conditions, do they justify the intervening agency's expenditure of public or private treasure and attention, and even foreign lives? The answer is doubtless found in the soft and subjective terrain of cost-benefit calculations. But if the answer to the latter two questions is likely to be negative, should the initial effort be made at all? Even such limitations leave some important contradictions and tensions unresolved. One is between the inherent egalitarianism among sovereign states versus the paternalism exercised by those who claim the responsibility to intervene, even for others' sakes: who are the preventers and who the prevented?

Three arguments coming from different directions that stand solidly against preventive intervention for protection of targeted populations can be briefly noted. One is the classical position based on indivisible sovereignty, which gives the state the license to do what it wants with its people within its boundaries, protected against intervention from abroad. The doctrine, coming from the *Peace of Westphalia* in 1648, was designed as a protection of weak states against strong states, and that spirit, still strong among new and particularly among weak states, poses the most significant challenge to the counter-doctrine of sovereignty as responsibility.[8]

Another argument, solidly based on the underlying spirit—if not the practice—of democracy, states that a people has the government it deserves. The argument emerges from the notion of popular sovereignty and the nation-state that grew out of the French Revolution. It considers government to reflect the political culture of the nation, not just to represent its people or to result from the mechanics of a selection process (except

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6   UN Development Programme, "Governance for Sustainable Growth and Equity," New York, 1997; World Bank, *World Development Report 1997: The State in a Changing World*, (Washington, DC: International Bank for Reconstruction and Development, 1997); Robert Picciotto and Eduardo Wiesner, eds., *Evaluation and Development: The Institutional Dimension* (New Brunswick, NJ: Transaction, 1998).

7   International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), I: xii.

8   Such was the basis of most objections to the responsibility to protect in the 2009 General Assembly debate on the subject. Global Centre for the Responsibility to Protect (GCR2P), "Implementing the Responsibility to Protect: The 2009 General Assembly Debate: An Assessment," New York: GCR2P, August 2009; International Coalition for the Responsibility to Protect (ICRtoP), "Report on the General Assembly Plenary Debate on the Responsibility to Protect," (New York: ICRtoP, September 15, 2009).

in that the selection process itself reflects the national political culture). Thus, it considers Mobutu Sese Seko, Mohammed Siad Barre, Robert Mugabe, Saddam Hussein, and Joseph Stalin to be products of popular sovereignty as expressed in national political culture in Zaire, Somalia, Zimbabwe, Iraq, and Russia, as much as Bill Clinton and George W. Bush, François Mitterrand and Jacques Chirac, and Luiz Inácio Lula da Silva and Fernando Henrique Cardoso are in the US, France, and Brazil respectively. Any attempt to intervene preventively is pointless in this view, because it runs afoul of the national ways of doing things, including doing away with parts of a population if deemed necessary.

The third argument carries preventive intervention to its logical conclusion (where politics should doubtless never go) and sees the well-intentioned intervention as a step on the road to invasive world government responsible only to itself. If the international community acting through the UN can intervene across state sovereignty on behalf of the state's own population, the argument goes, what is to prevent it from staying on once it has intervened and monitor conditions and judge state policies to make sure the state's misbehavior does not happen again, ever. While we are not there yet, it is not clear whether the beginning steps seek minimal correction of conditions (thus still dangerous) or total cure. Since simply heading off an immediate danger is not sufficient to prevent it from recurring, continued monitoring is needed to hold the government accountable for its policies. The result can easily become a responsibility to protect that turns into a responsibility for a protectorate.

Although these three views, in their absolute, need to be rejected for the present discussion to continue, they contain crucial elements that should be kept in consideration. The mandate for prevention, the legitimacy or justification of preventive intervention, and the nature and degree of permissible intervention, all still beg clear definitions, which they need whether delivered by the UN Security Council or claimed by a state or group of states acting alone.

GUIDELINES FOR PREVENTION

Beyond the mandate to intervene, preventive intervention requires a number of norms and principles for good practice that are applicable both to the behavior of states, in order to preempt the need for external attention, and to the behavior of interveners, in order to provide goals and guidelines for their actions. These include early warnings, rules of the game for preventers, and institutions and policies for prevention.

It cannot be restated too often that early warnings abound. The problem is early awareness and early action, that is, the ability to listen, hear, and act on the early warnings. Academic analyses and government files are filled with indications of ethnic conflict and impending genocide, even if the exact dates of the crash are not predictable. The US Agency for International Development (USAID) has its conflict assessment, the UN Development Programme (UNDP) its early-warning assessment, the US Central Intelligence Agency (CIA) its state-failure task force, the Fund for Peace its Failed States Index, and the UN Charter has Article 99, where the Secretary-General may serve as the agent of early warning (although it has almost never been used before the outbreak of hostilities).[9]

Surprises in this business are rare, but deafness is widespread. Yet, curiously, discussions of prevention continually return to the need for early-warning systems, when the real need is for an authoritative list of proximate triplines and for a determination to act upon them, in order to overcome such problems as scenario unreliability or "the tropical storm problem," bureaucratic inertia, or "the three-monkeys' problem,"[10] current crisis' overshadowing future dangers or "the smoke-and-fire problem," repeated false warnings or "the cry-wolf problem," and other impediments to policymakers' hearing and responding to the many visible signs of impending conflict.[11] Many of these problems require a conscious decision to give attention to and

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9   Suzanne Verstegen, "Conflict Prognostication: Toward a Tentative Framework for Conflict Assessment," The Hague: Clingendael Institute, September 1999; A. Walter Dorn, "Early and Late Warning by the UN Secretary-General of Threats to the Peace: Article 99 Revisited," in *Conflict Prevention from Rhetoric to Reality, Volume 2: Opportunities and Innovations*, edited by David Carment and Albrecht Schnabel (Lanham, MD: Lexington, 2004).

10 "See no evil, hear no evil, speak no evil."

11 For reasons for lack of early action, see I. William Zartman and Guy Olivier Faure, eds., *Escalation and Negotiation in International Conflicts* (Cambridge, UK: Cambridge University Press, 2005); and Anton Ivanov and David Nyheim, "Generating the Means to an End: Political Will and Integrated Responses to Early Warning," in Carment and Schnabel, 2004.

credit for proactive efforts at prevention, instead of simply reactive policymaking. However, the real problem remains: the analytical inability to distinguish storm warnings that precede hurricanes from those that do not ("the tropical storm problem"), and to act upon them.[12]

As a result, there is a need for an independent "Security Weather Agency" that can monitor topical "storms" by an established list of criteria for escalation of potential and impending destructiveness.[13] It is one thing to point out a situation showing early symptoms of eventual conflict and another to track these symptoms and their development into a full-fledged explosion of violence that is then much more difficult to stop. Such an agency would not make decisions, a job belonging instead to the UN Security Council and to individual states, but it would bring some order and remove the ambiguity of the many early warnings and would indicate thresholds or triplines with publicity and clarity. The information provided could then be used in the UN Secretary-General's reports to the General Assembly and Security Council on the three pillars of the responsibility to protect (RtoP), as well as on specific impending dangers. For such an agency to function, a set of guidelines for healthy conduct and signals of dangerous illness, and a commitment to appropriate action, are required. Establishing the guidelines and danger signals would be the mandate of the agency as a useful first step toward action by appropriate bodies, national and international. Otherwise the "curse of Kosovo," referred to as the world's most early warned conflict,[14] will become endemic.

Rules of the game for preventers and interveners are still unclear—standards for successful preventers' behavior are absent. Even if standards of societal health were available and the threshold of unhealthiness clearly discernable, the limits of remedy would remain uncertain. As the debate over the Iraq intervention clearly showed, it is easier to be eloquent about what needs to be prevented than about how to prevent it. Since identity conflict and genocide are joined in a continuum, there are innumerable cases of states that have begun the slippery slide but caught themselves in time, early or late, by their own efforts or with the help of external friends. It is the ones that get through the net of advisable and acceptable practices that pose the problem. How much and what kind of international attention is permissible, and at what stage, remain fundamental questions. Undeniably the identification of a conflict as genocide comes too late for prevention.

Finally, a subset of these questions concerns the agent of prevention. There is general consensus that collective action, with collective responsibility, is preferable to individual action, even if sanctioned by a UN body, although there are plenty of situations where (nonmilitary) prevention is best done by a single state. A related principle is subsidiarity, enshrined in the three pillars of the responsibility to protect, which requires that responsibility be borne at the lowest level, beginning with the state itself. The state bears the primary responsibility to protect its people, and the international community should help states fulfill this responsibility. Thus, it is only in the event that a state is manifestly failing to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity that the international community should assume the responsibility to take collective action.

In part, but only in part, this is a matter of capability, another principle involved in the mandate; often, multiple interveners are needed to amass the required capability to prevent the expected damage. The problem arises, however, when one or a small number of interveners has the capability by itself and sees no need to share responsibility and its associated restraints with a larger collectivity (when sharing might actually lower interveners' capabilities and will as well). The other side of the problem occurs when one or more members of the collectivity refuses to recognize their responsibility and so weakens the required capability, leaving the responsibility to one or a small number to exercise. Other operational problems include questions of mediators' interest, of free-riding or leaving the job up to someone else,

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12 I. William Zartman, *Cowardly Lions: Missed Opportunities to Prevent Deadly Conflict and State Collapse* (Boulder, CO: Lynne Rienner, 2005).

13 Such an agency would help meet some of the problems and needs outlined in the annex, "Early Warning and Assessment," to United Nations Secretary-General, *Implementing the Responsibility to Protect*.

14 Ivanov and Nyheim, "Generating the Means to an End," p. 165.

and of uncertainty of triggering evidence.[15] These problems, too, have no clear answer but it is necessary to consider them. With all these matters in mind, it is possible to turn directly to questions of early (structural), early-late (pre-crisis), and late-and-earliest (postcrisis) prevention.

