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**ARMED CONFLICTS AND INTERNATIONAL
SECURITY: A FACTUAL AND ANALYTICAL
REVIEW**

Alyson J.K Bailes and Sharon Wiharta

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Armed Conflicts and International Security: A factual and analytical review

Alyson J.K Bailes and Sharon Wiharta¹

Summary: There can be no doubt about the dominance of conflict as a concern in modern security analysis and policy. Localized and active conflicts have attracted proportionately much greater attention since the ending of the East-West Cold War and, with it, of the essentially static military confrontation in Europe that had carried the potential for global annihilation. They produce more shock and shame, as well as concern, in the onlooker because they appear as exceptions to the trend of stabilization in inter-state and inter-regional relations since 1990 and as a reversion to “pre-modern” methods of behaving in the global society. They carry more complicated material implications for non-combatant states because of the generally increasing interdependence and “globalization” of the world economy

I. Introduction

Interestingly enough, the word “conflict” does not appear in the Charter of the United Nations. Instead – and understandably given the time of its genesis - the text refers to “disputes”, “aggression” and protecting the world’s peoples from the threat of “war”. If the terminology of “conflict” has come largely to replace, and certainly to overshadow, these earlier concepts during the later half of the 20th century, it is because it can so conveniently be used to encompass a number of different types and sources of armed violence.

“Conflict” may occur between states, within states and between non-state actors; it can involve forces acting on their own territory, or far away; it does not have to have a single identified “aggressor”, or to be aimed at physical “conquest”, or to be preceded by a single identifiable “dispute” in other form. Elastic though the term is, however, it will be used in what follows with some fundamental restrictions. The qualifier “armed” means that we are talking here about violence that uses weapons against the life and limb of the opponent, and that takes place at some level above the purely personal, domestic, and criminal. There is nothing wrong in talking about economic, social, religious or philosophical “conflict”, but these other manifestations of human disunity are relevant to the present study only if or when they trigger an armed confrontation on a more than individual scale.

There can be no doubt about the dominance of conflict as a concern in modern security analysis and policy. Localized and active conflicts have attracted proportionately much greater attention since the ending of the East-West Cold War and, with it, of the essentially static military confrontation in Europe that had carried the potential for global annihilation. They produce more shock and shame, as well as concern, in the onlooker because they appear as exceptions to the trend of stabilization in inter-state and inter-regional relations since 1990 and as a reversion to “pre-modern” methods of behaving in the global society.

¹ The analysis in this paper draws heavily on the chapters relating to conflict and conflict management in ‘SIPRI Yearbook 2004: Armaments, Disarmament and International Security’ (Oxford University Press, Oxford, 2004). Thanks are due to the SIPRI editing staff and to Dr Renata Dwan, head of the SIPRI armed conflict and conflict management programme, for permitting the use of this material.

They carry more complicated material implications for non-combatant states because of the generally increasing interdependence and “globalization” of the world economy. The Security Strategy document “A Secure Europe in a Better World” adopted by the leaders of the European Union (EU) at the end of 2003 provides an unusually forthright statement of how developed states in one area of the world view the resulting challenges for themselves. After pointing out that conflicts since 1990 have killed nearly 4 million people worldwide and rendered 18 million homeless, the Strategy argues that developing nations can all too easily get trapped in a cycle of “conflict, insecurity and poverty”. “Conflict can lead to extremism, terrorism and state failure; it provides opportunities for organized crime... Regional insecurity can fuel the demand for Weapons of Mass Destruction (WMD)”.² In short, the Europeans would argue that the new security agenda focussed on the “asymmetrical threats” of trans-national terrorism and WMD proliferation, which the USA has been promoting since the attacks it suffered on 11 September 2001, should not displace the issue of conflict from the central place it held in the security preoccupations of the 1990’s. Rather, as the Strategy argues, “The most practical way to tackle the often elusive new threats will sometimes be to deal with the older problems of regional conflict”.

While the EU has perhaps been most insistent on keeping conflict issues to the forefront of its agenda, every significant international institution that deals with security today has to confront the demands of conflict management – and where possible, conflict prevention. The report on current security threats and challenges that was commissioned by the UN Secretary-General in 2003 from an international High Level Panel, and was published in December 2004³, devoted some of its most fully-developed and urgent proposals to the issues both of intervention and prevention (see further below). Practically every one of the agencies in the UN system – notably UNHCR, the UN High Commission on Human Rights, FAO, UNICEF, World Bank and UNDP - owes a significant part of its work-load to the impact of conflict on societies and individuals. The North Atlantic Alliance has been rapidly transforming itself, since 2002 in particular⁴, to focus on supplying organized multilateral forces for conflict missions outside its own area, rather than on Euro-Atlantic territorial defence as before. The handling of “frozen conflicts” in the post-Soviet space and the easing of ethnic tensions and weak-state phenomena that might lead to others are set to become the major (and contentious) preoccupations of the Organization for Security and Cooperation in Europe (OSCE).

A few of the regional organizations that have been set up in other parts of the world, notably the new African Union (AU) and sub-regional African groups like ECOWAS, IGAD and SADC – and in a different political setting, the Eurasian security groupings led by Russia after the collapse of the Soviet Union (currently the Collective Security treaty organization, CSTO) – have claimed competence and developed capacity for direct crisis interventions, albeit with differing degrees of respectability and success. Further regional organizations in the Asia-Pacific region (APEC, ARF), in Latin America (Organization of

² ‘A Secure Europe in a Better World’, adopted by the European Council at Brussels on 12 Dec. 2003, available at URL http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/European%20Security%20Strategy.pdf.

³ ‘A more secure world: our shared responsibility’ published by the High Level Panel on. 2 Dec. 2004, available at <http://www.un.org/secureworld>.

⁴ NATO agreed on a doctrine of world-wide intervention in mid-2002 and took the required structural and capability decisions at the Prague Summit of 21 November that year (including a new Response Force, new Capabilities Commitments and the start of a sweeping reform of command structures reform) – see <http://www.nato.int/docu/pr/2002/p02-127e.htm>. A more detailed report is in the first chapter (by I. Anthony and others) of the SIPRI Yearbook 2003: Armaments, Disarmament and International Security: OUP for SIPRI, summer 2003.

American States, MERCOSUR and the new South American Community of Nations, SACN), and in central Asia (Shanghai Cooperation Organization) have developed joint policies in other dimensions of security such as crime, terrorism, proliferation or disaster response and may gradually be moving towards addressing (at least) the prevention of conflict in their areas more directly. In other dimensions of international cooperation, too, the inter-play between conflict and other problems of humanity is being increasingly recognized. There is a renewed debate at inter-state level (notably in the OECD⁵) about the need to explore the deeper causality of conflict and to build the necessary connections in this context between the policies/resources addressed to crisis management, development assistance, and security sector reform respectively. A growing range of initiatives involving both official and private-sector action have focussed on the links between conflict and illegal financing, the drugs trade, ‘conflict diamonds’, the availability of small and light weapons (SALW), or the activities of extractive companies in potential and actual crisis regions⁶. Mention of these last issues reminds us of how much NGO and independent charitable activity, also, is still devoted to the challenge of armed conflicts and their consequences.

The issues the international community must face today in dealing with the many-faceted problem of conflict will be discussed again in the final section of this paper. The basis for any good response, however, should be an assured factual grasp of the challenge. What is the historic and more recent trend in the total number of conflicts? What changes of degree, balance and distribution may be seen in armed conflicts of different types and origins, and in their intensity (measured in loss of human life)? What analytical tools and hypotheses might help to explain the trends, and to guess at their future dynamics?

The second section of this paper presents and discusses several data sets designed to answer these questions, drawn from the publications of the Stockholm International Peace Research Institute (SIPRI) and initially provided by the Conflict Data Project at Uppsala University (UCDP).⁷ The third section offers a review of some current analytical issues of interest in research on armed conflict phenomena. The fourth and final section reverts to the question of the international community’s response and provides, *inter alia*, statistics and analysis on the recent evolution of international crisis management operations.

II. Statistical Trends

The statistics on which this section is based, as explained above, are limited to battle-related deaths in ‘armed’ conflicts, i.e., those in which military force is used in a more or less organized fashion by the two contending sides. They do not include deaths from secondary causes closely related to conflict, such as forced migration, famine, and disease; and this needs to be borne in mind when considering the comments further below on conflict ‘intensity’. Moreover, in order to minimize disputes over the borderline for

⁵ For the outcome of recent OECD discussions on the extent to which Security Sector Reform can be defined and counted as a contribution to development aid, see: OECD, Development Assistance Committee (DAC), ‘Security Sector Reform and Governance: Policy and Good Practice’, DAC Guidelines and Reference Series (OECD: Paris 2004), pp. 16-18, URL <http://www.oecd.org/dataoecd/8/39/31785288.pdf>.

⁶ See the chapters on the business/conflict connection in Bailes A. and Frommelt I., eds. ‘Business and Security: public-private partnerships in a new security environment’, OUP for SIPRI, May 2004.

⁷ The UCDP is based at the Centre for Peace and Conflict Research at the University of Uppsala, Sweden: see <http://www.pcr.uu.se/research/UCDP/>. Grateful acknowledgement is made to UCDP for the use of the data quoted in section II.

including or not including a given conflict, and to arrive at multi-year data series of maximum reliability, the counting approach used by UCDP (in the statistical analyses it provides for SIPRI yearbooks) is founded on a specific definition of a *major* armed conflict. This is one in which the violence has reached a level claiming at least 1000 battle-related deaths in total in at least one year of its history. The estimates of deaths are arrived at by compiling reports of individual incidents, and are deliberately conservative—if no well-documented figure is available, none is used. Conflicts that meet the 1000-death criterion are further sub-divided according to whether the dispute underlying them primarily concerns the control of government or the control of territory. (A dispute under either heading may have more than just two parties). Finally, the UCDP definitions have traditionally covered only conflicts where at least one of the parties is a government: although work is now in hand at Uppsala University to collect comparable data on major conflicts involving two non-state entities, and one-sided violence such as genocide carried out by a government or other organized group.⁸

Table 1. Regional distribution, number and types of major armed conflicts, 1990–2003

Region	90		91		92		93		94		95		96		97		98		99		00		01		02		03	
	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T
Africa	8	3	8	3	6	1	6	1	5	1	4	1	2	1	4	-	10	1	10	1	8	1	7	-	6	-	4	-
America	4	-	4	-	3	-	3	-	3	-	3	-	3	-	2	-	2	-	2	-	2	-	3 ^a	-	3 ^a	-	3 ^a	-
Asia	4	8	3	7	4	7	4	5	4	5	4	6	4	5	3	5	3	5	2	6	2	6	2	6	2	6	2	6
Europe	-	-	-	1	-	3	-	5	-	4	-	3	-	1	-	-	-	1	-	2	-	1	-	1	-	1	-	1
MiddleEast	1	3	2	4	2	3	2	4	2	4	2	4	2	4	2	2	2	2	1	2	2	2	2	2	2	2	-	2
Total	17	14	17	15	15	14	15	15	14	14	13	14	11	11	11	7	17	9	15	11	14	10	14 ^a	9	11 ^a	9	10 ^a	9
Total	31		33		29		30		28		27		22		18		26		26		24		23 ^a		20 ^a		19 ^a	

G = government and T = territory, the two types of incompatibility.

^a This number includes the conflict between the USA and al-Qaeda. See Eriksson, M., Sollenberg, M. and Wallensteen, P., 'Patterns of major armed conflicts, 1990–2001', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 67–68, for an elaboration of the preliminary assessment of this case and its ambiguities.

Source: Eriksson, M. and Wallensteen, P., 'Patterns of major armed conflicts, 1990–2003' in *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004), pp. 132–39, table 3A.1, p. 134. *Original source:* The Uppsala Conflict Data Project.

