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Population: Closing the "Baby Gap"

Barbara Crossette

Industrialized nations fret about their declining population, but the more pressing problem is that developing nations can't control their growth.

A new divide is opening between shortsighted industrialized societies and the world's poorest countries. It's all about babies.

In Japan, in Russia, in Germany and elsewhere in what development gurus like to call "the global North," panic has set in about fertility declines, and couples are exhorted to have and are rewarded for producing more children. Economic growth demands it. Bigger retirement bills come due every year as populations age. A shrinking labor force spells disaster. So fascinated are we in the developed world with this phenomenon — the scarcity of babies — that a pervasive misinterpretation of world population trends has taken hold.

Here's the reality: In a majority of nations, in the world's most deprived societies, there is no shortage of babies. Women there are often crying out for help in controlling their fertility, sometimes to save themselves from early death as well as to give their children a better chance at life. As a young mother who had just discovered contraception told me in rural Laos, where the typical hardworking farm woman has at least five children at an early age, "By the time I made a meal for my family, I was too exhausted to eat."

But when foreign aid priorities are set, family planning is no longer high on the list. It hasn't been for decades, even before the focus and much of the money turned almost exclusively to the prevention and control of admittedly decimating diseases. The 1960s were the high point in family planning, when big budget allocations were available. Leaders of new nations emerging from colonialism, however, did not always want that kind of help, and influential development thinkers in richer countries came to accept that pushing family planning was a cultural or even political intrusion. Both sides say that now, when aid for women's needs generally is at a low point, this has to be reconsidered.

President Bush thinks otherwise. He has just barred for the fifth year US government contributions to the UN Population Fund, which does more work in more countries than any other family-planning organization. His action is based on unsubstantiated claims, denied by the United Nations, that the fund aids abortion in China. The US is now \$196 million in arrears.

Of the world's 6.6 billion people, about 5.4 billion live in less developed countries. By 2025, the richer world will account for just over 1.25 billion of the projected global population of 7.9 billion; by 2050, the numbers will have risen only marginally for the industrial world, while 8 billion of the world's 9.2 billion people will be in poor nations, according to figures just published by the Population Reference Bureau in Washington, based on statistics from the US Census Bureau, the United Nations, the World Bank and other institutions. (Full disclosure: I have written reports for the Population Reference Bureau, but not on this subject.)

To put it another way, almost all the population growth -- despite almost universal reductions in fertility -- will be among the people who already struggle hardest to survive, whose life expectancy is slipping in many places and who bear the heaviest burden of conflict and disease. Development unravels when caught in what Kofi

Annan, the former UN secretary-general, called the “poverty-fertility” trap.

Wait a minute, say those who see some silver lining in population growth for developing nations. There is the “demographic dividend.” A large, young, productive workforce boosts an economy, not unlike in the US, the only major industrial nation where substantial population growth continues, through a higher birth rate and immigration. That assumption, however, rests on an educated, healthy population. When families and public services are overwhelmed by numbers, a terrible cycle of underachievement goes into motion.

The exodus of desperate people from sub-Saharan Africa and parts of South Asia is a symptom of the crushing double burden of underdevelopment and overpopulation in places least able to cope. Environmental damage is near-catastrophic. In India, for example, nearly half the children are malnourished and no major city has running water 24 hours a day. Moreover, especially in Africa, a steady brain drain further cripples progress.

What is astonishing is the absence of important voices with new ideas for bridging the baby gap. Where are the bold international formulas (not just conferences) for tackling and balancing migration to serve

both the North and South? Wouldn't the world's natural environment be better protected by offering more people a managed way to move to less-populated regions, perhaps through a new UN agency modeled on the Office of the High Commissioner for Refugees? Wouldn't it be better to help developing nations achieve workable population levels through family planning in the long term, while filling current gaps in the working-age population of rich nations through immigration? Shortsightedly, Europe and Japan seem to recoil at such thoughts. They would rather have more babies. Does the world really need them?

Some nations that rank well in the Global Peace Index are notorious for violence against women and children.

