courier

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Number 32
Summer 2000

PROVOKING THOUGHT AND ENCOURAGING DIALOGUE ABOUT THE WORLD

Voices of East Timor

AP/WIDE WORLD PHOTO

The Face of Despair. *An elderly East Timorese refugee waits to be evacuated from the airport in Dili, East Timor. She and 100,000 East Timorese fled following referendum-related violence.*

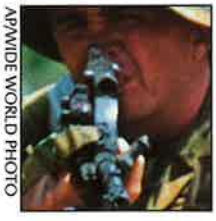
"Let's Break With the Past...."

Conflict is nothing new to the tiny territory of East Timor. Since the Indonesian military forcibly took control of the former Portuguese colony in 1975, more than 200,000 people have lost their lives in the battle for independence. The violence reached an all-time high after an overwhelming majority of East Timor's registered voters cast ballots in favor of independence in a UN-sponsored referendum last August 30.

Common Ground Producer Kristin McHugh discussed the conflict with 1996 Nobel Peace Laureate José Ramos-Horta and Kristin Sundell of the East Timor Action Network. Ramos-Horta outlined the history of the conflict leading up to the vote, and Sundell provided a firsthand account of the referendum process and its aftermath.

RAMOS-HORTA: East Timor was a Portuguese colony, predominantly Catholic, of a population of 800,000, colonized by Portugal

INSIDE



AP/WIDE WORLD PHOTO

East Timor—continued on page 2

East Timor—continued from page 2

Cartoon by Carlos Laranjeira. Published in *Record*, a Portugese newspaper.

for almost five hundred years. Then in 1974 the Portuguese Empire simply collapsed. It was then that Indonesia came in.

There was a brief civil war in East Timor, but [was] provoked, instigated by the Indonesian side. That civil war paved the ground for the invasion on December 7, 1975. That was more than twenty-three years ago. Two hundred thousand people died within the first two to three years of the invasion.... [E]ntire communities—even ethnic Chinese who had been living peacefully in East Timor for at least two hundred years, generations of traders who lived peacefully, harmoniously with the East Timorese—were slaughtered.

But this is not a religious struggle?

RAMOS-HORTA: No, it is not a religious struggle because fortunately we, the East Timorese, though predominantly Catholic—devout Catholics—we are also extremely tolerant. We had a Chinese community that lived there for generations. Never once was there an ethnic dispute, ethnic conflict. There was never once one single Chinese living in Timor murdered by the East Timorese.

The conflict is essentially a political one between the people of East Timor and a brutal, thuggish army—the Indonesia Army—that is a law unto itself for the past thirty-two years in Indonesia under the Suharto dictatorship and is a law unto themselves in East Timor in the last twenty-three years.

Kristin Sundell spent 21/2 weeks in East Timor as part of the International Federation for East Timor's observer project. She was one of hundreds of UN-accredited officials who observed the voter registration process, the campaign period, and the day of the vote itself. Her assignment was scheduled to last until September 30, 1999. But she was forced to evacuate the country just days after the referendum. McHugh talked with Sundell in Chicago just days after returning from the chaos.

"Even if they kill us, even if it means we have to die, we at least want to live until voting day."

AP/WIDE WORLD PHOTO

The Challenge of the Future. *José Ramos-Horta, Nobel Peace laureate and East Timorese independence campaigner, returned to East Timor late last year.*

SUNDELL: When I arrived in East Timor I was sent within forty-eight hours to the village of Same [pronounced Sah-may], which is about a six-hour drive over the mountains, near the southern coast, directly south from Dili. I arrived there just under a week before voting day, August 30. And people were very, very afraid. Militias in that area were very active.

People were receiving threats that if they voted, if they went to the polls, that on their way home or once they had arrived back at their homes that they would be killed, their families would be killed. People were facing a lot of intimidation, a lot of threats.

Did the intimidation get worse as the election drew nearer?

SUNDELL: Yes. It certainly did. And people...were very afraid. At the same time people were very determined to go to the polls and vote. We heard over and over again "Even if they kill us, even if it means we have to die, we at least want to live until voting day. We want to be able to finally have a voice in the future of East Timor."

The people that we spoke with saw this not even just as their voice but also the voices of their ancestors, the voices of their families, people who had been killed, who had not been able to live to see this day. This was a very profound experience for people, to actually be able to go and to cast their vote.

What was the actual day of the vote like?

SUNDELL: It was really an incredible thing to see. People were

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President Richard Stanley
Director of Programs Jeffrey Martin
Editor Keith Porter
Creative Director Amy Bakke
Correspondent Kristin McHugh
Copy Editor Margo Schneider
Editorial Asstistant Eileen Schurk

The Stanley Foundation
209 Iowa Avenue
Muscatine, Iowa 52761 USA
319-264-1500, Fax: 319-264-0864
info@stanleyfdn.org
www.stanleyfdn.org

at the polls two hours before they opened, standing in line. When we arrived at five in the morning there were already six hundred people outside and the polls didn't open until 6:30. And then once 6:30 came around, there were at least two thousand people outside the polling center that we were observing. So, just remarkable. And part of that was also due to fear.

People desperately wanted to be able to cast their vote in the morning so that they could get away from the polling center before it got dark because there were many threats that militias were going to launch an attack on the polling centers as soon as dusk fell. And there was a lot of concern that the process wouldn't move fast enough and there would be long lines still at sundown. So people wanted to avoid that. But, as you probably know, the turnout was...99 percent of the registered voters.

We observed one polling station where—each polling station had 600 registered voters—and 599 people came out to vote. The one woman who wasn't there was having a baby that day in Dili. So this is the type of turnout, and this is the type of determination that people showed.

From the standpoint of the vote, was it a fair and independent process?

SUNDELL: No, I wouldn't say it was a fair vote. We recorded numerous violations of the process, mainly by the pro-integration side. The day before the vote occurred, I photographed militias distributing rice to people in Same—the condition being that if you accept this rice, then you must vote for autonomy tomorrow. Bribery is against the rules anyway—but this is also during the supposed cooling-off period in which there was no campaigning allowed. We also saw people distributing pro-autonomy T-shirts on that day.

People were threatened. People were told that if they went to vote, they would be killed when they returned home. So...it [is] just incredibly amazing that despite this, people turned out in such great numbers. We fully expected a much lower turnout. It's very clear, it's not in question at all what the people in East Timor want. They've spoken with a very clear voice.

Did you witness any violence personally after the vote?

