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REVIVING PEACEBUILDING TOOLS RAVISHED BY TERRORISM, UNILATERALISM, AND WEAPONS OF MASS DESTRUCTION

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Abstract

Three recent developments threaten to undermine peace and weaken the tools of peacebuilding: (1) the danger of terrorist attacks similar to those of September 11, 2001; (2) the U.S. endorsement of pre-emptive war to maintain U.S. global dominance; and (3) the proliferation of weapons of mass destruction. Despite difficulties, the United Nations remains the most legitimate institution for developing a global grand strategy to address all these problems and respond to humanitarian emergencies. Those seeking to strengthen the tools of peace and the effectiveness of U.N. peace operations should: (1) encourage political leaders and civil societies to revive and respect international legal constraints on the use of collective violence by both states and non-state actors and (2) increase U.N. capabilities for peace operations, particularly by establishing a permanent, highly professional U.N. civilian police force to help address new security issues.

New Challenges for Peacebuilding Tools

Those seeking to perfect and apply the tools of peacebuilding as recommended by Chadwick Alger (1991; 1995; 1996; 1999; 2000; 2002) cannot avoid being alarmed by three recent developments that threaten to wreck already overextended tools. These developments include (1) new threats of mega-terrorism similar to the tragic events of September 11, 2001; (2) U.S. rejection of equitable implementation of international law and cooperative multilateralism by endorsing pre-emptive war and U.S. global military dominance, as expressed in the new *National Security Strategy of the United States* (Bush, 2002); and (3) the multiple threats posed by the proliferation of weapons of mass destruction. In the face of these daunting problems, what can exponents of peacebuilding tools do to strengthen international peace?

Although none of the preceding three problems is entirely new, each now presents unprecedented challenges for multilateral diplomacy, traditional international law, and the United Nations because the new challenges are politically more complex, militarily more volatile, less amenable to reasoned discourse, and likely to interact in ways that synergistically multiply destabilizing consequences. First of all, terrorism (defined here as the deliberate threat or use of violence for political, religious, or ideological purposes against innocent civilians by either states or non-state actors) and mega-terrorism

close friends that on this issue all countries can benefit from standing together.

Second, the U.N. Security Council is one of the best places to question and check the unwarranted use of violence by states and non-state actors, and to authorize guidelines for any state's use of force if it is ever to be employed in situations not strictly allowed under the present Charter. Third, to be effective, anti-proliferation policy must become truly universal, be housed primarily in the U.N. system, and address the grievances of those threatening to proliferate, whether the threat arises from the drive to develop weapons by people who have not possessed them or by officials in highly industrialized countries, like the United States, seeking to sophisticate their nuclear arsenal. As if the U.N. responsibility for addressing these three pressing security problems of grand strategy were not daunting enough, the U.N. must also attend to intrastate violence, such as threats of "ethnic cleansing," genocide, or crimes against humanity, not only for the intrinsic benefit of reducing killing and upholding human rights, but also to demonstrate some U.N. effectiveness in security maintenance.

If member countries want the United Nations to take its peacemaking duties seriously, they should work together to develop an integrated, global grand strategy that will simultaneously address (1) terrorism and its underlying causes, (2) other uses of force that are not limited to self-defense or are not authorized by the Security Council, and (3) the proliferation of weapons of mass destruction. The Security Council also needs to strengthen U.N. capabilities to respond to humanitarian emergencies and identity wars. However, because the United States now opposes most efforts to strengthen international arms control and U.N. capabilities for peacebuilding and maintaining peace, it is difficult for the United Nations to become more effective in addressing these three serious security problems. Nonetheless, as national governments attempt to provide security for their societies, most are likely to conclude eventually that they must attempt to develop authoritative guidelines, established by the Security Council, to address these security problems. This will pave the way for enabling the United Nations to take concrete steps in dampening intra-state violence with measures that could save lives by providing in-country security services that the United States and other major governments eventually might support. Such measures could increase security in war-torn societies while providing precedents that would help governments learn the unrealized promise in an expanded use of U.N. peace tools for addressing security questions, large as well as small.

In searching for a stronger lynchpin in U.N. machinery for enhancing human security, while also attracting enough support to make enhancements politically feasible, the expansion of the role of U.N. civilian police seems particularly promising.[2] For that reason, a primary purpose of this article is to state the case for such an initiative, highlighting not only how an expanded U.N. civilian police force might save thousands of lives in war-torn societies, but also how their more effective presence in world affairs could also contribute to addressing the larger issues of grand strategy mentioned above. These combined contributions, if weighed honestly, are likely to serve legitimate U.S. security interests as well as world peace, thereby opening the door for more constructive U.S. policies toward U.N. peacemaking contributions. Toward this end, several

observers have called for providing U.S. officials with more awareness of the potential advantages for the United States of expanded U.S. support for civilian police missions (Lewis, Marks, and Perito, 2002: 10).