Dark Underbelly of the World's Most “Peaceful” Countries

Ríane Eisler

A social scientist, cultural historian, attorney, social activist and author, **Ríane Eisler** is best known for *The Chalice and The Blade: Our History, Our Future*, now in 23 languages (an essay based on it appeared in *Minerva* #15, August 1999). Her latest book, *The Real Wealth of Nations: Creating a Caring Economics* — hailed by Archbishop Desmond Tutu as “a template for the better world we have been so urgently seeking” — proposes an economics that “gives visibility and value to the most essential human work: the work of caring for people and nature”. It intends to give people “grounded hope that change is possible and that we are not doomed to despair and destruction”. Her other writings include *Women, Men, and the Global Quality of Life*, statistically documenting the status of women, and over 200 essays and articles. Ms Eisler is a founding member of the General Evolution Research Group, a fellow of the World Academy of Art and Science and World Business Academy, and a commissioner of the World Commission on Global Consciousness & Spirituality. She is president of the Center for Partnership Studies <www.partnershipway.org>.

The first-ever study ranking countries according to their level of peacefulness, the Global Peace Index, was recently published by the Economist Intelligence Unit.

Sensibly, its basic premise is that “peace isn't just the absence of war; it's the absence of violence.”

The index uses 24 indicators such as how many soldiers are killed, the level of violent crimes, and relations with neighboring countries.

Yet it fails to include the most prevalent form of global violence: violence against women and children, often in their own families. To put it mildly, this blind spot makes the index very inaccurate.

Glancing at the list shows why. Out of 121 countries studied, the United States ranked 96; Israel was 119. But Libya, Cuba, and China — not exactly paragons of human rights — rank 58, 59, and 60.

A closer examination reveals some of the sources of distortion:

- For example, Egypt was ranked 73. But more than 90 percent of Egyptian girls and women are subjected to genital mutilation. This gruesome practice causes many lifelong physical problems and claims the lives of countless women. It's a terrible form of violence, but it wasn't included in the index, otherwise Egypt would have ranked much lower.

- United Arab Emirates is 38, but this does not count the jockey slave trade of little boys for the camel races that are a favorite sport in this area. It is well known that these children are often treated worse than the camels, subject to whippings and other violence, as well as given little to eat so they won't weigh much.

If this violence, as well as the violence of “honor killings” of girls and women in the Middle East were included, such nations would rank much lower.

- China ranked 60, but female infanticide is still a major problem, as shown by the imbalanced ratio of males to females there.
- Chile ranked 16, but as in many Latin American nations (and nations worldwide), the incidence of wife battering is extremely high. For example, although this violence is still rarely prosecuted or officially reported, 26 percent of Chilean women suffered at least one episode of violence by a partner, according to a 2000 UNICEF study.

The authors of the Global Peace Index expressed hope that it will lead to a new approach to the study of peace. They also said they plan to expand their criteria for future indexes. This expansion must start with major changes in the 10 “measures of societal safety and security”.

The current index rightly seeks to measure the “level of disrespect for human rights”. But according to the report’s methodology, this level was based on the “Political Terror Scale” — a scale that ignores the fact that the most ubiquitous human rights violations worldwide are, as a UNICEF report noted 10 years ago, violations of the rights of women and children.

That the index fails to include this violence is particularly shocking in light of the long-standing availability of international statistics such as:

- Twenty percent of women and 5 to 10 percent of men have suffered sexual abuse as children.
- Between 100 million and 132 million girls and women have been subjected to genital mutilation worldwide. Each year, an estimated 2 million join their ranks.
- Female infanticide, selective female malnutrition, and medical neglect of girls are far too common. In India’s Punjab State, girls between the ages of 2 and 4 die at nearly twice the rate of boys.

Similarly, while the index rightly includes “level of violent crime”, it fails to take into account that much of the violence in families is still not considered a crime in many nations — and hence not reported, much less prosecuted, as such.

It’s unrealistic to expect “cultures of peace” so long as children grow up in families in which the use of violence to impose one’s will on others is considered normal, even moral.

The good news is that not every one growing up in such families perpetuates violence. The bad news is that many people do — be it in intimate or international relations.

Intimate and international violence are inextricably interconnected. But we can only see this once we include in studies of violence the majority: women and children. If we are serious about peace — not just about measuring it but about creating more of it — we have to look at the whole picture. We must pay particular attention to those formative experiences when young people first learn either to respect human rights or to accept human rights violations as just the way things are.

Only as we leave behind traditions of domination and violence in the human family will we have solid foundations on which to build global peace.

This review appeared in *The Christian Science Monitor*, 26 July 2007. It is reprinted with the writer’s permission. Some of her other work may be seen on her website: <www.rianeesler.com>.