⁸ The formal definition of a SIPRI/UCDP 'major armed conflict' is thus: 'a contested incompatibility that concerns government and/or territory over which the use of armed force between the military forces of 2 parties, of which at least 1 party is the government of a state, has resulted in at least 1000 battle-related deaths in any single year'. For further explanations and notes on methodology see App. 3A, 'Patterns of major armed conflicts, 1990–2003' and App.3B, 'Definitions, sources and methods for the conflict data', by M. Eriksson and P. Wallensteen in 'SIPRI Yearbook 2004: Armaments, Disarmament and International Security', as note 1 above.

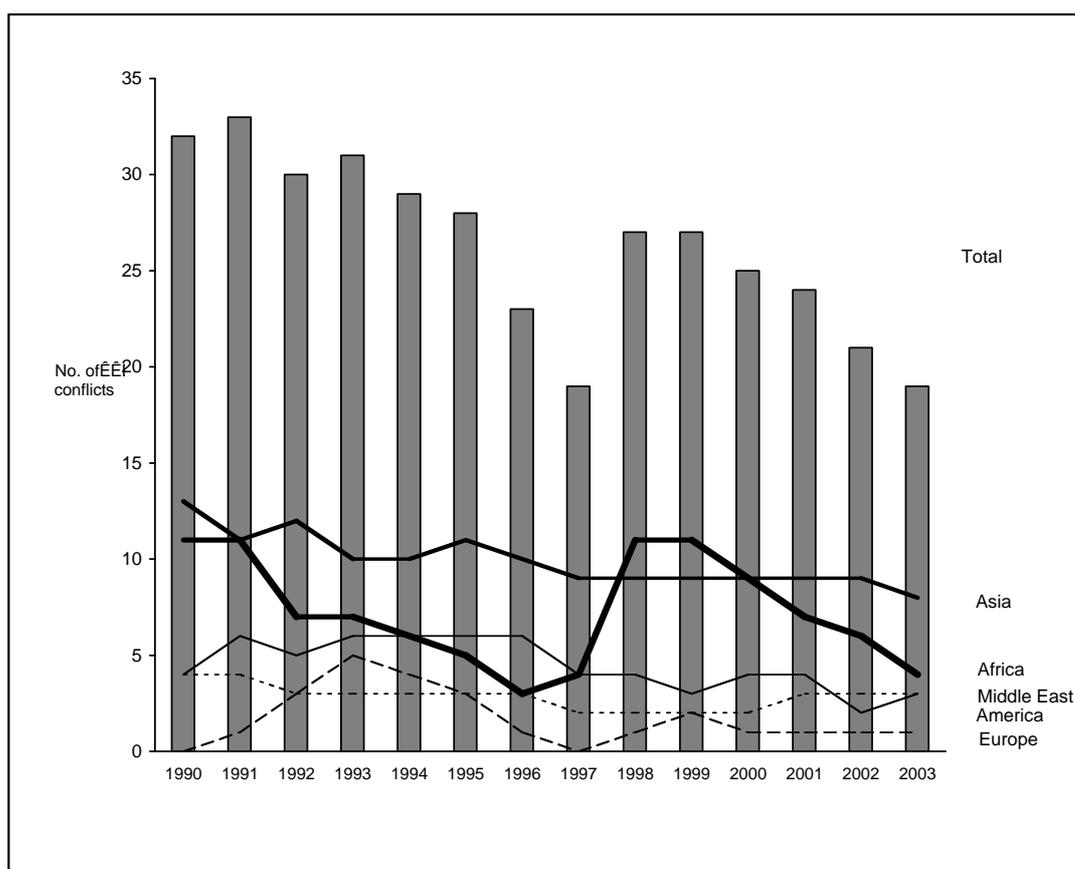
Table 2. Regional distribution of locations with at least one major armed conflict, 1990–2003

Region	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Africa	10	10	7	7	6	5	3	4	11	11	9	7	6	4
America	4	4	3	3	3	3	3	2	2	2	2	3 ^a	3 ^a	3 ^a
Asia	8	7	9	8	8	8	9	8	8	7	7	7	7	7
Europe	–	1	3	4	3	3	1	–	1	2	1	1	1	1
Middle East	4	4	4	4	5	4	4	4	4	3	4	4	2	3
East														
Total	26	26	26	26	25	23	20	18	26	25	23	22^a	19^a	18^a

^a This number includes the conflict between the USA and al-Qaeda. See Eriksson, M., Sollenberg, M. and Wallensteen, P., 'Patterns of major armed conflicts, 1990–2001', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 67–68, for an elaboration of the preliminary assessment of this case and its ambiguities.

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Table 3. Regional distribution and total number of major armed conflicts, 1990–2003



Trends since 1990

The first important finding to emerge from Tables 1–3 is that the total number of major conflicts in the world has declined overall since the end of the cold war. The figures of 32

conflicts for 1990 and 33 for 1991 compare with just 20 conflicts in 2002 and as few as 19 in 2003. Moreover, since a total of 59 different major conflicts have been recorded in 1990-2003 and only 19 are current now, it may be concluded that more than two thirds of the conflicts present in the last 14-year period have also been solved (at least temporarily) during that time. The trend of decline as pictured in Table 3 has been relatively smooth, apart from a sudden dip in the number of conflicts in 1996-7 (largely explained by a lull in conflicts in Africa).

The second striking feature is the drop in the proportion of ‘traditional’ conflicts between nation-states. From 1946 to 1989 there were 15 major inter-state conflicts, but of the total of 31 conflicts registered in 1990, only one was of this type. In 2003 only 2 conflicts could be classified as ‘inter-state’, one being the familiar dispute between India and Pakistan and the other, the hostilities in Iraq between Saddam Hussein’s régime and the US-led international coalition, which had claimed at least 1000 deaths since March 2003.⁹ Two other inter-state conflicts, Ethiopia versus Eritrea and the invasion of Kuwait by Iraq, had been ended within the 1990-2003 period. The reasons for and the consequences of the prevalence of *intra*-state (internal, civil) conflicts will be discussed further in section III below, but two preliminary points are worth making here by way of a warning against over-strict categorization. First, it is rather unusual for an intra-state war to remain a purely ‘civil’ one contained inside one state’s boundaries. In the different regions of Africa, especially, cross-border ethnic links and refugee movements easily provoke ‘over-spill’ from one country to its neighbours and create temptations for the latter to get involved on their own account—rather than as peace-makers. In a more ‘post-modern’ illustration, the deaths inflicted on American soil by al-Qaeda in September 2001 led directly to the invasion of Afghanistan and the overthrowing of its Taliban regime—the protectors of al-Qaeda—by a US-led coalition in 2002. Secondly, as the case of the Balkan conflicts illustrates well, a conflict that begins as an intra-state one may turn out to be only soluble by a territorial separation leading to the creation of two or more new states. One of the policy challenges the international community still seems to find it hardest to cope with, when intervening in a conflict, is to judge when it should accept or actively promote such a ‘secessionist’ solution (*vide* the present unresolved debates over Kosovo).

Thirdly, the statistics for 1990-2003 show a growing tendency to confine major conflicts to the developing regions of the world, and in particular to the Southern hemisphere. The figures for conflicts in the wider European region peaked in 1993 when there was active violence both in the Balkans and in several parts of former Soviet territory, but by 2003 had been reduced to the single intra-state conflict in Chechnya (Russia). The number of conflicts in the Middle East has been roughly static over the period. Conflicts in Latin America have shown a decided decline from yearly totals of 5 or 6 in the first half of the 1990’s to just two that merit listing now (the intra-state conflicts in Peru and Colombia), and it would generally be agreed that the risk of *inter-state* conflict both in Central and Southern America has now virtually disappeared. This leaves Africa and Asia (especially South and South-East Asia) as the world’s most consistently conflict-torn regions of

⁹ Conflict phenomena linked with the USA’s ‘war on terrorism’ since 11 September 2001 have caused evident difficulties of classification under the SIPRI/UCDP system. In the present tables, an ‘intra-state’ conflict is recorded in the American continent to reflect the large casualties inflicted by al-Qaeda in its 2001 attacks against the US Government, and the fact that the conflict with al-Qaeda as such is still not closed. The Iraq war of 2003-4 is recorded as an inter-state conflict in the Middle East because it involved an attack by the US and other governments on a standing Iraqi government. (Note that in other cases where international peace-keeping forces deploy, with or without UN mandate, to control or stop conflicts started by two or more *local* parties, the interveners are *not* counted as parties to the conflict.)

modern times. Although Africa would come first to most people's minds as the region of conflicts *par excellence*, it has in fact alternated with Asia in that capacity over the last 15 years. In 1996 Africa had only three active major conflicts against Asia's 9; in 1999, 11 against Asia's 7. At the present time, Asia is 'leading' with 7 conflicts in 2003 (to be fair, mostly long-standing rather than new ones) compared with only 4 in Africa.¹⁰ These statistics are sufficient to explain the general shift of security concerns among many Northern hemisphere populations away from conflict as a threat to themselves, and towards fear of 'trans-national' scourges like terrorism and/or 'soft security' ones like disease, environmental damage or social and economic malfunction. However, it is as well to note that a number of conflicts in the former Soviet space are only precariously 'frozen';¹¹ that there has been constant concern about the violence in Chechnya spilling over to neighbouring, Russian or non-Russian, territories; and that there are unresolved 'hot spots' in North-East Asia (North Korea, Taiwan) where armed conflict not only remains possible but would be likely intimately to involve the leading Western powers.

A fourth observation that can be made is about the pattern of conflict causation. Among conflicts overall in 1990-2003, it is impossible to say whether disputes about the control of government, or about territory—which might involve either inter-state border disputes, or secessionist claims for control of certain regions—were more important. Each category has claimed about half of the total conflicts over the period, although disputes over government are currently slightly ahead. In terms of underlying causation the distinction is not a very strong one anyway, since a disaffected ethnic group (to take a common example) might either try to carve out its own territory, or to take over control of the central government so as to serve its own interests better, or both. It is, however, of some interest to note that disputes over control of government have consistently dominated the African conflict statistics, while conflicts over territory have always been more numerous in Asia¹² and are currently in clear preponderance (6 out of 8). In Latin America, conflicts involving territorial disputes dominated up to the mid-1990's but have not done so since: a change that seems to reflect a deliberate effort for inter-state reconciliation and moves towards multilateral cooperation over much of the continent, linked with at least temporary advances in internal democracy. Another point that emerges from a comparison of Tables 1 and 2 is that a number of countries have featured as the site of more than one conflict in a single year, and—somewhat contrary to expectation—this has more often been the case in Latin America, and South and South-East Asia, than in Africa. This is not to say that a given African country may not face potential conflicts on several frontiers at once, and/or internally: but something seems to have ensured in the last decade that these problems should arise serially rather than all at once.

¹⁰ Asia also had 4 conflicts that took at least 1000 lives within the year of 2003, compared with one in Africa (Liberia). However, it should be noted that the brewing conflict in the Democratic Republic of the Congo was not yet listed in 2003 (because of the method of counting deaths) and that the Asian listing included 2 separate conflicts involving India, the intra-state insurrection in Kashmir and the inter-state conflict with Pakistan. (The insurrection in the Indian province of Assam was also listed in some SIPRI/UCDP tables in the past but has been dropped following a reassessment of the death toll).

¹¹ E.g. between Armenia and Azerbaijan in Nagorno-Karabakh, in the Transdnistria province of Moldova, and in several provinces of Georgia.

¹² It should be noted that many of these are not inter-state boundary disputes, but arise rather from populations' belief in an inherent ethnic right to territory ('sons of the soil') clashing with the consequences of more recent population movements and mixing, and with efforts to extend the writ of the central state authorities.