The obvious need for and promise in a U.N. grand strategy suggests the central thesis of this article: those seeking to strengthen and employ the tools of peacebuilding in order to increase the prospects for world peace and the effectiveness of the United Nations in peace operations should (1) help educate and press political leaders and publics to clarify and respect international legal constraints on the use of collective violence by both states and non-state actors, and (2) increase U.N. capabilities for deploying U.N. civilian police in diverse contexts where human security is threatened by war, terrorism, or other collective violence. This analysis will proceed by discussing the need to re-establish clear, worldwide norms, applicable both to states and non-state actors, that war and other collective violence are simply unacceptable as political instruments except in carefully circumscribed and exceptional circumstances. Next, the analysis explores the need for enhanced U.N. peacekeeping capabilities, particularly for maintaining security within societies unable to provide it for themselves, when "ethnic cleansing," genocide, or other crimes against humanity are so threatening that they call for U.N. humanitarian intervention. The analysis then highlights the potential functions of a permanent U.N. civilian police force. The final section discusses the ways in which expanded U.N. police capabilities may contribute to addressing larger geo-strategic security problems as well.

Adjusting Constraints on the Justifiable Use of Force

In the opening years of the 21st century, we have been both stunned by terrorists' horrific violation of U.S. domestic life and shocked by the willingness of the United States to violate the international law that prohibits launching a military attack on another country. These two events undermine the old normative order and reduce its influence on human conduct in the future. The Bush administration and other observers (Bush, 2002; Donnelly, 2003; Glennon, 2003) argue that the advent of mega-terrorism, which was not anticipated in the U.N. Charter, justifies U.S. departure from traditional international law and custom. Yet, if the U.S. unilateral justification for the use of force is left unchallenged, other states and non-state actors may also claim the right to decide, unilaterally, to attack others whose policies they fear or deplore, at times and in ways of their choosing. The impact of any departure from traditional international law needs careful examination (Falk, 2003).

By initiating war against Iraq in 2002 in the absence of an Iraqi attack on the United States and without explicit Security Council authorization, the United States shattered the main normative achievement of the entire 20th century: to establish the law that war is not an acceptable instrument of international relations, *except* as an act of "self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures to maintain international peace and security"

(Article 51 of the U.N. Charter). Despite the Iraqi government's previous violations of laws against war crimes and crimes against humanity, and despite Iraq's impediments to U.N. arms inspectors, U.S. officials violated international rules and binding international custom that constrain the use of force when they initiated an attack on Iraq. Washington neither sought a legal indictment against the Iraqi government for crimes against humanity, as it might have done years earlier, nor waited to obtain Security Council authorization for enforcement action. Even when a country like Iraq does not follow a binding U.N. resolution, this failure does not entitle another *country* to go to war on its own initiative to enforce the resolution. That enforcement duty is for the Security Council to perform, and it was performing it with the presence of U.N. inspectors in Iraq. For Washington to initiate major military combat with the express purpose of removing a foreign government, without a convincing self-defense justification, established a landmark precedent that emasculates the code of international conduct designed to limit violence.

Although frequently called a pre-emptive war by Bush administration officials (*New York Times* editors, 2003), the U.S. attack did not, strictly speaking, qualify as pre-emptive, because no Iraqi attack on the United States was imminent, nor could a surprise attack have occurred as long as U.N. inspectors were in Iraq and free to move anywhere in their on-going search for prohibited missiles and weapons of mass destruction. If we label it accurately, the U.S. military attack was a preventive war, aimed at removing a ruthless government leader who aroused U.S. officials' fears. If such a war of prevention were launched by a country that we disliked, we would call the attack a "war of aggression." We would see it as objectively outside the bounds of legal conduct. The United States directly violated the rule that aggressive war is unacceptable, and explicitly cast the law aside in publicly announcing its new security strategy to threaten and attack those that it concluded, unilaterally, were threatening to it.

The new U.S. security strategy not only emphasizes preventive war as an instrument against terrorist threats. It also endorses the threat and use of U.S. military combat against any challenge to U.S. global dominance (Bush, 2002: 15, 29-31). In threatening any challenger to U.S. dominance, the new national security strategy can be understood to "form a neo-imperial vision in which the United States arrogates to itself the global role of setting standards, determining threats, using force, and meting out justice. It is a vision in which sovereignty becomes more absolute for America even as it becomes more conditional for countries that challenge Washington's standards of internal and external behavior" (Ikenberry, 2002: 44). The Bush administration has undertaken its project to maintain global dominance with a generally dismissive attitude toward the rights of other societies, toward a constructive role for the United Nations system, and toward international law that constrains the United States. Despite the absence of any geo-strategic military rival that might seem to justify U.S. unilateralism, the United States frequently rejects cooperative multilateral diplomacy and an expanded role for international law. The long list of multilateral initiatives that the United States has refused to join or has actively blocked confirms the Bush administration's "imperial ambition" (Ikenberry, 2002: 44).

The U.S. press, much of the legal community, and most politicians scandalously failed to call officials to account for ignoring these public laws that they were legally and morally obligated to obey or, at the least, to explain carefully why the country faces such exceptional circumstances as to make a strictly limited violation of these rules justifiable. As Leon Gordenker has noted, "the internalization of international norms in American political life is remarkably thin" (Gordenker, 2003: 283). Even the best newspapers did not bother to discuss the explicit constraints of the Charter on the use of force (Gordenker, 2003: 284), nor emphasize that the Bush administration's credibility to be acting legally would be in serious question without U.N. authorization. Instead, in their reporting and editorials they focused on a win-lose political contest between the Bush administration, on the one hand, and either Saddam Hussein or Germany, France, and Russia, on the other.

