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THE NEW INTERVENTIONISM

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ABSTRACT: This paper focuses on the boundaries of political sovereignty, one key aspect of global political justice and an important background condition to the issues of global economic justice treated in the other papers of this volume. I first present an interpretive summary of the traditional arguments against and for intervention, stressing, to a greater extent than is usual, the consequentialist character of the ethics of intervention. It makes a difference whether we think that an intervention will do more good than harm, and some of the factors that determine the outcome are matters of strategy and institutional choice. I then explore the significance of a key factor that makes for much of what is new in the new interventionism: the role of multilateral and particularly U.N. authorization and implementation. I argue that the more salient role of the United Nations should lead us to a more expansive tolerance of international intervention and that global standards of justice, both political and economic, can therefore be more widely enforced against claims to national autonomy.

Keywords: intervention, J. S. Mill, United Nations, peacemaking, peacekeeping, peacebuilding, peace enforcement.

The forcible separation of Kosovo from Serbia de facto and East Timor from Indonesia de jure are the latest of the new interventions, but in recent years they were preceded by armed interventions to protect Kurds and rescue the Somali people from starvation, the ouster by invasion of a military coup in Haiti, and a series of heavily induced mediations that brought to an end civil wars in Cambodia, El Salvador, Croatia, and Bosnia. Interventions once aroused the condemnation of international moralists. Now failures to intervene or to intervene adequately in places such as Rwanda or Sierra Leone do (see, e.g., Walzer 1977 and 1995).

This volume focuses on global economic justice. But global political justice, including the rights and wrongs of intervention, and global economic justice are intimately linked by how the international community interprets and enforces sovereignty. First, as Thomas Pogge notes in his paper, "Our global order is disadvantageous to the global poor by sustaining oppression and corruption, and hence poverty, in the developing world" (2001). Current sovereignty rules allow governments legal legitimacy without sufficient discrimination between just and unjust regimes.

Any recognized government, even repressive ones, can sell domestic assets and have access to the World Bank, International Monetary Fund (IMF), and other sources of international borrowing that the countries' populations then become bound to repay, irrespective of how wise or unwise, corrupt or honest, the policy choices were. Second, international political institutions allocate scarce goods at the international level, as do the World Bank, the IMF, and the World Trade Organization (WTO), and the rules that govern their decisions are generally not politically fair or neutral.[1] Third, some forms of economic deprivation reach to the level of life-taking in a way so direct that they constitute political oppression as well.[2] Systematic starvation targeted against specific social groups constitutes genocide. Governments that direct such crimes are as guilty as those who turn their guns on their own people, and governments so weak that they cannot prevent starvation have a consequent duty to accept and assist international assistance. But, fourth, sovereignty rules also protect governments in the developing world from many of the traditional forms of exploitative imperialism that were practiced in the nineteenth century. And, fifth, while global economic justice may require the wealthy states to assist the poor and require the poor states to distribute their national income in a fair manner, global political justice stands aside, treating states that meet minimum protection conditions for their own populations as sovereign. Traditionally these legal and ethical barriers to infringement on sovereignty have been high, designed to protect national autonomy from external interference.

This paper focuses on the boundaries of political sovereignty, one key aspect of global political justice and an important background condition to the issues treated in the other papers of this volume. I first present an interpretive summary of the traditional arguments against and for intervention, stressing, to a greater extent than is usual, the consequentialist character of the ethics of intervention. It makes a difference whether we think that an intervention will do more good than harm, and some of the factors that determine the outcome are matters of strategy and institutional choice. I then explore the significance of a key factor that makes for much of what is new in the new interventionism: the role of multilateral and particularly U.N. authorization and implementation. Should the more salient role of the United Nations lead us to a more expansive tolerance of international intervention? Should global standards of justice, political and economic, therefore be more widely enforced against claims to national autonomy?

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[1] These issues are discussed in this volume by Andrew Hurrell (2001) and, in passing, by others.

[2] Related points to these are raised in Véronique Zanetti's paper (2001) and Onora O'Neill (1986).

Principles of Nonintervention and Intervention

Principles of nonintervention and intervention have been justified in various ways. In international law, "intervention" is dictatorial interference in the political independence and territorial integrity of a sovereign state. Although the principles underlying this prohibition never have been formally ratified as a single treaty according to a set of philosophical precepts, they nonetheless, throughout time, have been justified by scholars, by politicians, and by citizens who have sought to provide good reasons why one should abide by these conventional principles of classic international law and good reasons why one should, on some occasions, override them.[3]

Nonintervention has been a particularly important and occasionally disturbing principle for liberal political philosophers.[4] On the one hand, liberals have provided some of the very strongest reasons to abide by a strict form of the nonintervention doctrine. It was only with a security of national borders that liberals such as Immanuel Kant and John Stuart Mill thought that peoples could work out the capacity to govern themselves as free citizens. On the other hand, those very same principles of universal human dignity when applied in different contexts have provided justifications for overriding the principle of nonintervention.

John Stuart Mill developed the core of a modern understanding of human dignity and its implications for hard political choices. He saw human beings as being fundamentally equal, sentient beings capable of experiencing pleasure and pain. Our natural sympathy should thus lead us to choose acts and rules that maximize the greatest pleasure and minimize pain for the greatest number. But, as an important feature of the proper understanding of long-run utility, he wanted to ensure that utility maximization included both the freedom to lead unrestricted lives that did not harm others and the realization that not all pleasures and pains were equal. Some were higher, some lower; some expressed human creativity, others did not: poetry was better than pushpin (a nineteenth-century version of "gameboy").

Politically, two principles followed from his application of utilitarian ethics. The first was maximum equal liberty, allowing each adult to develop his or her own potentiality on the view that each individual was

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[3] Insightful studies of the historical context on the doctrine of nonintervention are Vincent (1974) and Graham (1987).

[4] Although liberal principles of human rights and support for democratic institutions provide the most clearly articulated principles of intervention and nonintervention, other schools of international ethics have addressed the issue. In many respects the principles of nonintervention can be seen as a code or summary of the sort of principles that a cautious realist would most want to have govern the international system. But with frequent justifications for preventive war, principles of nonintervention seem to have a thin foundation in realist ethics, which finds them valuable only to the extent they are useful from a national point of view.

the best judge of what was and was not in his or her interest, so long, however, as no one interfered with the equal liberty of others. The second was representative government. To maximize the utility value of collective decisions it would be best to give decisive weight to the preferences of the majority, as represented by knowledgeable politicians.