The Global Peace Index compiler, the Economist Intelligence Unit (EIU), is “the country intelligence division” of The Economist Group that publishes *The Economist* newspaper. The EIU used all its country analysts in gathering and scoring the data, in collaboration with its contributor network of 650 people. The Index was peer reviewed by “an international panel of the world’s leading peace experts”.

While, at first glance, the omission of violence against women and children from the Global Peace Index might seem a matter of mere negligence — an all too common oversight — it is much more than that. This kind of rationality is symptomatic of a larger problem: the challenges faced by women in particular fail to register on an international stage as the kinds of challenges that actually affect anyone.

- **Eesha Pandit**, Reproductive Health Reality Check, 30 July 2007

Another index: In London on 18 October 2007, Population Action International issued a new report, *A Measure of Survival: Calculating Women’s Sexual and Reproductive Risk*, ranking 130 developing and developed countries according to sexual & reproductive risks, and providing “steps to improve the lives of women, particularly in regards to their reproductive health, in all countries”. More information about the report is available at <<http://www.populationaction.org/mos>>.

Rape and Post-Conflict Justice

Noeleen Heyzer

When this op-ed appeared in the *Toronto Star* on 2 August 2007, Noeleen Heyzer was the longstanding executive director of the United Nations Development Fund for Women (UNIFEM). Since then, she has taken a new position as Executive Secretary of the UN Economic and Social Commission for Asia and the Pacific.

Her commentary is reprinted with permission of UNIFEM.

The use of rape has become so commonplace in the Democratic Republic of Congo's perpetual conflict that it is spreading into life in general, becoming what many alarmed observers consider to be an epidemic of unrivaled proportions. "Sexual violence in Congo is the worst in the world. The sheer numbers, the wholesale brutality, the culture of impunity — it's appalling," says John Holmes, United Nations emergency relief chief (*New York Times*, 7 October 2007).

"Women are caught up in a tsunami of hatred and violence," says Brad MacIntosh, a Canadian scientist who has worked as a volunteer in a hospital treating rape victims in Congo (quoted by Olivia Ward, *The Toronto Star*, 12 October 2007). "They're not able to move about and hide, and they are easy targets. This goes beyond rape as a crime of war. It's a strategy to terrorize and destroy whole communities."

Meanwhile, Undersecretary-General for Peacekeeping Jean-Marie Guéhenno is stressing the UN's "zero tolerance" for sexual exploitation and abuse by its more than 80,000 peacekeeping troops (23 October 2007): "While rape is used as a weapon of war in situations such as Congo and Darfur, addressing this war crime requires going beyond political compromise, power and resource sharing agreements. Instead, combating rape and other forms of sexual violence calls for concerted, robust and ongoing action on the part of both national actors and also the international community at every level of engagement."

The lengthy prison terms for war crimes and crimes against humanity handed down by the Special Court for Sierra Leone [recently] have been greeted with widespread praise. Two senior members of the Armed Forces Revolutionary Council were sentenced to 50 years' imprisonment and another to 45 years for atrocities, including rape, committed during the country's civil war.

Indeed, calling senior military leaders to account for sexual crimes against women is a historic achievement. The July 19 sentencing reaffirms that rape is among the gravest violations of international law, on par with acts of mass murder and terrorism.

The precedent set by the International Criminal Tribunals for the former Yugoslavia and Rwanda, as well as the investigations into Central African Republic and Darfur being conducted by the International Criminal Court, suggests that post-conflict justice for sexual violence may at last be becoming the rule rather than the exception.

Yet during the 11 years of brutal civil war in Sierra Leone, more than 50% of the country's women and girls suffered sexual violence. Five years later, only 11 suspects have been indicted. This means that thousands of women will never see their rapists brought to justice. They will, instead, continue to see them in the streets, parks and marketplaces of their communities. For these women, there is no closure to the trauma of wartime rape. Peace brings no peace of mind. And there is no equality before the law.

The women of Sierra Leone look to the Special Court as an emblem of hope for ending impunity. But beyond the high-profile cases that the Court is mandated to take on, it is also hoped that it will help bolster the capacity of local courts to convict the thousands of lower-ranking rapists who walk free. This is indeed the best hope for resurrecting the rule of law in a war-ravaged nation.