"How," asked Gordenker, "could the issue of whether or not a U.S. government was evading its own public law, based on its ratification of the U.N. Charter, simply escape wide notice?" (Gordenker, 2003: 285). Indeed, why have the content of international law and the governing role of international institutions not had more influence among policymakers and more visibility in public debate? What has made vital peace tools invisible at a time when one might reasonably assume they would gain visibility as the world becomes more interdependent?

Although space does not allow a detailed answer to these questions, it is clear that policymakers and the public have not been well educated about the utility of these instruments for enhancing national and global security. Educators have not sufficiently emphasized their importance, nor have journalists, clergy, or radio and TV commentators. Large campaign contributions shape political contests and the U.S. public's thinking on issues, and winning money does not give much emphasis to international legal integrity or to honing peace tools. For those who live in the world's largest military power, it is easy to value wielding a big stick more highly than using legal instruments and multilateral institutions, even if the latter contribute more to peace and security in the long run.

The U.S. failure to uphold the norms of peace strictly and its precedent in initiating an unauthorized attack against another country are likely to undermine U.S. security and international stability in the long run. As Ikenberry (2002: 44-60) has concluded, the Bush administration's commitment to maintain global dominance through "American unilateral and preemptive, even preventive, use of force" is likely to lead to an inadvertent undermining of U.S. security because of the opposition and hostility that this policy eventually will induce against the United States. U.S. citizens are likely to pay a high price, far more than the 87 billion dollars in the supplemental appropriation for war in Iraq in October 2003, for their leaders' ignoring the principle of reciprocity in international relations. One result of policies that others see as bullying is the justification of anti-American hostility by U.S. critics. In addition, other governments are tempted to pursue unsavory policies in the name of counter-terrorism, whether Russia in Chechnya, Israel in the West Bank, or elsewhere.

Moreover, after Washington has lowered the standard for acceptable violent conduct and acted dismissively toward other countries' rights, it will be difficult for U.S. officials to win the hearts and minds of allies who are disappointed with U.S. conduct or of those who live in a subculture of hostile feelings toward the United States and its friends. How will Washington convince them that acts of violence by others are inappropriate? Imagine how strongly U.S. citizens would react if a hostile group said they were entitled to attack the United States, claiming that the United States was a security threat to them because it possessed weapons of mass destruction, could launch an attack within minutes, had failed to implement certain U.N. resolutions, and had violated the U.N. Charter by launching an aggressive war. The U.S. precedent of 2002 has already opened the door, recklessly and unnecessarily, to the claims of those who might justify violence against the United States and other countries.

The international community needs to discourage other states and non-state actors from adopting the U.S. view that one country can decide, on its own, when to use force. The Security Council should consider the historical record that documents cases in which the United States has trained, armed, and encouraged terrorists, such as in fighting a Soviet sponsored government in Afghanistan in the 1980s (Cooley, 1999). The logic of the Bush administration, if now accepted by others, would legitimize attacks on the United States. If Article 51 is to be stretched, it should be stretched only very carefully, with precise limits set on justifiable use of force (Falk, 2003), not simply cast aside. For the United Nations to be effective, it must be widely seen as a law enforcing agency, rather than an endorser of dubious preventive wars.

To reduce future dangers from a loosening of international law, intense efforts should be made now to re-establish the norms of peace contained in Articles 2 (3), 2 (4), and 51 as the required default setting in international relations. If the United States pursues its own self-interest wisely, it should take pains to establish agreement with other states on this point, allowing exceptions, if at all, only in carefully specified situations. To strengthen desirable norms will require major educational efforts, far removed from, but relevant to, diplomacy, to ensure that knowledge about the tools of peace is "included in the curriculum not only of all of the social sciences, but also of education for business, medicine, engineering, the media, religion, and many kinds of government service, including local government" (Alger, 2000: 10). More effective educational efforts would make it likely that knowledge of the norms of peace would be sufficiently widespread to deter promiscuous violence and increase the prospects that many conflicts would never erupt in violence (Alger, 1995). Indeed, while deferring to local control of public schools, the Security Council should encourage every school in the world to include such education in order to help the Council carry out its solemn duty, given to it by all countries that have ratified the Charter, to maintain peace and security.

To be sure, the traditional rules constraining the use of force need to be revised to take account of post-modern threats, because non-state actors and the availability of weapons of mass destruction were not in the consciousness of drafters of the Charter. Yet, the central Charter norms and other international laws outlawing aggressive war (for states), and outlawing violence against civilians (for states and non-state actors), should

not be discarded. In addressing terrorists, what is most urgently required is not to loosen constraints on states' willingness to use military force unilaterally against them; it is to institutionalize reliable, worldwide cooperation, from local to global levels, on intelligence and police enforcement of strengthened international law against individual perpetrators and their supporters. To address the danger that some states' enthusiasm for using force unilaterally will license too much force, what is needed is to reduce the likelihood that acts of anticipatory self-defense or pre-emption will ever be needed, rather than to allow more freedom for unilateral action. To legalize pre-emptive and preventive wars could easily encourage them, as each of two adversaries' preparations for war might pose a threat to the other and then become a self-fulfilling prophecy.