Early Prevention: Building Regimes for Generic Prevention

The best way of accomplishing early prevention would be to remove the structural or root causes that give rise to the motivating fears. Such policies would remove the tinder to which political entrepreneurs bent on identity violence throw the match. Not only is such a goal utopian, but the relation between structural weaknesses and identity conflicts leading to genocide is not conclusive or direct. When accepted standards of behavior are in place, however, they can be used as guidelines for states to deal healthily with their own challenges and problems, and also for third parties to assist them in achieving appropriate responses. It is here where early prevention can begin, with the construction of international regimes[16]—defined as "principles, norms, rules, procedures and programs that govern the interactions of actors in specific issue areas"—for dealing with situations likely to lead to identity conflicts and genocide.

The purpose of norms is to indicate that "this is the way it is to be done (or not done)." The implied next step is this: "The international community will not agree to it being done in any other way." At the same time, it is crucial to emphasize that "This/It" is a direction with pluralistic paths, not a culturally determined or ethnocentrically imposed course, and that the standard need be written in such a way as to encompass many paths in the same direction. Clearly this constitutes a serious challenge to

nomothetic formulators. Regimes are not enforceable; they do not prevent problems per se. But they foster prevention in three ways: They guide and justify actions by states to achieve and maintain their own good functioning, suggesting actions to take and legitimizing them against opposition. They constitute normative standards and practices by which states can be held accountable, offered assistance, and subjected to pressure. And they provide both a rationale for more direct intervention and a charter for its goals and programs.

A number of areas lend themselves to such regime-building, and some have already been the subject of some effort. These include managing ethnic relations, fostering democratization, responding to population displacement, protecting human rights, performing good governance, exercising the responsibility to protect, and preventing genocide itself, all discussed below. Together, they form the basis of a functioning society that leaves little room for identity fears. The list is comprehensive.[17] This does not mean that the regimes are complete or perfect; regimes are continually under construction, as problems, power and interests, and approaches change.[18] To the contrary, it means that existing regimes need reinforcement, completion, and acceptance. Importantly, all of the mentioned prevention regimes refer to different aspects and mechanisms of accountability, for when a state is accountable to its entire population it becomes difficult to pit one part of that population against another or to allow them to divide against each other.

There is a major role for UN agencies and organs, especially the General Assembly, in the establishment of norms, and many of the regimes have owed their evolution, legitimacy, and authority to actions within the UN. Others have been the product of global conferences mandated by the General Assembly. Also, informal norms have grown up,

15   Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (New York: Schocken, 1965); Zartman, *Cowardly Lions*; Rudolf Avenhaus and Gunnar Sjöstedt, eds., *Negotiated Risks* (Berlin: Springer, 2009).

16   The term is used here in its international sense, as referenced, and not in the domestic sense, of an administration or type of government, as in "regime change," discussed below. See Marc A. Levy, Oran R. Young, and Michael Zürn, "The Study of International Regimes," *European Journal of International Relations* 1, no. 3 (1995): 267-330, p. 272; Stephen Krasner, ed., *International Regimes* (Ithaca, NY: Cornell University Press, 1983); Andreas Hasenclever, Peter Mayer, and Volker Rittberger, *Theories of International Regimes* (New York: Cambridge University Press, 1997); Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 887-917; Bertram I. Spector and I. William Zartman, eds., *Getting It Done: Post-Agreement Negotiation and International Regimes* (Washington, DC: USIP, 2003).

17   There is one more subject that needs consensual rule, unfortunately beyond the reach of regimes, and that is a two-term limitation on presidencies. Many of the most egregious rulers did well during their first decade and ran out of ideas thereafter, turning to repression to maintain their power habit. Military rule then became the adopted means of succession rather than elections, and the slippery slope of failure to collapse had begun.

18   Spector and Zartman, *Getting It Done*.

which are not yet ready for UN specification and institutionalization. But action and enforcement depend on the states, acting individually or as Security Council and General Assembly members. At most, UN bodies set standards that states do or do not enforce. States can make regime norms part of their policy, or more permanently, part of their laws, their constitutions, their civil society, and their education systems.

ETHNIC RELATIONS

Ethnic relations are the matter of identity-group contacts, conflict, and ultimately mass killings and genocide. Ethnic relations constitute a subject of increasing importance, as the ages of nationalism in the nineteenth century and of social consciousness in the twentieth give way to an age of subnationalisms in the late twentieth and early twenty-first centuries. After much research, recent findings indicate that highly multi-ethnic (i.e., many groups without a majority, as in Tanzania) and essentially single-ethnic nations (like Tunisia) tend toward stability, whereas pluri-ethnic situations (i.e., those with a few groups) with a dominant ethnic group (such as Rwanda, Sri Lanka, Cyprus, and Bolivia) are the most conflict-prone.[19] Further study indicates that within this situation, relations among groups tend toward conflict if one group is heavily favored in the distribution of benefits or if another group is subject to discrimination and repression. Such perceptions generate a dynamic where the powerful group fears retribution, making it both particularly susceptible to fearmongering and prone to co-opt state structures for purposes of genocide—a deadly combination. Finally, the record shows that political entrepreneurs for repressive groups who make disproportionate gains through economic appropriation or political violence acquire habits that lead to sharpened identity conflicts and genocide.[20]

Ethnic proportions tend to be reasonably stable, but uneven distribution of benefits and discrimination and repression are variable practices that exacerbate conflict. They can be subjected to spotlight publicity, aid conditionality, and even muscular mediation backed in extreme cases by sanctions. There are statistics but no indices for sound ethnic relations as yet, and the publication of an index of ethnic concentration in government positions, along with ethnic data in various human rights reports, would be useful. Such an index, like that of Freedom House, other ratings on degrees of freedom, or the "Security Weather Agency" reports mentioned above, would not be official triggers of action but would serve as elements of transparency and early warning "yellow" or "red lights," helpful both in the target country and internationally as calls for corrective policies. The *International Convention on the Elimination of All Forms of Racial Discrimination* provides the first step toward such measures.

A corollary of these findings is the standard of state self-determination, a policy now practiced but never formally adopted by UN bodies that has replaced the norm of national self-determination that prevailed in the first half of the twentieth century. The basis for secession recognized as legitimate is a constituted administrative unit (such as in Bosnia or Southern Sudan) rather than an ethnic community (such as Bosnian Serbs or Croats, or Southern Sudanese including Abyei Dinka). The implication is that states should be multi-ethnic and that legitimacy and stability are achieved by ethnic groups' living together and sharing governing responsibilities, rather than by ethnic homogeneity, as was the tendency a century ago. Identity is to be focused on the state rather than the nation, and ethnic diversity is counted a virtue. Since in reality state self-determination is animated by the desire of the dominant ethnic group to rule itself, the result is often a pluri-ethnic situation with a dominant ethnic group—the most conflict-prone situation (such as Albanian-dominated Kosovo with its Serb minority, or Macedonia with its Albanian minority, or Tigrean-dominated Ethiopia with an Oromo minority, or Hutu-dominated Rwanda with a Tutsi minority or a

19 Paul Collier and Anke Hoeffler, "Greed and Grievance in Civil War," Washington, DC: World Bank, policy research paper 2355, 2000; Ibrahim Elbadawi and Nicholas Sambanis, "Why Are There So Many Civil Wars in Africa? Understanding and Preventing Violent Conflict," *Journal of African Economies* 9, no. 3 (2000): 244-269; Nicholas Sambanis, "A Review of Recent Advances and Future Directions in the Quantitative Literature on Civil War," *Defense and Peace Economics* 14, no. 3 (2002): 215-243; Paul Collier, et al., *Breaking the Conflict Trap*, Oxford: World Bank; Cynthia Arnson and I. William Zartman, eds., *Rethinking the Economics of War: The Intersection of Need, Creed, and Greed* (Woodrow Wilson and Johns Hopkins University Presses, 2005).

20 Ronnie Lipschuts and Beverley Crawford, eds., *The Myth of Ethnic Conflict* (Berkeley, CA: University of California Press, 1999); Charles Tilly, *The Politics of Collective Violence* (New York: Cambridge University Press, 2003), pp. 31-41; Staub, *The Roots of Evil*, chap. 5; Hans Toch, *The Social Psychology of Social Movements* (Indianapolis, IN: Bobbs-Merrill, 1965), chap. 5.

fortiori a Tutsi-dominated Rwanda with a Hutu majority). As relations between Rwanda and its neighbors show, tribal overhang can serve as a too-convenient justification for interference in a neighboring state, particularly where citizenship has been denied to longtime settlers. Many conflicts, from Sudetenland to Kivu, have been pursued rather than prevented in the name of protecting oppressed minorities that are related to a bordering population.

It is possible to monitor ethnic relations for dangerous developments. Heavy reliance on group identity, open wounds and recent scars, protective regroupings creating security dilemmas, exclusionary policies, identity-group scapegoating, mutually reinforcing vertical and horizontal social cleavages, group-based feelings of helplessness and negative identity, in-group/out-group hostility, pent-up feelings of injustice, and uncritical accept-ance of authority combine to provide the most significant warning signals of impending identity-group conflict with potential for genocide.[21] Violent ethnic conflict is generally preceded by the spread and adoption of myths and narratives demonizing a target group, which then serve to justify extreme measures against it. Publicly broadcast hate propaganda is the last stage of such demonizing, although it is more susceptible to control and jamming than the social beliefs that precede it. When such purposeful targeted demonization of an ethnic group occurs, it is a clear warning sign of repression and eventually of attempts to eliminate the targeted group. *Radio Mille Collines* in Rwanda before the 1994 genocide is the well-known example, hate broadcasts in Côte d'Ivoire thereafter are a less well-known example, and there are others. Such activities can be jammed as part of cyber-warfare, again best conducted under specific authorization by the Security Council or a regional organization.

In the absence of a firm regime, measures to assuage worsening ethnic relations are nonetheless straightforward:

- Protect local identities while building an over-arching state-nation;
- practice inclusion and avoid excluding minorities from sharing power and its benefits;
- hear grievances without stigmatizing and provide mechanisms for handling them even if not satisfying them completely;
- develop education systems to overcome prejudice and focus on similarities among groups;
- develop joint projects and cooperative endeavors.

