

UNITED STATES INSTITUTE OF PEACE

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SAVING LIVES, SAFEGUARDING HUMAN RIGHTS,

AND ENDING GENOCIDE

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MEETING

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TUESDAY

JUNE 28, 2005

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MODERATOR:

SLOAN MANN, USIP

SPEAKERS:

IVO DAALDER, The Brookings Institute

LEE FEINSTEIN, Council on Foreign Relations

TOD LINDBERG, Hoover Institution

The following transcript is produced from tapes

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C O N T E N T S

PAGE

Welcome, Mr. Mann .....3

Speakers

Mr. Lindberg .....6

Mr. Feinstein.....9

Adjourn.....54

## P-R-O-C-E-E-D-I-N-G-S

MR. MANN: Well, good morning and welcome to the United States Institute of Peace. My name is Sloan Mann and I've been working on this task force since December of last year.

The genesis of this effort is a provision of the 2005 Omnibus Spending Legislation directing USIP to organize a task force on the United Nations.

Congressman Frank Wolf witnessed firsthand the horrific situation in Darfur. He was concerned about the allegations of sexual exploitation by the U.N., Congo, and elsewhere. And wanted the U.N. to be more effective, particularly at maintaining international peace and security and the protection of human rights.

He gave USIP the mandate to organize a task force made up of 12 distinguished Americans from a variety of professions and backgrounds. Newt Gingrich, former Speaker of the House, George Mitchell, former Senate Majority Leader, both co-chaired this task force.

It's made up and supported by 20 experts from leading public policy institutions: the American Enterprise Institute, Brookings Institution, Center for Strategic and International Studies, Council on Foreign Relations, the Heritage Foundations, and Hoover

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Our mission was to provide a uniquely American analysis, looking at the United Nations primarily through the optic of American interests, focusing concretely on what the U.S. could and should do to help the U.N. become more effective. We accomplished this just in the nick of time. We literally had our consensus document report a day before the unrolling on the Hill on June 15th.

But we accomplished this by providing what contains an actionable agenda for recommendations for both the executive and legislative branches. We plan on having a series of in-depth focus discussions on each of the Chapter's findings and recommendations.

The next events will cover other sections of the report. On Tuesday, July 5th, after the Fourth of July weekend, from 2:30 to 4:00, Ambassador Pickering and Bob Einhorn will both present findings and recommendations of Chapter 4, Deterring Death and Destruction, Catastrophic Terrorism, and the Proliferation of Nuclear, Chemical, and Biological Weapons.

The next day, on Wednesday, July 6th, General Wesley Clark, Senator Malcolm Wallop, Eric Schwartz, and possibly others will discuss Chapter 5,

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War and Peace, Preventing and Ending Conflicts.

Finally, we're still working on a date and time for an event on Chapter 3 of the report, *In Need of Repair, Reforming the United Nations*. That chapter is principally on creating more robust accountability mechanisms at the U.N.

We have a limited supply of hard copies of our report available. The final, color versions -- color inside pages are still being produced and will be available on July 11th. However, you can also find the entire report on our website, [www.usip.org](http://www.usip.org).

With us today are two leading experts that were intimately involved in the extensive traveling, researching, and writing that went into Chapter 2 of the report, focusing on the U.N.'s performance and preventing and responding to genocide and gross human rights violations.

Ivo Daalder couldn't be with us today. I've just learned that he was in a tennis accident and is at home recovering.

Tod Lindberg is --

PARTICIPANT: He'll be very pleased you are sharing that with everybody.

(Laughter.)

MR. MANN: We're among friends here.

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Tod Lindberg is from the Hoover Institution and Lee Feinstein is from the Council on Foreign Relations. Each will give a five- to ten-minute presentation and then we'll turn to questions from the floor.

Before I ask Tod Lindberg to start us out, I would like to remind you to please turn cell phones off. That includes me.

Tod?

MR. LINDBERG: Thanks, Sloan.

While Ivo is sidelined as noted, and, accordingly, there is at least a small disruption in the plan of attack -- so actually rather than try to do anything especially elaborate to compensate for that, Lee and I just started talking this out moments ago decided that maybe we would try -- rather than do single, formal presentations, we would try to do something sort of a little more interactive that would attempt, essentially to cover the ground in an easier-to-take fashion for all of you.

A couple words about my colleague, Lee was not only intimately involved in this particular chapter but he was also Senator Mitchell's principle aide in working on the overall report. So I think there is no one among the expert staff who is more aware of the

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details of all aspects of the principle recommendations than is Lee, in addition to the expertise that he brings to bear on this particular question.

Let me just start a little bit -- this task force clearly has its origins in the sense of outrage. And it is the sense of outrage that Congressman -- Chairman Frank Wolf felt upon his tour of the Darfur region of Sudan late in 2004.

He has long been involved in Sudan, particularly in the North/South conflict but more recently, obviously, as things have somewhat -- have improved significantly in the North/South, in relation to Darfur.

And he arrived there, spent a day or so, met with some of the women who have been collected in the internally displaced persons camp, and had had some rather horrifying stories of rape and privation at the hands of the Jangaweed militia and supported by the forces of the Khartoon government. And he really felt that in a way, the international community, the U.N., but also more broadly its members, including the United States, ought to be more focused on this question.

So he chartered then this task force, gave it a very short time frame to operate, and set us loose.

And the piece of it that Lee and Ivo and I, and also

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Joe LaConte of Heritage Foundation decided that we really wanted to get hold of in an effort to try to advance some of the thinking on these matters was this genocide, mass killings, major human rights abuses piece.