Fifth and not least is the question of conflict ‘intensity’, i.e., the number of deaths recorded in a given year. It is difficult to build much analysis on the figures in the Tables 1–3 and the UCDP data-base, given that the definition of ‘battle-related’ deaths has been kept deliberately narrow, and that the availability of data on this matter in general can be very poor.¹³ Killings in combat may be the smallest part of the total casualties, and of the population’s suffering, during the present-day internecine type of war: and deaths from secondary causes such as disease, famine and the consequences of displacement naturally become a more serious factor, the longer the fighting goes on. Milton Leitenberg, who has attempted to compile total figures for deaths both directly and indirectly related to conflicts in the period 1945-2000, points out that in Cambodia under the regime of Pol Pot after 1975, less than 100,000 persons are thought to have been killed directly in combat while total casualties were around 2 million. Among other cases cited by him with a great excess of indirect civilian deaths over direct military ones are the Korean War of 1950-53, earlier civil wars in India, Bangladesh, China, Uganda, Nigeria and Guatemala, the continuing intra-state conflict in Colombia, and massacres or genocidal events in countries like Uganda and Rwanda. At the other extreme are cases like the Iran-Iraq war of 1988 which may have caused as many as 1.8 million casualties, but only among combatant troops.¹⁴ At any rate, the figures for any given conflict can swing widely from year to year as fighting dies down in one place or flares up in another. To take the most recent examples, between 2002 and 2003 five conflicts showed an increase of more than 50% in battle-related deaths while four showed a drop in deaths by the same amount. The numbers of conflicts becoming more intensive, and less intensive, respectively over that period were almost exactly the same (seven as against eight). In consequence, in the list of the six ‘most deadly’ conflicts for 2002 and the same list for 2003, only two out of the six were the same in both years (India and Nepal).¹⁵

III. Conflict Analysis: Some Contemporary Issues

The observations made above are only the starting-point for an adequate analysis of where the world’s present-day armed conflicts come from and where they are going. The statistics alone can tell us little about what triggers a given conflict; how different conflicts inter-relate dynamically; what makes them worse, what moves them towards a solution, and which kinds of solutions are most likely to endure. In this section, four aspects of the deeper analysis of modern conflicts will be discussed: (a) how to explain and understand the prevalence of intra-state conflicts; (b) the challenge of very protracted conflicts; (c) the pitfalls of efforts to contain and terminate conflicts; and (d) the relationship between conflict and terrorism. This is far from representing the full range of questions that might usefully be asked, but it does cover issues particularly relevant to the conflict *management*

¹³ —inter alia, because of deliberate suppression and distortions by the combatant parties, in territories where objective international monitoring is difficult. The controversy that blew up in November 2004 over a British institution’s estimate of 100,000 Iraqi deaths following the US-led coalition’s invasion in March 2003 offers a case in print.

¹⁴ Leitenberg estimates the total number of conflict-related deaths for the 1945-2000 period as around 40 million, or about three quarters of a million per year on average. This contrasts with the figure of 4 million, or about a third of a million per year, quoted by the EU for total deaths in the period 1990-2003 (European Security Strategy, note 2 above) – although there is no way of knowing whether the counting methods used were comparable. M. Leitenberg, ‘Deaths in Wars and Conflicts between 1945 and 2000’ (rev.ed.), Center for International and Policy Studies, Univ. of Maryland, 2003.

¹⁵ It is, of course, the aim of international intervention to reduce if not totally eliminate the number of deaths in a given conflict, and this effect may be traced in the relevant statistics e.g. for the Balkan wars. However, international suppression of one manifestation of a given conflict may ‘squeeze out’ more violence and deaths elsewhere, as discussed in section III below.

policies of concerned states and institutions¹⁶. It should thus help pave the way for the explicit discussion of current challenges in conflict management that follows in section III below.

(a) The dominance of intra-state conflict

The present prevalence of intra-state conflicts in all the world's continents actually demands a double explanation: why conflicts of this kind persist, and why inter-state conflicts (which dominated most other ages of history) have virtually died out. The latter issue is the less often discussed of the two, and there is probably no single good explanation for it. One theory often quoted—admittedly, less as an interpretation of the past than as a prescription for the future—is that 'democratic states do not go to war with each other'¹⁷. It is true that a great expansion in the number of states enjoying some form of democratic rule has coincided with the overall drop in conflicts since 1990, but the world's inter-state conflicts had already been reduced to single digits before that. In any case, there is plenty of room for quibbling about the definition of the thesis itself: several of the Latin American and African states that have fought each other in the past would have considered themselves democracies at the time; and there is evidence that newly developing and 'imperfect' democracies may be especially prone to instabilities that could trigger both internal and external conflict;¹⁸ and the thesis says nothing about conflicts caused when an incontestably democratic state attacks a non-democratic one.¹⁹

A safer explanation might lie in the impact of the Second World War and the lessons learned after it especially by Western nations, which led not only to the establishment of the United Nations Organization but also to the creation of the European Communities and Council of Europe—designed to end intra-West European conflicts for ever—and the deliberate 'pacification' policies employed to secure both internal and external policy change in Germany and Japan. The East-West bloc confrontation that then developed in Europe, with capacities on both sides for assured mutual destruction by nuclear weapons, effectively blocked resort to military conflict in the two alliances' own zones of control, leading to a number of 'proxy wars' between protégés in other continents instead. There is room for differences of opinion over whether the total level of conflict in non-European regions was enhanced or suppressed as a result; but it is at least arguable that since each bloc had an interest in avoiding possible escalation from local to global war, more potential spill-over effects were restrained than were deliberately promoted, and static local stand-offs (without significant conflict) between proxies were often preferred. In any case, there were also significant conflict dynamics at play that had nothing to do with the Western and Eastern blocs: notably the intra-state and occasionally inter-state violence associated with de-colonialization, which rose and ebbed in different continents and different nations' colonial empires at different times, reaching its last peak in the former Portuguese colonies (Angola, Mozambique, Guinea-Bissau and East Timor). Generally speaking this had also passed its worst by the 1990's, and was succeeded by particularly energetic attempts at multinational cooperation for maintaining the peace in precisely those

¹⁶ These same themes are also covered in greater detail in Dwan, R and Gustavsson, M, 'Major armed conflicts'. in SIPRI Yearbook 2004: Armaments, Disarmament and International Security, OUP summer 2004.

¹⁷ An assertion initially made by Immanuel Kant in 'The Perpetual Peace', but much quoted and explored by recent authors such as Bruce Russett.

¹⁸ Cf. Alexis de Tocqueville's famous thesis (in 'L'Ancien Régime') that 'the most dangerous time for a weak government is when it starts to reform'; and recent experience in the former Republic of Yugoslavia, the post-Soviet states of the South Caucasus, and African states like Algeria, Rwanda and Guinea-Bissau.

¹⁹ E.g., the US invasions of Afghanistan and Iraq in 2002-4.

regions that had been most heavily ‘colonialized’.²⁰ A weaker but broadly parallel trend might be traced in the greater Middle East, where earlier ‘Arab-Israel’ conflicts have now been narrowed down to an ‘Israel-Palestinians’ one and where the last *local* inter-state war was the Iraqi attack on Kuwait, as long ago as 1991.

The end of the Cold War disposed of the ‘balance of terror’ that had blocked most possible inter-state wars in the Northern hemisphere, but it was succeeded by an alternative system of positive partnership networks, agreements, and negotiating processes on territorial and other bones of contention that were designed to have the same effect. In Europe the most significant processes of these kinds during the 1990’s were NATO’s Partnership for Peace, the direct relationships of Russia with NATO and the EU, the efforts of the OSCE, and NATO’s and the EU’s enlargement processes that effectively drew the great majority of Central European states into the former West’s ‘war-free zone’. (The EU now explicitly aspires to end war for ever in the Western Balkans by giving the new democracies there the same prospect of eventual full membership.²¹) Not to be overlooked, however, are the parallel normalization and stabilization processes between Russia and China, which now include the aforementioned ‘Shanghai Cooperation Organization’²² (also including 4 Central Asian states) designed to avoid tension on shared borders and to cooperate against shared enemies like terrorism, combined with progress towards solving the last Sino-Russian frontier demarcation disputes.²³ All these trends help to explain why the ‘North’ itself is now *relatively* free of armed conflicts of any kind; but also why those civil conflicts that persist even in the heart of the West (like Northern Ireland) are in no risk of causing inter-state overspill, and why cases of overt ‘competitive’ intervention by rival larger powers on different sides in a regional conflict have dwindled (although such manipulation can still happen in more disguised ways, cf. the growing Chinese engagement in Sudan).

If we turn now to reasons promoting intra-state conflicts, those over territory can be of a particularly stubborn and long-lived nature. It is important to note that claims by sub-state actors to control their own local territories, and possibly to secede from the mother-state, do not always have to coincide with ethnic differences and are not necessarily the most intractable when they do. There is a wide range of palliative measures that can be used to make different ethnic and cultural communities comfortable within a single state,²⁴ and the last decades have seen several examples of wholly peaceful secession and the voluntary

²⁰ E.g. South East Asia (ASEAN, which has now absorbed and ‘pacified’ Vietnam and Cambodia and aspires to do the same for Burma/Myanmar); Africa (ECOWAS, Southern African Development Community, Africa Union); and Central and Southern America (OAS, Andean Pact, MERCOSUR and the new SACN).

²¹ A new partnership status with the real if remote prospect of EU accession was first opened up for these states by the EU’s Stability Pact for the Western Balkans (<http://www.stabilitypact.org>); for the EU’s latest strategy document on Bosnia-Herzegovina which talks more openly about accession leverage see Council of the European Union doc. 10099/04, PESC 441, of 15 June 2004.

²² On the SCO see the chapter by Trofimov, D. in ‘Armament and Disarmament in the Caucasus and Central Asia’, SIPRI Policy Paper No 3 of 2003, text at <http://www.sipri.org>.

²³ The last contested portion of territory along the Sino-Russian frontier was disposed of by a bilateral agreement in late 2004 and the transfer of the small area in question will be accompanied by measures of military disengagement and confidence-building along the new border. Russia has also recently made a move to solve a long-standing territorial dispute with Japan by offering to split the sovereign control of the islands known by Japan as the Northern Territories.

²⁴ This is, generally speaking, the kind of solution which the OSCE’s High Commissioner on National Minorities tries to promote.

grant of far-reaching autonomy to ethnically-defined communities in developed nations.²⁵ Conflict arises and persists, rather, when the local combatants define their demands (for whatever reason) in absolute terms that allow no ‘shades of grey’ - such as complete independence or secession - thereby challenging the survival of the given state and/or régime as it stands (cf. Chechnya, Indonesia (Aceh), or the Karen National Union in Myanmar). Such attitudes more or less rule out the use of ‘softer’ inducements (e.g. economic benefits) as steps towards a solution, and they are liable to drive the central state authorities into an equally uncompromising stance, as it sees both its physical control and its authority at stake. In some such cases, even the achievement of substantial autonomy or nationhood does not solve the problem as the ‘zero-sum’ attitudes of new local leaders continue to cause problems e.g. with any residual minorities from the ‘parent’ nation on their territory (cf. the current problems in Kosovo, or the independent Former Yugoslav Republic of Macedonia, FYROM). Generally speaking, the only types of settlements that give a reliable prospect of avoiding further conflict – aside from the complete victory of one side or the other - are those in which both sides to the dispute are able to move away from their absolutist positions and make significant concessions (e.g., the attempted settlement brokered by the EU’s CFSP High Representative Javier Solana between Serbia and Montenegro in 2002). The stability or ‘finality’ of this type of solution is itself a doubtful quantity, but the odds seem to be improved if and when both parties can be integrated in some wider framework of regional cooperation, thus strengthening both the material incentives and normative pressures for good behaviour.²⁶

Internal conflicts over the control of government may also be triggered by ethnic concerns and certain kinds of territorial interests (e.g., the wish to control sources of lucrative resources), but they have many other potential motives that can exist in combination with or independently from these. Political grievances connected with oppression, discrimination, abuse of rights and denial of representation often play a part, as do the equivalent economic phenomena, and religious or ideological motivations. A particularly intractable type of conflict is associated with militant ideologies that by definition produce the ‘zero-sum’ attitude mentioned above, and this by no means applies only to militant Islamic fundamentalism. Countries such as Colombia, Nepal, Peru and the Philippines have all been affected in recent years by rural-based insurgencies calling themselves Communist, Marxist or Maoist, and these are among the most cruel and costly of all today’s conflicts: at least 28,000 deaths so far in the Peruvian conflict with Sendero Luminoso, 21-25,000 deaths ascribed to the conflict with the Communist Party of the Philippines, and an estimated total of 5,000 deaths to end-2003 in the rapidly worsening conflict with Maoist insurgents in Nepal (not to mention the more familiar case of Colombia). These conflicts have also been characterized by frequent resort to ‘terror’ tactics such as bombings, public assassinations and kidnappings, arbitrary abduction and torture—sometimes by both sides. In general, contemporary conflicts over government with multiple motives and, often, multiple contestants tend to produce particularly chaotic and brutal conditions in which the targets of violence become randomised, warfare zones

²⁵ E.g. the ‘velvet divorce’ of the Czech Republic and Slovakia, and British measures for partial autonomy in Scotland and Wales.