To discredit terrorist actions most fully, it is imperative that states avoid the use of political violence in ways that might seem to place state conduct on the same abysmal moral level as that of the terrorists, thereby seeming to justify, in some people's minds, the terrorists' conduct as reciprocal action. Terrorists usually claim the right to use force without authorization by any legitimate international authority. Should states make the same claim, even if by well-intentioned and democratically elected officials? There are vast differences in legitimacy, of course, between terrorist leaders and national governmental leaders, but even so it is disconcerting to see both claim they may initiate the use of force at a time and place of their own choosing, without any authorization from legitimate international institutions.

To limit the political use of collective violence, the normative consensus on non-use of force should be re-established both as an end in itself, because war is morally reprehensible, and as an instrument of *realpolitik*, because war has relatively low utility even for the world's lone superpower. The pre-2002 norms against war, which the United States worked hard to establish, remain politically prudent, especially if non-war instruments to stop terrorism are actively enhanced. If Articles 2 (4) and 51 are to be stretched to allow state military action against imminent threats of mega-terrorist attacks, while still retaining the underlying Charter logic and constraints of the just war tradition that war must not be used except as a last resort and always subject to strict conditions for initiating and conducting it, then adherence to principles such as the following would be prudent:

1. Unless a threatened attack is so imminent (likely within several days) that it does not allow the convening of an emergency session of the Security Council, the use of military force outside the Charter's present confines should be allowed *only* after Security Council discussion of the emergency and after an appropriate resolution has been proposed but has been prevented from passage by a veto, thereby making Security Council action impossible. This stipulation would ensure that the Security Council would remain the agreed authority for authorizing military enforcement and that a resolution calling for enforcement action against the anticipated threat would be proposed and voted upon. It would also require that the resolution would obtain a sufficient majority of votes in favor to pass, except that one or more vetoes prevented passage, before military action outside the Charter's present limits would be considered justifiable by the international community.

enforce these norms of peace and human rights wherever it is able to do so. Although mounting large U.N. military forces has often proven to be politically impossible or militarily beyond the U.N.'s capacities, the United Nations has played a vital role in maintaining peace in contexts where international peacekeeping and enforcement, short of major war, are needed. The future promise of U.N. peace operations, if enhanced with some needed reforms, is enormous (Johansen, 1996; 1998; Alger, 1998; Langille, 2002).

As warring parties are coming out of intrastate violent conflict, for example, nothing is more important than to establish a functioning rule-of-law society. Often such societies are incapable of doing this by themselves. Without astute external help, displaced persons attempting to return to their homes frequently have faced harassment or death. Cease-fires often collapse and fighting resumes. Even with external help, implementation of a cease-fire agreement is likely to fail unless simultaneous attention is given to needs for social justice and peacebuilding. To succeed, the United Nations needs to nurture a "culture of compliance" in which most people obey most laws most of the time without being forced to do so at the point of a gun (Johansen, 2000: 212-229). They are likely to accept the legal order and the law enforcing agents, usually civilian police, if the latter act impartially toward all parties and in fact enforce the law, maintain safety, and uphold human rights at the community level.

In almost all recent cases of U.N. peacekeeping and enforcement, the host societies have, at critical moments, needed far more effective law enforcement, by better-prepared and more numerous U.N. civilian police, than the United Nations has been able to provide (United Nations, 2000; Challenges Project, 2002). Even when external military (as distinguished from police) personnel are available, whether in the form of U.N. blue helmets in Cambodia, multinational NATO forces in Bosnia, or national military forces in Iraq in 2003-2004, these military forces prefer not to perform regular law enforcement, and they are not particularly good at it. What is most needed in these contexts is not better provision for military combat but more effective law enforcement to provide local safety for citizens so that a cease-fire agreement can be maintained, refugees and displaced persons may return home, schools may safely re-open, and peacebuilding can proceed.

Even in cases where military personnel successfully stabilize the local situation, they usually are able to do this by acting in a police mode of conduct most of the time, rather than by acting as combatants. In the early post-war occupation of Iraq in 2003, for example, in Rabiya near the Syrian border, the U.S. 101st Airborne employed such a mode, yielding one of the most successful chapters in the U.S. occupation. The unit's leader, Major General David H. Petraeus, explained that in winning local community support, "We're like cops on the beat. We walk, and walking has a quality of its own" (Gordon, 2003: 11). They established an employment office for former Iraqi military officers, provided essential help for local farmers, trained the local police, and created a local internal Iraqi security force. Petraeus even bought police vehicles and radios for the police with his own funds when the request was delayed by other U.S. officials in Baghdad (Gordon, 2003: 11).

In sum, in the domain of civilian police enforcement, the United Nations could perform a wide variety of vital functions that are urgently needed. It is easy to imagine that the United Nations could do this job well if given the resources to do so. This is the domain in which the next large, international effort should be made to enhance U.N. capabilities for keeping peace. The remaining sections of this analysis explain why.