We will not today be bogging ourselves down on the question of genocide or not genocide, the semantics of that. The point is that although the United Nations report was unable to reach a finding of genocide in Darfur, there was more than enough described in what was going on there to justify a very robust international response. And I think that is quite plain in the language of the report.

The Congress, for its part, actually has voted, both the Senate and the House, in resolutions, labeling what's going on there genocide. And, of course, Secretary Powell made some similar comments.

I think there are three main things that we want to talk briefly about today. One is the broader question of genocide and the responsibility to protect.

And I think that that is a significant advance in the thinking of a group such as this. And with hopefully the attempt to influence the United States government policy on the matter.

Also we'll talk then a little bit about

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Darfur besides. And then I think we'll reserve a little time also to say a few words about the Human Rights Commission and what our thinking is on that. But Lee maybe -- would you like to talk a little bit about responsibility to protect and where that comes from?

MR. FEINSTEIN: Sure. And let me start by saying a little -- something about my colleague, Tod Lindberg, which is he was the lead expert, which meant that he did all the work on Chapter 2. And more broadly, I mean the degree to which this report does not read like a lowest common denominator report. And I don't think it does. A lot of the credit goes to Tod for the kind of tone he set in clarity and passion of his writing.

And also by way of background, you know, you're supposed to say in Washington that bipartisanship is good. And, you know, in most cases it is. But I think there is something even more interesting going on with this report and elsewhere, both in the origin of the report and the legislative mandate that Frank Wolf gave to the report but also in the co-chairs, you know, let's saying a leading liberal internationalist and a leading conservative Republican as co-chairs.

This is not the first of Tod and my collaboration. But just the composition of the task

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force more broadly -- if you look particularly at the -- well, at the range of institutions represented and the individuals represented, you'll see that it includes about as broad a spectrum as Washington has on these issues.

And yet there was -- I don't know how many pages the report is going to be but there were hundreds of things that the report could say, that this group could say on which they agreed. And that, I think, speaks to the fact not even primarily about bipartisanship but about the fact that the cleavages in foreign policy no longer break solely or in some cases primarily along party lines. And that there are some issues which really cut across party lines.

And I think strong American leadership and activism to deal with stopping, preventing, and prosecuting genocide is something that was widely shared on this task force, that the people who were most strongly behind it didn't necessarily divide along party lines but within party lines.

And that there were some people who were more enthusiastic about aggressive action. But the most enthusiastic supporters of aggressive action came from different wings of each party. And those who were a little bit more cautious about American action also

**U.S. Institute of Peace**

belonged to each party. They were let's just say more the traditionalists -- traditional foreign policy proponents rather than well I won't put a name on the other group.

But I think that that is very important. And I think that this report is part of this developing trend.

Now responsibility to protect is, we felt, one of the most important things that this task force did. And I think that that is also true of the co-chairs and the membership as well.

And the responsibility to protect is essentially an echo or reaffirmation of an idea that has been developing over time that really grew out of the dilemma of the Kosovo War, which is what do you do if the Security Council fails to act and there is genocide or mass killings and the international community can't get its act together? Is sovereignty a bar to international action in the internal affairs of a government?

And the first principle of responsibility to protect, though, doesn't go to intervention. It goes to the responsibility of the government. That is that a government has a responsibility to protect the people within its borders. And if it fails in that

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responsibility, it cannot hide behind the veil of sovereignty.

And this task force made a number of suggestions along those lines, growing out of that point, which was first that the Security Council ought to affirm the responsibility to protect. And second that the -- in a sense, that U.N. reforms ought to flow from this principle. And that there ought to be actions that are taken that make this real.

And I think in some ways, this is a theme that runs throughout the full report in terms of enhancing peacekeeping capacity, in terms of how the Security Council might operate, in terms of the role of a special advisor on genocide.

We discovered when we went to New York that there is a special advisor to the Secretary General on genocide. We were very surprised to find that out. We also found out that he worked half-time. And that he had two people working for him, both of whom were detailed from other departments of the U.N.

So we made a number of specific recommendations on this. And we were reminded of the very famous notation that President Bush made on this memo that he received about Rwanda, which Samantha Power relates in her book, which is, "not on my watch." And

**U.S. Institute of Peace**

we called on the President to reaffirm that.

And we also debated the degree to which the U.S. government might make some changes internally to also give meaning to this "not on my watch" statement although the task force at the end of the day did not reach agreement on that issue.

A little bit more on responsibility to protect, I think, is this radical? Is this new? Well, on the one hand, no. You know sovereignty has always had, in the real world, a certain kind of contingent or conditional aspect to it. There have been instances when people have taken action, et cetera.

But it is also a very powerful excuse, a way of saying no. You may not interfere with my internal affairs. This is no business of yours. And it also becomes an excuse by extension because there are, for example, at least two permanent members of the Security Council who are very concerned about protecting themselves against any efforts to intervene in their internal affairs. I'm talking about Russia and China. Probably we would take a view similar to that -- that's another story.

(Laughter.)

MR. FEINSTEIN: But the extension of that to others, which is to say a kind of a Westphalian

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(phonetic) courtesy that says that since you won't mess around in my stuff, I won't get in the way of whatever little genocide you've got going on in your territory out in the west. And that's not -- you know, in the first place, that's not morally acceptable. In the second place, it takes a very state-centered view of the purpose of the international system.

The purpose of the international system, in my opinion, is not to ensure that states can continue about their business in accordance with the wishes of whoever happens to be ruling them. There is a prior responsibility -- a responsibility towards the people who live in states.

And if states are unwilling or unable to fulfil that responsibility to protect their own people or if worse, they find it for whatever reason convenient to stir up and ferment horrible crimes against persons, then that cannot be allowed to stand, in my view, on the basis of the norm of sovereignty.