²⁶ A growing recognition of the complexity of these challenges, including the problems that can persist after autonomy or secession, may help explain why the international community’s approach to this problem is no longer dominated by arguments for and against a single principle such as ‘self-determination’. For further analysis see M. Marshall and T. Gurr (eds.), ‘Peace and Conflict 2003: A Global Survey of Armed Conflicts, Self-Determination Movements and Democracy’, pub. C1 DCM Univ. of Maryland, available online at <http://www.cidcm.umd.edu/inscr.peace.htm>.

can constantly shift, and ‘norm-breaking’ phenomena like torture, terror, the use of child soldiers, and ethnic cleansing or genocide are rife.

It is often hard for the outside world to understand why the inhabitants of a country should want to behave in such ways and let such conditions persist, so this type of internal conflict has drawn particular analytical attention in recent years. One interesting type of explanation that has emerged is related to perverse economic factors that not only sustain the various combatants’ ability to fight, but can make the continuation of conflict seem positively profitable and the making of peace an economic liability. This kind of ‘war economy’ can be linked with/based on drug production and trafficking, the illegal trade in ‘conflict diamonds’, or the control of territories containing oil and other valuable natural resources and their unlicensed extraction and sale—as well as the more traditional practices of gun-running and trafficking in human beings.²⁷ These factors have been easiest to trace at work in recent conflicts in resource-rich parts of Africa, and they have stimulated the international community to try to contain and end conflict by gaining control of the identifiable resource flows involved. For example, the UN established a Panel of Experts to find out the processes and persons involved in illegal resource use in connection with conflicts in the Democratic Republic of the Congo;²⁸ and from 2001 onwards, the UN imposed sanctions to stop the régime of President Charles Taylor in Liberia trading in arms, diamonds and (from 2003) in timber. The same type of concern has helped to drive the manifold recent efforts to get a grip on the international trading, both state and non-state, of Small Arms and Light Weapons (SALW) which are seen as the typical ‘poor man’s weapon’ fuelling the intensity of many local conflicts.²⁹ What has not, perhaps, been sufficiently discussed is the dynamic impact of aid given by outside powers to the embattled governments involved, both in cash and kind (i.e. weapons) or through the provision of advisers: the US in particular has stepped up this kind of input to the economics of war in territories that it sees as being threatened by terrorist-linked insurgencies since 2001.³⁰

Another popular and quite persuasive set of explanations are those linked with the phenomenon of “weak” or “failed” states. Almost any kind of state, open and democratic or authoritarian and repressive, can be judged “weak” if it loses its official monopoly of the use of force, and is not able to stop internal violence and or external attacks either by compromise and reconciliation or by direct coercion. Countries may get into this condition as the result of changes of régime, structure and circumstance that propel them towards conflict, or as a side-effect of (external or internal) conflict itself. It is theoretically easy to see why situations of this type should create such chaotic and brutal conditions, because the vacuum of authority encourages different forces to contend for it, using terror and the intimidation of the population among their weapons. The task of ending violence and moving back towards normality then demands, not just – as in traditional notions of

²⁷ See D. Keen, ‘The Economic Functions of Violence in Civil Wars’, IISS Adelphi Paper No. 320/OUP, Oxford 1998), and K. Ballentine and H. Nitzchke, ‘Beyond Greed and Grievance: Policy Lessons from Studies in the Political Economy of Armed Conflict’, International Peace Academy New York 2003, available at http://www.ipacademy.org/PDF_Reports/BGG_rpt.pdf; also the chapters by C. Batruch and A. Bone in ‘Business and Security...’, as note 6 above.

²⁸ For the Panel’s report presented in Oct. 2003 see UN document S/2003/1027 of 23/10/03. Similar Panels were appointed for Angola and Liberia.

²⁹ On this issue see e.g. the Small Arms Survey website: <http://www.smallarmssurvey.org>.

³⁰ See the last part of the chapter by R. Dwan and S. Wiharta in SIPRI Yearbook 2004: Armaments, Disarmament and International Security (OUP for SIPRI summer 2004); Anderson, M.B., ‘Do no harm: how can aid support peace – or war’ (Lynne Rienner: Boulder, Colo., 1999); and also part (d) of this section below.

‘peace-keeping’ – a modification of the behaviour of pre-existing authorities and/or a change of their leadership: but the re-building of everything that constitutes a viable and well-governed state, in some cases almost from scratch. International experience and improved analysis of such situations over the last decade has probably been the single strongest influence pushing today’s thinking about post-conflict situations towards a notion of full-spectrum, multi-functional intervention, and thus highlighting the challenge of coordinating the full range of relevant international and national instruments (see section III below).

(b) Why conflicts last

As the total number of conflicts world-wide has diminished, so the long-term persistence of a number of particularly stubborn and intractable conflicts (mainly intra-state but with the prominent inter-state example of India and Pakistan) has assumed even greater salience. Not all the important cases of this type are covered by the UCDP statistics: some, like Northern Ireland or the inter-state tension between the two Koreas, are not counted because of relatively low levels of deaths, but they pose very much the same challenges for understanding and for policy. Even so, a survey of the 19 ‘major’ conflicts reported by SIPRI/UCDP for 2003 shows that 4 of these (Colombia, Kashmir, India-Pakistan and Myanmar) have clearly identified or presumed dates of origin earlier than 1950, and 6 more (Peru, Indonesia, Philippines, Sri Lanka, Israel/Palestinians and Turkey) have dates antecedent to 1980. In other words, more than half of the costliest conflicts still extant today are at least 24 years old. While some of them (e.g. in Myanmar, Peru and Turkey) may temporarily be quiescent, the potential for a new flare-up is always there so long as no settlement of the underlying issues in contention has been reached.³¹

In general terms, it is fairly easy to explain why a conflict might become ‘self-sustaining’ after persisting for a certain time. Any economic interests, distortions and accommodations involved (see last section) become ingrained, and violence and hatred can become cultural assumptions passed down from generation to generation. Almost equally insidious is the way that the regional and international community can adjust to ‘living with’ somebody else’s conflict, especially if the country concerned is so remote that its conflict dynamics provoke little interaction with others (Myanmar), but also in the case of multifariously integrated countries whose partners learn to compartmentalize and ‘look aside from’ their unhealed sores of violence (UK, Turkey, etc.—and there is a growing temptation to treat Russia this way over Chechnya). In many of the current conflicts of pre-1990 origin listed above, a further shared characteristic is that neither (or none) of the combatant parties world welcome or, at least, sincerely support and comply with external attempts at mediation: either because of basic attitudes of pride, distrust and so forth, or because so many hopes attached to earlier international settlement proposals have been dashed.

Over the long time-scales that are involved here, conflicts can develop many complexities and idiosyncrasies of their own, so that no simple analytical frame fits all. To give some sense of these individual dynamics and the obstacles they can put in the way of progress, recent developments will be sketched in the ideologically-fired internal conflict in Colombia and in the conflicts, essentially related to self-determination, between Israel and the Palestinians and in Sri Lanka.

³¹ For example, in Turkey, the Conference of the People’s Congress of Kurdistan (KONGRA-GEL, previously known as PKK) declared on 1 September 2003 that it was ending its previously agreed cease-fire.

Colombia: the Colombian Government has been under attack since the late 1960s from two armed groups inspired by Marxist ideology, the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the Ejército de Liberación Nacional (ELN). FARC and the ELN have their power bases in the South and the North of the country respectively and act, in general, also as rivals with each other. In the type of twist that easily occurs in protracted conflicts, a group of right-wing paramilitary organizations known as the Autodefensas Unidas de Colombia (AUC) has appointed itself responsible for eradicating FARC and the ELN, and has itself carried out numerous atrocities against civilians. All these movements have become entangled with and dependent on criminal sources of revenue from drug trafficking, and also kidnapping and extortion. Casualties over the whole period of the conflict are assessed at nearly 60,000. The US, as is well known, has taken a special interest in the conflict because of the linkage with drug supply to the US's own territory, but also because of the involvement of US oil companies in the Arauca region of North-East Colombia and the need to protect an oil pipeline that runs from there.

Colombian President Alvaro Uribe Vélez, elected in May 2002, has been associated with a new strategy to tackle the different parts of the conflict by differential methods and with a more determined use of force, backed by US assistance. The President offered an effective amnesty to AUC members in return for demobilization, and some steps have been taken in this direction, although international observers have been concerned about the effect of the implied indemnity for past massacres. Towards FARC and the ELN Uribe has taken an uncompromising line, refusing any thought of peace negotiations until and unless the rebel movements renounce violence. The Government's counter-insurgency strategy launched in 2002 gives new powers to the military and police, and makes use of a new part-time force of 16,000 peasant soldiers. Several government attacks were launched against rebels in the Arauca oil zone during 2003, and US Special Forces were deployed there in January 2003 to help train Colombian soldiers for more effective defence of the pipeline. In general, the aid Colombia receives from the US has climbed since the inauguration of 'Plan Colombia' in 2000, making Colombia now the single largest recipient of such assistance in Latin America. Restrictions on Colombia's use of the aid to directly support actions against the rebels were lifted in 2002, and in 2003 the US Administration granted Colombia an extra \$320 million to combat illegal arms transfers, drug production and trafficking, and \$130 million specifically for the purpose of measures against FARC, the ELN, and AUC.³²

President Uribe's policies have brought a measurable decrease in the levels of violence affecting many parts of Colombia, and have earned him high levels of popularity at home. They have not, however, so far come anywhere near breaking the rebels' resistance, especially in the South,³³ while combatants who have been hard-pressed in the North have simply shifted their areas of operation with consequences including a number of cross-border incidents (with Venezuela, Ecuador, Peru and Brazil). The President's assertive policies and readiness to provide a major base for US strategic influence in the area have made some of his neighbours, notably Venezuela, more generally uneasy. Perhaps the most vulnerable point of the strategy is its dependence on continued high levels of US aid in the short term - a matter under intense negotiation at the end of 2004—and in the medium term, on being able to boost economic growth fast enough to generate funds for drug-income-replacement programmes and for the rehabilitation of conflict-torn areas in general. In sum, the strategy of the Colombian Government and its allies illustrates both

³² For an update on US aid see Center for International Policy (CIP), 'US aid to Colombia since 1997: summary tables', URL <http://www.ciponline.org/colombia/aidtable.htm>.

³³ The rebels are thought still to control some 40% of Colombia's territory overall.

the logic of pinning a conflict-resolution drive on the reassertion of the central state monopoly of force, and the high risks and costs of such a programme when authority has in practice been fragmented for a matter of decades.