Regrettably, international support for the rehabilitation of justice systems and the rule of law has not prioritized women's access to justice. This has generally been sidelined in favour of market-oriented reform, such as revising corporate laws to improve the investment climate. Such an approach overlooks the fact that age-old social and economic inequalities — including those between women and men — are often the root causes of conflict, instability or economic stagnation.

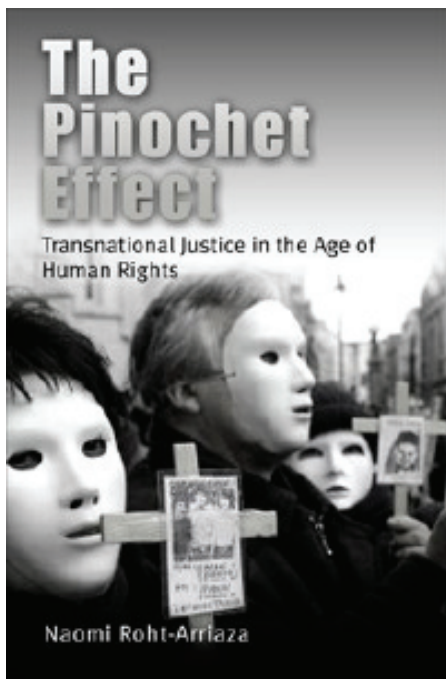
So while provisions for prosecuting rape are firmly established in international law, a lack of political will and financial support leads to foot-dragging. For women living in the midst of their tormentors, justice delayed is more than justice denied — it is terror continued.

We must urgently ensure that laws on paper are matched by action. Appalled by reports from clinics in war-torn countries of genital injuries caused by rape, and aware of the need for global action, 12 UN organizations, including UNIFEM, have come together in the UN Action against Sexual Violence in Conflict.

Alongside women's groups and NGOs worldwide we are working to break the silence surrounding sexual abuse, build communities that say no to violence against women and enhance women's access to justice.

For centuries, women have borne the guilt and taint of rape in the absence of any formal attribution of liability. Now, the prospect of consistent, expedient justice according to law places this burden squarely where it belongs — with the perpetrators.

The sentences in Sierra Leone remind us that by calling for the effective prosecution of every perpetrator regardless of rank, we can all contribute to making rape a rule of law priority in national and international courts, in times of war and peace.



REVIEW of Naomi Roht-Arriaza's *The Pinochet Effect: Transnational Justice in the Age of Human Rights*

Mary Ann Tétreault

August 2007

The Bush administration devoted substantial time and effort to carve out an island of impunity for itself with regard to its treatment of prisoners of war and other detainees in its “global war on terror.” These human rights abuses were widely reported and written about even during the Afghan conflict and even more after prisoners began to be taken to US detention facilities at Guantánamo Bay (e.g. Dworkin 2002; Lelyveld 2002; Neier 2002). When the torture and murder of persons held at Abu Ghraib prison in Iraq became public in May 2004, analyses in the “alternative press,” memoranda, investigative reports, and testimonies from the few foreign detainees released in response to pressures from their governments finally penetrated the hermetic world of the “main stream media.” Taken together, they exposed a sequence of policies attesting to both the intentions of policy makers and their concern to preserve themselves from prosecution for their actions.

[W]hat the reader is left with after reading these documents is a clear sense of the systematic decision to alter the use of methods of coercion and torture that lay outside of accepted and legal norms, a process that began early in 2002 and that was well defined by the end of that year, months before the invasion of Iraq. ... Not only did the lawyers and policy makers knowingly overstep legal doctrine, but they did so against the advice of individuals in their midst (Greenberg 2005:xix).

Indeed, the moral and legal vulnerability of US policy makers as much or more than concern for personnel directly in charge of the detainees was responsible for what appears to be a conscious effort to protect all of them from prosecution for the human rights violations they knew they were committing.

One track was pursued in the White House where much of it took the form of legal opinions solicited from presidential advisors and Cabinet officers that effectively re-defined torture so that it would lie beyond the “enhanced interrogation techniques” authorized by the highest officials in the US government (for examples of the made-to-order opinions, see Bybee 2002; Gonzales 2002; Yoo 2002; for the latest summary of evidence that torture was authorized by the highest levels of government, see Gellman and Becker 2007). Another strategy focused on reducing the risk that US officials might be asked to account for their actions before an international tribunal.