But this is extraordinarily difficult at the United Nations because although there are provisions in the United Nations charter which call upon members to abide by such things as human rights declarations and so forth, in practice, as we know, the United Nations is a body that has a fairly minimal standard for membership.

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And it's basically, you know, you have a stake or you are in control of it. Now there are some exceptions to that but -- and some political exceptions but in general, that's the standard. So it's very difficult to use the United Nations as a means of effecting positive change, better outcomes for living human beings -- more human beings given that minimum standard.

But it is not impossible. And that's the most important part of the story. It is a difficult body to work with. But it is not an impossible body to work with. And let me give you an example of this. We had -- in the course of our discussions, we met with the Chinese permanent representative and made a very interesting conversation.

And one element of it -- and by the way, one that was very much sensitive to the questions of sovereignty -- but also said was this. "There are lessons from Rwanda," said our Chinese interlocutor.

"What are the lessons from Rwanda?," we asked.

"There are lessons from Rwanda," he replied. And what that means is, I think, my interpretation of that is that the Chinese are not, at the moment, about to admit of a broad exception to the

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principle of sovereignty and noninterference but there may be instances in which that principle will yield to other important principles even as recognized by this very government of China, which is, itself, so zealously guarding its own prerogatives.

MR. LINDBERG: And let me jump in on this point. The interesting thing -- Tod talked about conditional sovereignty. I think we're at an interesting point in history in terms of conditional sovereignty, you know, to use this overused phrase. But the high level panel report which came out in December was authorized by the Secretary General in coming out of his 2003 speech to the U.N. General Assembly, assembled a very diverse group of people who affirmed the responsibility to protect.

The expectations for the outcome of this panel were extremely low because of the Rogues Gallery that the Secretary General assembled, including Chen Chi Chen (phonetic) of China. But it turned out that the moral force of this argument made it very, very difficult to get on the wrong side of it.

Now I will say something about the U.S. government here, having worked in the Clinton administration, there was a debate around Kosovo as to whether President Clinton would issue a speech that made

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a legal argument for a new right of intervention along the lines of a responsibility to protect, although the phrase hadn't been coined yet. And the decision was not to do so, which I think was a mistake. But which people who helped to make that decision thought was a good one.

But that goes to the issue of not wanting to create a new obligation on the United States, not wanting to create a new right for others to interfere with the United States. I don't think there is a fear of an intervention but just kind of monkeying around and political interference that's unhelpful. And also a desire not to provide any new excuses for intervention which is couched as humanitarian.

And this is still the position of the Bush administration. But I would say I am much more optimistic that a Bush administration, if this issue were to rise to the level of the President, would resolve this in a more positive way than the last administration did. And that is a function both of who this President is and what he stands for and his moral convictions and also the changed global environment.

But, you know, it needs to be said that the legal advisors -- I'm a lawyer -- that the legal advisors at the State Department will always resist adoption of this new principle. And we also need to say

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that the way the task force danced around this question was not to put it forward as an illegal doctrine but as a principle. And I think that that is fine because over time, these principles evolve into norms, evolve into customary to national law, et cetera.

MR. FEINSTEIN: So does the responsibility to protect then entail an obligation on the part of other parties to protect in instances in which a government fails to protect? That is a very important question. And it was one on which this task force was significantly divided.

And I will read you the compromise language because I think it is interesting.

In certain instances, a government's abrogation of its responsibilities to its own people is so severe that the collective responsibility of nations to take action cannot be denied. I think that that goes a long way toward indicating that this is not merely a right that could be asserted, the right to protect, but also an indication of the serious moral logic that underlies the question and that would steer in the direction of a conclusion that finally the task force was not able to state baldly.

MR. LINDBERG: But I just think that the significance of that is that it points to a way that the

**U.S. Institute of Peace**

United States government can associate itself with this principle which doesn't create new legal -- in our judgment, did not create new legal problems for the United States.

MR. FEINSTEIN: Yes. But maybe now we can talk about a practical application of that with respect to Darfur and why don't you start that discussion.

MR. LINDBERG: Yes, well we wanted to go to Darfur, of course, and that would have been a very valuable exercise in its own right. However, the Foreign Minister of Sudan thought that that was not a particularly good idea. So we did not receive the more or less promised visas.

So then we decided that in order to attack this problem, what we had to do was we had to look at capabilities, we had to look at where there were possible places to go to look for solutions or palliatives or whatever in relation to this stuff.

And by all accounts, the African Union Mission in Darfur consists of very good and capable people who are committed but who are lacking in resources, lacking in mandates, and, in general, lacking in capacity to effectively address some of the problems.

And so we went and had some fairly -- some very interesting discussions with the officials from

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NATO, including ambassadors and from our military command at SHAPE (phonetic) and at UCOM (phonetic). And also with European Union officials.

This was prior to -- when we started this, Darfur was blocked. And it was blocked, essentially, for two reasons. One, the report -- the UN report on Darfur had recommended that the Darfur matter be referred to the International Criminal Court. This was at neuralgic points within the Bush administration for obvious reasons.

But two, there was a real sense of hot potato to the question. And this will be distressingly familiar to those of you who are familiar with Samantha Powers book. Everyone said, you know, we must do something. But everyone also said and as soon as X does something, I'll be able to do something. But X says this. And says it of Y. And Y says it of Z. And Z says it of A. And essentially you've got this knot.

And what we tried to do, and I think we actually are relatively pleased with the success we had in doing this. In the course of trying to figure out how to address genocide, we tried to address this one to some degree. And essentially the question became one of how to unblock the system.