SUNDELL: I was not an eyewitness to violence other than seeing large numbers of militias driving in convoys with M-16 rifles and with homemade guns and machetes and very threatening acts. But no direct violence. We obviously heard the gunfire. We had a watch on our front gate, and I remember sitting up at two in the morning just listening to the gunfire all around where we were, coming from all directions. So, you definitely felt the city being under...this siege of militia attack and Indonesian military attack.

It [was] very clearly a coordinated military campaign. It wasn't random violence. It was very systematic.

Do you think independence will ever be a reality?

SUNDELL: I think that it's inevitable. I really do think so. I think that the people are determined. I think that—I mean people who I've spoken with when I've been there are just so committed to, even if it means their own deaths, just continuing to struggle for independence.

The Timorese have overcome incredible odds over the last twenty-four years in resisting the illegal Indonesian military occupation of their country. And I don't see that momentum stopping now, despite the horrors.

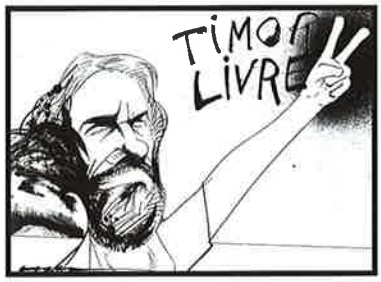
Although Common Ground *spoke with Nobel Peace Laureate José Ramos-Horta more than four months before the referendum, he too remained optimistic about East Timor's future as an independent nation.*

Is a peaceful solution possible?

RAMOS-HORTA: Yes, it is possible. The case of East Timor does not have the complexity of Kosovo. It does not have the complexity of the Middle East conflic. We do not have an overlapping territorial, historical, religious, ethnic dispute. In East Timor it is...[us] the East Timorese, 95 percent Catholics, and Indonesia, our neighbor, the largest power in the region and the largest Islamic country in the world. The issue could be resolved very easily if the Indonesian side, particularly the military, can be persuaded that they don't have to lose face by conceding that East Timor should be independent.

So someone has to tell the Indonesian side that whoever in Indonesia [has] the courage to say "Let's break with the past, let's acknowledge the East Timorese people's right to independence," that they must be commended, even proposed for a Nobel Peace Prize. Then yes, maybe if someone can tell them—talk face-to-face with them—to see the advantages for Indonesia, for themselves, then yes, we could resolve the problem. And it is as simple as that.

—Excerpted by Kristin McHugh



Cartoon by Vasco. Published in *Público*, a Portugese newspaper.

The Timorese have overcome incredible odds over the last twenty-four years.... And I don't see that momentum stopping now....

Resources

Common Ground radio programs, #9938—"Turmoil in East Timor" and #9917—"Freedom for East Timor," may be heard on the Web at **commongroundradio.org** or see page 15 to order.

The Younger-Generations' Perspective

Vietnam and the United States in the Changing Asia Pacific

Vietnam and American policy analysts exchange views

I think we can turn past history into future cooperation....

Vietnam, once a country wracked by violence and instability, has become a home to relative peace, vibrant economic growth, and tourists from all over the world. Since the late 1980s and the fading of the Cold War, Vietnam has become much less politically and economically isolated and more internationally active. Similarly, US attention to Southeast Asia now focuses primarily upon economic trade and investment and less on military and security matters.

Against this backdrop of the dynamically changing character and condition of Southeast Asia and renewed hope for a new and more positive relationship between the two countries, the Stanley Foundation and Vietnam's Ministry of Foreign Affairs Institute for International Relations convened a two-day meeting of younger-generation Vietnamese and American policy analysts in November 1999. Excerpts from their discussion in Hanoi follows.

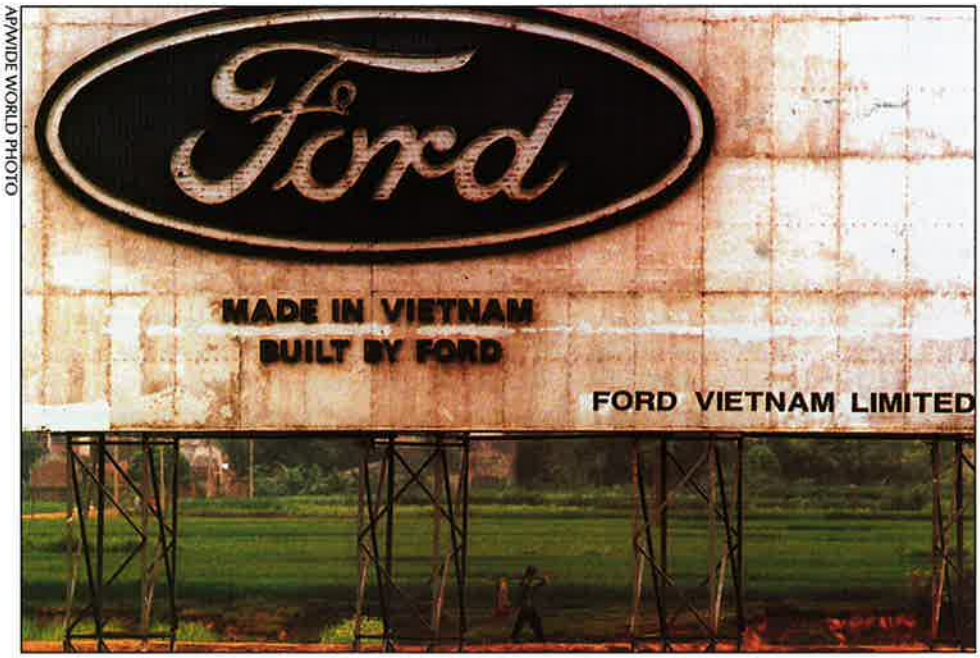
The US Response to the Asian Financial Crisis

"There has been considerable criticism about the slow and inadequate response of the United States to the Asian financial crisis in the region, mainly among Asian nations. When the crisis first broke out, many thought that the United States would come to the rescue, but to the contrary, it didn't. Many Asian nations thought the United States turned its back on its friends during the crisis. This affected how the aftermath of the crisis was handled...Asian nations don't want to just rely on the United States or the International Monetary Fund (IMF) in a crisis. Many think the United States used the crisis to promote a US agenda in Asia."

