
Session I: Civilian Perspectives (1) Introductory Remarks

Dayton Maxwell

World Vision International
Washington, D.C. 20002, U.S.A.
e-mail: dayton_maxwell@wvi.org

Dayton Maxwell is Senior Advisor for Conflict Resolution and Complex Emergencies for the non-governmental organization World Vision International. In this role he has been working on developing a Reconciliation portfolio for World Vision, civil society and conflict prevention, and consulting extensively with the military community on improving NGO-military field operations toward achieving a sustainable peace. He retired from the U.S. Agency for International Development in 1995. His most recent position was AID Representative in Bosnia in 1994. He has also served in Laos, Chad and Niger since 1967, and was the Deputy Director of the Office of Foreign Disaster Assistance (OFDA) in 1990-93.

The escalation of the Kosovo crisis, the beginning of the bombing campaign and the stepped-up ethnic cleansing of Kosovars provided the setting for this conference. The introduction of the civilian-military interaction theme of the first session invited a prospective look at where this new crisis may take us. Each OOTW intervention has seemed different from the earlier experiences. This one, according to Robin Wright of the Los Angeles Times, can be "... Seen as a Global Watershed".¹ She says that "the crisis in Kosovo exposes some of the most profound issues facing the post-Cold War world. The outcome may well define the pattern of global politics, diplomacy and warfare over the next decade ..." Among the issues:

- Setting "a new standard for international intervention that extends beyond the U.N. Charter ... as well as beyond a principle sacrosanct for half a century: nonintervention in the domestic affairs of other states."
- Implementation of "terms of intervention" in new treaties such as the "Anti-Genocide Convention ... (which) declares genocide to be an international crime and obligates treaty signers to prevent and punish the crime."
- Challenging the convention that "a government is accountable for domestic policies only to its own people. By intervening, the world's mightiest military alliance is establishing the principle that a country is responsible to the broader region and even to the international community for its behavior at home."
- Raising the " 'huge implications if we support the Kosovars and they get independence ...,' said Brent Scowcroft ..."

¹ Robin Wright, "Kosovo Seen as Global Watershed", Los Angeles Times, March 28, 1999.

- Handling the results, i.e., “NATO may find it difficult in Kosovo to either get a decisive outcome or send a strong signal that aggression is unacceptable in the post-Cold War world ...”

The deployment of NATO forces to work with the United Nations *to manage Kosovo as a protectorate represents another step forward in intervention practice*. The international supervision of Brcko in Bosnia as part of the Dayton Accords is a precedent. The Haiti deployment to restore a democratically-elected government leader with significant institutional changes in the nature of the Haiti government was very close to an internationally-supervised intervention. It is tempting to conclude that with each succeeding engagement we are gradually closing in on determining how to create the sustainable peace which appears so elusive in the post-Cold War era. But it is more on-the-job training than a deliberate strategic planning process.

In Alex Morrison’s keynote paper, he asks whether indeed a new international security paradigm is being developed and how far beyond current UN mandates this might be taking us. He particularly inquires about the role of regional organizations like NATO (Chapter VIII in the UN Charter) in conducting Chapter VII actions. (He could easily have included the role of ECOMOG in West African interventions in Liberia, Sierra Leone and Guinea-Bissau.) Many questions are raised, with answers to come only some time in the future.

Dr. Prins also indicates that we are living through an exciting evolution of international law, and takes the UN mandate discussions another step. Very pertinent to the issue of how a “protectorate” is managed is Chapter XII of the UN Charter on “trusteeships,” and several related Articles in other parts of the Charter. The term “trusteeship” is studiously avoided in international political circles, given the undesirability in today’s world toward the sensitivities and responsibilities this requires. But realities are bringing into being “protectorate” status in “failed state” situations. Dr. Prins indicates that the Dayton Accords and the Kosovo intervention are defining moments in their impact on international law, probably indicative of more to come.

In the third session of this conference Gen. Kinzer, reflecting on his experiences in Haiti, picks up on Dr. Prins’s theme and reviews the issues of the military’s limitations. He indicated great frustration on the inability of the Haiti leadership to “take charge” of their governance responsibilities. This raised the question in the discussion period of whether a civilian equivalent of the military’s Chapter VI might be necessary², i.e., an assertive international civilian management structure which motivates in some manner (encourages, cajoles, and at times actually making decisions) the local leadership and civil service to perform their responsibilities. (The Office of the High Representative in Bosnia has evolved to do this.) Experiences to date seem to point in this direction, highlighting Dr. Prins’s points about new definitions of international law which are evolving.

Also helping to tie together all sessions of this conference is a point raised by Charles Hawkins in his final presentation. It is the Civil Affairs officers who have the responsibility

² In the UN Charter, Chapter VI is on peacekeeping, and Chapter VII is peace enforcement - intervention. The recent interventions have generally been more robust than Chapter VI, but less intrusive than Chapter VII, thus the popular term Chapter 6 has been frequently used.

of assisting the military work within the overall civil-military objectives during deployments. Is there a need, he postured, to rapidly expand a new concept within “theater engagement planning”³ to plan for peace rather than only plan for war? If so, the need for the Civil Affairs component of the military, already recognized as important in today’s peace operations, will increase even more. The discussion period resulted in the conclusion that this prospect is very welcome to the NGO community, which would delight in participating with the military in strategic planning to achieve sustainable peace.

Both Par Eriksson and Cedric de Coning focus on the civilian requirements for humanitarian interventions. Dr. Eriksson stresses the need to determine who the right host country authorities will be and bring them to the fore as opposed to the authorities which will be inclined to return to conflict to further their interests. Mr. de Coning indicates the need for a new paradigm, like Mr. Morrison, to address the wide variety of needs to establish a sustainable peace.

Further, Mr. de Coning emphasizes to the participants that Africa will be very different from Kosovo, where international intervention will not be the same. This reminder is especially poignant, given our tendency to focus on the most recent effort. Much more will certainly be heard on the international community neglect of Africa, which has greater tragedies than the Balkans. Conflict is rife across Africa, and increased attention can be expected on the need for some kind of more assertive intervention in these conflicts.

Still missing in our Cornwallis sessions is the presence of media representatives. It is the media which brings crises into living rooms and causes political responses. The media, just like all of us, is gaining greater sophistication in reporting OOTW events. It has recently produced a journalistic description of how conflicts violate international law in a manual-style publication, *Crimes of War: What the Public Should Know*.⁴ A comprehensive approach to OOTW will benefit by all of us knowing better this “exciting evolution of international law” (Dr. Prins) and its implications.

³ Theater Engagement Planning (TEP) is the process within U.S. military geographic commands to make contingency plans for military efforts. This is traditionally exclusively military action. Given the nature of the bulk of today’s conflicts (OOTW), discussions on how TEP needs to adjust are ongoing.

⁴ Roy Gutman and David Reiff, editors, *Crimes of War: What the Public Should Know*, W.W. Norton & Company, 1999. Organized in an encyclopedic manner, this book lists types of events, atrocities, legal issues, and countries to help the reader understand the international legal context of what is occurring.