And we knew, as of our early interviews

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with UCOM that there had been some very serious and effective planning about a possible assistance package to be administered under some auspices of the African Union Force, one that would protect the African Union's sense of ownership of the mission, one that would not be seen as a usurpation, but rather would not only enhance their capabilities, the AU capabilities initially, but also be useful in terms of building capabilities downstream for the African Union which, I think, is going to be a more rather than less important international actor over time.

Now the problem is then you've got a set of capabilities that identified. You know what to do. Now how do you deliver it? And that was complicated. And NATO was limited in its ability to move forward on its own motion. There had been some, as they call it at SHAPE and NATO, prudent planning. You can do a certain amount of planning but eventually you run into the question of whether or not the further planning measures have the support of the North Atlantic Council, the governing body of NATO.

And so some prudent planning took place last summer. But then was stopped. And the reason it was stopped is that some of our NATO allies have the view that -- or had the view that perhaps NATO shouldn't

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be especially active in the African continent.

And meanwhile, the European Union, which has been very generous in support of the African Union mission was also concerned about first of all about getting the referral to the ICC done, second about ensuring that it maintained for itself a certain role in terms of whatever might happen with the assistance.

Nevertheless, there was sentiment at NATO, not only I think I can probably say in the Secretary General's office but also among certain ambassadors for an effort to try to kindle a new debate at the North Atlantic Council. And this new debate would need one or the other of two things to happen in order to get triggered properly.

Kofi Annan had given a couple of speeches, including one at the Munich Security Conference in March, I think, or February, asking -- sort of calling on -- and NATO should send assistance to the African Union.

But there are speeches and then there are more formal requests for assistance. And although he had given -- made these couple of remarks, he had not actually followed that up with, for example, you know a letter to NATO asking for NATO to consider whether or not it might be of use. That would be one triggering

**U.S. Institute of Peace**

mechanism that people thought might change the internal dynamics of the debate within NATO.

It's one thing to say well, maybe this is not something we should consider on our own. It's another thing to say well, you know, in response to a request from someone, how can we -- you know, can we really say no?

The other possible triggering mechanism, and this is the one that ultimately did take place, was a request from the African Union itself for assistance.

But in all these instances, however, we found that, for example, the African Union was a little concerned about asking because it was afraid the answer was going to be no. The Secretary General had intelligence from NATO which was wrong that indicated that NATO would not be able to move forward on this, et cetera.

So what you really needed was somebody to go talk to all of the various players, find out what the sequence of action had to be, and then more or less try to set it in motion.

At the end of the day, you know, it's pretty much the same helicopters whether they go under the auspices of NATO or the European Union or bilateral U.S. assistance, or whatever, but something has to set

**U.S. Institute of Peace**

this chain of events into motion. And finally that did happen.

Two things happened that unblocked this. One, the administration agreed to the ICC referral. And I think that was of tremendous importance. The implications of this have not been, I think, adequately appreciated in this context. And also more broadly. That's something I think that some of us will probably be looking at, especially on into the fall.

I am, by the way, just to be clear, I am a critic of the International Criminal Court for the reasons that the administration has articulated. Namely the jurisdiction, the attempt to apply the jurisdiction of the court to non-parties and the ability of the court to act on its own motion. I share the reservations about this.

However, with a Security Council referral, and one in which the United States is specifically granted, essentially the protections that it has sought for its own service members, public officials, et cetera, my objections have been removed.

And I think that my thinking on that is somewhat parallel to what took place within the administration, which is to say the administration on the one hand changed its position on the ICC but on the

**U.S. Institute of Peace**

other hand, did not change its position. Rather, realized that the circumstances as they had been set up at the Security Council with the referral on Darfur met the objections that we had long stated. I think that was a very, very important development.

And second, finally, I think thanks to some -- once various people, I think, all became aware of the possibility of moving through NATO, then from there it was not a great leap to get, I think, Kofi Annan was very -- who decided, by the way, that he could not formally, himself, write a letter to NATO asking for assistance' that that exceeded his authority under the Security Council resolutions.

But nevertheless, was able to, I think, put some -- you know to have a very effective conversation with the African Union that, in turn, led to the formal request that was delivered.

And so I think although it is far too early to be optimistic about Darfur, but we have seen, I think, a set of positive developments. And also I think there was a certain amount of press suspicion about the seriousness of the administration with regard to Darfur.

And I certainly, you know, I don't question the motives of anyone who was suspicious. But I think if you look at what has happened over the past four or

**U.S. Institute of Peace**

five months, the indications are of a fairly high degree of seriousness within the administration.

I think the Zellick (phonetic) trip -- its possible to argue that this is -- of the number two official in the State Department is an indication of a lack of interest or an attempt to sweep something under the rug. But I think a more probably interpretation of that is an indication of interest.

Second, the way in which this did work itself through NATO. Also the United States government itself was also trying to reach out to the African Union at a fairly high level to encourage that.

And then -- well, I think maybe I'll just leave it there.

MR. FEINSTEIN: Let me try to bridge this conversation to the human rights conversation. Then we'll leave time for conversation as Sloan is reminding us with that very discreet note that he passed.

And first I just wanted to highlight one thing that Tod mentioned which is, you know, it's not surprising. Anybody who has worked in government knows that there is, you know, the joke about the New York Times was, you know, we're not cleared for that material by which people tend to only see what's in front of them when they're in the government. And if something is

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marked secret, they will want to read it. If something is in the newspaper, they figure that they don't need to see it.

But also that they don't talk to each other. It is very compartmentalized. And we found this to be very true in the context of the U.N. as well. And so you have the people on the ground in Darfur who were working on refugee issues not in touch with people in the High Commissioner's Office for Human Rights, not in touch with the people in New York, and not in touch with NATO certainly, and not in touch with UCOM.