Given the position of the United States on the UN Security Council, where it has a veto, the administration saw the likelihood of creating a special tribunal to hear cases of war crimes charged to US officials and military officers as minuscule. Yet a real threat could come from the new International Criminal Court (ICC), created by the 1998 Rome Treaty to try responsible individuals for war crimes and systematic atrocities when their national judicial systems are unable *or unwilling* to do so. That the court was on the minds of US policy makers is revealed in such documents as a memo prepared by then-Deputy Assistant Attorney General John Yoo (2002). It loomed even larger after attempts to obtain a permanent free ride from the UN Security Council for any war crimes committed by US forces or their civilian employees during peace-keeping missions were stymied in May 2002. Instead, the Security Council passed a resolution that required exemptions from war crimes prosecutions to be authorized year-by-year, shifting the power of the veto to the other four permanent members of the

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Politics as if People Mattered, co-authored with Ronnie Lipschutz (2005);

Stories of Democracy: Politics and Society in Contemporary Kuwait (2000); and edited volumes, among them *Gods,*

Guns, and Globalization: Religious Resurgence and International Political Economy (2004); *Partial Truths and the Politics of Community* (2003); *Rethinking Global Political Economy: Emerging Issues and Unfolding Odysseys* (2003). Among her recent articles is “The Sexual Politics of Abu Ghraib: Hegemony, Spectacle, and the Global War on Terror,”

National Women's Studies Association Journal, 18(3) Fall 2006: 33-50.

Naomi Roht-Arriaza is a Professor of Law at the University of California Hastings College of Law. She is the author of *Impunity and Human Rights Violations in International Law and Practice*.

The Pinochet Effect: Transnational Justice in the Age of Human Rights (2005) is part of the University of Pennsylvania Studies in Human Rights series.

Security Council (Human Rights Watch 2002). Shortly afterward, in July 2002, president Bush took the unprecedented step of rescinding the US signature to the Rome Treaty.

Fortunately, as Naomi Roht-Arriaza shows in her excellent book, impunity for domestically well-protected violators of human rights is far from guaranteed. In fact, the likelihood of prosecution of persons accused of human rights violations has increased in recent years, regardless of their political positions and whether or not their national governments want them to be tried. For example, even though Belgium subsequently modified its landmark 1993 law granting broad jurisdiction to hear cases of war crimes committed abroad, it tried four Belgian nuns for complicity in the 1994 genocide in Rwanda; they were convicted in June 2001. But the most disquieting development from the perspective of US policy makers was the sequence of hearings and trials concerning the former president of Chile, Augusto Pinochet, and the widespread human rights violations committed during his rule. Pinochet's protected status as senator-for-life was challenged in 1996, when a criminal complaint was filed in a Spanish court accusing him and most of Chile's top military and civilian authorities of genocide, terrorism, and torture. In 1998, when Pinochet needed back surgery, he asked for an assessment from his lawyer of the risk of traveling to London only to be told that "no law of a faraway land" would be able to touch him. This "advice was a fitting metaphor for the military's disdain for civilian institutions, sense of its own power, and refusal to see . . . how much . . . the world had changed" (2).

Pinochet's legal troubles began in earnest with his arrest in London on 17 October 1998 on a warrant from Spain requesting his extradition to face murder charges. Public opinion in Britain and worldwide was divided, but British human rights groups and the Chilean exile community mobilized to argue the case for extradition upon Pinochet's arrival in London, while Amnesty International weighed in with a letter suggesting that Britain should "either prosecute Pinochet or ex-

tradite him to a country that would" (37). Amnesty and the citizens' groups worked to get the court to agree to extradition and, if that should prove impossible, to prosecute Pinochet in Britain. Although the attempt to have Pinochet tried in either venue ultimately failed, his entanglement in the legal systems of England and Spain kept him away from Chile for 503 days. Even more, it demonstrated that the internationalization of jurisprudence and the growing authority of international law could compensate to some degree for the failings of non-existent, ineffective, or uninterested national courts.

[Pinochet's] arrest led to a number of positive developments in the application and interpretation of international human rights law. Fundamental principles were reaffirmed, such as the scope of universal jurisdiction and the absence of immunity from prosecution for former heads of state accused of crimes such as crimes against humanity and torture (Amnesty International 2000).

How this happened unfolds in *The Pinochet Effect*, a finely detailed report and analysis of the campaign to bring the architects of and participants in Latin America's dirty wars to justice.