The Need for a U.N. Civilian Police Force

Learning From Past Experience

Past U.N. experience with civilian police illustrates how the United Nations could help conduct law enforcement effectively at local levels; it also suggests ways to open the door to a gradually expanding international culture of compliance and more effective enforcement of international norms. In Cyprus, with 35 civilian police and 370 internationally and locally recruited civilian staff, U.N. Civilian Police (CIVPOL) first demonstrated that well-trained civilian police in peacekeeping operations could play a valuable role in dampening violence between hostile nationalities (Brown, Barker, and Burke, 1984: 160, 166). Since then, more than a dozen peacekeeping missions have deployed small numbers of police, including operations in Namibia (1500 officers), Cambodia (3600), Angola, (345), Haiti (900), Mozambique (1000), Somalia (155), Bosnia (2057), Kosovo (4162), Sierra Leone (60), Western Sahara (31), and East Timor (1439) in recent years. In Namibia, for example, U.N. civilian police monitored South African police performance on human rights, defused incidents, and induced local police administrators to perform in a way that made the elections there highly successful (United Nations, 1989: 7-8). U.N. police also monitored political gatherings, voter registration and polling stations, and guarded ballot boxes together with local police. The U.N. police curbed intimidation by local police and collaborated with the United Nations High Commissioner for Refugees (UNHCR) to repatriate approximately 58,000 refugees (Fortna, 1993: 365, 371).

In the United Nations Transition Authority in Cambodia (UNTAC) civilian police were mandated not only to monitor, but also to "supervise and control" the police of the existing Cambodian government. This police experience was hampered by inadequate training, poor coordination, and little readiness for the complexities of their mission. The U.N. police suffered from difficulties in communication and cooperation among the different nationalities contributing police officers. Little training in international contexts, no experience in working together, inability to speak Khmer (more detrimental for effective functioning of police than of soldiers), insufficient equipment, and lack of knowledge about driving police vehicles all made the police operation, in Michael Doyle's characterization, "nothing short of quixotic" (Doyle, 1995: 48). According to the Secretary-General, the civilian police were not prepared to carry out their ambitious mandate "to ensure that law and order are maintained effectively and impartially, and that

human rights and fundamental freedoms are fully protected" (United Nations 1992: paragraph 124).

Nonetheless, the U.N. police training and briefings on human rights and responsible policing in some places "had a substantial impact and united all four [Cambodian political] factions" (Doyle, 1995: 47-48). Although limited in its extent, this was a significant achievement given the extreme factionalism in the society, suggesting what could be done by U.N. police if they were well prepared for their work and deployed in adequate numbers over a sufficient length of time. The occasionally successful U.N. efforts in training Cambodian police enabled U.N. civilian police to develop rapport with local police and officials as well as encourage good communication with appreciative citizens at the local level. This in turn facilitated U.N. monitoring of human rights. The U.N. presence "contributed to a general reduction in the most blatant forms of state intimidation" (Doyle, 1995: 47-48).

U.N. police experience in Somalia further illustrates the unrealized potential that lies in differentiating police from military enforcement. A study by the International Peace Academy found that "the military mindset" guiding the United Nations Unified Task Force (UNITAF) and continuing through the U.N. Operation in Somalia II (UNOSOM II) exacerbated local factionalism and lawlessness. The U.N. military force committed many errors in what "should have essentially been a civilian operation, in large part because UNOSOM II was led by former and serving officials from the U.S. military establishment and the U.S. National Security Council." International civilian efforts "were subsumed by the military objectives of the U.S. and the U.N....By the time these military objectives changed in October 1993, UNOSOM II had become too discredited to be seen as an honest broker in the political process." For a time at least, the U.N. operation "had become too discredited to play an effective role in Somalia" (Jan, 1996: 3-4). A more effective, legally stabilizing approach "would have been to help create civilian authorities in areas controlled by a unified clan and endorsed by the faction that served as the military arm of that clan. In this way, indigenous and authoritative clan-based civilian authorities could have been fostered" (Doyle, 1995: 49).

After the "can-do" military forces had departed without achieving success in restoring order, and despite the years of brutal fighting among heavily armed Somali clans, a Somali police force was gradually re-constituted in some local communities. It succeeded in re-establishing the rule of law in parts of Somalia. A crucial factor in the success was the U.N.'s willingness to enable people in the local community to control the reconstituted police, an approach that was not possible when external military forces, even under the U.N. umbrella, were present.

The preceding examples demonstrate both the success of policing efforts where more heavy-handed military operations had failed and the ability of U.N. civilian police to work cooperatively with local community leaders to elicit "consent" for a U.N. involvement when meaningful consent had previously been lacking. In some cases the United Nations has performed a delicate balancing act in deploying civilians with the consent of national authorities, yet tactfully bypassing these authorities to forge an alliance with and serve the local people, who were receptive to the protection of

2002). In fulfilling this function U.N. police might conduct their own patrols, but preferably they should work with existing or re-constituted local police. In the former Yugoslavia, for example, U.N. police performing joint patrols with local police in Brycko substantially increased U.N. capacities to monitor human rights and reduced abuses by local police. This success, however, merely illustrates what could have been done in Bosnia, given adequate support, rather than constituting the norm there. The prospect for successful implementation of the Dayton accords would almost certainly have looked far brighter if well-prepared U.N. police had been provided in adequate numbers immediately following the signing of the agreement. When conditions elsewhere call for it, U.N. personnel could also guard prisoners, monitor prison administration, and provide witness-protection programs.