Internationally, one might think that these principles would give rise to a commitment to an international version of the U.S. Constitution's "Guarantee Clause" (Art. 4, sec. 4), in which each state is guaranteed (required to have) a republican form of government, and the Fourteenth Amendment, in which all states are required to provide equal protection of the laws to all citizens. But for Mill this was not so. Instead, he argues against that kind of a global guarantee, drawing thereby an important line between domestic and international justice.

Nonintervention
Arguments against intervention have taken the form of both direct principles and indirect, or procedural, considerations. Like many liberals, Mill dismissed without much attention realist arguments in favor of intervention to promote national security, prestige, or profits. However prevalent those motives have been in history, they lack moral significance, as for that matter would justifications associated with intervening to promote an idea or ideology.

First, the most important *direct* consideration for the liberals was that nonintervention reflected and protected human dignity (or rights, though Mill disliked the word). Nonintervention could enable citizens to determine their own way of life without outside interference. If democratic rights and liberal freedoms were to mean something, they had to be worked out among those who shared them and were making them through their own participation. Kant's "Perpetual Peace" (1970, written in 1795) had earlier made a strong case for respecting the right of nonintervention because it afforded a polity the necessary territorial space and political independence in which free and equal citizens could work out what their own way of life would be.[5] For Mill, intervention undermined the authenticity of domestic struggles for liberty. A free government achieved by means of intervention would not be authentic or self-determining but determined by others and not one that local citizens had themselves defined through their own actions. (Good governance was more like poetry than pushpin.)

John Stuart Mill provided a second powerful direct argument for nonintervention, one focusing on likely consequences, when he explained in his famous 1859 essay on nonintervention that it would be a great mistake to

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[5] See Immanuel Kant, "Perpetual Peace" (1970), particularly the preliminary articles of a perpetual peace in which he spells out the rights of nonintervention that he hopes will hold among all states even in the state of war. These rights take on an absolute character within the pacific union of republican states.

export freedom to a foreign people that was not in a position to win it on its own (Mill 1973). A people given freedom by a foreign intervention would not, he argued, be able to hold on to it. It is only by winning and holding on to freedom through local effort that one acquired a true sense of its value. Moreover, it was only by winning freedom that one acquired the political capacities to defend it adequately against threats both at home and abroad. The struggle mobilized citizens into what could become a national army and mobilized as well a capacity and willingness to tax themselves for public purposes.

If, however, a liberal government were to be introduced into a foreign society, in the "knapsack," so to speak, of a conquering liberal army, the local liberals placed in power would find themselves immediately in a difficult situation. Not having been able to win political power on their own, they would have few domestic supporters and many nonliberal domestic enemies. One of three different things would then occur:

1. The liberals would begin to rule as did previous governments, that is, to repress their opposition. The intervention would have done no good; it simply would have created another oppressive government.
2. The society would simply collapse in an ensuing civil war. Intervention, therefore, would have produced not freedom and progress, but a civil war with all its attendant violence.
3. The intervenors would continually have to send in foreign support. Rather than having set up a free government, one that reflected the participation of the citizens of the state, the intervention would have set up a puppet government, one that reflected the will and interests of the intervening, the truly sovereign state.[6]

A third argument against intervention was difficulties of transparency. Historically, it has proven difficult to identify authentic "freedom fighters." Particular national regimes of liberty and oppression are difficult for foreigners to "unpack," reflecting, sometimes, complicated historical compromises and contracts of a Burkean sort among the dead, the living, and the yet to be born. Michael Walzer, as did Mill, acknowledges that sovereignty and nonintervention ultimately depend upon consent. If the people welcome an intervention or refuse to resist, something less than aggression has occurred (Walzer 1985, 221 n. 7). But we cannot make those judgments reliably in advance. We should assume, he suggests, that foreigners will be resisted, that nationals will protect their state from foreign aggression. For even if the state is not just, it is their state, not ours. We have no standing to decide what their state should be. We do not happen to be engaged full time, as they are, in the national historical project of creating it. All the injustices, therefore, which do justify a

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[6] A good discussion of consequentialist issues can be found in Ellis (1992).

domestic revolution do not always justify a foreign intervention. Follow-
ing Mill, Walzer says that domestic revolutions need to be left to domestic
citizens. Foreign interventions to achieve a domestic revolution are likely
over the long run to be ineffective and cause more harm than they elimi-
nate. It is for these reasons that we should want to respect locally negoti-
ated amnesties even when perpetrators of crimes are known, as in South
Africa or El Salvador. The amnesty can represent the price of peace or the
difficulty of finding local clean hands.

Fourth, the necessary "dirty hands" of violent means often become
"dangerous hands" in international interventions. International history is
rife with interventions justified by high-sounding principles – ending the
slave trade or suttee or introducing law and order and civilized behavior –
turning into self-serving, imperialist "rescues" in which the intervenor
stays to profit and control. Requiring that the intervenor be impartial, look-
ing for something more than a unilateral decision, and respecting the
multilateral processes of international law are thus important procedural
considerations in weighing the justice of an intervention.

Fifth, interventions can violate the principles of proportionality and last
resort. Villages should not be destroyed in order to be saved and negotia-
tions should be tried before dictatorial means are adopted.

Indirect reasons for nonintervention, those bearing on other valued
ends, have also been important constraints. Interventions foster militarism
and expend resources needed for other national and international goals.
But key among the indirect considerations are the rules of international law
among sovereign civilized states which prohibit intervention and embody
the value of coordination and consensual legitimacy. Rules, any rules, have
a value in themselves by helping to avoid unintended clashes and their
consequences to human life. They serve as focal points for coordination –
rules of the road, such as "drive on the right." Without some rule, unsought
strife would ensue. International laws, moreover, were painstakingly
achieved by compromises among diverse moralities. The mere process of
achieving consent made them legitimate. They were agreed upon and
pacta sunt servanda (Nardin 1983; Franck 1995).