Attention to the need for healthy ethnic relations can be useful for evaluating stability and conditioning development when used by distant funding sources; for example, World Bank programs were criticized for not heeding expert advice about the dangers of skewing benefits for the majority Hutu ruling group in Rwanda in the early 1980s, foreseeing the Tutsi reaction that finally overthrew the government but not before the genocide could take place.[22] Despite the mandate and work of the Committee on the Elimination of Racial Discrimination (CERD) and the Office of the High Commissioner for Human Rights (OHCHR), there is currently no accountability mechanism for sound ethnic relations, only knowledge of the consequence that identity conflict may result if ethnic diversity standards are ignored. Like any tools, standards must be used carefully and put into the right hands, again a matter of defini-tion.

Exemplary cases showing the role of standards of healthy ethnic relations are found on occasion, in Lebanon, Morocco, Sudan, and elsewhere, but they also show that referent data must be kept up to date. In Lebanon in 1943, the political parties set up a national pact that assigned governmental positions to various ethnic groups based on the 1932 census, forestalling violence for decades; conflict among identity groups broke out virulently when the referent demographic proportions shifted and the new proportionality of identity groups was not reflected in government allocation. In Morocco, Algeria, and Niger, informal allocation of "Berber seats" in government has reduced even if not always eliminated interethnic conflict. Consociational

21 See Staub, *The Roots of Evil*; Richard Koenigsberg, *Nations Have the Right to Kill: Hitler, the Holocaust, and War*, Library of Social Sciences, 2009. On security dilemmas, see Barry Posner, "The Security Dilemma, and Ethnic Conflict," in *Ethnic Conflict and. International Security*, edited by Michael Brown (Princeton, NJ: Princeton University Press, 1993). For a good list of danger signals, see Staub, *Overcoming Evil*, p. 242.

22 Rene Lemarchand, *The World Bank in Rwanda* (Bloomington, IN: University of Indiana Press, 1982); Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, CT: Kumarian, 1998); Sanam Anderlini and David Nyheim, "Preventing Future Wars: State of the Art Conflict Early Warning Systems," *Conflict Trends* (Durban: ACCORD, 1999).

provisions have brought at least the management of identity conflict in Northern Ireland and have been proposed for Cyprus, until the time comes when hostility among different identities can be softened. In Sudan, where the dominant group in the North, in charge of the government, regarded the Southerners as inferior and even considered them slaves (*ʿabid*), it took half a century of violent conflict for the Southerners to finally achieve—on the paper of the 2005 *Comprehensive Peace Agreement* at least—equally shared participation in national government and self-government in local affairs. Regime standards of equality and autonomy, fought for by visionary Southern leader John Garang, inspired the costly struggle against cultural if not fully physical genocide. Where the "normal politics" of a government-citizen contract is not present for all, significant pressure in the form of internal conflict or external intervention is usually a necessary precursor to change.

Often, society itself contains its own procedures for settling kin and ethnic disputes, worked out and implanted over centuries of practice to manage conflicts. Blood money (*diya*) in Sudan and other African countries, ombudsmen (*du-nku*) in West Africa, and traditional Arab reconciliation processes (*sulha*) are time-proven conflict-management mechanisms that have modern usefulness.[23] In North Kivu in the Democratic Republic of the Congo, the 2008 Goma peace agreement and the Amani peace process attempted to provide for local ethnic participation, although implementation has lagged and been jeopardized by escalated violence. In the US, Bolivia, Peru, and Venezuela, open competition and robust electoral participation have brought indigenous and minority leaders to power. Constitutional protection of minority rights provides a strong standard and reference point for prevention and settlement of ethnic disputes.[24] UN organs can be more forthright in calling for such provisions.

DEMOCRATIZATION

Democratization is a process of accountability. Current analysis—perhaps mixed with a bit of faith—holds that societies are best strengthened by a healthy and functioning relationship between governors and governed. This can be provided for through regular occasions for the governed to hold the governors accountable for their stewardship and to choose and repent of their previous choice, under conditions of free selection of candidates, free discussion of issues, and neutral protection of the law, i.e., a situation of "normal politics."

However, normal politics might take some other locally bred form rather than standard electoral democracy. Such an open society is less likely to generate fears among and repression of identity groups than a closed, controlled society. While democratization and its component election process can easily side-track into demagogy and ethnic partisan conflict, assurances on repeated occasions of accountability can help curb extremes. Publication of such standards and reference to them by governments and nongovernmental organizations (NGOs) in their operations reinforce the norms, and specific activities serve to put them into effect. While each of these activities can stand on its own rights and norms, they are strengthened in turn by reference to a common set of standards, functioning as part of the overall regime.

Thus, election monitoring makes most sense as part of a regime of democratization rather than as a discrete activity, as do programs in training the judiciary and strengthening the rule of law or in promoting responsible journalism and the role of the media. The General Assembly and Security Council have not yet established a code of conduct for democracy, and they will not do so as long as the members cannot agree on its definition and measures or adopt its practices themselves.

A democratization regime, as a set of standards for target states, is also a policy guideline for interveners, either directly or from a distance through pressures and incentives.[25] Democratic standards provided the basis for pressure from states and the IFIs on Kenya in 1997 and 2007, Cameroon in the mid-1990s, and Peru in 2000 to conduct free and fair multiparty elections. They justified the US intervention in the Philippines in early 1986 and would have served just as well to justify a decertification of the Liberian elections of the previous year; they justified a series of

23 I. William Zartman, ed., *Traditional Cures for Modern Conflicts* (Boulder, CO: Lynne Rienner, 2003).

24 C. Baldwin, C. Chapman, and Z. Gray, "Minority Rights: The Key to Conflict Prevention," London: Minority Rights International, 2007.

25 Peter Harris and Ben Reilly, eds., *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm: IDEA, 1998).

mediatory interventions in Kenya in 2008 and would have legitimized active pressures to support a freer election process in Serbia in 1996 or Zimbabwe in 2008. Earlier attention to resolving the real problems of majority domination in Rwanda and Burundi, as are now being addressed after the fact, would have gone far to prevent their genocides, just as even framework provisions for the West (Darfur) and East (Beja) in the *Comprehensive Peace Agreement* between the north and south in Sudan would arguably have worked against genocide there. Where taken, actions went far to prevent the escalation of identity conflicts; where not taken, the inaction preceded preventable failures and targeted group killings.

Proactive interventions to create democracy are more controversial, considering that early stages of democratization are the most conflict-ridden. The intervention of a coalition of the willing to protect targeted ethnic groups from genocide and to establish conditions for democratization in Iraq after 2003 brought an elected government but also identity-group conflict. UN-authorized interventions brought democratization along with independence to Namibia after 1974, Kosovo in 2008, and Timor-Leste after 1999, terminating violence in the first two cases but with much continuing violence in the third. Norm-based interventions by the Economic Community of West African States (ECOWAS) and then the African Union (AU) tried to bring democratization back to Côte d'Ivoire after 2000 with little effect. International ostracism for systematic nondemocratic practices, coupled with internal protest, was eventually effective in bringing democracy to Spain after 1975, Eastern Europe after 1989, and South Africa after 1990, but has been stymied in Myanmar, Zimbabwe, and Ethiopia.

The path of democratization contains two dangers that must be regarded attentively as the process is shepherded along. One is the fact, established by ample studies, that the most stable regimes are either authoritarian or democratic but that the process of democratization can lead to great instability. Studies show that people who are not used to the free-wheeling process of democracy,

are better trained in conducting or opposing authoritarianism than in democratic practices, and tend to see the political process in old authoritarian terms of winner-takes-all.[26] The other is the fact that political parties gravitate to the ready clientele of their ethnic constituencies until they move on to cross-cutting interest- or issue-coalitions, which lend themselves to a more stable situation. The development of identity-based parties is an inevitable stage but one that is propitious for political entrepreneurs and pregenocide identity conflict. Internally, it takes forward-looking statesmen to avoid instability and identity-based parties; externally, public encouragement or criticism and international training are the only available means to intervene in domestic politics to create a more stable situation.

POPULATION DISPLACEMENT

Population displacement, either between states as refugees or within states as internally displaced persons (IDPs), is the subject of two complementary regimes. Refugee regimes under the 1951 *Convention Relating to the Status of Refugees* and the UNHCR cover the rights to asylum, resettlement, return, and remain, and IDPs are covered in a set of *Guiding Principles on Internal Displacement*.[27] Although these norms and standards are not universally applied and have no mechanism of accountability, they are broadly accepted and form the basis for dealing, however imperfectly, with the repercussions of violence and persecution of identity groups. Internally and internationally, displaced populations are often either the direct targets of repression or the indirect victims of violent conflict; ethnic cleansing is often a prelude or part of genocide, and the regimes are present to guide efforts to deal with these symptoms, even if not their causes. Both UNHCR and the Office of the Representative of the Secretary-General on IDPs under the *Guiding Principles* have emphasized prevention.

In Vietnam in the 1970s and Haiti in the early 1990s, large numbers of desperate people fled persecution and poverty in packed boats, and although they were not victims of identity-group repression, their plight as refugees brought interna-

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26 David Carment, "Anticipating State Failure," in *Conflict Prevention from Rhetoric to Reality*, edited by David Carment and Albrecht Schabel (Lanham, MD: Lexington, 2004); Ronnie Lipschutz and Beverley Crawford, eds., *The Myth of Ethnic Conflict* (Berkeley, CA: University of California Press, 1999).

27 United Nations, *Guiding Principles on Internal Displacement*, UN Doc. E/CN.4/1998/53/Add.2, 1998.

tional attention and intervention. In 1988, tens of thousands of Iraqi Kurds streamed into Turkey, finally triggering US and world condemnation of Saddam Hussein's Kurdish extermination efforts. Around Darfur in the 2000s, targeted populations fled to internal displacement camps and international refuge in Chad and Central Africa, triggering greater—but insufficient—international attention and intervention, following norms established in population displacement regimes. While motivating international intervention for population displacement is more straightforward than many other forms of intervention, this regime, too, is not fully defined. International aid workers were left in a quandary when Rwanda's *génocidaires* sought protection in eastern DRC in 1994. Political entrepreneurs in identity conflicts will continue to displace populations without fear of punishment or accountability until deep damage is done.