Training Indigenous Police

In addition to directly performing executive police functions and conducting joint patrols with indigenous police in strife-ridden societies, U.N. personnel are needed also to perform the closely related, but somewhat different, managerial and pedagogical roles of helping to organize, recruit, train, and, where necessary, re-constitute indigenous police forces from the ground up. Of course, these tasks also should be done in concert with local citizens and public authorities (Dwan, 2002: 125-126). For this purpose U.N. personnel should help screen, train, equip, monitor, and stay in touch with local police, as well as serve as a feedback channel or complaint mechanism for citizens. U.N. police instructors would also be needed subsequently to monitor the practice of local police as the latter gradually establish the custom of following a desirable code of conduct.

The purpose of deploying expatriate police in a country is ultimately to train and nurture good indigenous police. Training by U.N. police can establish important communication with local officials and citizens, inform the latter of procedures to protect their rights as the U.N. phases out its presence, and establish a reputation to encourage governments in the future to grant consent for a U.N. police presence even though they might not give consent for the entrance of an external military or peacekeeping force. These activities, if sensitively carried out, can enable the United Nations to elicit positive support from local communities in societies where peace-building is underway but external monitoring is still needed. U.N. training of indigenous police "can ensure that a U.N. operation leaves institutions behind that, with the proper domestic and international support, help carry forward a commitment to impartial justice and human rights" (Doyle, 1995: 49).

Including Penal, Judicial, and Human Rights Reform

Of special relevance to the effort to nurture enforcement within a culture of compliance, Doyle reported that the largest cause of UNTAC failures in the realm of public security "lay in the absence of an independent judicial framework" (Doyle, 1995: 49). Although U.N. police possessed the authority to make arrests, they had no way to

prosecute the accused; local penal and judicial processes were simply not adequate. Without the authority to establish a U.N. court or to take prisoners to an international tribunal, no rule-of-law society could be brought to life. The UNTAC special prosecutor, Mark Plunkett, recommended that future U.N. peacebuilding operations include a "justice package" with carefully prepared agencies for prosecution, policing, penal policies, and judicial proceedings (Plunkett, 1994, quoted in Doyle, 1995: 49). To achieve conflict transformation that will increase justice as well as reduce violence, human rights specialists should be teamed with criminal justice personnel (Lewis, Marks, and Perito, 2002: 8). Recommendations associated with the creation of U.N. "rule of law teams" have been widely endorsed (United Nations, 2000; Dwan, 2002: 126; Hayden, 2001: 1-11; Lewis, Marks, and Perito, 2002: 8-10), although no governments have taken responsibility to implement the idea.

Despite continued violence and efforts to intimidate voters in the Cambodian case, 90 percent of Cambodian citizens eventually turned out for their first national election, illustrating the positive role played by U.N. civilian police despite previously mentioned problems. After the U.N. mission left, Cambodians again became vulnerable to intimidation by corrupt military forces, police, and other officials. Much of this backsliding could have been prevented if an adequate U.N. civilian operation had been available to develop new police and local judicial mechanisms after the election was over.

Investigating International Crimes

In addition to enforcing the fundamental elements of a stand-by criminal code in war-torn societies coming out of violence, the international community also needs U.N. civilian police more generally to investigate violations of international laws that prohibit crimes against the peace, war crimes, and crimes against humanity. Mega-terrorism, of course, is a crime against humanity and should be dealt with as such. U.N. police are needed in many regions to gather information and conduct investigations for possible prosecutions of international crimes and to assist the work of truth commissions and international or national criminal courts. Because there is no statute of limitations for prosecuting the worst international crimes, such as genocide and crimes against humanity, it is essential that the U.N. constantly gather and archive information wherever possible to help avert future crime and to assist in prosecutions or truth telling that might become possible years after crimes were committed and corrupt governments shielding the accused have passed away.

Arresting the Accused and Deterring Crimes

A further need for expanded U.N. police capability is to enforce, insofar as possible, international arrest warrants for those authoritatively accused of serious crimes by the new International Criminal Court or any *ad hoc* criminal tribunals, such as were created for the former Yugoslavia and Rwanda, and for those accused of terrorism. The

United Nations will need to make serious efforts to bring those accused in international indictments to trial. Failure to do so will undermine the credibility of the International Criminal Court, quash the possibility that trials might aid reconciliation between ethnic adversaries, and destroy the prospect that the legal process might deter future law-breakers because of widespread knowledge that the international community will act to end impunity for any persons committing crimes against humanity.

Even if a society in need of international enforcement assistance might refuse a U.N. presence, U.N. police could play an important role from a distance. Acting on behalf of the international community, U.N. police could gather information to use in prosecuting wrongdoers as soon as politically feasible. Eventually, as more people have foreknowledge that U.N. police are doing serious investigative work, more and more people might be deterred from major crimes. A U.N. police force should be continuously ready to help in arresting indictees wherever U.N. police gain entrance to a society in which alleged international criminals reside or whenever indictees lose the shielding effect of a pro-criminal governing sanctuary.