Intervention

Liberal arguments supporting intervention fall into various camps. Some
liberals, strong cosmopolitans, hold that the rights of cosmopolitan free-
dom are valuable everywhere for all people. Any violation of them should
be resisted whenever and wherever it occurs, provided that we can do so
proportionally – without causing more harm than we seek to avoid (Arkes
1986, chaps. 11–13; Luban 1980).[7] But others take more seriously the full
range of Kantian and Millian grounds for nonintervention and think that

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[7] Transformed in a political and expediential way, these views relate to those adopted by
the Reagan administration in its defense of global "freedom fighters." See a valuable discus-
sion of this by Charles Beitz (1988).

they must be respected or addressed. Some give reasons to override the nonintervention principle; others, to disregard the principle. In the first, the principles in favor of nonintervention still hold, but other considerations seem more important. In the second, the principles do not apply to the particular case.

In "A Few Words on Nonintervention" J. S. Mill argued that there were three good reasons to *override* what should be the usual prohibition against intervention. In these arguments the considerations against intervention are present, but other more important values trump them. Although interventions usually do more harm than good, Mill noted three, now unusual exceptions.

In a system-wide, internationalized civil war such as that waged between Protestantism and Catholicism in the sixteenth century, or liberalism and despotism in Mill's own time, nonintervention can neglect vital transnational sources of national security. If all of each group truly aligns with its fellows overseas irrespective of interstate borders, and if others are intervening in support of their faction, then not intervening in support of yours is dangerous. While this argument is logical on its face, its historical accuracy is questionable. Even in the polarizing religious wars of the sixteenth and seventeenth centuries, Elizabeth the Great's best admiral was a Catholic, and France, under Cardinal Richelieu, wisely aligned with the Protestant principalities that would support her.

Second, following a just war, the victor, rather than halting his armed forces at the restored border, can intervene to remove a "perpetual" or a standing "menace" to peace, whether a person or a regime. Mill's reference was sending Napoleon to Elba (and then, as if to prove the point, further away, to St. Helena). Reconstruction in the U.S. South drew inspiration from these considerations. In our time, the reference is de-Nazification in Germany following World War Two and the breaking up of the *zaibatsu* in Japan. Some hoped that drawing Saddam Hussein's chemical, biological, and nuclear fangs would have a similar effect.

Most pertinently for today's debates on intervention, Mill argues that some civil wars become so protracted and so seemingly irresolvable by local struggle that a common sense of humanity and sympathy for the suffering of the noncombatant population calls for an outside intervention to halt the fighting in order to see if some negotiated solution might be achieved under the aegis of foreign arms. Mill here cites the at least partial success of outsiders in calling a halt to and helping settle the protracted mid-century Portuguese civil war and the Greek-Turkish conflict. Outsiders can call for separation or reconciliation in these circumstances. Greece was thus separated from Turkey and Belgium from Holland in 1830 following the forceful mediation of two liberal statesmen, Palmerston and Guizot. Later, impartial mediation imposed power-sharing reconciliation on Portugal in the 1850s, which produced two generations of peace among the contesting factions under the rule of King Pedro.

There are other injustices that justify us in *disregarding* the prohibition against intervention, for sometimes the national self-determination that nonintervention is designed to protect and the harms that nonintervention tries to avoid are so clearly undermined by the domestic oppression and suffering that borders permit that nonintervention is not relevant. In these circumstances, the local government in effect loses its claim to singular national authenticity. Together with, and building on, John Stuart Mill's classic essay, Michael Walzer offers us three cases where an intervention serves the underlying purposes that nonintervention was designed to uphold (Walzer 1977, 106–8, 339–42).

The first is when too many nations contest one piece of territory. When an imperial government opposes the independence of a subordinate nation or when there are two distinct peoples, one attempting to crush the other, then national self-determination cannot be a reason to shun intervention. What is missing is the "one" nation. Here foreigners can intervene to help the liberation of the oppressed people, once that people has demonstrated through its own "arduous struggle" that it truly is another nation. Then decolonization is the principle that should rule, allowing a people to form its own destiny. One model of this might be the American Revolution against Britain; another in Mill's time was the 1848–1849 Hungarian rebellion against Austria; and in our time the many anticolonial movements in Africa and Asia that quickly won recognition and, in a few cases, support from the international community.

The second instance in which the principle against intervention should be disregarded is counterintervention in a civil war. A civil war should be left to the combatants. When conflicting factions of one people are struggling to define what sort of society and government should rule, only that struggle should decide the outcomes – not foreigners. But when an external power intervenes on behalf of one of the participants in a civil war, then another foreign power can counterintervene to balance the first intervention. This second intervention serves the purposes of self-determination, which the first intervention sought to undermine. Even if, Mill argued, the Hungarian rebellion were not clearly a national rebellion against "a foreign yoke," it was clearly the case that Russia should not have intervened to assist Austria in its suppression. By doing so, St. Petersburg gave others a right to counterintervene.

Third, one can intervene for humanitarian purposes – to halt what appears to be a gross violation of the rights to survival of a population. When we see a pattern of massacres, the development of a campaign of genocide, the institutionalization of slavery – violations that are so horrendous that in the classical phrase they "shock the conscience of mankind" – one has good ground to question whether there is any national connection between the population and the state that is so brutally oppressing it. Under those circumstances, outsiders can intervene. But the intervenor should have a morally defensible motive and share the purpose of ending the

slaughter and establishing a self-determining people. (Self-serving inter-
ventions promote imperialism.) Furthermore, intervenors should act only
as a "last resort," after exploring peaceful resolution. They should then act
only when it is clear that they will save more lives than the intervention
itself will almost inevitably wind up costing, and even then with minimum
necessary force. It makes no moral sense to rescue a village and start World
War Three or destroy a village in order to save it. Thus, even though one
often finds humanitarian intervention abused, Michael Walzer has
suggested that a reasonable case can be made that the Indian invasion of
East Pakistan in 1971, designed to save the people of what became
Bangladesh from the massacre that was being inflicted upon them by their
own government (headquartered in West Pakistan), is a case of legitimate
humanitarian intervention. It allowed the people of East Pakistan to
survive and form their own state.