The *Israel/Palestinians conflict* goes back initially to the war of 1948-49 and more specifically to the Six-Day War of June 1967, when Israel occupied the Palestinian-settled territories of the West Bank and Gaza Strip. Periods of sustained Palestinian uprising ('Intifada') against the Israeli occupation have alternated since then with efforts—invariably launched by outside powers—at a peaceful settlement that would complement the *modus vivendi* Israel has reached (albeit still fragile in places) with its neighbouring Arab nation-states. The first Intifada of 1987-1993 was ended by the Oslo accords signed by Israeli and Palestinian representatives under Norwegian mediation, but implementation of the Oslo Peace Process broke down in 2000, triggering a second Intifada in September of that year. The best-known attempt made subsequently to re-start a peace process is the 'Road Map'³⁴ endorsed in 2003 by the 'Quartet' of would-be peace brokers consisting of the US, UN, EU and Russia. This is noteworthy for the clarity with which it promotes a 'two-state solution'—Israel to be fully recognized and guaranteed by its erstwhile opponents, and a new sovereign state under full Palestinian control. In the absence of any noteworthy progress in this direction, the conflict continues to have grave repercussions both within and beyond the disputed territories: terrorist attacks (including suicide bombings) against Israeli citizens, sizeable refugee populations, the radicalization of Palestinian communities living in exile in the Arab world and elsewhere, the internationalization of several of the related terrorist movements, and a so far insuperable impediment to general stabilization and the building of 'inclusive' multilateral cooperation in the 'greater Middle East' region as a whole.

The last few years of the conflict have amply illustrated the phenomenon of self-perpetuating cycles of violence, with terrorist outrages being followed by Israeli retaliation (sometimes extending to other states' territory)³⁵ and *vice versa*. It has also shown how difficult it is for outside actors to take control of the dynamics of the situation and to exercise leverage upon either or both sides for meaningful concessions. One reason for this, which can arise in relation to other *ad hoc* as well as long-term conflicts, is that major external players—even when united formally behind a single peace plan—in practice make different subjective and normative judgements on the 'rights and wrongs' of the issue. Specifically, and especially since the terrorist attacks of 11 September 2001, the US Administration has felt particular sympathy for Israel as the victim of terrorism, while European governments tend to be more conscious of the background to Palestinian claims for self-determination and of the present sufferings of the Palestinian people (to whom the EU gives substantial aid). There have also been differences of analysis over the *relative* importance and instrumentality of the Israel/Palestinians conflict, with UK Prime Minister Tony Blair and others arguing that progress on the former would improve the conditions for a democratic transformation of Iraq after Saddam Hussein ('the road to Baghdad lies through Jerusalem'); while US policy advisers, at least initially, believed that turning the tide in Iraq would create new dynamics for solving the Israel/Palestinians confrontation and, indeed, other stubborn regional problems ('the road to Jerusalem leads through Baghdad').

³⁴ See US Institute of Peace, 'A performance-based road map to a permanent two-state solution to the Israel-Palestine conflict', 30 Apr. 2003, http://www.usip.org/library/pa/israel_plo/adddoc/roadmap_04302003.html.

³⁵ E.g., an Israeli air strike on a Palestinian camp near Damascus, Syria, on 5 October 2003, and repeated skirmishes along the Israel-Lebanon border.

Given these various difficulties and blockages, the most dynamic element in the situation in the last years must probably be identified as the policy developed by Israeli Prime Minister Ariel Sharon—in the face of stiff domestic opposition—of, on the one hand, building a 365-km, physical barrier to defend Israel against Palestinian incursions,³⁶ and on the other hand, of preparing to pull back Israeli forces and settlements from the Gaza strip. While the barrier as such has generally been deplored by international opinion³⁷ and has met with legal challenge both at home and abroad³⁸ for the way it encroaches on territories not previously assigned to Israel, there is room for different views on its longer-term implications. Some would see Sharon's moves as necessary steps towards an eventual two-state solution, in which Israel at least initially would need the strongest visible guarantees of physical safety. Others suspect an intention on his part to evacuate some Palestinian territories only to make it easier to hang on to others on the West Bank, and/or to place new obstacles in the way of any truly viable future Palestinian state.³⁹ The problems facing the latter have, meanwhile, become a new focus of interest in their own right since 2002, when the US led a move to demand and promote higher standards of Palestinian democracy. A conference sponsored by the UK and backed by all 'Quartet' partners took place on this issue on 14 January 2003, leading two months later to the appointment of the reform-minded Mahmoud Abbas as Prime Minister of the Palestinian Authority. Mahmoud Abbas and his successor from November 2003, Ahmed Qurei, however, faced a persistent struggle for power and control of resources with Palestinian President Yasser Arafat—who in turn was viewed by Israel and increasingly by the USA as nothing more than an obstacle to peace. In these conditions it is easy to appreciate why no progress at all was made during 2003-4 with the negotiations and other cooperative processes between the conflict parties prescribed by the 'Road Map'.

Up to this point, the story seems merely to demonstrate the intractability of a long-standing conflict in which the two sides' identities and philosophies, as well as interests, seem (literally) existentially opposed; and in which the *prima facie* asymmetry of military power does not lead to a 'quick and dirty' solution but rather, provokes a classic 'asymmetric' reaction in the form of civil disobedience and terrorism. However, some developments at the end of 2004 were seen by—at least—the world's more hopeful observers as having a certain potential to rearrange the constellation in a way that might open up new possibilities. Perhaps the most fateful was the death in November of Yasser Arafat himself, creating the risk of a struggle for power but also the chance of new room for manoeuvre (linking up with the existing international pro-democracy efforts) in Palestinian politics. In the subsequent Palestinian elections that were held in January 2005, under close international scrutiny, Mahmoud Abbas was returned to power on a platform of re-opening efforts for peace and trying to disarm or at least bring under control the various extremist militias. This goal in itself, however, ensured that his leadership would not be undisputed nor his path smooth, as illustrated by the decision of the militant movement Hamas to boycott the elections. At the same time, Prime Minister Sharon's internal difficulties over his withdrawal policy led to a change of coalition in Israel that now included the

³⁶ For details see <http://www.globalsecurity.org/military/world/israel/fence-imagery.htm>.

³⁷ A UN Resolution calling for a halt to its construction was passed in October 2003 (General Assembly Resolution A/RES/ES-10/13, 27 Oct. 2003).

³⁸ The International Court of Justice issued a ruling against the legality of the barrier in July 2004.

³⁹ One other factor relevant here is the way in which the barrier tends to obstruct movements of labour and other natural economic exchanges between the Palestinian and Israeli territories: such interdependence has been important in the past for both economies, but Palestinian living conditions have been more sharply hit by its interruption.

traditionally pro-peace Labour Party. Last but not least, the re-election of US Presidential George W. Bush for a second term—combined with continuing or even deepening problems in the struggle to create a secure democracy in Iraq—has stimulated the UK and other like-minded powers to exert fresh pressure for a decisive, pro-peace, American diplomatic intervention.⁴⁰ At the time of writing, it is not possible to say whether these developments will come together in a constructive way or, rather, will be drawn into a further spiral of zero-sum actions by the parties themselves, putting the eventual two-state solution further out of reach just when the international community has rallied around it (at least nominally) in greater unity than ever before.⁴¹

Sri Lanka: this conflict is essentially a separatist one with ethnic overtones, pitting the Liberation Tigers of Tamil Eelam (LTTE)—with a power base in the North-east of the country—against the predominantly Sinhalese central government of Sri Lanka. Since 1983 this conflict is estimated to have caused some 65,000 deaths and the displacement of 800,000 to 1 million people. In February 2002 it seemed that a breakthrough might have occurred when the Prime Minister of Sri Lanka (Ranil Wickramasinghe) and the LTTE leader (Velupillai Prabhakaran) signed an interim ceasefire agreement brokered by Norway. However, the ongoing process of peace talks broke down, against a background of signs of divided counsels on the government side, when the rebels pulled out of the talks in April 2003. In November of that year the President of Sri Lanka (Chandrika Kumaratunga) declared a state of emergency and effectively took power out of the hands of Wickramasinghe, whom she accused of being ready to cede too much ground to the rebels and thereby putting national security and sovereignty at risk.

The problems underlying the recent stalemate between the government and rebels illustrate the blending of separatist, political, and economic motives that can make conflicts of this ‘territorial’ kind so difficult to unravel. The Tamil rebels have since February 2002 not been calling for complete sovereignty and independence, but they have not been able hitherto to find common ground with the government on the terms of autonomy for their province, including the nature of the administration to be established there and its powers over finance, police, external trade and so on. Also at stake is the degree of political recognition to be given to the LTTE as such (still the subject of a ban by several outside powers). The proximate reason given for the breakdown of talks in Spring 2003, however, was the failure to channel as much economic assistance (for refugee resettlement and general development) to the conflict zone as the LTTE believed had been agreed and as they regarded as necessary. This last point illustrates a phenomenon that will figure more centrally in the next section of this paper: namely, the way that measures agreed with the best of intentions during internationally-backed peace efforts can themselves become bones of contention and, at worst, the source of a new ‘break-out’ into armed violence.

Nature was to take a hand (in Sri Lanka and elsewhere), however, with the catastrophic tsunami of 26 December 2004 and the appalling human and material damage it inflicted in

⁴⁰ The UK has since announced (6 Dec. 04) that it will host an international peace conference on the Middle East early in 2005. Israel has declined to attend.

⁴¹ An added question worth noting is whether there might be value, precisely at this time of added mobility, in a further attempt at ‘independent’ peace-making by a local state, an honest broker from another region (in the style of Norway’s previous role), or some other source—*vide* for example the unofficial peace plan known as the Geneva Accord that was launched by ex-ministers from both the Israeli and the Palestinian sides on 1 December 2003.

coastal regions. During early 2005, hopes have risen that the disaster might create a new opening for conflict settlement: through the powerful forces for reconciliation created within Sri Lanka by common suffering, the delivery of humanitarian aid, the logic of joining forces for reconstruction, and the common interest not to let conflict obstruct the latter; but also because international attention has been called back to the region in the most forceful way possible. Aid donors have been encouraged i.a. by the hope that their actions might have added value as a foundation for peace, and some Western politicians (notably German Foreign Minister Joschka Fischer) have openly suggested that a certain conditionality might be established between, at least, the reconstruction phase of assistance and the government's ability to deliver on the peace front. It remains to be seen whether such overt 'leverage' can work, or whether it will merely strengthen the instinct of local governments to declare as early as possible (as India declared from the outset) that they can cope with the damage alone.

(c) Conflicts that 'break out' of attempted settlements

There are, basically, only two ways to end a conflict: by one side overcoming the other(s), or by a settlement. Unfortunately, attempts at both results—not just the former—can lead to new complications and setbacks, including the resumption and intensification of violence. The following are only some of the ways in which peace-making and settlement processes can provoke the further use of force:

- (a) the parties may intensify their efforts to gain ground and negotiating leverage before sitting down to the table;
- (b) one or both negotiating parties may become split internally, with one or more factions rejecting the idea of peace and demonstratively returning to the way of violence. In such cases, new 'fronts' of conflict can be opened within or between movements that were previously on the same side;
- (c) factions and individuals who are regarded as irreconcilable, and therefore not included in the negotiations to start with, may continue or increase violence partly as a protest that their interests are not being taken into account;
- (d) those who have been profiting out of the violence (which could include external suppliers or customers, with economic and/or strategic aims) may try to sabotage the peace to protect their gains;
- (e) there may be violence directed at the peace-makers themselves, if they are regarded as lacking legitimacy and/or as pursuing selfish interests (e.g., in the case of neighbouring states who seek to impose a particular outcome). In the worst scenarios, a national or international actor intervening ostensibly to make peace may slip into the position of an additional party to the conflict, and/or a group of actors seeking peace jointly may fall out among themselves;
- (f) if the peace itself is fragile for any or all of these reasons, and/or inadequate provision is made for peace 'keeping' and 'building' after the settlement, order may deteriorate and perhaps even new forms of violence break out from a combination of resentment, disenchantment and opportunism.