Although current regimes outline the appropriate treatment to be accorded to the refugees and displaced, the element of accountability is still missing for host countries and especially for home countries. Refugees, displacement, and ethnic cleansing are the result of home-country actions and policies in contravention of the first pillar of RtoP that a state has the primary responsibility for its people.[28] An effective regime means that a state is held morally accountable for following the norms and financially accountable for their infraction.

HUMAN RIGHTS

Human rights constitute a large area for regime-building that is essentially preventive in nature. They have been tackled directly in the monumental statement contained in the *Universal Declaration of Human Rights*, adopted by the General Assembly in 1948, and the *Covenants on Civil and Political Rights* and on *Economic, Social and Cultural Rights*. More specifically, they are monitored vigorously by the UN and regional organizations' treaty bodies and mechanisms and NGOs such as Human Rights Leagues, Amnesty International, and Human Rights Watch, among many others. The regime is also strengthened by statements and activities related to its many components. An example of the latter is the *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, which worked its way through the UN until adoption by the General Assembly in December 1984, monitored by the Committee Against Torture and other bodies and advanced by a strong campaign by Amnesty International, and strengthened by additional instruments of which the *Optional Protocol* adopted in December 2002 is only the latest.[29]

Building respect for human rights is slow but despoiling them is usually deadly for the offending state, even if judgment day may be slow in coming. Yet humanitarian causes have been used as justification for direct intervention, in Iraqi Kurdistan, Somalia, Kosovo, and finally Iraq itself, and they have provided the legal basis for the creation of international tribunals, from Nazi Germany to Rwanda and Yugoslavia. None of these actions has been without debate and many debates have gone on without action, despite a rather well-codified human rights regime; none have definitively prevented identity conflicts and genocide. Yet the aspiration is that the demonstration and deterrent effect of retribution after the fact in these cases will defeat a culture of impunity and dissuade leaders from reproducing the fact in other cases. There are many places where human rights regimes have been ignored and identity groups persecuted, but the same regimes have served to justify international outcries and action, however inadequate. Protecting and promoting human rights also serves to entrench a human rights culture around the world.

GOOD GOVERNANCE

Good governance has been the subject of a regime created under the auspices of the IFIs and NGOs, expressed in such concepts as the *Washington Consensus* or the Transparency International standards.[30] While a regime has not been devised that would eliminate poverty, the structural adjust-

28 The three pillars of RtoP: (1) the state has the primary responsibility to protect its people from genocide, war crimes, ethnic cleansing, and crimes against humanity; (2) the international community should help states to exercise this responsibility through assistance and capacity-building; and (3) "should peaceful means be inadequate" and "national authorities are manifestly failing to protect their populations" then the international community must be prepared to take "collective action, in a timely and decisive manner." United Nations Secretary-General, "*Implementing the Responsiblity to Protect*," UN Doc. A/63/677, January 12, 2009; Deng et al., *Sovereignty as Responsibility* (Washington, DC: Brookings Institution, 1996); ICISS, *The Responsibility to Protect*.

29 Anna R. Korula, "The Regimes Against Torture," in Spector and Zartman, *Getting it Done*, 2003, pp.229-270.

30 World Bank, *The Washington Consensus*, Washington, DC, 1999.

ment guidelines are designed to avoid the economic irresponsibility that can lead directly to deprivation, discrimination, and identity conflict. These guidelines form the basis of enforcement measures contained in relations with the IFIs, the initial and primary agents of intervention. However, IFI standards for good governance focus on efficiency and institutionalization, saying nothing about conditions of identity-group relations, and need to be tailored for identity-group impact, as noted under ethnic relations. It should be noted as well that this issue area is an instance where the regime has not simply grown but has changed course dramatically over the years, as different standards have evolved for appropriate policies to prevent poverty.

Much has been written about the importance of institutionalization for good governance, and within it the rule of law, or formal norms for the performance of institutions (if not an institution in and of itself). Despite or because of this attention, there is no agreement on the norms of institutionalization. But there is agreement on the importance of routinized procedures, consensually established and surveyed by accountability mechanisms, providing equal protection and redress, embodying both permanent principles and revisable applications. Put into practice, these general notions alone would provide ample protection against and foster prevention of identity-based conflict and mass killings.

Another impediment to good governance, corruption, is also the subject of a robust regime, in the hands of Transparency International, among others.[31] Its most important preventive function is to shine the light of publicity on deserving states, which in turn serves to empower domestic opposition and, more broadly, world public opinion. Where corruption is ethnically skewed, identity conflict is fueled. Such attention then finds its way into external state practices, as in the US *Foreign Corrupt Practices Act* provisions against side

payments in business dealings abroad as at home. Ample indirect interventions, such as USAID training programs against corruption, find their justification under the umbrella of the good-governance regime. Further enforcement of the regime's principles depends on domestic legislation and effective court systems—items contained in the standards of the regime itself.

THE RESPONSIBILITY TO PROTECT

The responsibility to protect constitutes a dramatically evolving regime established to deal preventively with identity conflicts leading to genocide, war crimes, ethnic cleansing, and crimes against humanity. Beginning in January 1992 the first-ever meeting of heads of state and government of the Security Council concluded with a call for "analysis and recommendations on ways of strengthening…the capacity of the United Nations for preventive diplomacy"[32] that produced Secretary-General Boutros Boutros Ghali's pioneering *Agenda for Peace*,[33] welcomed by the Security Council and the General Assembly at the end of that year.[34] Among those measures in the document are confidence-building, fact-finding, early warning, preventive deployment, demilitarized zones, and peacebuilding to further conflict prevention. Boutros Ghali, in a statement remarkable for a report to sovereign states, noted that despite the fundamental position of state sovereignty and integrity,

> the time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world.[35]

The subject was also addressed in the mid-1990s by academic analysis within nongovernmental research organizations. The Council on Foreign Relations undertook a group study on "Enforcing Restraint: Collective Intervention in Internal Conflicts," where legitimacy was linked not only to

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31 Bertram I. Spector, *Fighting Corruption in Developing Countries: Strategies and Analysis* (Bloomfield, CT: Kumarian Press, 2005); Bertram I. Spector, ed., *Fighting Corruption in Countries Rebuilding After Conflict: A Democracy and Governance Program Brief*, Washington, DC, 2009; Bertram I. Spector, ed., *Negotiating Peace with Integrity: Anticorruption Strategies in Post-Conflict Societies* (Washington, DC: USIP, 2010).

32 United Nations Secretary-General, *An Agenda for Peace 1995*, UN Doc. A/47/277-S/24111, June 17, 1992, pp.117-118.

33 Ibid.

34 United Nations, *Note by the President of Security Council*, UN Doc. S/24210, June 30, 1992, and UN General Assembly Resolution 47/120A (December 18, 1992), UN Doc. A/Res/47/120A.

35 United Nations Secretary-General, *Agenda for Peace*, p. 44.

a collective decision but also to the effectiveness of international organizations facing new challenges.[36] Under the inspiration of co-chair David Hamburg, the Carnegie Corporation set up its Commission on Preventing Deadly Conflict, which sponsored a broad collection of investigations into prevention, culminating in Jane Holl Lute's *Preventing Deadly Conflict*.[37] The US Institute of Peace also published a strategic toolkit for conflict prevention by Michael Lund, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*.[38] The Brookings Institution's Africa Project research program culminated in a final collective work, *Sovereignty as Responsibility: Conflict Management in Africa*[39] in which, rather than a protection of the state, sovereignty was viewed as a responsibility for the protection of the state's people, to be exercised by the state and shared by other states if the primary state did not perform its own duties for the welfare of its people. This foreshadowed the three pillars of responsibility to protect later adopted by the UN. From its inception in the late 1980s, the Brookings Project synergized with the work of Olusegun Obasanjo's Africa Leadership Forum that resulted in the 1991 Kampala Document's declaration that "domestic conditions constituting a threat to personal and collective security and gross violations of human rights lie beyond the protection of sovereignty."[40]

As a result of these initiatives, the 2000 meeting of the G8 foreign ministers in Japan produced the *G8 Miyakazi Initiative for Conflict Prevention* that laid out a strategy of "chronological comprehensiveness," covering structural prevention, early and late prevention, and postconflict peacebuilding.[41] A notable attempt to address the questions of

measures and mandates was the Swedish Initiative in connection with the Swedish presidency of the European Union (EU) in the first half of 2001, based on a 1999 report, *Preventing Violent Conflict*, designed to focus and energize Swedish, and eventually EU, policy to develop a culture of prevention.[42]

The various paths of attention came together in the Canadian-sponsored International Commission on Intervention and State Sovereignty (ICISS), whose 2001 report *The Responsibility to Protect*, took up the same theme to state that although

> the primary responsibility for the protection of its people lies with the state itself, …where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.[43]

It sought to shift the debate from the "right to intervene" to the "responsibility to protect," declaring, in bold type, that "prevention is the single most important dimension of the responsibility to protect." Prevention is divided into structural or root-cause prevention and direct (operational) or conflict prevention, and military intervention is circumscribed by a just-cause threshold, precautionary and operational principles, and proper authority.[44]

These concerns then found their place in the report of the Secretary-General's High-Level Panel that was then unanimously adopted by the General Assembly at the 2005 World Summit.[45] The agreement establishes a norm to supersede the

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36 Lori Fisler Damrosch, ed., *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York: Council on Foreign Relations, 1993).

37 Notably Bruce Jentleson, ed., *Opportunities Missed, Opportunities Seized* (Lanham, MD: Rowman and Littlefield, 2000); I. William Zartman, ed., *Preventive Negotiation: Avoiding Conflict Escalation* (Lanham, MD: Rowman and Littlefield, 2003).