The story begins with the surprising cascade of legal actions in Spanish and British courts that brought General Augusto Pinochet and the many crimes committed by his regime back into public consciousness. It proceeds through accounts of ongoing attempts to bring the criminals themselves along with those who had aided and abetted them before the bar of justice. Throughout, Roht-Arriaza's account is fundamentally optimistic. The author does confront the many setbacks and missed opportunities that, in the end, allowed Pinochet to die outside of prison in a hospital bed surrounded by family members, and his supporters to weep before television cameras in the street at the death watch. But she reminds us constantly how far we have traveled in the past thirty years toward general acceptance of human rights principles, sometimes even at the expense of the sacrosanct norm of national sovereignty, perhaps the greatest international legal obstacle to human rights protection (also Havel 1999).

Despite the difficulties of sustaining the case against Pinochet in a country whose former Prime Minister was among his long-standing supporters — Margaret Thatcher's farewell gift to Pinochet after the British government decided not to extradite him to Spain but rather to send him home to Chile, was a "silver plate originally crafted to commemorate the British victory over the Spanish navy in 1588" (67) — Pinochet's legal adventures eventually led to Chile's lifting of the amnesty that had protected him and his accomplices from prosecution at home. It also revitalized attempts to end the impunity that had protected Argentinian generals from prosecution for disappearances, torture, and the theft of children during the dirty war there. It served as an impetus to Spanish investigators who turned their attention to Operation Condor, the multinational network of police and intelligence services engaged in hunting down, capturing, and killing dissidents and leftists across Latin America. Eventually even the United States was persuaded to release documents that, added to materials from Paraguayan government archives and evidence collected by the investigators, provided the groundwork needed by human rights lawyers around the world to demand prosecution of these criminals in European courts under the principle of universal jurisdiction, and under domestic and international criminal law in their home countries. While the activists won only a handful of convictions, their adversaries no longer could assume that they would be able to get away with theft, kidnaping, torture, and murder for the rest of their lives without looking to see who might be coming up behind them.

Even so, the obstacles that must be overcome to build on this foundation are enormous. One is the imperfect translation of treaty law into national law. In the Pinochet case, for example, "a murder is a crime under British law [but] murder outside the UK is not, unless the perpetrator is British. If it was not a crime under British law, it was not an 'extradition crime,' so the warrant [for extraditing Pinochet] was no good" (41). In countries like the United States, where treaty law is constitutionally accorded the same status as domestic law, apologists for the Pino-

chets of this world are constantly working to undermine the legitimacy of cases brought on these grounds. Right-wing criticisms of opinions on domestic criminal cases that rely on references to foreign and international law both deny the constitutional status of treaty law and derogate the value of international precedents (e.g. Meyer 2005).

Developing-country apologists call attempts to bring their former rulers to justice in European countries just another instance of neo-colonialism, and it is true that Spanish and Belgian courts have taken cases against defendants from their former colonies. But this elides the acceptance of international treaties by those former colonies, and the fact that former colonial powers are not necessarily hospitable venues for trying human rights violations. In a case with interesting parallels to Pinochet, the Dutch court of appeals accepted the argument that, because torture and murder were illegal under domestic law, it didn't violate the principle of non-retroactivity to bring Désiré Bouterse, former dictator of Suriname, to trial under the Convention Against Torture (CAT), even though the Netherlands had not ratified the treaty until after the crimes he was charged with had been committed (179). But the Dutch Supreme Court reversed this decision on the grounds that, before the CAT was accepted, the Dutch courts had no extra-territorial jurisdiction (180).

Political concerns often influence international cases. Roht-Arriaza argues both that politics allowed the Pinochet case to move forward in 1998, and explains why it was closed down in 2001 (35-37, 63). Another example is the case against Hissène Habré, the former dictator of Chad whose "massive violations of human rights" were uncovered by a Truth Commission. Domestic politics made trying him in Chad impossible, but Habré had taken refuge in Senegal, theoretically a good venue for Habré's victims because of its democratic government, independent judiciary, and prominence in human rights. But when a concerted, well-financed press campaign began to portray Habré as a victim of the French and Americans, the government backed off its support of the prosecution

and took the case away from the presiding judge. The March 2000 presidential election brought in a new president whose chief legal advisor was Habré's attorney. Soon, the court found that Senegal had no jurisdiction over extra-territorial torture even though it was a signatory to the CAT. Politics also truncated Belgium's experiment in offering its judicial system as a venue for human rights cases brought under the principle of universal jurisdiction. The law was modified in steps after cases were brought by Palestinians and Lebanese first against Ariel Sharon, and then against American defendants for war crimes committed in Iraq (189-90). US pressure, which included public "fuming" and threats to pull NATO meetings out of Brussels, ended up, in the judgment of international lawyers and NGOs, in gutting the law "based simply on US antipathy to any kind of international justice" (190, 191).