Today, Mill's most controversial case would be benign colonialism. His
principles of nonintervention only hold among "civilized" nations. "Uncivi-
lized" peoples, among whom Mill dumps most of Africa, Asia, and Latin
America, are not fit for the principle of nonintervention. Like Oude (in
India), they suffer four debilitating infirmities – despotism, anarchy, amoral
presentism, and familism – that make them incapable of self-determination.
The people are imposed upon by a "despot . . . so oppressive and extortion-
ate as to devastate the country." Despotism long endured has produced "such
a state of nerveless imbecility that everyone subject to their will, who had not
the means of defending himself by his own armed followers, was the prey of
anybody who had a band of ruffians in his pay." The people, as a result, dete-
riorate into amoral relations in which the present overwhelms the future and
no contracts can be relied upon. Moral duties extend no further than the
family; national or civic identity is altogether absent.

In these circumstances the best that can happen for the population is a
benign colonialism. Normal relations cannot be maintained in such an
anarchic and lawless environment. The most a well-intentioned foreigner
owes these peoples is paternal education. For like children or lunatics, they
can benefit from nothing else.

It is important to note that Mill advocates neither exploitation nor racial-
ist domination. He applies the same reasoning to once primitive northern
Europeans who benefited from the imperial rule imposed by civilized
Romans. The duties of paternal care, moreover, are real, precluding
oppression and exploitation and requiring care and education designed to
one day fit the colonized people for independent national existence.
Nonetheless, the argument also rests on wild (wildly perverse?) readings
of the history and culture of Africa and Asia and Latin America. Anarchy
and despotic oppression did afflict many of the peoples in these regions,
but ancient cultures embodying deep senses of social obligation made
nonsense of presentism and familism.

Shorn of its cultural "Orientalism," Mill's argument for trusteeship

addresses one serious gap in our strategies of humanitarian assistance: the devastations that cannot be readily redressed by a quick intervention designed to liberate an oppressed people from the clutches of foreign oppression or a domestic despot. But how does one prevent benign trusteeship from becoming malign imperialism, particularly when one recalls the flowery words and humanitarian intentions that accompanied the conquerors of Africa? How far is it from the Anti-Slavery Campaign and the Aborigine Rights Protection Society to King Leopold's Congo and Joseph Conrad's "Heart of Darkness"?

The New Interventionism

Two developments in the 1990s have contributed to a new sense of when and how to intervene. The first is a revived role for international multilateral authorization, and the second is a new set of peacekeeping strategies that mix consent and coercion. The two are connected. The second would not be seen as legitimate or in fact be effective without genuine multilateral engagement; the new authorization for multilateral intervention would not be tolerated as legitimate unless it could be done less intrusively than direct intervention.

Multilateral Revival

In the early 1990s, with the end of the Cold War, the U.N. agenda for peace and security rapidly expanded. At the request of the U.N. Security Council Summit of January 1992, Secretary-General Boutros Boutros-Ghali prepared the conceptual foundations of an ambitious U.N. role in peace and security for both international and domestic disputes in his seminal report, *An Agenda for Peace* (1992).[8]

At the same time, the Security Council expanded the operational meaning of the U.N. Charter Article 2(7) authority to override domestic sovereignty when (Article 39) "threats to peace, breaches of the peace, acts of aggression" arose. The new interpretation of U.N. jurisdiction soon appeared to include a wide range of what were once seen as infringements of traditional sovereignty. Indeed, the phrase beginning "threats to peace" came to mean severe domestic violations of human rights, civil wars, humanitarian emergencies, and almost whatever a Security Council majority (absent a Permanent Member veto) said it was.[9]

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[8] Between 1987 and 1994, the Security Council quadrupled the number of resolutions it issued, tripled the peacekeeping operations it authorized, and increased from one to seven per year the number of economic sanctions it imposed. Military forces deployed in peacekeeping operations increased from fewer than 10,000 to more than 70,000. The annual peacekeeping budget accordingly skyrocketed from $230 million to $3.6 billion in the same period, thus reaching about three times the regular U.N. operating budget of $1.2 billion. See United Nations (1995, 4).

[9] For a discussion of the traditional Cold War interpretations of the phrase, see Goodrich, Hambro, and Simons (1969, 293–300).

These two developments had roots in the striking changes in the international system that emerged at the end of the Cold War. A new spirit of multilateral cooperation from the U.S.S.R., beginning with President Gorbachev's reforms and continuing under President Yeltsin's rule of Russia, met a new spirit of tolerance from the United States. Together the two former adversaries broke the forty-year gridlock in the U.N. Security Council. Post–Cold War cooperation meant that the Security Council was now functioning as the global guardian of peace and security. The Security Council had now become what it was supposed to have been since 1945 – the continuation, incorporated in the design of the U.N. Charter, of the World War Two Grand Alliance. At the same time, there also emerged an ideological community of democratic values that gave specific content to the cooperative initiatives of these years. The Vienna Conference on Human Rights (1993) and President Gorbachev's plea before the General Assembly for "Global Human Values" (A/43/PV72) signified that human rights were no longer merely a Western, but rather a global, principle of good governance (United Nations 1993).

The international legal prohibitions against intervention were more relevant than ever given the demands for national dignity made by the newly independent states of both the Third World and the former Second World. But the rules as to what constitutes intervention and what constitutes international protection of basic human rights shifted as well. Sovereignty was redefined to incorporate a global interest in human rights protection. A newly functioning United Nations, moreover, was seen to be a legitimate agent to decide when sovereignty was and was not violated.

The revival of the U.N. Security Council led to a reaffirmation after years of Cold War neglect of the U.N. Charter's Article 2(7) affirming nonintervention, except as mandated by the Security Council under Chapter VII. The United Nations then claimed a "cleaner hands" monopoly on legitimate intervention. Although the letter of the charter prohibited U.N. authorizations of force other than as a response to threats or breaches of "international" peace, the Genocide Convention and the record of condemnation of colonialism and apartheid opened an informally legitimate basis for involvement in domestic conflict. The Security Council's practice thus broadened the traditional reasons for intervention, including aspects of domestic political oppression short of massacre and human suffering associated with economic misfeasance – the so-called "failed states" and the *droit d'ingerence* (Damrosch 1993; Helman and Ratner 1992–93). Building on new interpretations advanced during the Cold War that made, for example, apartheid a matter for international sanction, the United Nations addressed the starvation of the Somali people when it became clear that its government was incapable of doing so. (In this case, however, the traditional criterion of "international" threats was also invoked – Somali refugees spreading across international borders – in order to justify forcible intervention under Chapter VII.) The Security

Council also demanded international humanitarian access to vulnerable populations, insisting, for example, that humanitarian assistance be allowed to reach the people affected in Yugoslavia and in Iraq.