And so what we discovered -- and actually it was Tod and others who made the trip to Brussels was that there was an essential for connecting the dots. One of the recommendations in the report is that perhaps this halftime special advisor on genocide could fulfil that role.

But it does really take somebody, you know, it's kind of a shuttle diplomacy role. It really requires that somebody who can knit all of these things together because the genocide issue per se, I mean just inherently it crosses a lot of different bureaucratic boxes.

The second point I just want to make is a political one, which is that the G8 meeting is coming

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up. This is a natural opportunity to do something about Darfur because you've got all the right people there. And one would hope that that would happen.

On human rights, the themes are very much the same because you know it is a problem that is classic for the U.N. which is, on the one hand, you've got this demand for justice, for substantive ends versus a demand for fairness, which for a variety of complicated reasons, over time is increasingly understood as one country, one vote.

And how do you balance these demands? And when is the substance more important than the process? And vice versa? And, you know, the way to think about this that I find helpful is by analogizing to the American system. The American constitutional system, due process is itself a value, it is itself an end. And you will go to great lengths to protect it even to the point of letting a guilty person go free although that is controversial.

I think it's the judgment of many of us that that is not an acceptable way to go about business in the international system. And that the end, the substantive ends must trump the process or the form.

And in the context of human rights in particular, you see the gross distortions that are

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possible when process wins out. And the best example of that or the worst example of that is the Commission on Human Rights. And it's everybody's favorite thing to criticize but it warrants that criticism.

There are 53 members. Presently, six of them are on Freedom Houses' -- if Jennifer Windsor (phonetic) will correct me if I'm wrong, six of them are on Freedom Houses' Worst of the Worst list. Sudan is serving its second term while genocide is taking place in Darfur.

And the list, you know, goes on and on. Iraq, at the time it was gassing Kurds, was a member in good standing.

Now the reasons for this are procedural, which is that the regional groupings decide who they are going to send and in the case of the Africans, for example, they do it in alphabetical order. So the determinations are based on who your neighbor is not on who shares your goals and values.

And this is beyond repair, in our judgment.

That was also, by the way, the judgment of the Secretary General. So we called for abolishing the Human Rights Commission.

Now I'm going to say something on the other side of the question, which is much less satisfying. My

**U.S. Institute of Peace**

chest doesn't go out as much when I say it. But I think Tod and I were both quite surprised at what we found when we went to Geneva. Certainly I was very surprised.

One -- first of all, just an incredible scene of NGO activity but without the negative side of NGO activity I guess I would say. But incredible interaction of civil society and government people. There was a lobby and we met with three of the P5 ambassadors to the Human Rights commission while the commission was in session.

They're just hanging out in a coffee lounge with NGOs from all corners of the universe. And it was really interesting and important and not without impact as to how the human rights issue develops.

The other thing is everybody had representation at the Human Rights Commission. I mean the fact that there were 53 particular members didn't effect the fact that major countries had representation.

They were there. They were present. They were paying close attention to it. And they acted.

And so -- and the final point I want to make, again, it's an unpopular point and not one that will score you points in this town but I think it needs to be said because a lot of -- several people said it to us who we thought had some credibility, which is, you

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know, universality isn't crazy.

And the high-level panel report made a proposal to universalize the membership of the Human Rights Commission. A number of people criticized this very strongly, myself included. But the point is that there are some kinds of countries whose participation or membership on this committee has been useful even though they are themselves not paragons of human rights.

So, you know, Saudi Arabia, China, Kuwait, were examples that were cited to us of countries that were on the panel. And, you know, the fact that they felt that they needed to answer certain accusations and charges was not entirely a bad thing.

So I won't get into the details of our recommendations except to say that we supported, in general, the recommendation for a Human Rights Council.

And we said, in compromise language, that it ideally should be composed of democracies.

We didn't say it should be composed only of democracies even though clearly some members of the task force felt that way. And the reason, I think, at the end of the day was that perfection is the enemy of the possible. And that there is a real opportunity right now to remove this block on the U.N.'s reputation with something that will be better. It won't be perfect.

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It's not going to keep China off a Human Rights Council in all likelihood.

We could get into the mechanics of the details if you want to later on. But it will probably - - it will certainly keep off a country like Sudan. And so we thought that we would stick with this compromise language -- ideally composed of democracies.

We called in that context for much greater U.S. support for the community of democracies inside the U.N., for the caucuses of democracies outside the U.N., and having been distracted sufficiently by Sloan, I will take that as my queue to open it up belatedly to your questions.

MR. MANN: Well, certainly Tod and Lee could talk for hours. The process was so intent and interesting. But we haven't left much time for questions.

This is being recorded so I would ask you to please come to the microphone and identify yourself.

And we've just touched on only a few of the issues really in the chapter. And I hope we can delve more into them.

Don, lead us off.

DON: Yes, I had the pleasure, and I say this in quotes, of serving at the U.N. for two years

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with U.S. Mission. And a couple of things we recognized while we were up there. One, that the U.N. is different when the U.S. is leading the U.N., making bold initiatives, taking the leadership, building consensus, than it is when we are playing from the pack so to speak.

Let me give you an example. Sudan was up for membership on the Security Council. Routinely, Sudan would have been a member because every other regional body was in favor of not intervening. As a matter of fact, only the OG and WEOG (phonetic) were interested in intervening. And the WE were the last ones to come on board, voting against this change. That's the first thing.

But overwhelmingly, Sudan was voted -- was blocked from becoming a member of the Security Council at the time. Now this takes a lot of effort. The U.N. is not an easy body to manage, to lead, to govern, to direct.