Even if indicted persons could not be arrested immediately, they would be internationally ostracized, could not travel, and would be minimally penalized if they refused a fair trial. Some might face trials later on, especially as political tides change in countries shielding alleged war criminals or indictees, as has happened in Cambodia, Rwanda, Croatia, Serbia, and Sierra Leone. In cases where the U.N. police might attempt to arrest indicted persons, these actions communicate that the entire society is *not* being targeted, a difference that is obscured by military action but clarified by police enforcement. The beneficiaries of international arrest warrants include all the law-abiding local people living in a war-torn society because only the indicted would be targeted for arrest.

Where U.N. police are allowed to enter a war-torn country, they can offer a society some positive inducements, such as social stability and multi-ethnic integration, more effectively than military agents of enforcement. This is important for establishing the consent of the war-torn society to a U.N. presence. U.N. civilian police might be invited into a society by government officials (as happened in Rwanda after the genocide), by all parties to a civil conflict (Cambodia), by factional leaders (Somalia), or by democratically elected but ousted officials (Haiti). In some cases citizens' groups suffering gross violations of human rights might request a U.N. police monitoring presence (Kosovo). In such cases, the allegedly repressive government might reluctantly consent to the monitoring, in part to demonstrate its self-proclaimed innocence. In other cases, the U.N. Security Council might mandate monitoring, if necessary and possible, even without the consent of national authorities. The possibility that the Security Council might ask a government to accept U.N. police monitoring during a crisis could make ruling officials reluctant to commit crimes or to refuse a U.N. presence, as has happened in some requests for a U.N. presence to confirm the fairness of elections. Although marginal, such a potential influence could be sufficient to avert crimes in some cases. It would be more difficult for a reluctant government to oppose the introduction of U.N. police observers than to oppose the introduction of U.N. military personnel, because by

of Foreign Affairs and the Ministry of National Defense of the Canadian Government (1995: 59), *Towards a Rapid Reaction Capability For the United Nations*, notes, the "most obvious advantage of a permanent, standing U.N. civilian police unit is reliability." Emphasizing the benefits of *direct individual recruitment,* the Canadian study concluded that "a U.N. rapid-reaction capability can be truly reliable only if it no longer depends on Member States of the United Nations for the supply of personnel for peace operations. If the United Nations is to build a rapid-reaction capability which is fully reliable, the challenge in years ahead will be to develop its own personnel, independent of state authority" (Canada, 1995: 59). Other observers have similarly concluded that only through the development and training of the U.N.'s own civilian police can a truly effective force be established (Brown, Barker, and Burke, 1984: 59).

Perhaps most important, a permanent volunteer force would enable U.N. police and the politics that support them to *transcend "us-them" attitudes* that particularly infect enforcement relationships associated with external military occupation. Such a force would not bring the same level of local opposition as a more intrusive army. At their best, civilian police could nurture an "us-us" relationship of helping local communities sort out their problems, gradually *increasing reliance on their own nationals* for impartial enforcement of international norms of peace and human rights. This symbolic and real transformation of the enforcement relationship constitutes one of the U.N.'s strongest assets and least utilized enforcement strengths. To capitalize on this strength, the United Nations should prepare to offer war-torn societies a *judicial-human rights package* that would include not only the U.N.'s civilian police and police trainers, but also personnel skilled in establishing professional penal and judicial systems. Transforming the enforcement relationship is a necessary condition for constructing a culture of compliance and a rule-of-law society.

Strengthening International Law Against Violence

The international community has good reason to expand the role for U.N. civilian police because the United Nations is not well equipped to conduct military operations and because military combat often is not normatively desirable or politically feasible, yet international law enforcement is sometimes necessary and possible. A U.N. police enforcement option, including combined help in police, penal, and judicial reform, illustrates how a U.N. operation could nurture a culture of compliance with international law and help establish the rule of domestic law in war-torn societies. U.N. civilian police can help indigenous police do their law enforcement work more professionally, and are less likely than military forces to produce a political backlash in the host country or within the U.N. community. If the law to be enforced is widely agreed upon, such as to stop genocide, "ethnic cleansing," or terrorism, substantial international support could be generated for U.N. police enforcement and international court action.

The police enforcement option will not always be able to achieve all its goals, of course, but it can frequently be effective in part, at least in conducting investigations,

providing evidence for indictments, or in training local police. Even partial success is far better than doing nothing to reaffirm challenged norms. In establishing a permanent enforcement instrument, the U.N. stance against many forms of violence could be more clearly expressed, before, during, and after a crisis. If some persons would be indicted for wrongdoing and yet resist U.N.-assisted arrest, they would stand stigmatized before the world until they were ready to stand trial. The United Nations could conduct investigations and continue to ask for arrests and trials until they occur. Unlike military combat, the police enforcement option also is not as likely to threaten legitimate interests of people in any target state, thus decreasing the prospect that a local political coalition will arise against U.N. operations out of empathy for law-abiding peoples in the wider society. Although some opposition to U.N. civilian police may arise within a society in which its officials are targets of enforcement, the rally-round-the-flag dynamic is not likely to be as widespread or as unified as an attempted military operation would generate.