—Vietnam

"These views and criticism of the United States were frequently heard in the region during the immediate aftermath of the crisis. The United States was taken by surprise by the pace and severity and contagion of the crisis. The United States suffered from a variety of constraints in dealing with the crisis, [including] intellectual constraints—like how to understand the problems and how to use IMF and Bretton Woods institutions to respond to the crisis. The United States was concerned that the IMF should play a certain role and require a certain amount of conditionality to make sure allocation of emergency resources resulted in appropriated policy responses. But I think it should be remembered that the United States—in addition to being a major shareholder in the IMF and the major player in organizing the international consortium that put together rescue packages for the countries affected—also acted as a key market and expanded its deficit during this period. This fortunately coincided with a period of US economic prosperity."

—United States



AP/WIDE WORLD PHOTO

Sign of the Times. *A Vietnamese farm worker passes under a giant weathered billboard advertising Ford Motor Company on the outskirts of Hanoi, Vietnam. Twenty-five years after the end of US military involvement, the relationship between the United States and Vietnam focuses primarily on trade and investment.*

"I understand the domestic constraints the administration had when it had to come to a decision to respond to the crisis in the region, but I want to say that this response had an effect on how your friends in the region think of you."

—Vietnam

US Global Strategy

"The United States has no coordinated policy from the top and everything changes with political realities in the Clinton administration. The United States intervened in Haiti and Kosovo, but not Rwanda or not much in East Timor, so policy varies by political eddies and currents of politics of the moment. The United States sets broad goals, but when faced with political realities these are all subject to change."

—Vietnam

"It is slightly extreme to say that there is no such thing as a US global strategy, although strategic concerns shift over time and there are ongoing debates on post-Cold War US economic and political interests. Dealing with trouble spots as they emerge is part of the process of clarifying and articulating that vision."

—United States

US-China Relations and the Impact on Vietnam

"This conference is focused on Vietnam-US relations. Why are we talking so much about China?"

—United States

"We are neighbors of China and a small country in Asia. We are not the only ones concerned about China, but all countries of Southeast Asia are too. Throughout history one issue between our two nations is that the United States puts too much emphasis on relations between the major powers…you put too much emphasis on China in dealing with Vietnam. When you tried to seek solutions to the Vietnam War, you tried to do it through Beijing or Moscow. Why do [Vietnamese] people talk about China? This goes two ways. The United States talks too much about China when you talk about security issues in East Asia. Two-thirds of your security documents are related to China."

—Vietnam

Building a New Bilateral Relationship

"Over the last five years, the United States and Vietnam have begun to trade; to exchange students, scholars, and government officials; and to cooperate together to find MIAs and heal the wounds of the war. US companies have invested over one billion dollars in Vietnam, and both the United Sates and Vietnam have ongoing and frank discussion on a range of topics. The Vietnam-US relationship is still a work in progress, but it is a happy fact that it is no longer the case that either country is of all-consuming interest to the other. The word Vietnam still resonates first and foremost in the American mind as a place where a war happened. But more and more, the elements of a normal country-to-country relationship are supplanting this legacy. I look forward to a time when Americans think of Vietnam as a vibrant culture, a key economic and political partner in East Asia, and a place that produces a very good cup of coffee."

—United States

"The issue is how can we build relations in the new period? I think we can turn past history into future cooperation to build up our relations. The MIA issue has been a good model. To turn the past into the future, other issues could be included in this category. The Agent Orange issue could be turned into a new field of cooperation between our two countries. Another issue is the Vietnamese community in the United States could be a good bridge to build up our bilateral relations in the future. There are roughly three areas of cooperation we can turn to. First, the economy is very important, and I can see that as a firm foundation for any bilateral relationship. Second, we should think about education exchange to foster future relations between our two nations. The third area is our cooperation in multilateral forums."

—Vietnam

—Excerpted by Sherry Gray

Radio Documentary

This past April marked the twenty-fifth anniversary of the end of US military involvement in Vietnam. To mark the event *American RadioWorks*, in cooperation with the Stanley Foundation, produced two one-hour documentaries which aired on major public radio stations across the United States.

The broadcasts, titled "Revisting Vietnam," focused on American memories of the war and Vietnam's evolution since the war. Companion stories to the programs were developed for use on National Public Radio's *Morning Edition* and *All Things Considered*.

Much of the material gathered for the documentaries is available on the *Revisiting Vietnam* Web site created by *American RadioWorks*: **americanradioworks.org/features/vietnam**.

American RadioWorks is public radio's largest documentary production unit. It is based at Minnesota Public Radio in St. Paul, MN.

International Humanitarian Intervention

When, where, how, and why?

...the military is skilled at mobilizing and providing initial services before civilian aid agencies arrive on the scene.

Recent military interventions into Kosovo and East Timor underscore the need for the international community to focus more attention on the issues that surround the use of force for humanitarian purposes. But deciding when and how to intervene are difficult questions as participants in a recent Stanley Foundation round table found in their discussions of these issues. The round table titled "The Limits and Possibilities of International Humanitarian Intervention" was part of the foundation's fortieth Strategy for Peace Conference.

How Do You Define Humanitarian Intervention?

Conference participants originally gathered to discuss ways to improve humanitarian efforts that involve military force. However, the group quickly discovered that their individual definitions of the words humanitarian and intervention varied widely.

Some argued that the definition used should focus on motives while others stressed that the focus should be on outcomes. "The ethics of law dictated different approaches from the ethics of consequences. Some actions may be fundamentally humanitarian in nature while others may involve multiple motive. And although motivations may be self-serving or even nefarious, the impact may still be humanitarian. Moreover, decision making was even more complicated because unintended consequences, both positive and negative, are the rule rather than the exception in complex emergencies," said the report issued following the conference.

Participants also struggled with the meaning of intervention. "'Intervention' also has a variety of meanings ranging from telephone calls for persuading parties to coercive military forces for overriding the stated wishes of political authorities." For the purpose of the conference discussion, the group agreed to concentrate on coercion rather than the multitude of other humanitarian intervention options.