Regions differed on the first dimension of operational sovereignty. The Association of Southeast Asian Nations (ASEAN) remained a bastion of strict sovereignty, and nonintervention is the norm. Although Cambodia's and Burma's acceptances into ASEAN were delayed by their human rights record and instability, they were both eventually accepted. The Organization of African Unity (OAU), on the other hand, has defined standards of (1990) "Good Governance" that included democracy and declared (3 July 1993) that internal disputes are matters of regional concern. And, more strikingly, the Organization of American States, or OAS (in Res. 1080 and in the "Santiago Commitment of 1991") has declared coups against democracy illegitimate and has adopted economic sanctions against coups in Haiti and Peru. The European Union makes democracy an element in the criteria it demands for consideration in membership.

It was also important that the "international community" had a newly legitimate means of expressing its collective will on an internationally impartial basis. The Security Council lays claim to being the equivalent of a "global jury" (Farer 1993) representing not merely the individual states of which it was composed but also a collective will and voice of the "international community." The Security Council included five permanent members (the United States, Russia, France, the United Kingdom, and the People's Republic of China) and ten nonpermanent members, always including members from Asia, Africa, and Latin America. Its authorization for an intervention required the affirmative vote of nine states, including no negative votes from the five permanent members and four positive votes from the smaller countries. Such a vote would have to represent all major ethnic groups and religions, large and small countries, capitalist and socialist economies, and democratic and nondemocratic polities. If the mandated operation is directed by the United Nations, and if troops and funding are required, many other troop-contributing states will be needed and they can say no in practice. The combination makes for a genuinely international impartial intervention – "cleaner hands."

Multidimensional Peace Operations
Increasingly, legitimate authorization would have little moral significance were it not able to take advantage of considerably better strategy. One important reason for rejecting intervention was that it did harm. It failed to support self-determination and it either caused or failed to correct devastation. New developments in multidimensional peacekeeping suggest that U.N. involvement has a better record, particularly when it mixes consent with coercion and exploits new strategies for enhancing consent and establishing a sustainable, self-determining peace.

The United Nations has not been successful in classical armed inter-
ventions authorized under Chapter VII of the U.N. Charter, as in Somalia
or as in parts of the UNPROFOR mandate in the former Yugoslavia. There
the United Nations, as have unilateral interventions when seizing sover-
eignty, met with resistance and either inflicted excess casualties (Somalia)
or failed to provide adequate protection (Bosnia). Elsewhere the record has
been much better. Taking a substantial step beyond "first generation" oper-
ations in which the United Nations monitored a truce (Cyprus), and keep-
ing a significant step short of the third generation "peace enforcing"
operations in which the United Nations used force to impose a peace
(Somalia), "second generation" *multidimensional operations* have been
based on consent of the parties. But the nature of and purposes for which
consent has been granted are qualitatively different from those of tradi-
tional peacekeeping. In these operations, the United Nations is typically
involved in implementing peace agreements that go to the roots of the
conflict, helping to build a long-term foundation for stable, legitimate
government. As Secretary-General Boutros-Ghali observed in *An Agenda
for Peace*, "peace-making and peace-keeping operations, to be truly
successful, must come to include comprehensive efforts to identify and
support structures which will tend to consolidate peace. . . . [T]hese may
include disarming the previously warring parties and the restoration of
order, the custody and possible destruction of weapons, repatriating
refugees, advisory and training support for security personnel, monitoring
elections, advancing efforts to protect human rights, reforming or strength-
ening governmental institutions and promoting formal and informal
processes of political participation" (1992, p. 32, para. 55).

UNTAC in Cambodia, for example, was based on the consent of the
parties, as expressed in the Paris Agreements, but it induced (that is, inter-
vened in) key aspects of that consent and moved beyond monitoring the
actions of the parties to the establishment of a Transitional Authority that
actually implemented directly crucial components of the mandate and
substituted for Cambodian sovereignty in key areas. Moreover, its scale
was vastly larger than all but the enforcement mandates and it found itself
operating without the continuous (in the case of the Khmer Rouge) or
complete (in the case of the other factions) cooperation of the factions.

The United Nations has a commendable record of success in second
generation, multidimensional peace operations as diverse as those in
Namibia (UNTAG), El Salvador (ONUSAL), Cambodia (UNTAC),[10]
Mozambique (ONUMOZ), and Eastern Slavonia, Croatia (UNTAES). The

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[10] Before the United Nations became involved, during the Cold War when action by the
Security Council was stymied by the lack of consensus among its five permanent members,
the international community allowed Cambodia to suffer an auto-genocide and El Salvador
a brutal civil war. Indeed the great powers were involved in supporting factions who
inflicted some of the worst aspects of the violence the two countries suffered. We should
keep this in mind when we consider the United Nations' difficulties in Somalia and Bosnia.

U.N. role in helping settle those conflicts has been fourfold. It served as a *peacemaker* facilitating a peace treaty among the parties; as a *peacekeeper* monitoring the cantonment and demobilization of military forces, resettling refugees, and supervising transitional civilian authorities; as a *peace-builder* monitoring and, in some cases, organizing the implementation of human rights, national democratic elections, and economic rehabilitation; and in the last resort and in a discrete, carefully constrained, and impartial manner as a *peace-enforcer.*

Though nonenforcing and consent-based, these operations are far from harmonious and noninterventionary. Consent is not a simple "bright line" demarcating the safe and acceptable from the dangerous and illegitimate. Each function has required an enhanced form of interventionist consent to authorize the United Nations to help make a peace in the contentious environment of civil strife.