The international law constraining state uses of force could also be strengthened, if the U.N. Security Council would choose to do so. Because recently war has been used outside the confines of the Charter by NATO in Kosovo and by the United States in Iraq, the Council should now clarify the limits that ought to apply to the use of military force, including responses to violence against innocent civilians by terrorists. To ban political violence by *both* states and non-state actors, if such acts lack appropriate authorization or justification, can be mutually reinforcing and strengthening to the international legal fabric. On the one hand, states may be tempted to use force illegitimately if international laws countering terrorist policies are not implemented or are ineffective. On the other hand, terrorists, irregular militia, and guerrillas are more likely to be recruited and employed in extremist acts of political violence if states employ violence promiscuously and without a legal justification widely perceived to be legitimate. Consequently, to draw clear lines limiting the legitimate use of violence by states acting unilaterally can indirectly help to enforce the norm against terrorist violence; similarly, more effective enforcement of the international laws against terrorism can reduce the likelihood of unilateral state violence.

Countering Terrorism, Illegitimate Unilateralism, and Proliferation of Weapons of Mass Destruction

In addition to dampening intra-state violence in identity conflicts and international violence spawned by lawlessness in national societies, a permanent U.N. police force could also generate synergy that would alleviate some of the most threatening consequences of the three problems of grand strategy noted at the outset: terrorism, unjustified state uses of force flowing from promiscuous unilateralism, and proliferation of weapons of mass destruction. Working with nearly all countries on earth, for example, U.N. police could conduct international investigations and help track down and arrest those accused of planning or committing mega-terrorism. Moreover, a reliable international ability to arrest at least some of those accused of wrong-doing would

provide some reassurance to threatened governments and help the United States to feel less necessity to swing a unilateral military stick that might threaten other governments.

If, in addition, U.N. civilian police could assist strife-ridden and "failed states" to establish the domestic rule of law, this achievement would remove some of the domestic conditions that breed political extremism and become a magnet or safe haven for terrorist networks. If U.N. efforts succeeded in helping such societies establish more effective internal law enforcement, the states mobilizing military power to oppose terrorist networks would find fewer situations in which they felt a need to bomb, intervene militarily, and drastically loosen Article 51 constraints on the use of force. In turn, a stronger U.N. enforcement capability, even though limited to police enforcement of law on individuals and far from a general enforcement capability, would help reinforce the idea that unilateral uses of force, by either states or non-state actors, are not, as a general rule, necessary or legitimate.

If a U.N. civilian police force can reduce the incidence of mega-terrorism by helping to establish rule-of-law societies, decrease the number of failed states that become sanctuaries for terrorist cells, investigate terrorist networks, arrest alleged terrorists, and discourage officials tempted to use violence in violation of international law, then these achievements will also help diminish the rising threat from weapons of mass destruction. In the first place, improved international law enforcement is likely to reduce political polarization, fear, and victimization in strife-ridden societies, and thereby reduce the number of political extremists in such societies. If this happens, there will be fewer terrorists seeking weapons of mass destruction. If they obtained such weapons, they will be less able to employ them without warning or to use them "successfully" in advancing their violent cause.

Secondly, more effective law enforcement by international civilian police will reduce the likelihood that countries with air power will feel a need to launch unilateral air strikes on countries that allegedly harbor international criminals. If effective multilateral efforts can be institutionalized in a standing U.N. police force, they will provide reassurance that international counter-terrorist policies can succeed. In turn, a more multilateral and cooperative U.S. foreign policy would not appear to be as heavy-handed as the current effort to maintain global dominance. The U.S. emphasis on global dominance could unintentionally encourage some states to speed efforts to obtain nuclear weapons or other weapons of mass destruction as a way of deterring the United States from threatening them. If the norm against preventive wars can be strengthened, societies that otherwise might feel threatened by the possibility of such wars will feel less urgency to develop weapons of mass destruction or to support terrorism as a form of reprisal by the militarily weak against the strong.

Focusing Enforcement on Individual Wrong-doers

Perhaps the most important contribution of U.N. civilian police is to help the international community turn the corner toward making *individuals* the focus for international responsibility. In assigning individual accountability for crimes, new

Notes

1. For example, in aggressively opposing the newly created International Criminal Court's ability to end impunity for those committing genocide and crimes against humanity, the United States has succeeded in pressing 63 countries, at time of writing, 31 of which are members of the Court, into signing bilateral arrangements with the United States. These stipulate that neither party can send the other's citizens for a trial at the international criminal court.
2. The police enforcement proposed here differs sharply from the role police have played in colonial administrations and authoritarian societies, where police forces can hardly be differentiated from military forces, because both focus on maintaining control by the rulers rather than on safety for people in society. For purposes of this analysis, police are sharply differentiated from military forces. Police, at their best, enforce law on *individuals* accused of wrong-doing, rather than attempt to overcome and control entire societies, in order to promote human security and domestic tranquility.

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