The Pros and Cons of Military Humanitarianism

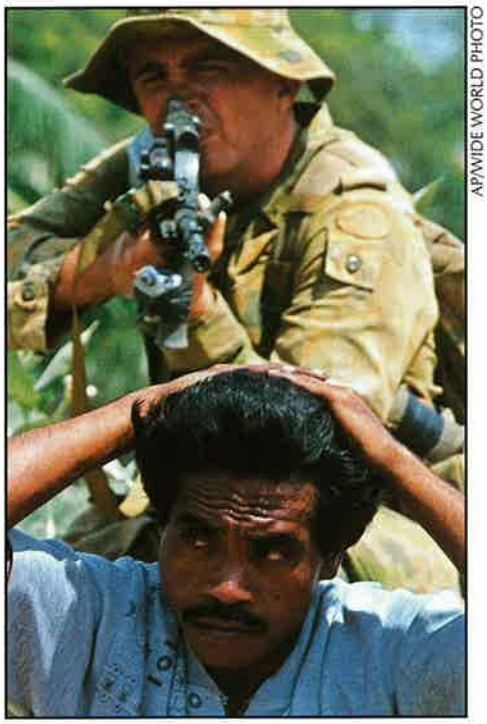
In the past decade, there have been an increasing number of interventions for humanitarian purposes that have centered on military tactics designed to resolve armed conflict or subdue unwanted political authorities. The group agreed "...that responses to humanitarian crises warranting the use of military force thus far had been ad hoc, inconsistent, and selective." Most also agreed that the inconsistency was the result of, "[action] usually taken by a few states as a 'coalition of the willing' that hardly shared the commonality of values that was supposed to constitute a community."

After a spirited debate, the group reached consensus on a definition of military humanitarianism: "...the deployment of outside military forces in an indigenous state for such compelling reasons as halting genocide or other egregious civilian suffering."

More Harm Than Good?

Once participants came to a consensus on the definition of military humanitarianism, they turned their efforts to identifying the advantages and disadvantages of military involvement in international humanitarian crises. Many in the group agreed that the military is skilled at mobilizing and providing initial services before civilian aid agencies arrive on the scene. But the group also stated military action could displace the same aid agencies and increase the cost of the overall mission. Others expressed concern that long-term military intervention may actually increase civilian suffering. "They warned that extreme caution was necessary and that all options other than military should be explored prior to the authorization of forcible coercion," according to the conference report.

Conference participants also noted that soldiers, by nature, are not



AP/WIDE WORLD PHOTO

Don't Shoot! *Australian forces were called upon to intervene last year in East Timor.*

Friendly Actions. *In most cases, military training does not prepare troops for the roles they will play during a humanitarian intervention.*

neutral and that military culture is quite different than civilian life. "…in humanitarian intervention, they [soldiers] are often called upon to work 'with people whom they would otherwise want to arrest.'"

The Use of Regional Organizations as Subcontractors

The concluding report states "According to Chapter VII of the United Nations Charter, regional arrangements and agencies have an essential role to play in international peace and security." But there are advantages and disadvantages to having regional organizations such as NATO or ECOWAS leading humanitarian missions. "Regional powers often have vested interests in a conflict in their neighborhood and try to push their own agendas and interests. Moreover, regional actors can undermine international standards since they may not subject themselves to the same international oversight and standards as the universal United Nations." At the same time, regional actors have a substantial interest in neighboring armed conflict because "…their economies and countries bare the brunt of such violence, including massive forced migration."

One participant expressed concern at the tendency of outsiders to focus on short-term crises instead of long-term problems, of which underdevelopment is a central issue. But several others argued that development projects are not realistic solutions to humanitarian crises when aid agencies today have difficulty getting adequate resources to meet basic needs around the world.

The participants also focused on the issue of accountability and responsibility. The discussion was heated at times and participant views spanned a wide spectrum. Some argued "…belligerents should not be stopped because 'unless they are willing to settle, they will not settle.'" This member suggested economic sanctions and embargoes might be better options. But the majority of the group "asserted that fighting simply could not be allowed to continue when genocide was taking place, that more imaginative solutions could and should be found," according to the conference report.

External Factors

Participants came to the table with far different views and perceptions of the concept of military intervention for humanitarian purposes, which mirrors the general public's understanding of the issue. Many argued that the public confuses manmade and natural disasters. "The latter exposes victims in need of assistance, and politics is secondary. In manmade disasters, politics, however, is central. Civilian casualties and ethnic cleansing are not collateral damage but war aims. Hence, rather than merely rushing to the rescue, it is necessary for humanitarians of all stripes to reflect [first] rather than merely react automatically."

Participants also noted that the American public is ambivalent about the human and material costs of humanitarian missions, especially as they tend to view "humanitarian intervention as police work" and overlook the national interests at stake in maintaining peace and security. Military actions that pose dangers to US soldiers upset the public because "…police are not supposed to be killed." The group also noted that Americans responded more positively and actively in cases that they perceived, based on media coverage, there was an easily understood and clear humanitarian crisis. Thus "…mass starvation was unacceptable, but genocide was not necessarily a sufficient 'trigger' to go in."

The group concluded that the task of humanitarian intervention ideally should be the responsibility of local communities themselves with assistance from local and international nongovernmental organizations. Participants agreed that the question of when and where to intervene for humanitarian purposes would remain difficult to answer for years to come.

—Kristin McHugh

Many argued that the public confuses manmade and natural disasters.

Resources

The report entitled "Report of the Fortieth Strategy for Peace, US Foreign Policy Conference" is available on the Web at **reports.stanleyfdn.org** or see page 15 to order. The Common Ground radio program, #0046—"Humanitarian Intervention," may be heard on the Web at **commongroundradio.org** or see page 15 to order.

Post-Conflict Reconciliation

Rwanda's *Gacaca* Experiment

Up to one million people were killed in the 1994 Rwandan genocide. Experts say there are at least 100,000 to 150,000 potential defendants in the criminal cases surrounding the genocide. Neil Kritz, senior scholar on the rule of law at the US Institute of Peace, recently appeared on the Stanley Foundation's radio program, Common Ground, *to discuss a unique approach to dealing with the judicial backlog.*

Neil Kritz: The Rwandan government and the Rwandan society is embarking on a new experiment…that would transfer the overwhelming majority of these [less serious] cases out of the court system to a series of 10,000 or so locally elected *Gacaca* panels. These are panels based loosely on a traditional Rwandan dispute resolution mechanism in which elders of the community would gather together the village to resolve a dispute between different parties.

These panels—down to the lowest cell level in Rwandan society, which in some instances may be as small as a school, or a church, or a small community—would elect its own panel of people who, according to the proposals, would be required to be known for their integrity, objectivity, lack of bias, upstanding character, etc. The individuals, rather than being brought before the courts, would be brought before these *Gacaca* tribunals, which would assemble the local village, or the local community, for an airing of the case.

The logic of this is to engage the local community in the process of establishing the facts: who was killed in the local village, who participated in the crimes in question, as well as establishing the penalties.
—Excerpted by Keith Porter

Post-Conflict Reconciliation Resources
The report entitled "Report of the Fortieth Strategy for Peace, US Foreign Policy Conference" is on the Web at **reports.stanleyfdn.org** or order on page 15. *Common Ground* radio programs, #0003—"The Disappeared/Rwandan Justice" and #0020—"Architects of Justice," may be heard on the Web at **commongroundradio.org** or order on page 15.