The next point I would make is that if U.S. feels an initiative such as the one that you are arguing for about setting some sort of principle of intervention, then the U.S. is going to have to build first of all a set of principles and then gather people towards those principles. If we do it, then it becomes

**U.S. Institute of Peace**

U.N. culture, U.N. practice.

Because after all, the U.N. itself is made up of two very different elements. One is the Secretariat. The huge organization called the U.N. is just a Secretariat to carry out the activities for the membership. The membership is the U.N. It decides if the Secretariat is going to do A, B, or C.

And what has happened over the intervening time from the time we set it up to today is that people are acting on past practice inside the U.N. structure. They don't even pay attention to what is happening today or tomorrow. They're thinking about well, the last time they said this, this is what they really meant.

And so you automatically have a drag chute on anything because they are dealing with what they think you are likely to ultimately decide rather than what, if they were paying attention, you really intended to do, which is different.

Thank you.

MR. MANN: Comment? Do you want to take a couple?

PARTICIPANT: Why don't we take two or three before we make some comments.

MS. RIDLEY: Thanks very much for holding the forum and for the report. I think we could do an

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hour or more on each of these three issues but I wanted to ask about responsibility to protect.

I'm sorry. I'm Krista Ridley (phonetic) from OXFAM (phonetic).

And in particular, I'm very happy that you all embraced it and are pushing it forward. I did want to ask, because it seems to go beyond a bit of what I've seen in other documents from the high-level panel by including massive and sustained violations of human rights, and then also includes that member states may act, including military intervention, why there wasn't the criteria for the use of force.

And I think both in the high-level panel and in Kofi Annan's report, in addition to saying that there was a responsibility to protect and military intervention is an option, there was also a criteria for use of force so that we're not just willy-nilly going and using force as unilaterally or even bilaterally.

Thanks.

MR. MANN: We'll take one more before we turn to the speakers.

MR. BELL: I'm Sam Bell from the Genocide Intervention Fund. Two quick things on Darfur specifically. Chairman Hyde in the International Relations Committee is coming out with new legislation.

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I just wanted to say that I hope the recommendations of your task force will be reflected in his legislation. And I hope that he has read it and knows what you guys are recommending.

And the second thing is Mr. Lindberg, I respect your comment about the administration taking Darfur seriously. But we did fly over the architect of the genocide to meet with RCIA (phonetic). And I just wanted to know how that, you know, it goes along with us taking Darfur seriously. So --

MR. FEINSTEIN: Do you want to take it in reverse order?

MR. LINDBERG: Sure.

MR. FEINSTEIN: You can start.

MR. LINDBERG: Okay. Thanks.

Look, this is very much a work in progress within the United States government. I don't -- if you ask what the United States government thinks about this, I think, you know, you have to look at where people are sitting. And I think there is a very different view of this from the point of view of the intelligence community, for example, than in other areas.

But what I think may be emerging is something that could possibly be called the President's policy. I don't think that that ICC decision was made

**U.S. Institute of Peace**

by anybody except the Secretary of State and the President because I think it was -- just from our internal discussions within -- with folks -- nobody in the two days prior to that decision, nobody was anticipating that decision. The people thought it was a possibility but actually, frankly, a fairly slim one.

So I mean I'm looking not only at -- believe me, this is all a year too late if not longer. But I'm looking at the delta. And I think the delta of the change is positive.

MR. FEINSTEIN: I just wanted to say about what Tod said about the ICC decision, Krista and I were at a conference where I said that the administration's decision to -- the President's decision to abstain on the Darfur referral was a 180-degree shift in policy. And I might have gotten my geometry -- my algebra wrong. There you go, you see that's my problem.

(Laughter.)

MR. FEINSTEIN: But my Democratic friends in the room, I think, do not, to this day, really understand what a significant change in policy it reflects. And my Republican friends do understand it. But I think the French, for example, they did see this as a significant change. But it wasn't in their interests, necessarily, to advertise that it is a

**U.S. Institute of Peace**

change.

On the question of -- on Krista's question about massive and sustained human rights, we just didn't want to get into -- you know, as Tod had said earlier, technicalities. We weren't saying that there ought to be a military intervention when there are massive human rights violations.

But we did outline some specific -- very specific and strong measures that could be taken that were -- some that related to force and some that didn't when there were these kinds of cases. And we felt that, you know, essentially you could no longer turn a blind eye to these kinds of activities.

We didn't provide use of force criteria because we wouldn't ever have gotten agreement in the context of the task force on use of force criteria.

I personally have some disagreements -- profound disagreements with the use of force criteria on the high-level panel, particularly the use of force as a last resort.

And then on this last point about the U.N., I would just say, Don, that Speaker Gingrich, who I worked with very, very closely on this report is of the view, and I think most of the task force agreed with him, that, you know, to be successful at the U.N., the

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United States needs to mount a much more significant effort.

This is not a criticism primarily of this administration. This is a criticism of the way the United States has done business at the U.N., which is it focuses on the Security Council activities and it considers the rest to be secondary. And, in fact, they are secondary but that doesn't mean that they don't require a lot of diplomatic effort because they can still be useful.

And this has been subject to some political paralysis because there has been an equation of the notion of putting a major diplomatic effort at the U.N. with the notion that the U.N. is the only way the United States can act internationally, which, of course, it is not.

The point is that if the United States is going to do as well as Cuba does at the U.N., and it is very effective given its size and resources, it needs to have people at all the different activities and not just in the Security Council.

MR. LINDBERG: I just want to add one thought. One of the members of the task force was, of course, Ambassador McHenry, who provided a very useful reality check on many of our more abstract discussions

**U.S. Institute of Peace**

by pointing out that diplomacy matters. And that if you set your sights clear and then start working the particular aspects of the problem, you know, you often find yourself able to make some progress even in ways that a more abstract consideration of matters wouldn't necessarily indicate were necessarily available to you.