Peacemaking. Achieving a peace treaty has often required heavy persuasion (again a form of intervention) by outside actors. In Cambodia, the U.S.S.R. and China are said to have let their respective clients in Phnom Penh and the Khmer Rouge know that ongoing levels of financial and military support would not be forthcoming if they resisted the terms of a peace treaty that their patrons found acceptable. Peace treaties may themselves depend on prior sanctions, threats of sanctions, or loss of aid, imposed by the international community.[11]

The construction of an agreed peace is more than worth the effort. The process of negotiation among the contending factions can discover the acceptable parameters of peace that are particular to the conflict. Going beyond an agreed truce or disarmament, a comprehensive peace treaty addresses grievances and establishes new institutions that test the true willingness of the parties to reconcile. Peace negotiations, furthermore, can mobilize the support of local factions and of the international community in support of implementing the peace. And a negotiated peace treaty can establish new entities committed to furthering peacekeeping and peace-building.[12]

In the 1990s, the United Nations developed a set of crucially important innovations that help manage the making of peace on a consensual basis. First among them is the diplomatic device that has come to be called the

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[11] The Governor's Island Accord, which produced the first (ineffective) settlement of the Haitian conflict, resulted from economic sanctions on arms and oil imposed by the United Nations and OAS on Haiti as a whole. Sanctions targeted on the perpetrators (the military elite and their supporters) might have been much more effective (and were later imposed in the summer of 1994). Restrictions on the overseas private bank accounts and air travel of the ruling elite would both have been more just and perhaps more effective than general economic sanctions whose impact was most severe on the most vulnerable and from which the elite may actually have benefited.

[12] For a wide-ranging collection of recent experience in U.N. and other peacemaking, see Crocker, Hampson, and Aall (1999).

"friends of the secretary-general." This brings together multinational lever-age for U.N. diplomacy to help make and manage peace. Composed of ad hoc, informal, multilateral diplomatic mechanisms that join together states in support of initiatives of the secretary-general, it legitimates with the stamp of U.N. approval and supervision the pressures interested states can bring to bear to further the purposes of peace and the United Nations.

Playing a crucial role in the secretary-general's peacemaking and preventive diplomacy functions, these groupings serve four key functions. First, the limited influence of the secretary-general can be leveraged, multiplied and complemented, by the "friends." The United Nations' scarce attention and even scarcer resources can be supplemented by the diplomacy, finances, and clout of powerful, interested actors. The second value is legitimization. The very act of constituting themselves as a group, with the formal support of the secretary-general, lends legitimacy to the diplomatic activities of interested states that they might not otherwise have.[13] It allows for constructive diplomacy when accusations of special and particular national interest could taint bilateral efforts. The third value is coordination. The friends mechanism provides transparency among the interested external parties, assuring them that they are all working for the same purposes, and when they are doing so, allowing them to pursue a division of labor that enhances their joint effort. It ensures that diplomats are not working at cross purposes because they regularly meet and inform each other of their activities and encourage each other to undertake special tasks. And fourth, the friends mechanism provides a politically balanced approach to the resolution of civil wars through negotiation. It often turns out that one particular "friend" can associate with one faction just as another associates with a second. In the Cambodian peace process, China back-stopped the Khmer Rouge, just as France did Prince Sihanouk and Russia (with Vietnam) did the State of Cambodia. The friends open more flexible channels of communication than a single U.N. mediator can provide. They also advise and guide the U.N. intermediaries in the peace-keeping and peacebuilding discussed below, although the process tends to work best when they support rather than move out in front of the United Nations.

Peacekeeping. Even consent-based peace agreements fall apart. In the circumstances of partisan violence and "failed states," agreements tend to be fluid. In the new civil conflicts, parties cannot force policy on their followers and often lack the capacity or will to maintain a difficult process of reconciliation leading to a reestablishment of national sovereignty (Roberts 1993; Durch 1993a; Berdal 1993; Weiss 1993; Hampson 1996).

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[13] For a good discussion of the United Nations', and especially the secretary-general's, potential strength as a diplomatic legitimater, see Picco (1994). The "friends" mechanism seems to answer many of the objections to U.N. mediation expressed by Touval (1994).

The United Nations thus developed a flexible political strategy to win and keep popular support and create (not just enjoy) the support of local forces of order. In a failed state, as was the case in a society subject to colonial rule, what is most often missing is modern organization. This was what colonial metropoles supplied, in their own self-interest, as they mobilized local resources to combat local opposition. Over the longer run, indigenous forces such as the political Zamindars and the King's Own African Rifles and other locally recruited military battalions (not metropolitan troops) were the forces that made imperial rule effective, that preserved a balance of local power in favor of metropolitan influence – and that kept it cheap. Drawing on the history of imperial institution building (while avoiding imperial exploitation and coercion), an effective and affordable strategy for U.N. peace operations faced a greater challenge. It needed to discover ways to generate *voluntary* cooperation from divided local political actors and mobilize existing local resources for *locally legitimate*, collective purposes.[14] And it had to do so *rapidly*.

Recent peacekeeping experience has suggested a second peacekeeping innovation: an ad hoc, semisovereign mechanism designed to address those new challenges by dynamically managing a peace process and mobilizing local cooperation. Examples of these ad hoc semisovereign mechanisms include the Supreme National Council (SNC) in Cambodia and the Commission on the Peace (COPAZ) in El Salvador.

It has often been remarked that Chapter VI presents the United Nations with too little authority and Chapter VII offers too much; and that Chapter VI is associated with too little use of force and Chapter VII with too much. The value of these ad hoc, semisovereign artificial bodies is that they provide a potentially powerful, political means of encouraging and influencing the shape of consent. Indeed, these semisovereign artificial bodies can help contain the erosion of consent and even manufacture it where it is missing. Created by a peace treaty, they permit the temporary consensus of the parties to be formally incorporated in an institution with regular consultation and even, as in the Cambodian Supreme National Council, a semiautonomous sovereign will. These mechanisms have proven crucial in a number of recent U.N. missions. They can represent the once warring parties and act in the name of a preponderance of the "nation" without the continuous or complete consent of all the factions. They can both build

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[14] It is interesting in this light to note that some key, early U.N. experts in peacekeeping were eminent decolonization experts, deeply familiar with the politics of colonial rule, as was Ralph Bunche from the U.N. Trusteeship Division. See Urquhart (1993, chapter 5) and, for a discussion of imperial strategy, Doyle (1986, chapter 12). But there are key differences. Empires were governed primarily in the interests of the metropole; U.N. peace operations explicitly promote the interests of the host country. And what made imperial strategy work was the possibility of coercive violence, the over-the-horizon gunboats that could be and often were offshore. That, for good and bad, is what the United Nations usually lacks, unless it calls in the enforcement capacity of the major powers. Rehabilitation assistance is sometimes an effective carrot, but not the equivalent of the Royal Navy.

political support and adjust – in a legitimate way, with the consent of the parties – the mandate in order to respond to unanticipated changes in local circumstances.