In recent times, the types of effects mentioned under (b), (c) and (d) have attracted considerable notice under the title of 'spoiler' phenomena, leading to increased awareness and debate over how many parties it is necessary and feasible to bring within the scope of a peace-making process. Recent experience has also highlighted how several of these scenarios—notably (b), (c), (e) and (f)—can lead to the emergence of groups using terrorist methods, even where the latter were not featured in the conflict before. (The general issue of terrorism and conflict will be covered in the next section).

Some concrete illustrations of these problems may be taken from recent developments in the conflicts in Burundi, Côte d'Ivoire and Sudan. Fighting has been going on in *Burundi* since 1993 between the national government, dominated by the (minority) Tutsi ethnic group after a military coup, and two ethnic Hutu rebel groups—the FDD and FNL.⁴² Some 200,000 [UPDATE?] lives are estimated to have been lost. A peace process brokered by leading politicians in Tanzania and South Africa led to the Arusha Peace and Reconciliation Agreement signed on Tanzanian soil on 28 August 2000. This provided for power-sharing between the Tutsi and Hutu ethnic groups in the framework of a transitional government, established in 2001. However, the armed rebel groups on the Hutu side, the FDD and FNL, were not included in the peace process and rejected the resulting political solution as inadequate and biased, calling instead for a return to the constitution of 1992. The South Africa-led Regional Initiative on Burundi then brokered a further agreement, signed on 2 December 2002 between the transitional government and the FDD, with terms including a ceasefire and the deployment of a military observer mission from the African Union.⁴³ As a result of continuing talks, the FDD in March 2003 agreed to accept the power-sharing arrangements in the 2000 Arusha agreement. The Swiss government hosted talks with the remaining armed faction, the FNL, in search of a parallel breakthrough.

Despite all these efforts, however, fresh fighting broke out between both rebel groups and the government in June 2003. FNL operations included several attacks on the national capital, Bujumbura. The FDD's actions seem to have been dictated by an effort to improve the terms of the peace deal, rather than to break out of it: and in fact, it signed a new agreement with the government in November 2003 that gave it a greater share of government posts and of control in the national army. The FNL, however, remained irreconcilable, and in December extended its attacks to FDD personnel as well. Clashes continued throughout 2004, and an added complication came when the FNL was formally labelled a terrorist movement by neighbouring African states, who called upon the UN and African Union to endorse their stand. As argued further in sub-section (d) below, use of the terrorist label is a high-risk tactic that may push settlement further away in the absence of power by the labellers simply to crush the labelled.

In the Burundi case, no-one has suggested that the efforts of outside mediators (both African and European) were anything but helpful. *Côte d'Ivoire*, however, provides an example where a push for a rapid settlement essentially imposed from outside has (so far) failed to address or to master the fundamental dynamics of the conflict. The present civil war began in September 2002 with an attempt by disaffected military elements to oust President Laurent Gbagbo. Although failing in their first attempt to seize the capital, Abidjan, the rebel group which adopted the name of MPC⁴⁴ rapidly gained control of the Northern half of the country. It was joined by 2 other groups, the MJP and MPIOG,⁴⁵ also seeking Gbagbo's overthrow. Conflict deaths to date have reached many thousands and more than a million people have been displaced.

⁴² Forces pour la Défense de la Démocratie and Forces Nationales de Libération, respectively.

⁴³ On the establishment and objectives of the African Union see the chapter by Jinmi Adisa in SIPRI Yearbook 2003: Armaments, Disarmament and International Security, OUP summer 2003.

⁴⁴ Mouvement Patriotique de Côte d'Ivoire.

⁴⁵ Movement for Justice and Peace and Movement Populaire Ivoirien du Grand Ouest.

The Economic Community of West African States (ECOWAS), which has become a frequent actor both in mediation and in local peace-keeping, helped to negotiate a ceasefire between the President and the rebels in October 2002 and despatched a force of its own (ECOMIC) to keep the peace. In September 2002 France, the former colonial power, took a hand by deploying some 1800 troops, (essentially to protect foreign residents) and entering the peace-making process. The personal intervention of French Foreign Minister Dominique de Villepin secured a power-sharing agreement between the government and at rebel groups at Linas-Marcoussis in France on 23 January 2003, and President Gbagbo appointed a new Prime Minister (Seydou Diarra) as a first step to its implementation. However, Gbagbo's own following split at this point, with massive street demonstrations in Bujumbura to protest against sharing power with the rebels. Fighting between the factions resumed in March in the Western part of the country, aggravated by the infiltration of combatants from neighbouring Liberia. In September the rebels formally withdrew from the government.

The problems of rebel control of growing swathes of territory, of factionalism among Gbagbo's supporters, and of resentment towards French forces have not been solved but if anything grew worse in 2004. In November of that year France was obliged to proceed to an evacuation of its own and other foreign nationals, following an outbreak of serious rioting that was initially triggered by the death of several French soldiers as a result of Ivorian government military actions outside Bujumbura, and the consequent French retaliation. Gbagbo for his part has been accused by some of deliberately trying to play the 'neo-colonial' chord and to stir up feeling against the French to mask and/or justify his own continuing preference for crushing the rebels by main force.

Sudan is the site of one of the world's longest-running civil wars, which entered its 20th year in 2003. The National Islamic Front (NIF) government in Khartoum, which is dominated by Northern ethnic elements and attempted to impose Islamic Shari'a law on the whole country in 1983, is opposed by the Sudan People's Liberation Movement/Army (SPLM/A) in the South for reasons which combine religion, autonomy, and the control of government and resources. The fighting up to 2004 had cost the lives of at least 50,000, displaced some 4 million people internally, and caused some 570,000 to take refuge in neighbouring countries.

Efforts for mediation since 1994 have taken place mainly in the framework of the sub-regional organization IGAD (Intergovernmental Authority on Development), with support from the so-called Observer Countries—the USA, UK, Norway and Italy. Norway has been particularly active in providing 'good offices' here, as in Sri Lanka. These efforts led to the signing of the Machakus Protocol between the government and rebels in July 2002, followed by further talks on the sharing of power, wealth and territory. An additional mediation process, under which former US President Jimmy Carter had been negotiating the normalization of relations between Sudan and Uganda,⁴⁶ led to face-to-face talks between SPLM/A and government leaders which produced an apparent breakthrough agreement on 25 September 2003. Signed at Naivasha, Kenya, and known formally as the Agreement on Security Arrangements during the Interim Period, this document provides for each side to withdraw troops from the main area controlled by the other and for both to contribute troops to a national army and to garrisoning certain disputed territories. A

⁴⁶ The civil wars in Sudan and Uganda have become interconnected, and one aim of Carter's negotiations—leading to an agreement between the two states in Dec. 1999—was to stop each Government from abetting rebel elements on the other's territory.

further agreement on the share-out of proceeds from the country's oil wealth was signed in January 2004.

The international community continued, after the signing of Naivasha, to press both sides for progress towards a complete settlement that would need to include solutions on religious matters, the disputed territories, and provision for the settlement of refugees. The USA played a strong card by offering to lift its national sanctions and remove Sudan from the list of countries sponsoring terrorism if the deal is completed.⁴⁷ Hope turned to fresh international concern, however, when violence began to escalate from 2003 in another province of Sudan—Darfur. Two new armed groups with political motives, the SLM/A and JEM,⁴⁸ began attacks on government forces in early 2003 in protest against the latter's perceived failure to protect villagers from normal attacks and in defence of Darfur's regional interests. Fighting extended to the whole province by April 2003, and talks between the SML/A rebels and the government sponsored by Chad broke down in December. During 2004, the scale of violence, atrocities against civilians, and refugee numbers escalated as a result—principally—of the actions of an Islamist militia known as the Janjaweed, to the point where several foreign states have called for the situation to be recognized as one of genocide. Current estimates speak of 70,000 dead, 1.5 million persons internally displaced, and 200,000 Darfurian refugees in neighbouring Chad⁴⁹. Direct international intervention has, however, so far been limited to a small military observer force sent by the African Union to monitor declared plans to disarm the Janjaweed; the assignment of extra troops for protection has since built up this AU presence to some 3,000 personnel.

A key reason why the United Nations, backed by the major powers, has so far held back from a formal declaration of genocide or from any larger-scale intervention has been the concern not to let the whole Darfur situation become a gigantic 'spoiler' in the longer-running search for peace between North and South. Those involved in the IGAD mediation argued strongly during 2004 that the completion of the Naivasha process was the key to proper treatment of all Sudan's internal ethnic and governance problems in future, and that it would be tragically counter-productive to handle Darfur in a way that diverted or discouraged the Khartoum government from sticking to its related obligations. In the event, as a result of sustained international pressure and as the culmination of a series of talks and partial agreements during 2004, the Sudan authorities and the SPLM/A were finally able to sign a comprehensive peace agreement on 31 December. Attention now turns to the very demanding process of implementing the power- and resource-sharing arrangements it contains, and to the presence or absence of the anticipated positive spin-off for Darfur (where the 'participatory' type of settlement is generally thought to be a much harder prospect).

The whole story to date provides a striking example, not just of the appalling proportions that violence 'breaking out' from an earlier peace process can assume, but also of the

⁴⁷ The USA regards Sudan as a front-line state in the struggle against international terrorism and has in the past carried out reprisals, as well as sanctions, against it for its support to terrorist groups thought to include Al-Qaeda.

⁴⁸ The Sudan Liberation Movement/Army and the Justice and Equality Movement, respectively.

⁴⁹ Sources: Rivera, L. 'U.N. puts Darfur dead at 70,000', CNN.com; Integrated Regional Information Network for West Africa (IRIN-WA), 'AU says Darfur awash with weapons and situation a time-bomb', IRIN Weekly Round-up 255, 11-17 Dec. 2004, <http://www.irinnews.org>.

extremely difficult trade-off decisions that external mediators—not just the internal parties—can face in the critical phases of a move towards peace.

(d) Conflict and terrorism⁵⁰

The phenomena of conflict and of terrorism have been closely linked throughout history. Their motives, and their effects on innocent bystanders, are often similar to the point of indistinguishability; but it is important to perceive clearly the difference in their natures. There can be conflict without terrorism (for instance, the major conflicts of the 1990's in the Western Balkans involved it only minimally), and there can be terrorism that neither arises from, nor produces, *armed* conflict in the sense used in this study. Either or both sides in a 'classic' armed conflict can use atrocities and psychological warfare to 'terrorize' their opponents, but that does not make them terrorists. The same applies in internal struggles, where it is safer to use the term 'terror tactics' for the often very serious violence applied 'top-down' by government authorities or the equivalent, in extreme cases amounting to official 'genocide'. The 'terrorist' appellation as such is best reserved for individuals and movements that seek to produce an effect of terror as their *principal* and often exclusive end, by action against civilians, for motives that are 'political' as distinct from—for instance—purely criminal or financial.⁵¹

A large proportion of the terrorist movements still active in the world today (notably in the Middle East, Latin America and South/South-East Asia) have had their origin in actual armed conflicts, or in disputes over territory and governance of the sort that generally lie behind such conflicts as well. Terrorism is a typically 'asymmetrical' instrument (a way to allow a weaker party to hurt and destabilize a stronger), which makes the resort to it particularly tempting for conflict parties that are militarily disadvantaged, and for 'spoilers' who find themselves excluded from and outlawed by a peace settlement. Conflict situations that are tightly controlled in terms of superficial order, and thus produce few or no 'combat' casualties, can provoke the use of terrorist methods by both local parties—as seen in Northern Ireland. Typically, 'conflict-bred' terrorists of these kinds restrict their attacks to the parties they are directly in conflict with—British, Spanish, Turkish, Sri Lankan, etc.—but there are cases in which their activities have become steadily diversified and internationalized, e.g. Hamas and Hizbollah in the Middle East.⁵² Most recently, there has been a surge of international concern about groups that, like Al Qaeda, have become *transnational* or truly *globalized*, taking action on ideological grounds against parties that are only secondarily (or more remotely) linked with their original grievance.⁵³ Up to now Al Qaeda's type of terrorism is relatively rare, and remains in a minority in terms of known members and numbers of attacks⁵⁴, but it represents a

⁵⁰ This statement follows the spirit of the new definition of terrorism proposed for international use in para 168 of the UN High Level Panel's report (note 3 above), namely: 'any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or international organization to do or do abstain from doing any act'.