One more point on the criteria question, yes, if we had tried that at all, it would have been unsuccessful and would probably have jeopardized some of the conclusions that we were able to reach. But also, I mean, you know, there is a broader -- I mean there is a broad philosophical question of the extent to which these kinds of conflicts really can be regulated by law.

So much of what happens is extraordinarily exceptional in characteristic -- in its essential characteristics that, you know, I think if you try to set down too much that is too specific, you either end up creating the impression that you are going to be doing a lot more than you have any intention of doing.

Or, in the alternative, providing people with an immense malefactors. That is to say with an immense amount of legal room in terms of evading some of the formal criteria that have been set down.

As an entirely unrelated subject, but to illustrate this, the national security stature of the

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United States certainly leaves the impression that preemptive or pre-events of war will play a much larger role in American policy than I think even its own authors actually had in mind. And part of that, I think, was, in a way, the sort of tyranny of abstract reasoning.

And let us now state the conditions that will, you know, enable us for better or worse to go to Iraq, which then sounds like something that is of far more general application for what it is worth.

MR. MANN: Tod and Lee can stay a few minutes longer. So they're happy to take more questions.

David?

MR. AARONSON: Yes, I'm wondering if there are going to be other people coming. If not, I'll ask two questions.

First of all, let me just congratulate you. My name is David Aaronson (phonetic). I'm with the USIP and I didn't have anything to do with the report so I can congratulate you without sounding self-congratulatory.

My first question is -- and this is for Lee -- I have a very clear memory that President Clinton promised to set up sort of a genocide watch department

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at the State Department when he visited Rwanda. And I'm just wondering what the status of that was. This goes, of course, to the issue of having some half-time genocide person at the U.N.

But then the second question takes a bit longer to explain. Darfur, of course, gets a tremendous amount of attention in this report as it has in the media. But one could make, I think, a pretty, you know, convincing argument that the DRC actually represents a greater failure of the U.N. for several reasons.

First, the number of deaths is 10 to 20 times greater than in Darfur. Second, all this is taking place while we have access to DRC, so we don't face the kinds of problems that we do just getting in to -- as we do getting in to Darfur.

And then the only mention of the DRC does come in the context of the sexual exploitation by U.N. workers. And in that context, I just want to read a short blurb by the Human Rights Watch Congo person in her testimony to Congress who said while it is shocking that U.N. peacekeepers have been engaged in acts of sexual abuse, far more women and girls have suffered rape at the hands of armed groups and armies on all sides of the DRC.

According to aid agency's figures, over

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40,000 women and girls have been systematically raped, mutilated, and enslaved during the conflict, abuses that continue today. This is the real tragedy of the Congo and one which rarely grabs the headlines.

When I recently interviewed women about sexual abuse committed by U.N. peacekeepers, one woman said to me yes, it is true that some girls have been raped by U.N. soldiers but so many more have been brutally raped by other armed groups. Please focus on stopping this as it brings so much more pain and suffering.

So I'm wondering in that context, why is it that the world's greatest humanitarian tragedy and conflict since the second world war has gotten so little attention in this report? And specifically in this chapter on preventing human rights abuses?

PARTICIPANT: (Inaudible) You mentioned that diplomacy in changing the U.N. will be very important. And from the elections that I have attended, many people don't like the new representative, the new U.S. representative to the U.N., Mr. Bolton. And I was wondering what can be done about that because I know that if these people already don't like this man, and if he is there and is said to be very (inaudible), I don't know if that is true, how will be move to diplomacy?

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I'd just like you to speak about that.

MR. STANTON: I'm Greg Stanton from Genocide Watch. And also Vice President of the International Association of Genocide Scholars.

The international campaign to end genocide, in fact, was the proposer of the creation of this position at the U.N., the special advisor for the prevention of genocide. And, of course, we were disappointed that it was a half-time position when it came out. And that they only had two people to support him.

What we're proposing now is that there needs to be essentially a genocide prevention center at -- probably in New York -- but it can be -- given today's networked world that we live in with the help of a lot of people all over the world to assist this office. And it wouldn't be a unique assistance because he'd get assistance from a lot of other people as well.

But I know that Juan Mendez (phonetic) is quite open to this proposal. And I hope that it will get U.S. government support as well as get support from other governments. We know it is already being supported by the Swedes and the British and others.

MR. MANN: Thank you.

PARTICIPANT: Should we go backwards again?

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In the first place, I think Juan Mendez half-time is a lot better than most people full time. He is a very effective and committed guy. And, of course, our recommendations on this are all geared toward increasing the capabilities within that office, which we do think is -- somebody has to do the clearinghouse aspect of this problem, which we outlined a little bit. And that may well be the most effective place.

The Bolton nomination, well, look, it seems to me that the climate for reform within the United Nations is excellent. One of the things you can tell when you do a project like this is whether you are pushing on a closed door or walking through an open door. I had the impression of walking through an open door.

I think there is a lot of thought and sentiment, et cetera, within the organization about things that can be done and that ought to be done, a lot of internal auditing going on in terms of operations -- I don't mean financial, I mean program auditing, a very interesting report from Louise R. Boore (phonetic), not so long ago, et cetera.

I think there is, certainly among major players at the United Nations, larger countries, et

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cetera, I think that there is -- the matters are conducive to some serious efforts to get some reform done. And I could be wrong. And maybe this will all come to naught.

And maybe the United Nations General Assembly is, you know, still largely a miserable and difficult and perhaps even hopeless place to do business. But, I think, you know, one tries.