38 Michael Lund, *Preventing Violent Conflicts*, (Washington, DC: US Institute of Peace Press, 1996).

39 Francis Deng et al., *Sovereignty as Responsibility* (Washington, DC: Brookings Institution, 1996).

40 Olesegun Obasanjo, *The Kampala Document*, New York: Africa Leadership Forum, 1991; Francis Deng and I. William Zartman, *A Strategic Vision for Africa*, (Washington, DC: Brookings Institution, 2002), p. 165.

41 G8, *Miyazaki Initiative for Conflict Prevention*, Miyazaki: G8, 2000.

42 Swedish Foreign Ministry, *Strategi för konfliktförebyggande og konflikthantering*, Stockholm, 1997: p. 18; Swedish Foreign Ministry, *Preventing Violent Conflict—A Swedish Action Plan*, Stockholm, 1999: p. 24; Peter Wallensteen, ed., *International Intervention: New Norms in the Post-Cold War Era?* Uppsala: Uppsala University Department of Peace and Conflict Research, report 45, 1997; International Security and Information Service, "Restructuring for Conflict Prevention and Management: EU Restructuring Conference Report and Comments," Brussels: ISIS Europe, 1999; Saferworld, "Preventing Violent Conflict; Opportunities for the Swedish and Belgian Presidencies," London: Saferworld and International Alert, 2000; Anita Björkdahl, "Developing a Toolbox for Conflict Prevention," in *Preventing Violent Conflict—The Search for Political Will Strategies, and Effective Tools* (Stockholm: Stockholm International Peace Research Institute, Appendix I, 2000).

43 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: ICISS, December 2001), p. xi.

44 Ibid, pp. xii-xiii, 22-27, 47-69.

45 United Nations Secretary-General, *A More Secure World: Our Shared Responsibility*, New York, 2004. The General Assembly and Security Council adopted and reaffirmed, respectively, the endorsement of the RtoP principle in the 2005 World Summit Conference Outcome, paragraphs 138 and 139, UN Doc. A/60/1 and S/1674 (2006).

Westphalian notion of the sanctity of state sovereignty, but at the same time, it limits the bounds of such actions by defining a hierarchy of action and actors for intervention. Direct intervention is justified only in extreme cases of human rights abuses, and UN and peaceful action are to be the first recourse:

> The international community, through the United Nations, also has the responsibility to use diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis, and in co-operation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.[46]

In specifically referring to genocide as the trigger, the resolution shifted the debate over legitimate intervention to application of the definition of genocide. As in the case of Boutros Ghali's affirmations a decade earlier, the Security Council found in the case of Iraq that articulation of the criteria for intervention was one thing and their operationalization was another.

A further elaboration of the principle was delivered by Secretary-General Ban Ki-Moon in his report to the General Assembly, *Implementing the Responsibility to Protect*, on January 12, 2009.[47] The report developed the requirements and challenges associated with the three RtoP pillars identified in the World Summit Outcome: protection responsibilities of the state; assistance and capacity-building responsibilities of the international community; and timely and decisive responses of the international community. Many of these recommendations are incorporated and developed in this current study. The Secretary-General also called for further constructive and interactive dialogue with members of the General Assembly, which took place later that year.[48] Originally planned as a three-hour session, it turned into a three-day meeting that brought out some errant objections from a few defenders of the former notion of sovereignty and the overwhelming support of a large majority of members for the concept and for its careful implementation. The debate also endorsed the importance of the role of two special advisers to the Secretary-General, the Special Adviser on the Prevention of Genocide, whose office was established in 2004, and the Special Adviser focusing on the responsibility to protect, who was appointed in 2008.

GENOCIDE

Genocide itself is covered by a regime indicating appropriate concerns and policy responses, overlapping and predating some of the other regimes previously mentioned. While widely accepted now, the counter-genocide regime was developed painstakingly and only after the tireless efforts of key individuals who made it their cause. The ultimate crime of identity violence was named by Raphael Lemkin, a Polish Jew, who devoted his life to the fight to obtain its recognition and condemnation.[49] In 1946, the General Assembly unanimously passed a resolution condemning genocide and, with the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide*, the term was officially defined and the practice banned. The US Congress ratified the convention only in 1988, largely due to the efforts of Senator William Proxmire of Wisconsin who took up the crusade in 1967 and made a speech every day on the floor of the Senate for nineteen years, totaling 3,211 speeches.

The connection of the term with a responsibility to act has made its use extremely controversial. In 1994, the US referred to events in Rwanda as "acts of genocide;" in 1999 it cited "deliberate, systematic efforts at genocide" in Kosovo; and most recently in Darfur it controversially employed the term "genocide" without qualification. The debate over the existence of genocide in Darfur was not just a

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46   United Nations, *2005 World Summit Outcome*, UN Doc. A/RES/60/1, October 24, 2005, para. 139.

47   United Nations Secretary-General, *Implementing the Responsibility to Protect*.

48   Global Centre for the Responsibility to Protect, "Implementing the Responsibility to Protect: The 2009 General Assembly Debate: An Assessment," New York, August 2009; International Coalition for the Responsibility to Protect, "Report on the General Assembly Plenary Debate on the Responsibility to Protect," New York, September 15, 2009.

49   Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Goverment, Proposal for Redress* (New York: Carnegie Endowment for International Peace, 1944). Dominik J. Schaller and Jürgen Zimmerer, eds., *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence* (Abingdon, UK: Routledge, 2009).

lexical exercise; it concerned the existence of conditions requiring and legitimizing specific policy responses. Concern over genocide must necessarily involve concern over the earlier stages of identity conflicts, or it would be too late for intervention to be effective, thus blurring the threshold of legitimate actions under this regime. Furthermore, mass killings short of genocide are not covered by the regime, although they probably are under RtoP, so that the distinction necessarily ends up being a semantic and political exercise that hinders effective preventive and responsive action.

In general, regimes can also have negative side effects or externalities and costs to produce their benefits. The fiscal responsibility required by the IFIs also means cutting or requiring payments for social programs in health, education, and welfare, often discriminatorily. Human rights, democratization, refugee and IDP norms, and standards for handling ethnic minorities (and majorities) can be destabilizing, at least in the short run, and can impose additional operating costs on the government. Executive accountability measures have led indicted rulers and rebels to be more, not less, resistant to their responsibilities. Were such standards of behavior unambiguously beneficial, they would be easier to adopt. The point is less that there is no perfection in this world than that even accepted standards for prevention require fine-tuning, consensus-building, policy choices, and cost-benefit analyses that make prevention debatable and resistance natural. The contemporary world continues to search for appropriate definitions, thresholds, and actions involved in the responsibility to protect.

It might seem that the matter of regimes is lofty and anodyne compared with the brutal and dirty processes of identity conflict and genocide. Enumerating the highest standards of sociopolitical relations might appear to be a matter for angels when what is needed is dealing with devils. But without such standards, action for curing sick societies becomes ad hoc and contradictory, lacking justification and coordination. Regimes tend to employ consensual methods of problem solving, thus they may coordinate and facilitate the generic prevention of identity conflict and genocide. Yet while universal in their standards and coverage, if successful, they are also applicable individually to specific situations in need of diagnosis and prescription.

"Early-Late" or Pre-Crisis Prevention: Intervening Before It Is Too Late

Regimes, and the pressures and encouragements they legitimize, have been helpful in the innumerable cases where identity conflict was averted by introducing standards and accountability, and one must remember that countless potential conflicts have been prevented: we just don't know about them because they never happened. But early prevention has not been sufficient in all cases. On occasion, more direct and immediate measures in the early part of the overt phase of conflict are necessary to make the situation sound and equitable, lest the conflict move to violence between identity groups and then to genocide. These include policing, dialogue, ripening, mediation, separation, and coercive accountability. They are elements that can be used—separately or together—by the Security Council or in a Secretary-General strategy to deal with conflict if the Council is willing to act before it is too late. While discussed discretely to bring out their characteristics, these measures often overlap.

POLICING

Policing with even-handed authority is a minimal function of government, and is often all that is needed to keep hotheads and public passion from bursting into flame. Since riots frequently signal the initiation of identity conflict and violence, escalation can often be checked simply by effective policing, assuming that the government is not the agent of the identity conflict; when the government is indeed the agent, pressures for it to resume its responsibilities, or more invasive measures, are needed. Outbursts of civil violence usually involve a determined core of agitators (the political entrepreneurs) and an inflammable mob—the arsonists and the tinder—and the police's job is to separate the two, sending the first group to jail and the second home. Even when government is not the instigator or the tacit cover of identity violence, the police often remain passive for fear of facing the inflamed crowds with insufficient forces, or of tarnishing a government's human rights record or incurring political costs. Thus adequate police forces dedicated to law and order constitute a basic element of prevention, to be provided by external

intervention if not by the state.

For example, such forces were present in Anbar province in Iraq in the mid-2000s where they dampened interethnic violence and many other unsung places where demonstrations have been carefully kept peaceful. The management of policing during South Africa's transition from apartheid was a critical element in the process, and there are clear examples of incidents where police leadership was able to move from the well-earned stereotype of being the repressive arm of the minority regime to lead the peaceful resolution of ethnicity-based confrontations, a transformation also accomplished gradually in Northern Ireland. Such forces were absent in Abidjan in the early 2000s, where ethnic violence was promoted by the Ivoirian government and its supporting militia, and civilians were harassed for DWM ("driving while Muslim") reasons. Police forces were ineffective in Jos, Nigeria, in 2008 where they favored one group, and in Rwanda in 1994 where they melted before or joined the *génocidaires*; in Chechnya, the police acted as an arm of government repression. After Bertrand Aristide's return in 1994, the international community created a new police force in Haiti, free of the corruption and excesses of the military regime's police; unfortunately, the new police soon fell into old habits under Aristide. This showed how difficult it is for the international community to keep the police neutral when the government wants it for its own repressive and partisan purposes. Under Renée Préval, with international assistance, before the catastrophic earthquake, the police again developed into a more responsible force for order.