AP/WIDE WORLD PHOTO

Post-Conflict Reconciliation

Keeping the Peace

Justice and hope must follow war

In wars, transitions of power, or periods of destabilization, justice is often a victim. And dealing with historical injustices will likely be a key element in creating reconciliation and long-term peace.

What measures need to be taken in post-conflict situations to prevent a reoccurrence of violence and assure sustainable peace? This question was addressed by a group of experts at a recent Stanley Foundation event titled "Post Conflict Reconciliation: Building Peace and Redressing Historical Injustice." The meeting was part of the foundation's fortieth annual Strategy for Peace Conference.

Participants in the meeting came from government agencies, human rights groups, academic institutions, and international organizations. They focused on five key areas: mechanisms to protect civilians, accountability measures, reconciliation mechanisms, political arrangements, and economic recovery tools.

Security
Establishing a secure environment for civilians is the first post-conflict priority, according to the report issued following the conference. At one level, this involves disarmament and demobilization of combatants. Security also involves police, courts, prisons, civil society, and an independent media.

Some conference participants are already working to create an International Legal Assistance Consortium (ILAC) which would, among other things, work to

◀**Not Enough.** *Peacekeeping forces, like KFOR in Kosovo, do not even begin to address the historical events and injustices which lead to war.*

rebuild shattered judicial systems in post-conflict situations *(see right sidebar).*

Accountability

ILAC would also coordinate work and devise mechanisms to hold the perpetrators of war crimes and genocide accountable. In post-conflict situations, this often means gathering and preserving evidence, taking testimony from witnesses, and recommending the proper tools for determining guilt, punishment, and restitution for victims. Accountability is deeply important in order to achieve the goal of lasting peace. Determining accountability can help bolster trust in the "rule of law" as well as squelch the problem of collective guilt.

Reconciliation

Finding the proper ways to heal a society after a period of violence is also a key to preventing future upheaval. Although amnesty is sometimes used as a way to move a society past an era of conflict, most in the group said this was "repugnant" because it encourages a sense of impunity.

Reparations to victims can build reconciliation, but they can also be difficult to deliver. Cross-community dialogues led by an outside group can lead to social change. There was discussion about the pros and cons of Western-based legal approaches to these issues as opposed to more traditional remedies native to the community.

The report says "There was consensus that a neutral outside party can be very effective in jump-starting these kinds of initiatives, but to be sustainable and effective such programs usually must be homegrown and locally driven. One conference participant outlined a locally created system being used in Rwanda called *Gacaca (see left sidebar).*

Political Arrangements

Often the new political system of a territory is part of the agreement which ends the war or other conflict. The group agreed that democracy offers many the tools needed to create political systems that can prevent future violence.

Participants issued a serious caution against confusing "democracy's form (elections) with its function (meaningful participation in decision making through representative institutions)." Elections, especially the type that rely on a winner-take-all system, can actually harm the chances for long-term peace. They suggested using nuanced forms of power-sharing which mandate that all groups be represented in the government.

Economic Recovery

Improving the social and economic condition of a post-conflict area is also critical to long-term peace. Conference participants discussed skills training, micro-enterprise credit, land reform, redistribution of wealth, and the importance of foreign investment and development assistance.

Private-sector development is very important. The report says "...if the legitimate private sector does not become engaged in post-conflict societies, then the illegitimate private sector would fill the void."

The report concludes that the international community has many tools available for promoting post-conflict peace and recovery. Coordination of those tools and the various groups working in the situation are very important. Promoting and sustaining a secure and just peace is a complex job.

—Keith Porter

Post-Conflict Reconciliation

Creating ILAC

In 1997 the Stanley Foundation convened two conferences focusing on post-conflict justice. They brought together experts with experience in fostering justice and the rule of law internationally.

The first conference focused on the international community's role in fostering genuine national reconciliation and in providing means for war-torn nations to solve future conflicts peacefully, democratically, and within the bounds of law. After considering various roles the United Nations, nongovernmental organizations, and other existing international institutions could play, an idea emerged to create a "rapid-response" mechanism that could facilitate and coordinate international activities in post-conflict environments.

At the second conference a mix of returning and new participants evaluated a more detailed proposal for this "rapid-response" mechanism, which came to be referred to as the "International Legal Assistance Consortium" (ILAC).

During the following two years, individuals committed to the idea of ILAC fleshed out its role and possible structure and shared the idea with others in the broader international legal community. The response was overwhelmingly positive.

In February 2000 the foundation convened a group of twenty individuals, from the international legal community, for a retreat titled "Building a Mechanism for Post-Conflict Justice: Creating the International Legal Assistance Consortium." ILAC's overall mission, structure, guiding principles, roles within the international community, and strategies for further design and implementation were discussed.

A full report of these proceedings and the earlier conference reports are available on the Web at **reports.stanleyfdn.org**.

—Joan Winship

Balancing the Needs of Nations, Groups, and Individuals

Defining Human Rights

Should rights be universal or culture specific?

...different cultures interpret and implement human rights standards in different ways.

There is a healthy debate in the international policy community about the definition of human rights and the proper response to human rights violations. A recent Stanley Foundation meeting, part of the fortieth Strategy for Peace Conference, advanced this debate with a discussion titled "The Competition of Rights in the International System."

Nation-states and nongovernmental organizations (NGOs) are struggling to find common ground on a broad range of human rights while maintaining respect for cultural differences. Participants in this conference struggled with the matter as well. "Some felt that any attempt to reach an agreement on the scope of human rights would be fruitless, while others believed that defining human rights was crucial for effecting reform," according to a report released following the conference.

With no common understanding on rights, some argued, the world would have no authority to address human rights issues. Others said that defining human rights was "...bound to be somewhat arbitrary and more reflective of some states' perspectives than others." One participant felt that setting standards was "...an inherently unwelcome imposition on a particular state's practices." Yet, another participant at the meeting argued that human rights could be defined by listening to the victims of injustice.

Cultural Relativity

All agreed that different cultures interpret and implement human rights standards in different ways. Some states emphasize civil and political rights. Others focus on social and economic rights.

"Although the entire group acknowledged this reality, the members were strongly divided on the question of whether human rights standards should ideally be universal or tailored to the cultures of the particular nations they applied to," said the conference report.