As for -- it seems to me that on the specifics of Bolton, and perhaps this is not -- you know, we're obviously far, far from anything like a conclusion of the task force, which did not consider personalities, et cetera, but, you know, it seems to me that the case that the administration has made is that Bolton will be an effective agent for reform which, at least, to my mind has the effect of raising the expectation that the pursuit of serious reform will be an objective of the United States government. And I hope that is correct.

MR. MANN: The Congo?

MR. LINDBERG: We're ducking that one.

(Laughter.)

MR. FEINSTEIN: Yes.

MR. LINDBERG: Well, agreed. And I guess the plea that I will enter is that this was a lot of

**U.S. Institute of Peace**

work in a very short period of time. And I think that what I'm hoping is that at least in so far as that this represents a kind of a springboard, you know, maybe an effect of this is to produce questions such as yours, which then, in turn, advance other kinds of humanitarian and human rights catastrophes higher onto the agenda.

Look, I mean, you know, I used to do a lot of -- I mean I've been very interested in democracy promotion stuff for quite some time, published a number of articles in the journal I edit on the subject, done some writing about it myself, et cetera.

And then, you know, earlier this year, there is something that begins to look like a democratic revolution in Kyrgyzstan of all places. And I thought well, that's very good. Now what about the people who can't have a democratic revolution because they're not, you know, alive because the conditions within their countries are so horrifying that far before we get to anything like a question of political right, we're stuck on the question of whether these people even have a right to live.

And that's what got me interested in moving on this subject. And why I wanted to participate in this aspect of it in particular. The idea is to elevate the salience of these human lives. And this is not an

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abstract matter.

This is about whether or not more people will be alive at the end of the day because of our efforts or whether more will die because of the lack of our efforts or our inattention. So I take your point. You are absolutely right.

MR. FEINSTEIN: On the Bolton matter, I'll answer it in a similar way to Tod. I guess what I would say is it is interesting in the absence of Bolton, the administration's position on U.N. reform has changed a little bit. Well, during this interregnum so that at first there was a fairly junior-level person who gave a very much -- what seemed to be very much of an interagency position not considered by principles in April on the U.N. reform issue.

And then it got raised to the number three person in the State Department, who gave a much more comprehensive and serious position on the whole set of issues that are coming to the floor between now and September.

So in general, I think the administration is somewhat leery about putting a big emphasis on reform and a reform package between now and September. But I think that that is beginning to change somewhat. I think they are right in the sense that this is not, you

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know, it is not an event, it is a process. And a lot of these changes will take a long time.

But it is a very unusual opportunity between now and this big summit that's coming up. And if there is high-level attention to it, I think a lot can be accomplished.

And I think that that can happen whether it's Bolton or somebody else. I think that the policy is going to be set by the Secretary of State and the President if they are interested. And, so far, the indications are, I would say, more positive in that regard than negative.

I would agree with what Tod said about Congo. And I guess, you know, on the specific technical point about a genocide prevention center, Greg, or what have you, I would point to Louise Arbor's (phonetic) office and position. We spent an hour meeting with her in an incredibly informal and productive brainstorming session because she was just embarking on her own review that Tod mentioned, which was pretty interesting.

And her kind of main recommendation, I guess, for her office is one that it should be focused more on doing than on norm setting. And two, that it should be focusing on the most egregious cases.

And so there is a lot of potential in that

**U.S. Institute of Peace**

office and in that position to do some of the genocide prevention work you are talking about without the problem of having to stand up something new and in the context of a broader set of issues so that there is activity at all times. And experience and people are ready to go.

But I think Tod's fundamental point was, you know, I think what our chapter says to us is that we're planting the flag of U.N. reform around the set of issues of genocide prevention and human rights. That, you know, it's the 60th anniversary and there is a genocide taking place in Darfur. And there are lots of other problems in the eastern Congo and elsewhere.

And so, you know, it's hard to know -- the high-level panel had this trouble. They had what -- 101 recommendations? And my criticism of the report was it was kind of a laundry list. And my criticism of the even larger Freedom Report was it didn't really do enough prioritizing.

And I think -- I'll just speak personally but I suspect a lot of the people on the task force would agree -- if I am thinking about what U.N. reform means, apart from all the management reforms that need to take place in order to make other more substantive reforms possible, I would start with the issue of

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stopping -- of preventing, stopping, and prosecuting those who are responsible for mass killings, genocides, massive human rights violations.

And if you establish that principle, then there are a whole series of very specific reform recommendations that you can develop from -- the kind that we've been talking about to improving peacekeeping capacity to others.

So I think it is a very, very important and useful place to start. And it helped me conceptualize what I think about when I talk about U.N. reform.

MR. MANN: Heather, did you want to make an announcement before we close?

MS. SENSIVAL: (Inaudible.)

MR. MANN: Well, no, if there aren't -- I think we've run out of time. I want to thank you all for coming. I wish we had more time. And I hope to see you all at the next events.

We have a series of these throughout July although after Fourth of July weekend, many of you hopefully will be here. But we have two back to back on the fifth and sixth.

MS. SENSIVAL: And all I was going to say was thank you very much for your patience in this standing room only meeting this morning.

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Sloan mentioned that the final version of the report will be available July 11th. The copies that we're distributing today are black and white on the inside.

The final version, obviously, will be color. If you want to order a copy in advance that will be shipped to you, send me an e-mail. My name is Heather Sensival (phonetic). It's just hsensival. You can find it in the back of the book. I also have cards available here if you see me afterwards -- at usip.org.

Thanks.

MR. MANN: Thank you all for coming.

(Whereupon, the above-entitled meeting was concluded.)

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