In Cambodia, the SNC, constructed by the Paris Peace Agreements, "enshrined" Cambodian sovereignty. The council, composed of the four factions and chaired by Prince Sihanouk, offered a chance for these parties to consult together on a regular basis and endorse the peace process. It also lent special authority to Prince Sihanouk, who was authorized to act if the SNC failed to achieve a consensus. Beyond that, it empowered the United Nations, represented by Special Representative Yasushi Akashi, to act in the interests of the peace process, if Sihanouk failed to do so. Artificially created, the SNC thus established a semisovereign legal personality designed to be responsive to the general interests of Cambodia (even when a complete consensus was lacking among all the factions) *and* to the authority of the U.N. special representative. Acting in the name of Cambodia – as a step in the implementation of the Paris Agreements – the SNC acceded to all the major human rights conventions (including the first and second Covenants on Human Rights) and it authorized the trade embargo against illegal exports of logs and gems. The SNC was the forum that endorsed the protracted and sensitive negotiations over the franchise. It legitimated the enforcement of certain elements of the peace, absent the unanimous consent of the parties and without the necessity of a contentious debate at the Security Council. It could have exercised greater authority, perhaps even designing an acceptable scheme for rehabilitation, if Prince Sihanouk or Mr. Akashi had been both willing and able to lead it in that direction.

COPAZ, in El Salvador, played a related, although much less authoritative, role in the Salvadoran peace process, serving as a forum for consultation among the Frabundo Marti National Liberation Front (FMLN), the government, and the other political parties. Designed to monitor and establish a forum for the participation of civilian society in the peace process, it was the only political institution that embodied the full scope of Salvadoran politics, the only institution that could legitimately speak for "El Salvador." That its role in the peace process proved to be minimal was unfortunate. And in Somalia, the "Transitional National Council" was designed to perform a similar function, but its failure to obtain support from the leading actors was perhaps the single most disturbing problem in the peacekeeping process, one that seriously eroded the attempt to create a peace.

Peacebuilding. Multidimensional, second generation peacekeeping pierces the shell of national autonomy by bringing international involvement to areas long thought to be the exclusive domain of domestic jurisdiction. If a peacekeeping operation is to leave behind a legitimate and independently viable political sovereign, it must help transform the political landscape by building a new basis for domestic peace.

Traditional strategies of conflict resolution, when successful, were designed to resolve a dispute between conflicting parties. Successful resolution could be measured by (1) the stated reconciliation of the parties; (2) the duration of the reconciliation; and (3) changes in the way parties behaved toward each other.[15] But successful contemporary peacebuilding does not merely change behavior; more importantly, it transforms identities and institutional context. More than reforming play in an old game, it changes the game.

This is the grand strategy General Sanderson invoked when he spoke of forging an alliance with the Cambodian people, bypassing the factions. Reginald Austin, electoral chief of UNTAC, probed the same issue when he asked what the "true objectives" of UNTAC are: "Is it a political operation seeking a solution to the immediate problem of an armed conflict by all means possible? Or does it have a wider objective: to implant democracy, change values and establish a new pattern of governance based on multi-partism and free and fair elections?" (Austin 1993).

UNTAC helped create new actors on the Cambodian political scene: the electors, a fledgling civil society, a free press, a continuing international and transnational presence. The Cambodian voters gave Prince Ranariddh institutional power, and the Khmer Rouge was transformed from an internationally recognized claimant on Cambodian sovereignty to a domestic guerrilla insurgency. The peacebuilding process, particularly the election, became the politically tolerable *substitute* for the inability of the factions to reconcile their conflicts.

The U.N. role, mandated by these complex agreements rather than Chapter VII, included monitoring, substituting for, renovating, and, in some cases, helping to build the basic structures of the state. The United Nations has been called in to demobilize and sometimes to restructure and reform once warring armies; to monitor or to organize national elections; to promote human rights; to supervise public security and help create a new civilian police force; to control civil administration in order to establish a transitional politically neutral environment; to begin the economic rehabilitation of devastated countries; and, as in the case of Cambodia, to address directly the values of the citizens, with a view to promoting democratic education.

The parties to these agreements, in effect, consent to limitation of their sovereignty for the life of the U.N.-sponsored peace process. They do so because they need the help of the international community to achieve peace. But acceptance of U.N. involvement in implementing these agreements is less straightforward than, for example, consenting to observance of a cease-fire. Even when genuine consent is achieved, it is impossible to provide for every contingency in complex peace accords. Problems of

[15] For a good account of traditional views of reconciliation, see A. B. Fetherston (1994, 11), discussing a paper by Marc Ross.

interpretation arise, unforeseen gaps in the accords materialize, and circumstances change. The original consent, as the Salvadoran peace process suggests, can become open-ended and, in part, a gesture of faith that later problems can be worked out on a consensual basis. In the process, the international community, represented by the United Nations, exercises a monitoring pressure to encourage progress on the reform of the judiciary, the expansion of the electoral rolls, and the operation of a free press.

But authentic and firm consent in the aftermath of severe civil strife, such as that which Cambodia endured, is rare. The first clear implication has been the consequent importance of risk-spreading multidimensionality. When successful, the United Nations has designed in as many routes to peace – institutional reform, elections, international monitoring, economic rehabilitation – as the parties would tolerate.

Second, the international negotiators of a peace treaty and the U.N. designers of a mandate attempted to design in bargaining advantages for the U.N. authority. Even seemingly extraneous bargaining chips become useful as the spirit of cooperation erodes under the pressure of misunderstandings and separating interests. The United Nations counted upon the financial needs of the Cambodian factions to ensure their cooperation and designed an extensive rehabilitation component to guarantee steady rewards for cooperative behavior.[16] But the Khmer Rouge's access to illicit trade (with the apparent connivance of elements of the Thai military along the western border) eliminated this bargaining chip. And the suspicion of the dominant faction's (SOC, the "State of Cambodia") rivals prevented a full implementation of rehabilitation in the 80 percent of the country it controlled.