⁵¹ For more detailed discussions of this topic see Stepanova, E, 'Anti-terrorism and peace-building during and after conflict', SIPRI Policy Paper No. 2 of July 2003 at <http://www.sipri.org>, and Bailes, A.J.K., 'Terrorism and conflict', in 'Developing a Culture of Conflict Prevention' ed. A. Mellbourn, published by the Swedish Institute of International Affairs and the Madariaga European Foundation for the Anna Lindh Programme on Conflict Prevention, Stockholm, Aug. 2004

⁵² See E. Stepanova, *op. cit* (note 51 above).

⁵³ In Al Qaeda's case this was related to foreign encroachment on the holy places of Saudi Arabia.

⁵⁴ These points are important to make since the Al Qaeda "model" of terrorism has come so much to dominate analysis and policy responses since 9/11, with possible detriment to the attention and somewhat

special threat in several ways—as demonstrated by its horrific attacks of 11 September 2001 in the USA. It has been skilful in ‘infecting’ other Islamist terrorist movements, effectively federating them to its cause, and in recruiting new adherents world-wide. It makes full and skilful use of the possibilities of a globalized system of transport, communications and financing; and its representatives are known to have inquired into the possibility of using—in what would be most people’s ultimate nightmare—the technologies of Weapons of Mass Destruction for their attacks.

The ways in which terrorists themselves can cause and aggravate conflict phenomena are fairly obvious. Turning asymmetry on its head, terrorist attacks can provoke their target—if it is a militarily capable state or government—to retaliate with the use of force, often with results affecting much larger populations than the terrorists themselves and much larger territories than just their bases. This was, after all, precisely the mechanism that triggered the invasions of Afghanistan and Iraq by the USA and its coalition partners in 2002 and 2003 respectively. Terrorists striking against a state from neighbouring territories, even without the neighbouring government’s support, can draw retaliation against their bases by the target government that risks turning the conflict into an inter-state one (a familiar syndrome, as already noted, in the Middle East and until recently in Latin America). There are well-documented cases of terrorist groups taking a hand in initially unrelated conflicts (e.g., individuals from the Arab/Islamic world enlisting on the side of Bosnia-Herzegovina in the Balkan wars), and of terrorist elements engaged in a number of different conflicts assisting each other with advice, training, arms and other resources (e.g., the Irish Republican Army (IRA) and Colombia’s FARC guerrillas). Where terrorist groups are mixed up with a ‘classic’ armed conflict they are typically among the ‘spoilers’ of peace processes; and indeed, the latter are often designed consciously to drive a wedge through a combatant movements between the terrorist wings and their more moderate allies, with whom power-sharing is most likely to work. In such circumstances, external peace-keeping forces may themselves come under terrorist attack (cf. the incidents that led to US forces’ withdrawal from Lebanon in the 1980’s); and terrorist activity can become a major bane of post-conflict peace building efforts, as abundantly illustrated at present in Iraq.

The ‘war on terrorism’ that the US and like-minded countries have been waging since September 2001 has, however, also had its effects upon the world-wide pattern of conflict, going much wider than just the overthrow of two régimes and the subsequent peace-building challenges in Afghanistan and Iraq. It is still early in historical terms to reach a complete and balanced view of these effects: but some aspects that seem likely to remain significant and that would deserve further study may be noted here.

First, the strengthened international consensus against terrorism, and the willingness of the USA and many others to invest greater resources against it, have tempted many states or governments engaged in a conflict to try to re-brand their opponents as ‘terrorists’. This issue of nomenclature has always been a delicate one, and it was said long ago that ‘one man’s terrorist is another man’s freedom fighter’. Particularly since the resolution of most conflicts linked with de-colonization—where former leaders of guerrilla and even terrorist activity against the metropolitan powers could end up as respected heads of state—world opinion had been tending to move towards greater respect for the ‘self-determination’

different remedies that should be applied to other terrorist phenomena. On the difficulty of accurately charting terrorist activity worldwide see Kreuger, A.B. and Laitin, D., “Misunderestimating” Terrorism’, *Foreign Affairs* Sept/Oct. 2004, pp 8-14.

motive, and less willingness to accept national sovereignty and the authority of standing governments as absolutes in cases of evident abuse. Branding their opponents as terrorists now gives embattled governments a way to redress this balance, with all the greater effect since new international measures entail new specific penalties for those carrying the terrorist label.⁵⁵ Examples are Russia's way of presenting the conflict in Chechnya (backed i.a. by the major terrorist outrages that were perpetrated by Chechens or their sympathizers in a Moscow theatre in 2003 and at Beslan in 2004); China's attempts to get Islamist/ethnic rebel groups in Xinjiang added to international terrorist 'black lists'; Israel's success in maintaining the sympathy of the George W. Bush Administration in the USA (see above); and further cases e.g. in Uganda, Indonesia and the Philippines (the last two are discussed further below).

Secondly, the characterizing of opponents as 'terrorists' has consequences, against today's background of opinion, for the preferred or most likely way of ending the conflict. A régime that does not want to share power, grant autonomy, or reach any other kind of compromise with its challengers is less likely to be pressed to do so in each case. It may even be criticized if it seems too 'soft' on terrorists, especially in circumstances where its actions could create undesirable precedents or repercussions for its neighbours and institutional partners (e.g. within the EU). More and more, the only acceptable outcome to such conflicts appears to be the complete defeat of (or surrender by) the challenging side. Although some long-standing peace efforts with high degrees of international approval—e.g., London's and Dublin's plans for a power-sharing and partial autonomy-type solution in Northern Ireland—have gone ahead regardless of these shifting pressures, there are other cases in which the new dynamics do seem to have contributed to the withdrawal or slackening of government efforts for compromise (*vide* the case of Colombian already cited and that of Israel and the Palestinians, although the latter does not fit simply into this or any other mould).

Thirdly, since '9/11' it has become easier for governments whose opponents clearly do involve terrorist elements to get practical assistance against them from the USA, and possibly others.⁵⁶ Indonesia, for example, had been in the international community's bad books since the East Timor conflict of 1999, but it has rapidly rehabilitated itself in the last two years by branding itself as the anti-terrorist side in the long-running conflict with the Gerakan Aceh Merdeka (GAM, or Free Aceh Movement) in its province of Aceh. This is a struggle over autonomy that has claimed at least 12,000 deaths, mostly of civilians, in the years since 1976. The international community had previously been engaged in an even-handed mediation role, and managed to bring things as far as a ceasefire agreement⁵⁷ backed by an international monitoring force in December 2002. However, violence did not stop, the international observers were forced to withdraw, and on 19 May 2003 the Indonesian Government placed Aceh under martial law and began a full-out military campaign against the terrorists. Although the EU, USA and Japan appealed for peace negotiations to be revived in parallel, the US lifted its previous freeze on military aid to Indonesia in August 2002 and earmarked some \$50 million in counter-terrorist assistance

⁵⁵ Notably, UN Security Council Resolution 1373 of 28 Sept. 2001 (and follow-up resolution 1483) obliges all state and non-state actors to assist in freezing the assets of, and blocking resource flows to, terrorist individuals and movements. For more on this topic see the chapters by T. Biersteker and C. Norgren in 'Business and Security: Public-Private Partnerships in a New Security Environment', ed. A. Bailes and I. Frommelt, OUP for SIPRI, May 2004.

⁵⁶ —if they wish to. For some governments such as the Russian and Chinese, the terrorist label has been used for the opposite purpose, i.e. to stave off external 'interference'.

⁵⁷ Brokered by the Henry Dunant Centre for Humanitarian Dialogue in Geneva, Switzerland.

for the government in the period 2002-4. The EU also agreed to take Indonesia as one of its partners in a pilot study on using European resources to support local anti-terrorism efforts. Although any significant US arms sales to Indonesia are still subject to the fulfilment of conditions linked to the earlier conflict in East Timor, the Indonesian Government had more broadly succeeded by end-2004 in de-linking the latter experience from its international image and its standing vis-à-vis what it now openly called the 'terrorist' challenge in Aceh.

Here, again, the 26 December tsunami had a massive impact: the province of Aceh was among the territories closest to the epicentre of the under-sea earthquake that caused it, and the provincial capital of Banda Aceh was almost literally swept away. In principle, the same benign consequences (in conflict terms) as were described above in the case of Sri Lanka should have ensued. The dynamics thus far have, however, been more complex in Aceh: not just because of its remoteness which would have impeded outside aid in any case, but because of the Indonesian armed forces' reluctance to relinquish their grip on the province, the fear of each side in the conflict that the other will exploit the situation, and hence the fragility of the ceasefire that the GAM initially declared. Tension has also started to become evident between the interests and intentions of the Indonesian military on the one hand and the civilian-led government in Djakarta on the other. The one more definitely positive factor is the way that the international community's attention has been drawn to the realities of the Aceh situation, making it likely that leading countries' and institutions' efforts to explore the new potential for peace-making will be not just more proactive, but also more nuanced in their understanding of the basic issues than before.

Paralleling the earlier handling of Aceh, the Government of President Gloria Macapagal Arroyo in the Philippines has managed to get the Abu Sayyaf rebel group in the South of its territory—previously seen more as a criminal phenomenon focussed on extortion and kidnapping—classified by the USA as a 'foreign terrorist organization'. 600 US troops were sent in 2002 to assist in operations against the group, and in May 2003 the Bush Administration committed more than \$114 million in military aid to assist counter-terrorist activities in the Philippines. The Philippines Government has since also classified the Communist Party of the Philippines (CPP) and its military wing the NPA as terrorists, and has effectively broken off any kind of peace process with them. On the other hand, it succeeded in driving a further group—the Moro Islamic Liberation Front (MILF)—to the negotiating table by threatening to brand them as terrorists if they did not forswear violence. In this case the MILF complied, and an agreement opening the way for substantial peace talks (with monitoring assistance from Malaysia) was duly signed on 18 July 2003.

Fourthly, and as this last story illustrates, the new implications of the terrorist 'label' tend to polarize the options available to insurgent movements themselves. Some have been moved to abjure terrorism and to seek international respectability by all other possible means (e.g., unilaterally committing themselves to respect the laws of warfare and humanitarian restrictions on weaponry).⁵⁸ In almost all conceivable circumstances this is a good thing for the cause of peace. However, other movements may make the contrary choice, stiffening their resistance and perhaps resorting more wholeheartedly to terrorist tactics, as well as invoking help from other terrorists or terrorist-friendly governments outside. There is evidence of this trend among the more extreme players in Afghanistan,

⁵⁸ Valuable initiatives to this end have been promoted by the NGO 'Geneva Call', see <http://www.genevacall.org/home.htm>.

Chechnya, Iraq, and in the new strides made by the Maoist rebels in Nepal in addition to the cases of Indonesia and the Philippines already mentioned. Combined with the relevant government's new access to outside aid, there is a clear risk that such developments will move the conflicts in question further away from, not nearer to, a solution - with the civilian populations (as usual) as the main losers.