Creating culturally specific human rights standards will foster respect for differences among nations, argued some. Others added that nations were more likely to respect human rights standards created with culture in mind. One participant argued that a universal human rights regime smacks of colonialism.

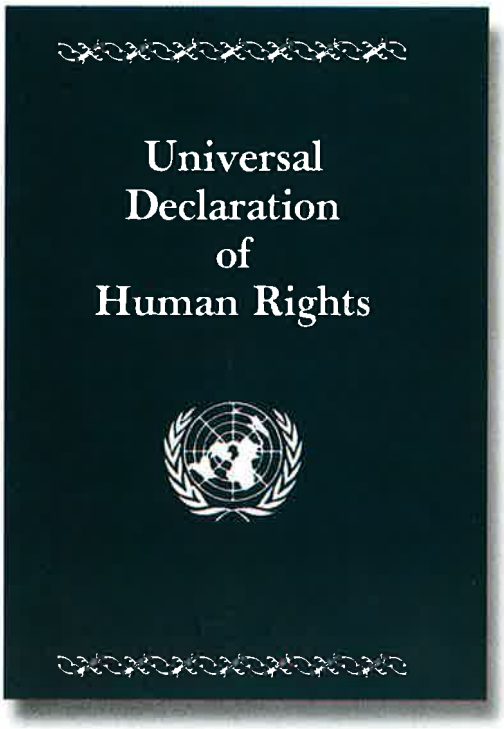
On the other side of the argument, some participants worried that culturally specific human rights standards could allow tyrants "...to defend their human rights abuses under the pretense of preserving cultural uniqueness.... [Others] believed that the entire substance and force of the concept of human rights comes from its equal application to all humans. If standards are shaped so as not to offend any particular nation, the potency of rights would be greatly diminished," according to the report.

Mixed into the debate over universal human rights versus culturally specific rights was the issue of national sovereignty. A strict application of the power and sovereignty would allow every state to determine its own human rights standards. While some at the meeting argued that intended reform of a nation's human rights practices will be the most effective, most believed that national sovereignty is no longer a valid reason to shield a state's human rights abuses from international scrutiny.

Human Rights Violations

When domestic human rights abuses are suspected, there are many ways for the international community to respond. NGOs can monitor and criticize the offending nation in order to draw public attention. States and groups of states can impose sanctions and physically intervene in order to end human rights abuses.

"The group agreed that the least offensive and intrusive international response to human rights violations is an organization's or nation's bare criticism of other countries. The group also agreed



The Final Word? *While the Universal Declaration on Human Rights has been in existence since 1948, the task of defining and enforcing human rights is still evolving.*

AP/WIDE WORLD PHOTO

◀Freedom From Want. *Some nations emphasize civil and political rights. Others focus on social and economic rights.*

that monitoring (whether conducted by state or nonstate actors) is among the more respectful and useful means for promoting human rights."

Some cautioned that the integrity of monitoring can be called into question by political biases. States tend to monitor adversaries rather than friends. One participant pointed out that China monitors human rights abuses in only one country, the United States. The United States, some argued, maintains a double standard "...by not subjecting itself to the same rigorous scrutiny as it applies to other nations," said the report. Others dismissed this view.

Intervention and Sanctions

The most intrusive method for compelling a nation to comply with human rights standards is military intervention. The United Nations authorizes such intervention only when there is a "threat to international peace and security." At the conference, most participants agreed that intervention, especially in a domestic situation, should be reserved for only the most drastic human rights violations. Some pointed out that countries use humanitarian intervention only if they have a political interest in doing so. "Others agreed, but maintained that the motivation of the intervention was less important than the results," said the report.

Economic sanctions, on the other hand, were said to be a poor tool for promoting human rights. Conference participants said sanctions usually harm the people of a country more than the corrupt leaders. Economic aid and improving economic conditions may do more to reform human rights situations.

New Project

Members of the discussion group expressed interest in creating a new human rights monitoring project involving nonstate actors from China, Cuba, and the United States. "The project would operate on the basis of mutual understanding of the nations' respective political systems. There was wide agreement that human rights could be best promoted with such an understanding," the report said.

Further discussion involved how each country team would compile a list of human rights obstacles and design an index to evaluate current conditions and measure programs. Most members expressed hope that this kind of self-monitoring by nonstate actors will introduce a valuable perspective in the advancement of human rights.

—Keith Porter

Economic sanctions were said to be a poor tool for promoting human rights.

Resources

The report entitled "Report of the Fortieth Strategy for Peace, US Foreign Policy Conference" is available on the Web at **reports.stanleyfdn.org** or order on page 15.

Evolving Relations Between NGOs and the UN

A delicate balance is needed

What role do nongovernmental organizations (NGOs) play in the UN system? Representatives from universities, research institutes, NGOs, the UN Secretariat, and a UN mission recently gathered to discuss the issue as part of the Stanley Foundation's fortieth Strategy for Peace Conference. Participants discussed a broad range of topics including the role NGOs play at UN headquarters and in the field, as well as the desired future of NGOs in the UN system.

...NGOs have become more complex and involved members of global governance....

Historical Perspective

Conference participants agreed it would be difficult to assess the desired future of NGOs without considering the evolution of NGOs. "For part of the group, this meant emphasizing the recent growth and development of the roles of NGOs. From this viewpoint, NGOs have become more complex and involved members of global governance," according to the report issued following the event. But other group members stressed NGOs have always played an important role in the world. "They cited, for example, the vital role played by NGOs at the founding of the United Nations as well as their often forgotten presence at the League of Nations."

The NGO Impact

Most conference participants agreed that NGOs play an important role in shaping international decision making. Several even stated NGO involvement could improve UN decision making. "...Better input leads to better output. Even if NGOs are unable to vote at international organizations and conferences, they can still play an important role in monitoring what occurs at these meetings and also work to influence the agenda and policy outcomes." The group also dealt with concerns that NGO representatives should not participate on government-sponsored delegations. "NGOs have expertise on particular issues and can be particularly valuable to small countries that lack the time or money to develop such knowledge on their own while dealing with a wide range of global issues."

UN/DPI PHOTO

Global Crossroads. *At UN headquarters in New York, and at UN offices around the world, nongovernmental organizations have an important influence on international decision making.*

NGOs and Democratization

Part of the conference discussion focused on the role NGOs play in global politics, more specifically, the role they play in promoting democracy. Several group members felt NGOs are tools of democracy because they provide access to international decision making. "NGOs help to make other international actors more transparent and accountable," according to the conference report. But other group

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members challenged that notion. One participant argued NGOs are "self-selecting groups" with their own agendas. In addition, "Members of the group observed that there was a discrepancy between the influence of NGOs entrenched at UN headquarters and less prosperous NGOs from developing countries and the grassroots."