Third, the architects of the U.N. operation therefore also designed into the mandate as much independent implementation as the parties will agree to in the peace treaty. In Cambodia, the electoral component and refugee repatriation succeeded simply because they did not depend on the steady and continuous positive support of the four factions. Each component had an independent sphere of authority and organizational capacity that allowed it to proceed against everything short of the active military opposition of the factions. Civil administrative control and the cantonment of the factions failed because they relied on the continuous direct and positive cooperation of each of the factions. Each of the factions, at one time or another, had reason to expect that the balance of advantages was tilting

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[16] This link was drawn explicitly by Deputy Secretary Lawrence Eagleburger at the Conference on the Reconstruction of Cambodia, on June 22, 1992, in Tokyo, where he proposed that assistance to Cambodia be "through the SNC – to areas controlled by those Cambodian parties cooperating with UNTAC in implementing the peace accords – and only to those parties which are so cooperating" (Press Release USUN-44-92, June 23, 1992). Disbursing the aid through the SNC, however, gave the Khmer Rouge a voice, as a member of the SNC, in the potential disbursement of the aid.

against itself, and so refused to cooperate. A significant source of the success of the election was Radio UNTAC's ability to speak directly to the potential Cambodian voters, bypassing the propaganda of the four factions and invoking a new Cambodian actor, the voting citizen. But voters are only powerful for the five minutes it takes them to vote, if there is not an institutional mechanism to transfer democratic authority to bureaucratic practice.

In these circumstances, the United Nations tried to create new institutions to assure that votes in U.N.-sponsored elections "counted" more. The United Nations sought to leave behind a larger institutional legacy, drawing, for example, upon the existing personnel of domestic factions, adding to them a portion of authentic independents, and training a new army, a new civil service, a new police force, and a new judiciary. These are the institutions that can be decisive in ensuring that the voices of the people, as represented by their elected representatives, shape the future.

Peace-enforcing. In this active process of consent-based intervention, the United Nations seeks to avoid the trade-offs between too much force and too little. The dangers of Chapter VII enforcement operations, whether in Somalia or Bosnia, leave many observers to think that it is extremely unlikely that troop-contributing countries will actually sign up for such operations. The risks are far more costly than the member states are willing to bear for humanitarian purposes. But when we look at Chapter VI operations, we see that consent by parties easily dissolves under the difficult processes of peace. U.N. operations in the midst of civil strife have often been rescued by the *discrete, impartial, but nonneutral use of force* by the United Nations, as were the operations in the Congo, when Katanga's secession was forcibly halted, and as was the operation in Namibia, when the Southwest Africa People's Organization's violation of the peace agreement was countered with the aid of South African forces.[17] But both nearly derailed the peace process by eroding local, regional, or global support. Given those options, the semisovereign artificial bodies offer the possibility of midcourse adjustments and "nationally" legitimated enforcement (should it be needed). It is important to stress that the U.N. use of force must have an impartial dimension. In Cambodia, for example, UNTAC – operating in full accord with the Paris Agreements – appealed to *all* the factions to protect the election.[18] The appeal was impartial and based upon the peace

[17] For an account of the episode, see Durch (1993b).
[18] The People's Republic of China did not want to see the Khmer Rouge destroyed; the U.S.S.R. did not want to destroy SOC; and France and the United States did not want to destroy FUNCINPEC (the royalist party). Each of the great powers is a permanent member of the Security Council and has veto on U.N. activity. Similar diversity applies with regard to the aims of troop-contributing countries. The gamble is as noted above: an impartial intervention will elicit enough support from international actors and from the parties that multilateral assistance will be sufficient to establish a peace, especially when supplemented by impartial use of force as described in the paragraphs above.

treaty to which all the parties had consented. (This is now called "strategic" as opposed to "tactical" consent in U.N. circles.) The result was distinctly not neutral among the parties as the armies (most effectively, SOC's army) that were cooperating with the peace plan pushed the Khmer Rouge back from the population centers. This subcontracted use of force permitted a safer vote with a larger – hence more legitimate – turnout in the last week of May 1993.[19] In 1996, in Eastern Slavonia, relying firmly on the consent of both President Milosevic and President Tudjman, UNTAES successfully exercised its "executive authority" and employed overwhelming coercive force against the paramilitary gangs controlling the Djeletovici oil fields. Ad hoc semisovereign entities systematize and artificially (but usefully) enhance the process of consent in the direction of the promotion of peace while avoiding the dangers associated with attempts to implement an externally forced peace.

Conclusions

U.N. peacemaking strategies will not eliminate the formidable practical challenges of making, keeping, and building peace in the midst of protracted civil wars. Some crises will not find their solution. Nor does Security Council authorization solve the moral dilemmas of when and why intervention should be allowed. The best line between national autonomy and international responsibility is subject to continuous moral and political adjustment. But today as the United Nations is under attack in the United States and elsewhere, we should not neglect its authentic peacemaking potential. Employing strategies of enhanced consent, the United Nations can play a constructive role in the forging of peace and reconstruction in those areas of the world in need of assistance. Recent practice, moreover, has established jurisdiction over economic injustices when strong states set out to deliberately starve their own populations or where very weak states fail to meet minimum standards of human sustenance. Decent poor states need only the material and technical assistance of the international community to improve the welfare of their populations and thereby promote global economic justice. The United Nations has developed the interventionary tools to deal with indecent oppressive states and weak incapable states. The experience of the 1990s shows that it can offer a better prospect of effectively intervening against the first (as in Bosnia [after 1995] and Kosovo and East Timor) and assisting the second with long-term peacebuilding (as in Mozambique and Cambodia).

Reliance on the United Nations can help us avoid the dangerous and

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[19] Conversation with Lt. Gen. John Sanderson (UNTAC Force Commander) at the Vienna Seminar, March 5, 1995. On May 28, 1993, I observed this in process around the small town of Stoung, which was surrounded by the Khmer Rouge. The Indonesian battalion established an inner perimeter around the town. The CPAF (SOC army) created an outer perimeter and trucked in voters from outlying villages.

often counterproductive effects of unilateral armed imposition and the equally dangerous effects of untrammeled national autonomy in the midst of gross abuses of human rights. Fortunately, in the right circumstances, the United Nations can be the legitimating broker in the making, keeping, and building of a stable peace that takes the first steps toward the opening of political space for human rights, participatory communal self-expression, and basic human welfare.

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