DIALOGUE

Dialogue for a constructive consideration of the elements of a conflict constitutes an attempt to deal coolly with them before they sharpen into violence and ethnic cleansing. The targeted identity group and its targeter may not easily agree to sit down together, so a firm and helpful conciliator is needed. Both sides have been deeply committed to their public supporters by this point, making it hard to climb down from established perceptions and positions. Any external intervention is bound to be seen by the government as an indication that it cannot correctly handle its own affairs. Such an effort is also particularly difficult, because it is not a brief, one-shot activity. It needs sustained attention to overcome the hardened perceptions and reverse the sharpened policies, which requires repeated, not-too-far-spaced meetings, a suspension of actions that might be interpreted as hostile, and an effort to use external events positively, as an occasion to meet, explain, and work out common responses. Measures to be accomplished include a cooling-off period, a disengagement of forces, and a hard look at grievances and the images each has of the other. Since the political entrepreneur or agent provocateur is likely to lose his or her job in the process, there is certain to be resistance.[50]

However, local culture- and history-based practices are frequently available to provide the framework for dialogue, first on the local and then on the national (and even international) level. Indigenous institutions and dispute-resolution methods have often been developed over centuries to defuse conflict, and can be revived, updated, and adopted to fit current situations. Such historic and cultural legitimization helps the parties to avoid losing face when submitting to dialogue.[51]

Four challenges mark efforts to inaugurate dialogue. The first is for the external party to achieve welcome entry into the impending conflict. International organizations, friendly states, and NGOs need to develop the sense among the parties that current policy is heading to costly deadlock and that problems and perceptions are better handled positively. This is a circular effort since external parties need to use entry to gain entry, as Secretary-General Perez de Cuellar and his SRSG Alvaro de Soto did in 1990-1992 in the conflict between the *Frente Farabundo Marti para la Liberacion Nacional* (FMLN) and the Salvadoran government, using their official positions to gradually develop an interlocutory role between the conflicting parties. However, direct dialogue began as early as October 1984. The second challenge concerns the amount of pressure, including sanctions, to apply. Early discussions need organization rather than pressure; dialogue deeper into conflict may require more stringent pressures.

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50 Harold Saunders, "Dialogue as a Process for Transforming Relationships," in *Sage Handbook of Conflict Resolution*, edited by Jacob Bercovitch, Victor Kremenyuk, and I. William Zartman (London: Sage, 2009); Harold Saunders, *A Public Peace Process* (New York: St. Martin's, 1999).

51 United Nations Secretary-General, *Implementing the Responsibility to Protect*, para. 45.

Third parties arranging confrontation to head off violence cannot be limited to good counsel; they are likely to need to provide incentives against defection from the path of reconciliation. Too little pressure leaves the course of conflict costless, but too much pressure arouses a defensive reaction and closes the door to external attentions. As in any adolescent behavior, the best kind of pressure is peer pressure, referring back to some of the regime discussion on standards. A third challenge lies in the search for appropriate ways for the parties to back down. Each party must find ways to explain to its public that it is sitting down with and then assuaging the very party that it claimed was posing an existential threat.

The biggest challenge, however, concerns spoilers, those entrepreneurs who are set on ethnic cleansing as the path to power and are uninterested in any reconciliation or attenuation of their fears. The initial challenge for pre-crisis prevention is to wean weaker spoilers away from the hard core and involve them in the dynamics of the dialogue process, as negotiations in Iraq in 2006 and Afghanistan in 2010 sought to do. But dealing with the spoilers who remain requires a different kind of confrontation, involving isolation and neutralization until they become powerless to undermine or block the ongoing reconciliation. Thus, dialogue as a pre-crisis strategy has a positive and a negative face, and the two are indissociable: the conflicting parties must be brought to see that their mutual fears are unwarranted, or if in fact warranted, that they can be removed, but they must also be made to see that the alternative to reconciliation is costly and their extreme elements must be rendered incapable of upsetting the developing reconciliation.

These concerns can be illustrated in both success and failure. SRSG Ahmedou Ould Abdallah sprang into action, alerting and consulting interested parties in 1994 in Burundi to head off an imitative reaction to events in Rwanda when the shooting down of the president's plane triggered the genocide. World diplomatic and economic pressure against the apartheid regime in South Africa prompted the government to confront its opponent, the African National Congress (ANC), diplomatically, and shape a new political system in South Africa before widespread violence broke out. In Zimbabwe in 2008, repeated, if feeble and ineffec-

tual, attempts by South African President Thabo Mbeki to get Zimbabwean President Robert Mugabe to sit down and defuse a conflict that was at least in part ethnic failed before Mugabe's stubborn and vicious insistence on holding power and physically destroying the opposition. The key to failure in this case lay in the weak efforts at mediation and the absence of clear condemnation and threats against noncompliance from the neighboring state community.

In Rwanda in 1993, a well-conceived peace process undertaken to move toward normal politics in the *Arusha Agreement* was overturned by spoilers left out of the agreement even though they were strong enough to destroy it from within. Although their absence undid the positive effort, it is still not clear whether their inclusion in the process would have been possible or would have made any agreement impossible. Between Israelis and Palestinians, a low-level campaign to create dialogue groups grew gradually during the 1980s and early 1990s culminating in the Oslo contacts and agreement, but were unsupported by vigorous official efforts after Oslo and then undercut during the Netanyahu and intifada period of the mid-1990s. In Jos, Nigeria, interfaith and interethnic dialogue groups were set up after identity riots in 2001, but an incident in 2008 swept aside their efforts and provoked more deadly riots.

RIPENING

Ripening is required if the parties do not feel themselves to be caught in a mutually hurting stalemate that pushes them to begin lowering tensions. Conflicting parties do not look for a way out of a conflict if they think they can win and if the conflict is not hurting them. Therefore to open their minds to pre-crisis prevention, whether before the conflict has turned violent or after, they must be made aware that winning is rare and attempts to win costly; in other words, the conflict must be ripened for prevention in their perceptions. This is a primary challenge for external parties who would position themselves to take advantage of the stalemate to begin a mediation and conflict- (or escalation-) prevention process. The perception of stalemate is enhanced by measures to show that victory is rarely possible and, if possible, is rarely stable and costless. For example, the international community must insist that coveted territory cannot be seized and even if it is, the conquest will

not be recognized, or that cleansing an ethnic group will be prevented and even if it is not, the resulting government will be shunned and not recognized. The perception of cost is enhanced by measures to make the parties realize that identity conflicts entail penalties larger than expected benefits, either at the hands of the repressed identity group or the international community. For example, the third party must convince the repressor that repressed groups can offer a more costly resistance than expected and that continued ethnic conflict and cleansing will be met by sanctions and withheld recognition.

Ripening has succeeded more frequently in preventing identity conflicts from continuing after violence has occurred, than in preventing violence in the first place. The former is easier, albeit costlier, because the objective evidence for the hurting stalemate is present, not merely prospective, and the latter is harder to prove since violence has not (yet) taken place. The conflict between the FMLN and the Salvadoran government, which in part involved the repression of indigenous populations, opened itself to UN mediation in 1990 when the mediator helped the parties see that neither side could win but both were sustaining unbearable losses after an FMLN offensive revealed no prospect of further success. In the Israeli-Palestinian conflict in 2008 over Gaza, an imperfect ceasefire was arrived at by Israel and Hamas when both sides saw they could not prevail and that costs were mounting, a realization of ripeness sharpened by Egyptian mediation. Backed up by examples of political conflicts turning dirty, a series of international mediators, ending with former Secretary-General Kofi Annan, were able to convince the presidential candidates in Kenya in 2008 to negotiate a power-sharing agreement rather than deliver the country into ethnic violence. In sum, negotiators seeking to ripen identity conflicts for prevention need to muster enormous skills of persuasion, but they may also need to affect objective facts on the ground to enhance the subjective perception of ripeness.[52]

MEDIATION

Mediation is needed to prevent identity-conflict escalation and genocide when the conflict rises to the point where the parties are not able to turn away from violence on their own and need help.[53] Mediation is appropriate when the government as a party to the conflict loses its position of conflict manager in normal politics and the interests of all the sides need to be incorporated in ending violence and restoring a functioning political system. Mediation, like any negotiation, carries with it the implication that there is a perceived legitimate grievance to be resolved and legitimate interests to be protected, and that none of the parties is seeking self-destruction.

Mediation in an internal conflict is generally resisted by governments, since it implies that a government cannot handle its own problems, that the rebellious or repressed groups deserve recognition and equal standing before the mediator, and in the end that the only resolving outcome will be a revised political system that accords the identity groups a legitimate place in politics; however, the rebels can also reject mediation for fear of its being biased against them, as the FMLN did initially in El Salvador.[54]

It is the mediator's job to appeal to the actors' desires for settlement while assuaging their fears. Such were the challenges in Mozambique under which Sant'Egidio (backed by the US, Russia, Portugal, Italy, Zimbabwe, Kenya, and Zambia) mediated between the *Resistência Nacional Moçambicana* (RENAMO) and the governing Liberation Front of Mozambique (Frelimo)—in Rome in 1990-1992. Similarly, this was the challenge faced by Portugal, the US, and the UN when they mediated between the National Union for the Total Independence of Angola (UNITA) and the Popular Movement for the Liberation of Angola (MPLA) in Estoril in 1992, in Lusaka in 1994 and in Luanda in 2001-2002 to overcome conflicts over grievances that were gradually becoming ethnically centered.

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52 I. William Zartman and Alvaro de Soto, *Signs of Ripeness* (Washington, DC: USIP, 2010).

53 See Saadia Touval and I. William Zartman, eds., *International Mediation in Theory and Practice* (Boulder, CO: Westview, 1985); Jeffrey Z Rubin, ed., *The Dynamics of Third Party Intervention* (New York: Praeger, 1981); C. R. Mitchell and Keith Webb, eds., *New Approaches to International Mediation* (New York: Greenwood, 1988); Jacob Bercovitch and Jeffrey Z. Rubin, eds., *Mediation in International Relations* (New York: St Martin's, 1992); Jacob Bercovitch, ed., *Resolving International Conflicts* (Boulder, CO: Lynne Rienner, 1996); Jacob Bercovitch, ed., *Studies in International Mediation* (New York: Palgrave, 2002); Marieke Kleiboer, *International Mediation* (Boulder, CO: Lynne Rienner, 1997).