How They Rate

Group members felt it was important to note that not all NGOs are the same. "Many group members questioned the legitimacy of government-organized nongovernmental organizations. The fear was that governments were adapting to the impact of NGOs by working to create their own quasi-independent organizations."

Participants also discussed the growing influence of business groups on NGOs and the United Nations. Some felt business groups cannot and should not be integrated at the United Nations. Others argued business groups are part of the political process and, therefore, should be included. Participants also discussed how the United Nations should go about giving NGOs consultative status beyond the roles currently allowed. One participant "...raised the concern that the national NGOs gaining access to the United Nations were most often from the developed world, especially the United States, instead of NGOs from less developed countries."

Too Much Success?

Participants noted success is not always a good thing. Several felt successful NGOs are facing political backlash. "A major concern among some participants was the feeling that political backlash was leading to a decreased level of access for NGOs that had already gained consultative status."

Several participants used their personal experiences to emphasize this point. "One complaint was that the debate over the role of NGOs was being misfocused on representation and accreditation at the expense of the more important issue of participation," according to the report.

Forging a Better Relationship

The conference included a long discussion on ways to improve the NGO-UN relationship. "Issues that must be dealt with for creating more productive connections include legal, political, professional, and organizational needs." Participants also stressed the United Nations must recognize the delicate balance of working with a variety of NGOs. "It was...pointed out that many UN officers are not well prepared to deal with NGOs.... One member of the group encouraged both NGOs and the United Nations to do a better job coordinating themselves so that when problems were identified it would be easier to pursue quick and viable solutions."

Despite the varying perspectives outlined at the conference, participants did agree on one important issue: "...the relationship between NGOs and the UN system is an important aspect of global governance." The group also agreed that despite improving dialogue, the debate over the role NGOs play in the UN system will continue as global governance becomes the driving force in international politics.

—Kristin McHugh

New Web Site

Emerging From Conflict

The Stanley Foundation's Emerging From Conflict (EFC) program has a new home on the World Wide Web: emergingfromconflict.org.

The EFC program works to improve relations between the United States and current or recent adversaries. These include China, Cuba, Iran, Iraq, North Korea, Russia, and Vietnam. The program aims to improve dialogue and discussion between key actors in the security, international relations, and foreign policy communities of the United States and the target countries.

The new Web site gathers all of the EFC materials into one location. For each of the target countries, the site features a summary of foundation goals and information related directly to EFC program events—conference agendas, reports, and participation lists. Photos, radio interview transcripts, newsletter articles, and staff contact information are also included.

Resources

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Purple entries indicate new publications.

To find out more about the work of the Stanley Foundation, visit our Web site: stanleyfdn.org

United Nations

The United Nations and the Future of Disarmament and Nonproliferaton
Foreign policy experts met to examine the future prospects of nuclear disarmament and nonproliferation. Discussions also sought to clarify the role the United Nations can play in achieving these goals. 2/00, 26pp.

Global Governance: Defining the United Nations' Leadership Role
A new report from the Stanley Foundation examines the ways regional groups, economic alliances, security arrangements, treaty regimes, and development organizations are changing the atmosphere in which the United Nations operates. 6/99, 32pp.

Getting Down to Cases: Enforcing Security Council Resolutions
An international panel of high-level experts discussed the UN Security Council's role in three major conflicts this decade. Lessons from those cases guided exploration of options for strengthening enforcement of council resolutions. 6/98, 31pp.

Accountability and Judicial Response: Building Mechanisms for Post-Conflict Justice
Experts considered options for helping to build or rebuild justice systems in countries that have been torn apart by civil war. 10/97, 23pp.

Post-Conflict Justice: The Role of the International Community
In countries torn apart by war, there is a need for order, justice, and hope for reconciliation. To what extent can and should the international community try to fill those needs? What tools does it have at its disposal? Experts discussed those issues. 4/97, 29pp.

US Foreign Policy

Report of the Fortieth Strategy for Peace, US Foreign Policy Conference
Experts met to discuss the following topics:
- balancing the rights of nation-states, groups, and individuals
- relations between NGOs and the United Nations
- humanitarian intervention
- post-conflict reconciliation

10/99, 52pp.

Emerging From Conflict: Improving US Relations With Current and Recent Adversaries
This multifaceted program examines ways to build better relations between the US and some of its most recent adversaries. The program's first report includes an explanation of the project and examines Cuba, North Korea, Vietnam, Iran, and Iraq. 1998, 67pp.

US and European Policy Options in the Persian Gulf: Time for Precrisis Management
Experts from both sides of the Atlantic met to discuss the state of US-European policies in the Gulf. They worked toward formulating policies while anticipating crises. 9/98, 37pp.

Building Multilateral Cooperation in the Americas: A New Direction for US Policy
Policy experts assessed the prospects and obstacles to increased multilateral cooperation in the Western Hemisphere. 10/97, 19pp.

The Pros and Cons of NATO Expansion: Defining US Goals and Options
The advisability and prospects for expanding NATO were explored by a group including proponents and opponents of expansion. 10/97, 31pp.

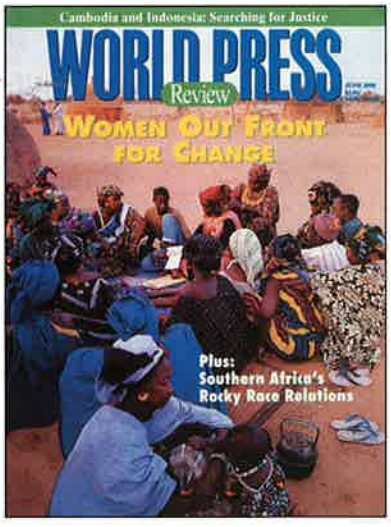
US Sanctions Policy: Balancing Principles and Interests
The efficacy of unilateral and multilateral sanctions were examined from the political and business perspectives. 10/97, 16pp.