In spite of these and other setbacks, Roht-Arriaza ends her book with a paean to human agency. She names names and recounts the deeds of the many individuals and organizations responsible for moving the cause of international human rights forward, as well as those of the individuals and governments devoted to undermining and sabotaging these efforts. This part of the book speaks directly to my concerns that the Bush administration could entirely escape being brought to account for its many violations of human rights. Most of my misgivings revolve around the self-exemption of US policymakers to ICC jurisdiction and the political impossibility of their being brought to justice before any other sort of international tribunal.

Roht-Arriaza withholds judgment on the ICC, although she praises its focus on the rights of victims, and she is no fan of the tribunals hearing cases in conjunction with the genocides in Bosnia and Rwanda. Indeed, her book is a passionate argument for continuing to engage in multiple approaches to international justice. Throughout its pages, she offers example after example of individual plaintiffs, judges, lawyers, and NGO workers whose desire for justice leads them to struggle on a broad array of fronts, refusing to be discouraged, being willing to move to new

venues when old ones are closed down by political interference or conflicts over interpretations of the law. She sees the ICC less as the institutional culmination of the long effort to end impunity for atrocities and crimes against humanity than as one element in a set of strategies that includes cases brought under universal jurisdiction in hospitable national courts as well as tort suits claiming damages for wrongful death and injuries.

The Court should use the advantages of a decentralized approach [that] allows a number of experienced investigative judges ... to develop a jurisprudence of international criminal justice "from below". ... [Despite the untidiness that would result from] a proliferation of transnational cases ... [there is a positive] tradeoff ... a large number of domestic judges grappling with international criminal law and procedure, internalizing and domesticating this law and the human rights and humanitarian law that comes with it. [That] would put ... would-be perpetrators on notice of where the limits are [and] prove a far greater deterrent to crimes against humanity ... if would-be génocidaires know that their acts are being watched, and may be judged, in many different places ... not just one (207).

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"Roht-Arriaza has brought together a great amount of information from both published and other sources. The background to the work is the functioning and networking of nongovernmental organizations. Indeed, the book provides a significant guide to the world of these organizations and to the role of the small groups of activists in many countries, in political and legal work within human rights coalitions. . . . The treatment is both historical and legal, and the multilayered approach produces many dividends."

- Ian Brownlie, in the *American Journal of International Law*

"A modern day version of Hannah Arendt's classic Eichmann in Jerusalem."

- Michael P. Scharf, coauthor of *Slobodan Milosevic on Trial*

REVIEW of *A United Nations Emergency Peace Service: To Prevent Genocide & Crimes Against Humanity* edited by Robert C. Johansen

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for twenty years. Dr Glossop is the author of *World Federation?* (1994) and *Confronting War* (4th edition, 2001).

Robert C. Johansen, a Professor of Political Science and Peace Studies at the University of Notre Dame and the Kroc Institute for International Peace Studies, also has written "The Impact of U.S. Policies Toward the International Criminal Court on the Ability of the International Community to Enforce International Laws Prohibiting War Crimes, Genocide, and Crimes against Humanity".

This book is a collection of articles by scholar-activists dedicated to making the slogan "Never Again" become a reality rather than just an empty expression of hope. It is about a proposal for a UN Emergency Peace Service (UNEPS), a small specially trained standing international force of 12,000 to 15,000 individually recruited persons that could be quickly deployed in crisis situations to stop genocides and crimes against humanity. It also sets out a strategy for civil society organizations and supportive individuals to work together to make UNEPS a reality, just as they did with the International Criminal Court.

The Preface by long-time UN civil servant Sir Brian Urquhart, citing specific examples, lays out the arguments about why such a force is now desperately needed. The situations calling for UN intervention have become much more complex, often involving maintaining public order and aiding victims of violence. They may require a quicker response than existing procedures permit, rapidity which is necessary not only to save lives but also to keep the crisis from getting completely out of hand.