54 I. William Zartman, ed., *Elusive Peace: Negotiating to End Civil Wars* (Washington, DC: Brookings Institution, 1995), esp. ch.13.

For mediation to work, valid spokespersons for the various parties are required. If the parties are many or the spokespersons are not clearly authorized, the mediator may first have to form coalitions and to designate spokespersons for mediation purposes, necessitating deeper involvement in internal politics and seriously complicating the task. At Dayton, the US arranged for Serb President Slobodan Milosevic to speak for the Bosnian Serbs and Croatian President Franjo Tudjman to speak for the Bosnian Croats, but not without added complications for the process and subsequent implementation. The US and Nigeria in Abuja in 2007 unwisely picked and pressed some of the rebels to the exclusion of others in an attempt to craft an agreement to end the genocide in Darfur, but the excluded rebels continued the fight, each seeking a better deal than that originally negotiated.

Mediation is exceptionally difficult in cases where identity takes an ideological form, where the violence takes on a terrorist form, and where the rebels have an independent source of funding that allows them to enjoy their Sherwood Forest-like existence. For example, it has been hard to find an appropriate mediator in the Colombian, Sri Lankan, Ugandan, or Sierra Leonean conflicts. In Colombia, ideology and the drug trade have made the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) and the *Ejército de Liberación Nacional* (ELN) uninterested in seeking a solution out of talks with the government, despite the state's varied attempts to find a basis for discussion, and various would-be mediators have found little purchase on the situation. In Sierra Leone, the Revolutionary United Front (RUF) proved unworthy of mediation and broke the Abidjan (1996), Conakry (1997), and Lomé (1999) agreements made by West African mediators; an end to the conflict was achieved instead by the RUF's defection and British military intervention. In Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) joined their enemy, the government, to defeat all attempts at mediation, notably by such well-placed mediators as India and Norway, until the government broke the cooperation and crushed the rebels in 2009. In Uganda, a number of well-placed mediators have come close to closing a deal with the Lord's Resistance Army (LRA), but Joseph Kony, its leader, has slipped away from contact and agreement a number of times. In such cases, it is only when the terrorists are worn

out and have become fully isolated from a population alienated by their own tactics that they become amenable to a return to civil politics and become susceptible to mediation. Otherwise they must be defeated. Mediation as a means of preventing identity conflict and genocide is not merely a matter of making peace; it must be a means of reforming and restoring the political fabric of the state in order to render it a functioning entity again.

SEPARATION AND POWER-SHARING

Separation and power-sharing are formulas for overcoming identity conflicts, giving space and time for more harmonious relations to develop. They can be used in various ways in pre-crisis mode, during a crisis, and emerging from a crisis. Separation pulls the conflicting parties apart, giving them space to breathe and room to reflect. This reduces the danger of a security dilemma, where intermingled groups take measures to improve their security and in so doing threaten the security of other groups, and so on. Separation may take the form of a pause or delay in impending pre-crisis developments, a truce, ceasefire, safe havens, buffer zones, or disengagement in the midst of conflict that threatens to escalate, or withdrawal and cantonments as conflict ends. It can be the outcome of dialogue or mediation, or of a sense of stalemate and loss on both sides in the conflict. It can be carried out by the original instigators of the conflict having come to their senses, or by a moderate faction that has taken over and leads the conflicting party—rebellious group or government—in a more constructive direction. External parties dealing with the conflict can encourage moderate factions to develop and contest radical leadership in identity conflicts.

Separation is particularly useful as a longer-term solution in identity conflicts, either before or after crisis, in the form of autonomy or some other form of regional self-government or, less frequently, through consociational power-sharing. When identity conflicts move from substantive (grievance) to procedural (governance) issues, where the minority no longer believes that it can trust government with its fate, self-determination can mean independence or can be implemented short of secession by allowing the identity group to handle its own affairs or to have a distinct role in government. The Iraqi Kurds, Southern Sudanese, Zanzibaris, Tatars, Sud Tyroleans, Catalans, and

Acehnese were given autonomous self-government (under whatever name) to end their identity conflict and the first three have also enjoyed a share in central government power.

Separation must be accomplished by negotiation with the agreement of the parties; forced separation of intermingled populations, particularly under harsh conditions, is ethnic cleansing, a form of identity conflict and potentially a form of genocide, depending on the number of deaths the forced migration brings. Although some may see "gentle" ethnic cleansing as a way to resolve and avoid identity conflicts by encouraging population transfers, it is merely a sanitized way of achieving ethnic-conflict results.[55] It has sometimes been asserted that autonomy merely leads to secession, but the record shows rather that it is annulled autonomy that leads to demands for secession, as in Eritrea, Sudan, Nigeria, and Kosovo.

Sharing power, on the other hand, brings the parties together as separate groups, assuring them a role in government. Power can be shared legislatively or executively. The first takes the form of separate reserved seats, quotas, and assigned roles in legislative bodies, preselected or not, decided by system-wide processes such as general elections. The second makes the executive a coalition of identity-group representatives, in a consociational form of government. Power-sharing is actually a form of separation in that it freezes the identity-group divisions in society and accords them participation in governance only through their representatives, diminishing the possibility of gradually erasing the salience of separate identities in politics.[56]

Despite extensive academic discussions, power-sharing is less utilized than is recommended, at any stage of conflict. Preventive power-sharing among identity groups brought decades of peace to Lebanon, as already noted, before it fell apart due to demographic and generational changes among the groups concerned; it is in use in Iraq, in an attempt to stave off more violent conflict. It was the key to a special regional settlement in South Tyrol/Alto Adige in Italy in 1969 that has lasted, and a federal-

ized system in Belgium after 1970 that is, however, gradually falling apart. Power-sharing between identity groups is also the core of the *Good Friday Agreement* of 1998 in Northern Ireland, which has gradually been put into place despite criticism for perpetuating identity groups and politics. To work effectively, power-sharing has to be complemented by an overarching sense of loyalty to the greater system, adaptability to changing power balances, cross-cutting (horizontal) cleavages to counteract identity (vertical) divisions, and a culture of compromise and mutual understanding.

Peacekeeping forces (PKFs) can be used preventively to separate the parties, either before, during, or after violent conflict. "Early-late" prevention can help defuse a situation nearing violence by introducing a tripwire, removing the excuse from either party that they are merely responding to the other's provocation. The notable (and rare) cases are Macedonia and Burundi. Although less recognized, there is often a moment within violent conflict when the parties pause, temporarily exhausted, leaving an opportunity for the introduction of separating PKFs before they can regroup, rearm, and pick up the offensive. After hostilities, PKFs monitor and, in the case of Chapter VII-mandated missions, at times enforce the ceasefire. Less often, PKFs can be tasked as adjuncts to police rather than military forces, discussed above, and used where the government does not fulfill its own policing responsibilities.

Special forms of separation have been put to a timely use in recent identity conflicts. Secessionist conflict was averted in Russia in 1994 when Tatarstan representatives agreed to be a state "united with" but not "within" the Russian Federation; conflict was ended in Indonesia in 2007 when Aceh representatives, wary of the "special autonomy" that had earlier proved inadequate, accepted a status of "self-government," the editorial invention of special mediator Martti Ahtisaari. Albanian representatives in Macedonia in 2001 drew back from secessionist demands in exchange for greater recognition in the political and social system. PKFs provided an unusual example of pre-

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55 Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," *International Security* 20, No. 4 (Spring 1996): 136-175; Chaim Kaufmann, "When all Else Fails: Evaluating Population Transfers and Partition," in *Civil Wars, Insecurity, and Intervention*, edited by Barbara Walter and Jack Snyder (New York: Columbia University Press, 1999).

56 Arend Lijphart, *Democracy in Plural Societies* (New Haven, CT: Yale University Press, 1972).

crisis interposition in Macedonia in 1992-1998 as UNPREDEP. In 1997, a crucial opportunity was missed during a mid-conflict moment of calm in Congo-Brazzaville when a PKF was turned down by the Security Council, which ordered a study of African conflicts instead!

COERCIVE ACCOUNTABILITY

Coercive accountability, the removal of bloody-fingered incumbents, is a necessary option in order to prevent the implantation of a culture of impunity that hangs over identity conflict. The national heroic status accorded to the political entrepreneur in identity conflicts, whether victorious or—curiously—defeated, tends to encourage emulation and, in some cases, another try. International judicial enforcement of the ban on genocide works as a threat to counter this tendency, although like any threat, it works best when used only rarely to make the threat credible. On the other hand, judicial accountability can operate as a strong impediment to peaceful conclusion of identity conflict, since leaders who know they will be tried are unlikely to find the prospect of a trial inviting. As a result, indictments should be issued only once the subject is captured.

Coercive accountability needs to be considered in the extreme case where ethnic repression and genocide can be unambiguously traced to the long rule of an egregious dictator. He operates on a shrinking ethnic power base of his own in a hard, brittle state, alienating ever larger numbers of citizens but destroying the organized opposition and creating a vacuum around himself. Preventing genocide depends on removing the ruler: hopes of reforming him are vain; mere power-sharing only prolongs the pain. Although heads of state are near-sacred objects in international relations, respecting their claim to power in such cases only assures continued killing. Genocidal rulers have been removed on occasion, but the onus to act has lain on individual states, acting collectively, and discretely applauded by the international community. Coercive accountability is very much a last-resort action.[57] Currently, the single acceptable

authority is judicial: the International Criminal Court and its local affiliates or universal jurisdiction exercised from individual states, but judicial action only serves to provide legitimacy for removal. The ICC is not an operative agent.