General Interest

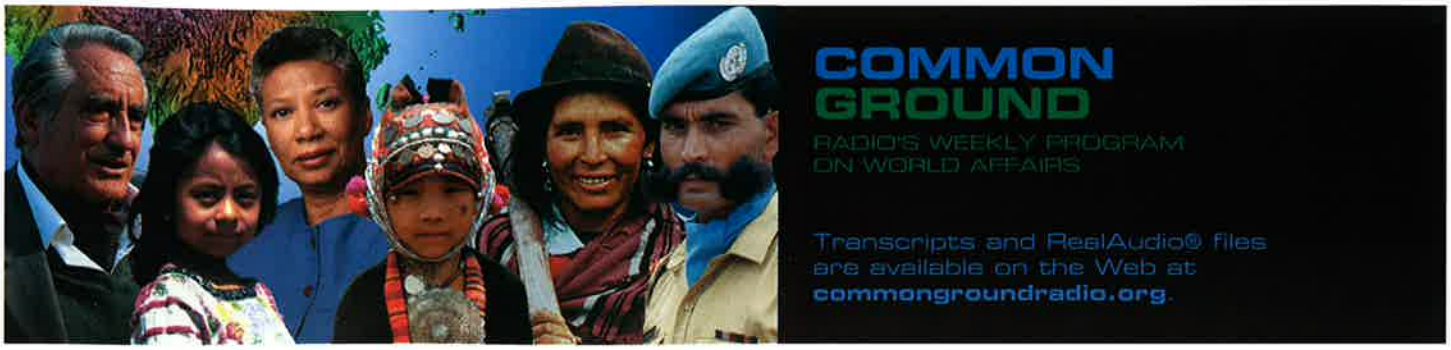
Building on Beijing: United States NGOs Shape a Women's National Action Agenda
A compilation of recommendations for national policy that grew out of discussions among American women's organizations in the wake of the 1995 Fourth World Conference on Women in Beijing. 1997, 77pp.

Educating for the Global Community: A Framework for Community Colleges
Community college leaders and government officials met to consider how to support effective global education in community colleges. They identified attributes of a globally competent learner and institutional requirements to produce such learners. 11/96, 37pp.

These reports and a wealth of other information are available instantly on the Web at ***reports.stanleyfdn.org*** *or use the order form on page 15.*



The foundation's monthly magazine, World Press Review, *features excerpts from the press outside the United States. Portions of the magazine are available on the Web at* ***worldpress.org****. For a free sample of the magazine, please use the order form on page 15.*



0023—Serb Refugees/UNHCR. Find out why returning home to post-war Kosovo isn't an option for some Serbs. Plus, a controversial proposal that would expand the role of the UN's High Commissioner for Human Rights. 5/00

0022—The International Campaign to Ban Landmines. Nobel Peace Laureate Jody Williams and others discuss the International Campaign to Ban Landmines and the reason why the campaign is receiving a cool reception from the US government. 5/00

0021—Saving the Forest/Russia's New Leader. A unique program to save the Mexican rainforest. And, understanding Russia's new president. 5/00

0020—The Architects of Justice. Immediately following a war, law and justice systems tend to break down just as war crimes investigations need to begin. The founders of a new international movement to solve this problem discuss their organization. 5/00

0019—Switzerland: Past, Present, Future. An examination of Switzerland's past and present immigration policies and the country's unique car-sharing program. 5/00

0018—Managing Nuclear Arms. Experts from around the world discuss the future of nuclear arms control. 5/00

0017—Pan Am 103 Trial. An inside view of the trial of two suspects in the bombing of Pan Am flight 103. 4/00

0015—NATO's Mistakes/Kosovo Data. Human Rights Watch Executive Director Kenneth Roth discusses NATO's role in the bombing of Yugoslavia. Plus, the high-tech methods to gather evidence of war crimes in Kosovo. 4/00

0014—Austrian Racism/Zero Nukes. Austrian minorities react to the Freedom's Party's Rise. And, a discussion with the leader of a new movement aimed at eliminating nuclear weapons. 4/00

0013—Pakistan. A review of Pakistan's economic reform plans and a report on the horror of so-called "honor killings." 1/00

0011—The Leaders of 2025. International high school students describe their vision of the world in 25 years. 3/00

0010—The Braceros/International Writers. Uncovering the World War II Bracero program. Plus, a feature on the University of Iowa's International Writing Program. 2/00

0006—The Prospect for Peace. Middle East expert Stephen Zunes discusses the history of the Israeli-Syrian conflict and the prospect for peace. 2/00

0005—Japan's Challenges. Japanese experts explain the challenges facing Japan today. 2/00

0003—The Disappeared/Rwandan Justice. Nongovernmental groups in Latin America and other parts of the world are joining forces in the struggle for human rights. Plus, how ancient justice systems are helping Rwanda recover from genocide. 1/00

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Disarmament and Nonproliferation

Nuclear Arms Control Regime at Risk

Multilateral efforts are needed

AP/WIDE WORLD PHOTO

Symbol of Sovereignty. *Pakistanis admire a missile capable of carrying a nuclear warhead.*

Despite the Russian Duma's ratification of the second Strategic Arms Reduction Treaty (START II), there is a sense among many experts that the nuclear arms control regime is faltering and could collapse. The United States has received heavy criticism for its lukewarm support for arms control. The United States is blamed, among other things, for failure to ratify the Comprehensive Test Ban Treaty (CTBT) and for a desire to renegotiate the Anti-Ballistic Missile Treaty in order to pursue national missile defense.

These topics were recently discussed by experts at a Stanley Foundation event titled "Nuclear Disarmament and Nonproliferation: Choices for the World." This was the foundation's thirty-first annual United Nations Issues Conference. Participants were profoundly troubled by the India-Pakistan nuclear explosions and the thinly veiled attempt of countries such as Iraq, Iran, North Korea, and Israel to acquire nuclear weapons.

The group examined a number of policy recommendations (see right). A more detailed report and a Policy Bulletin summarizing the discussion are available. These documents are an interpretation of the conference proceedings and were neither reviewed nor approved by the conference attendees.

—Keith Porter

Resources

The report and Policy Bulletin are available on the Web at **reports.stanleyfdn.org**.

Policy Recommendations

1. Nations should use the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference, currently underway at the UN headquarters in New York, to strongly reaffirm their commitment to fulfilling all aspects of the NPT.
2. UN capacity to promote and support nuclear arms control and disarmament should be strengthened.
3. NGOs and the United Nations should collaborate to build a pragmatic political center that reinforces the goals of nonproliferation and nuclear disarmament
4. The United States and Russia should ratify START II and work toward START III while also establishing a framework for multilateral negotiations.
5. NPT nations should pressure India, Pakistan, Cuba, and Israel to join the NPT and the CTBT.
6. Countries with nuclear weapons should reduce the salience of nuclear weapons in their national security doctrines.

These policy recommendations were supported by nearly all conference participants.

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