Urquhart also addresses the objections that can be raised against such a force. The first is the expense of maintaining it; but, he notes, the money saved would greatly exceed the cost. The second is the claim that the present system of organizing peacekeeping forces from willing nations is adequate, but the record shows that it just isn't. The third objection is that such a standing UN force would erode national sovereignty, but the human disasters now occurring are much more real and important than any threat to national sovereignty.

The “Introduction” by David Krieger, Saul Mendlovitz, and William Pace cites recent studies and special panels which agree that there is a real need for such a standing peace service, enough to make it clear that the need now is for some action. They discuss the historical development of efforts to deal with genocide and war crimes from the post-World War II Nuremberg Trials and the 1948 Convention on the Prevention and Punishment of the Crime of Genocide to the UN’s ad hoc tribunals for crimes in the former Yugoslavia and Rwanda in the mid-1990s to creation of the International Criminal Court in 2002 to the current acceptance of the new concept of “responsible sovereignty”.

A transnational coalition of civil society organizations to promote the establishment of UNEPS has now been spurred into action by “the dismal failure of the international community to prevent the slaughter of innocent civilians in Cambodia, Rwanda, Bosnia, East Timor, Liberia, Somalia, Darfur, and elsewhere”. This coalition “believes that the inability and unwillingness to deal with genocide and crimes against humanity arises, at least in important part, from the absence of an appropriate body with authorization to enforce these laws”. A few efforts have been made to correct this inadequacy, but they have not solved the problem. An alternative way is needed to overcome the “body-bag backlash” concern which keeps richer countries from participating in peacekeeping missions as well as the concerns of the Global South that interventions will be conducted in their countries without their input.

The transnational “Working Group for UNEPS” formed in 2002 is now composed of many groups and individuals, but three organizations have been particularly supportive. They are Global Action to Prevent War, the Nuclear Age Peace Foundation, and the World Federalist Movement. These three organizations, which supported the publication of this book, also serve as co-secretariats for the UNEPS project and campaign.

Political Science Professor Robert C. Johansen of the Kroc Institute for International Peace Studies at the University of Notre Dame edited the book and authored much of it. The first chapter is his Executive Summary, which explains that UNEPS “would be designed to complement — not replace — other essential national, regional, and UN efforts”. It “could provide immediate, full protection in some crises and serve as an advance group that would prepare the way for subsequent additional help, if needed, in larger conflicts.”

The second chapter, based on an early draft about the UNEPS concept by H. Peter Languille, is the agreed-upon statement of the rationale for UNEPS which grew out of the 2003 UNEPS Symposium in Santa Barbara, California. The case for UNEPS (with a few modifications noted in the third chapter) includes 1) The Need; 2) The Proposal (with its unique nature — permanent, quick response, individually recruited, carefully selected and expertly trained, coherently organized under UN command and dedicated to the mission, and an integrated force with all components necessary for diverse peace and enforcement operations); 3) The Decision to Deploy; 4) The Costs; 5) The Benefits; and 6) The Call to Action (“responsibility for breathing life into UNEPS now lies with members of civil society, in cooperation with the UN, regional organizations, and governments wherever possible”).

The third chapter is the report for the second workshop on UNEPS held in Cuenca, Spain in February 2005. It amplifies the case and discusses some particular questions: 1) Is the proposal for UNEPS politically feasible? 2) How can UNEPS help fulfill the Responsibility to Protect? 3) Can UNEPS succeed without the consent of the state where it is deployed? 4) Who should authorize deployment? 5) Is UNEPS needed in addition to other rapid-reaction initiatives? 6) How can UNEPS ensure respect for women’s human rights? 7) Under what conditions could UNEPS be called on to assist with natural disasters and environmental accidents? Some other hard questions are also discussed in this chapter.

The fourth chapter or “Afterward” consists of comments about the Cuenca report made by Lt. General Satish Nambiar of the Indian Armed Forces and First Force Commander and Head of Mission of the UN Forces in the former Yugoslavia in 1992-1993. The fifth chapter is a discussion of issues being raised by various constituencies, by Hussein Solomon, Director of the Center for International Political Studies at the University of Pretoria, South Africa; Alcides Costa Vaz, Director of the Institute of International Relations at the University of Brasilia, Brazil; and Lois Barber, Executive Director of EarthAction.

This book is the indispensable source of information about the UNEPS proposal, the arguments for it, and the strategy for working to make it a reality. At the same time it perceptively discusses the potential problems this proposal confronts.