In any case, no action to enforce accountability on a sitting ruler should be undertaken in the absence of a mechanism to provide a legitimate successor, for the vacuum created will inevitably engender even more deadly ethnic conflict. There are three nonmilitary ways of removing an egregious ruler—vote him out, talk him out, or buy him out (or a combination of these); the alternative is to take him out. Removal by election has the strong advantage of providing a successor and thereby limiting the dangers of a political vacuum, but it too often needs active intervention by external patrons to take effect. It was present in the depositions of Ferdinand Marcos in the Philippines in 1986, of Raoul Cedras, and arguably of Jean-Claude Duvallier, in Haiti in 1994 and 1986. If elections are to be regarded a valued means of stability and succession, there should be no hesitation over intervention to enforce them when necessary; a few crucial enforcements work to reduce the need for similar actions in subsequent cases.

It is difficult to assess the use of judgment preventively, since it is hard to find instances where the threat of indictment kept an identity conflict from arising. Cases of failure are clear enough: the threat of indictment by the International Criminal Court in 2008 did not prevent Sudanese President Omar al-Bashir from pursuing a policy that some states have termed genocide in Darfur or prevent Joseph Kony of the Lord's Resistance Army from similar operations in northern Uganda (and now the Democratic Republic of the Congo and Southern Sudan as well). In an instance of popular (nonjudicial) accountability, CNN reports of the violent overthrow of Nicolae Ceau?escu at the end of 1989 moved Beninois dictator Mathieu Kérékou to give way to the Sovereign National Conference (CNS) his country invented.

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57 Bernard Coard, Ferdinand Marcos, Manuel Noriega, Jean-Claude Duvallier, and eventually Raoul Cedras were also deposed in Grenada in 1983, the Philippines in 1986, Panama in 1989, Haiti in 1986 and 1994, in conflicts that weren't identity-based. For the most part, the agent was the United States, but it operated with the UK in Iraq; France was the agent in Central African Republic and involved in Haiti; and Tanzania was the agent in Uganda. Some of these interventions were condemned by international opinion, sometimes more for the principle than for the particular instances. The African interventions were roundly criticized by the Organisation of African Unity, but the results were greeted with relief and member states were content to allow France and Tanzania to produce them. See Zartman, *Cowardly Lions*.

These various means are tools that can be used, alone or in combination, to defuse a crisis in formation or in escalation. They carry no guarantees and their success depends on skillful diplomacy and persuasion, and on collective support for the state or party chosen to bell the cat. They all need to be backed by a threat alternative as much as possible; nothing looks attractive to a party or parties bent on identity conflict unless it is coupled with worse alternatives in the absence of compliance. As UN Secretary-General Kofi Annan said when returning from a successful mediation with Saddam Hussein, "You can do a lot with diplomacy, but of course you can do a lot more with diplomacy backed by firmness and force."[58]

Late (and Earliest) Postcrisis Prevention— Lest It Happen Again

It may seem odd to talk of prevention after conflict, but to do so recognizes the need both to close the current conflict and to prevent it from recurring. In the same way, Boutros Ghali spoke of peacebuilding as both healing and preventing. Additional measures used beyond those discussed above include monitoring and reconstruction, and reconciliation and remediation, once violence has been brought under control.

MONITORING AND RECONSTRUCTION

Monitoring and reconstruction constitute crucial and neglected links between successful pre-crisis prevention and "normal politics." The natural human tendency is to declare victory, with self-congratulation, and to go on to other conflicts, leaving the previous conflict to disappear or resume on its own. Preventive intervention requires an intense surge of effort and finance; each success piles up further responsibilities to sustain a high level of attention, political and economic. Without continued attention, these efforts to end conflict would inevitably collapse; they need sustained international attention paid to implementation over a substantial period of time, since the conflict-torn societies are too weak and chaotic to bear the burdens of orientation and reconstruction. For

these reasons, preventive agreements need to contain not only scheduled implementation commitments but also scheduled monitoring commitments from third parties—states, international organizations, and/or NGOs. Monitoring requires sufficient numbers of observers with appropriate mandates and rules of engagement, operating on sufficient budgets, with continuing diplomatic and civilian attention to the problems of carrying out the initial agreement. It also requires coordination among the monitors—who also needed coordination when adopting earlier preventive measures—so that duplication, competition, and undercutting do not appear as corollaries of monitoring.

The Angolan civil war, which had ideological and ethnic-identity dimensions, outlived its Bicesse settlement in 1991 in part because UN monitoring was carried out on a shoestring, as UN Special Representative of the Secretary-General (SRSG) Margaret Anstee complained. The 1994 peace agreement in Mozambique lasted in part because of the large sums of money provided to RENAMO for holding its word and to its soldiers for demobilization, disarmament, reinsertion, and reintegration. The monitoring of the 1999 *Lusaka Agreement* by the UN Mission to the Democratic Republic of Congo (MONUC) was deficient on every count— mandate, rules of engagement, money, troops; whereas, after a series of inadequate ECOWAS and UN monitoring forces in Sierra Leone, the UN Armed Mission in Sierra Leone (UNAMSIL) got a shot in the arm from a British intervention and economic and technical assistance from the international community. Haiti provides both negative and positive examples: UN intervention (*Mission Civile Internationale en Haïti*, MICIVIH) after the 1991 coup against Jean-Bertrand Aristide and then US-led intervention upon his restoration in 1994 were followed by the diminution and withdrawal of external support by the end of the decade, whereas the restoration of a democratic regime in 2000 was followed by the reinstallation of civilian and economic commitments to continue support for the new regime for an extended period of time.

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58 Barbara Crossette, "A Testy Hussein Deputy and a Candid UN Chief Fence with the Press," *New York Times*, February 24, 1998.

RECONCILIATION AND REMEDIATION

Reconciliation and remediation are necessary to prevent further identity conflicts. Both are long-term processes that need to be mentioned, lest it be thought that identity conflicts are isolated incidents with neither antecedents nor consequences, neither causes nor impacts. Interdependent projects and relations need to be renewed and overarching identities and loyalties need to be nurtured to contain the identities in conflict. Atonement and forgiveness are key elements in burying the conflict, and they require specific gestures, not simply passive page turning. Wounds untreated fester rather than become scars; since scars never disappear, they cannot be ignored and they need gentle treatment.

Efforts at reconciliation must come from within the society, but they can be encouraged from the outside, notably by NGOs rather than external official actions. Truth and reconciliation commissions (TRCs) are an appropriate institution in many cases; internal and external NGOs can also hold sessions conducive to reconciliation. Joint learning experiences for youth, either within integrated educational institutions or in special programs abroad, can also be helpful, but they must be accompanied by organized follow-up exercises. The key to effective reconciliation is a common project that engages the formerly conflicting parties in cooperative efforts, creates interdependence, and focuses their attention on a common goal of joint benefit. Governmental programs carefully designed to help formerly conflicting parties to learn to work together are also useful. If any of these projects is crudely or prematurely carried out, the result could revive and exacerbate conflict, so care and monitoring need to be exercised.

But reconciliation cannot be a solely procedural exercise; it must have content. As noted, identity conflicts, like any other, have some sort of reality behind the demonizing perceptions. Targeted parties have real grievances, a discriminatory aspect to the deprivations they suffer, but targeting parties are scapegoating or reacting to some underlying problem. Full reconciliation means removing the grievances felt on both sides and remedying underlying problems. Frequently these are found in the societal inequalities and structural causes of conflict, returning the cycle of prevention to the beginning.

Fatigue over conflict and focus on the common project of national construction, carefully guided by national leadership, provided the basis for much reconciliation, even if imperfect, in South Africa, Rwanda, and Liberia in the 2000s and of course France and Germany in the 1950s and 1960s. Local self-government and increased national attention to development have provided the context for reconciliation and remediation in Alto Adige (Süd Tyrol) in Italy, Casamance in Senegal, Bougainville, Cabinda in Angola, and even Euskadi in Spain. In a number of salient cases, identity-based violence has ended—in some cases for a long time—remaining frozen without any progress in reconciliation, as in Cyprus, Northern Ireland, Ethiopia-Eritrea, Nagorno-Karabakh, and Burundi. Such instances of conflict management inherently contain a promise for conflict resolution that must be implemented if the parties are to avoid falling back into conflict again; frozen conflicts do not naturally sublimate into the air, but can explode with deep violence, calling attention to their suspended state and the parties' unmet expectations.

Conclusion

International regimes have provided a growing set of regulations, rules, norms, principles, and expectations that has played an important, if indeterminate, role in the early prevention of identity conflicts that could lead to genocide. These standards serve as guidelines both for state governments seeking guidance in conflict and for external agents—other states, organizations, and NGOs—working to keep states healthy. But, as safety nets, they have holes, since actors at times become preoccupied with interests, definitions, and procedures in the place of a timely and substantive response. "Early-late" or pre-crisis prevention through diplomatic and even physical intervention provides specific means of forestalling conflict escalation before it becomes genocidal. These means have not been used with as much success or as early as they could have been, and have been invoked more often after the fact—as "late-late" methods—rather than before. This fact is eloquent expression of the need for more awareness of and sustained action to prevent identity conflict. Postconflict preventive measures demand long-term attention from the international community, supportive of positive efforts to move ahead and

overcome past injury and neglect.

Between the first two types of response lies a large and diffuse band of opportunities to help states overcome debilitating policy failures and decisions before they accumulate to open the path toward violent conflict and genocide. Preventive measures in these areas are addressed to particular social or economic issues or to institutional problems of policymaking, and have found some use. This larger gap needs to be filled if identity conflict—the scourge of our times—is not to become a more frequent feature of the world scene. It is a gap occupied by negligent policies and obstinate strategies that provoke identity conflict, but that are far enough from peace-disturbing situations and gross human rights violations to elude justifications for persistent external intervention.

Similarly, the area where the circle of prevention closes, between postconflict reconciliation and remediation and preconflict elimination of potential causes and perceptions, is filled with the need for conscious efforts by governments to use the spirit and practices of "normal politics." Such a system of government, ideal in concept whatever its particular local form, provides the best conditions for fairness for the population for which the governors are responsible. The international community has a right to monitor and a responsibility to scrutinize and support such efforts.

NOTES

NOTES

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