Last but not least, military actions undertaken to overthrow 'rogue' régimes—on the grounds i.a. of their supposed terror-friendliness—can create particularly tough post-conflict environments opening up new possible fronts for terrorism. To be fair, the problem in these cases arises not only from the possible mistakes made by external actors attempting reconstruction and democracy-building, but from the depths which such societies have previously plumbed in terms of bad governance, corruption, and unresolved internal (ethnic, provincial, religious, etc) contradictions. The result in any case may be an extended period of 'not-conflict, not-peace' in which the inadequate grip, and perhaps questionable legitimacy, of the intervening authorities creates the classic 'authority gap' that is most likely to give rise to terrorism. Iraq is, unfortunately, now providing a model case of this, but there are signs of the same syndrome in the continued operations of Al Qaeda and their allies in Afghanistan and neighbouring parts of Pakistan. These situations create a double challenge: for external peace-keeping forces who have to become expert in 'counter-insurgency' techniques as well as the (possibly even more alien) disciplines of peace- and nation-building; and for these forces together with the nascent local authorities, in creating a self-sustaining new order that will be capable of suppressing the terrorists without oppressing the whole population (something that even the most developed Western states do not find easy).

IV. International 'Peace Missions'

This last topic provides a natural transition to the final one in this paper: the pattern and evolution of international conflict management efforts in the form of military, non-military or combined interventions. Data on multilateral deployments for this purpose since 1993 are set out in Table 4. One of the first things they make clear is that there is no one-on-one correspondence between deadly conflicts and international responses. Neither the UN nor anyone else has the resources to intervene in all conflicts and even if the resources were there, the necessary international consensus to produce universally supported (or tolerated) actions would not be forthcoming in all cases.⁵⁹ Though the topic is too large to be done justice to here, it may generally be said that the pattern of intervention has been dictated more by outside actors' own strategic priorities, policies and perceptions (in turn strongly influenced, i.a., by media and NGO reporting) than it has by the inherent gravity of conflicts or the degree of human suffering involved. Some of the longest-running and most bloody conflicts have, to date, seen no external *military* intervention at all: for example Myanmar, Colombia, and Sudan up to 2004.

The issues arising from the changing pattern of international missions and their experiences are manifold, but for reasons of space just three aspects will be touched on here⁶⁰: the demand for an increasingly multi-functional and 'full-cycle' approach to conflict management and peace building; the changing pattern of intervention sequences

⁵⁹ The Darfur conflict in Sudan provided a particularly controversial instance of this in 2004, see section III (c) above..

⁶⁰ For further analysis see Dwan, R. and Wiharta, S., 'Multilateral peace missions', in SIPRI Yearbook 2004: Armaments, Disarmament and International Security, OUP for SIPRI summer 2004.

and burden-sharing among different international actors; and the increasingly recognized importance of post-conflict justice.⁶¹

Table 4. Number of multilateral peace missions

Year	1993	1997	2000	2001	2002	2003
Total nr of multilateral missions	34	52	55	51	48	52
Number of new missions	9	11	3	5	4	14
Missions carried out by:						
United Nations	20	23	22	18	19	19
OSCE	5	12	12	13	11	10
NATO	–	1	2	4	4	4
EU ^a	1	1	3	3	1	5
CIS	3	4	4	3	3	3
Other regional organizations ^b	1	4	5	3	3	4
Non-standing coalitions ^c	4	7	7	7	7	8

^a Includes missions led by WEU.

^a For example: AU, ECOWAS, CEMAC, OAS.

^c Includes missions that are directly tasked and authorized by the UN, but are carried out by an ad hoc coalition of states.

Sources: SIPRI Yearbooks 1994, 1998, 2001–2004 (Oxford University Press: Oxford, 1994–2004).

Missions carried out by:

Peace making in the round

Even before the end of the 20th century, harsh experience in the Western Balkans and Africa had brought home to international policymakers and analysts alike that in conflict management, getting a sufficient grip on the situation to stop the violence is only the first point in the battle. Without a political settlement that addresses the issues at the source of the dispute, conflict could break out again as soon as the intervener's hand is lifted.

Without active efforts to mend whatever was broken or missing in a previously 'weak', and/or abusively governed, state, human rights and the proper political, economic and international functioning of the successor régime cannot be guaranteed—whether or not it actually falls back into violence and terrorism. Solving these challenges is now increasingly seen, not just as a humanitarian duty of the interveners (when they choose to intervene at all), but as a matter of enlightened self-interest for the international community. Given the increasingly transnational or globalized nature of many dimensions of security—notably the fight against terrorism, proliferation, disease, climate change and environmental decay—the international family needs to know that a post-conflict state is functioning properly on the inside, not just refraining from making trouble externally.

Moreover, botched peace-keeping almost always means either the prolongation of conflict (as discussed above) or a periodic relapse into it. Some of these cases have in the past led to enormously lengthy international peace-keeping missions (e.g. UNFICYP in Cyprus), which not only constitute a permanent reminder of the world community's failure to finish what it started, but eat up all-too-scarce resources that might be better employed for new preventive or rapid-reaction deployments.

⁶¹ This choice of topics is not intended to side-line or belittle the question of the *conditions* for intervention: legal, political and moral. However, in the authors' opinion, this issue could hardly be handled better than in the report of the UN High Level Panel (note 3 above) which lays out five basic criteria of legitimacy for deciding upon (non-consensual) interventions: seriousness of the threat, the proper purpose of the action, force as an *ultima ratio*, proportionality of the means used, and the likely balance of consequences (paragraph 208, p. 67).

Reflection on these factors has led analysts increasingly to see conflict as a cyclical or recidivist process, in which good peace-building after a conflict should be viewed as one of the best and most tangible routes to conflict prevention. Ideally, this effect could operate not only in the affected state itself but in the whole region, by turning the post-conflict régime into a model of good governance and responsible international conduct that can both be supported by, and have benign osmotic effects upon, its neighbours. In the best case the former problem state can quickly be promoted to a supplier, itself, of international peacekeeping forces.⁶² This full-cycle philosophy was most notably and recently reflected in the recommendation by the UN High Level Panel (December 2004) to establish a UN Peace Building Commission able to support problem states in *both* pre-conflict and post-conflict conditions.⁶³

The obvious corollary is that the international community's inputs must be much more than just military, and must be sustained well beyond any formalistic 'end-date' linked, for example, to entry into force of a political agreement or cease-fire, or the holding of new elections. In the past, the international community has generally managed to see the need for follow-on engagement in the economic, development assistance, and humanitarian assistance fields: the problem has been rather with the failure to draw the scope of these programmes generously enough, or to stick to the promises made over an adequate period.⁶⁴ Most new thinking about international roles (both in peace operations and post-conflict support) has, therefore, gone into the fields of governance that lie somewhere between military security and economics: the reform of the security section in a broader sense (including both measures of demilitarization/disarmament and positive measures to establish adequate anti-terrorist, border control, export control, arms control etc. systems); direct support (operational and/or through training) for the maintenance of internal order and security; the building of structures of law and justice, and of central and local administration in general; measures to remedy social injustices linked with gender, religion, ethnic identity etc and to guarantee adequate political participation and the protection of equal opportunities for the future; and several more. An increasing number of international missions have in recent years been designed to operate in these parts of the spectrum: notably UN missions like UNMA in Angola, UNAMA in Afghanistan and UNMISSET in East Timor, and various functional missions launched by the European Union (police missions in Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia, FYROM, and the EUROJUST THEMIS advisory mission on law and order in Georgia). Missions launched under the mandate of the Organization for Security and Cooperation in Europe (OSCE) have, in practice, always been of this non-military kind, geared most often towards conflict prevention through the peaceful resolution of disputes and the observance of political standards and civil (including minority) rights.

The consequences of *not* paying proper attention to these aspects of peace-building, or of tackling them with the wrong implements and models and inadequate legitimacy, have been all too painfully obvious in Iraq. However, even the best-conceived missions of this kind have serious challenges to face. One is that of procuring the right human resources, since it is only very recently that police capacities have started to be identified and

⁶² This sequence has been seen, notably, in the Western Balkans where countries like Croatia and Serbia-Montenegro are now keen to contribute to NATO- or EU-led peace missions (as part of their drive for eventual full NATO and EU membership). Over the longer term it has also operated in Africa.

⁶³ See paras. 228 and 261-9 of the UN High Level Panel report, as in notes 3 and 54 above.

⁶⁴ The converse problem arises when too much aid is given and too little commercial investment or market stimulation, leading to 'aid dependence'—as seen in the recent cases of Bosnia-Herzegovina and Kosovo.

prepared on the analogy of military ones for such international uses, and even more recently that thought has been given to other civilian functions.⁶⁵ Another great challenge is coordination and the achievement of synergy, not just between different human contingents operating in the field—and it is difficult enough for soldiers, police, aid workers and NGOs from a variety of nations to work harmoniously!⁶⁶—but between the different branches of international peace-building and reconstruction policy. The need is increasingly recognized, for example, for programmes of Disarmament, Demobilization and Reintegration (DDR) following a conflict in which military forces have become inflated (i.a. by unwilling recruits and possibly child soldiers): but these will not have the desired effect on overall security unless properly coordinated with overall economic reconstruction and development strategies and—if needed—with the positive re-shaping and modernization of national defence and security forces. (Reflection on this has become linked with a very interesting broader debate on the relationship between defence, disarmament and development in international security). Last but not least, the paradox of international involvement in such intimate aspects of the re-shaping of a given society, nation and state apparatus is that it works best when it most quickly does away with the need for such interference. The military practicalities of stopping conflicts do not vary greatly, but the pre-conditions for viable and stable new régimes do, according to region and culture, degree of development, and many other internal and environmental features. The more local actors can be drawn into the process to express their own preferences and take their own responsibilities from the beginning, the better, and in this sense a hard-headed and well-phased ‘exit strategy’ is just as vital for peace-building missions as for the more traditional military kind.

Patterns of intervention

The first thing that stands out from Table 4 is the continued supremacy of the United Nations in the peace-keeping business, if assessed globally—carrying out around two-fifths of all international missions under its own direct authority, and providing some degree of mandate for most of the others. Despite all the criticism and scepticism in levelled against the Organization notably by the USA after 9/11, the UN has continued to launch new missions with wide international support and in 2003, was deploying an average of over 38,500 peace-keepers in the field.⁶⁷ Even in the case of Iraq, after the political furore caused by the breakdown of efforts in early 2003 to secure a UN mandate for military action and the subsequent non-mandated invasion by a US-led coalition, the coalition partners rapidly had to turn back to the UN to find legally effective solutions for issues like Iraqi debt and the lifting of sanctions. (Many would say that the work of the UN

⁶⁵ Dwan, R., ‘Civilian tasks and capabilities in EU operations’ paper presented at an Expert Seminar on ‘Towards a Global Security Policy for Europe: Tasks and capabilities’ Berlin 18-19 May 2004. See also ‘A Human Security Doctrine for Europe: Report of the Study Group on Europe’s Security Capabilities’, published on 15 Sep. 2004 at <http://www.lse.ac.uk/Depts/global/#Recent%20contributions%20by%20our%20staff>. A good direction for international work and study in the future would be to consider building non-military intervention capacities for cooperative use in non-European regions, such as Africa.

⁶⁶ For a succinct account of this debate (with further references) see Holmqvist C., ‘Private Security Companies - the case for regulation’, SIPRI Policy Paper no. 9 of Jan. 2005, available at <http://www.sipri.org>.

⁶⁷ In the past, this figure has oscillated from a high of 72,000 in 1994 to 13,600 in 1999. The trend has been upwards since the latter date. Figures published by the UN Dept. of Peacekeeping Operations at <http://www.un.org/Depts/dpko/dpko/contributors/index.htm>.

disarmament and monitoring missions in Iraq, UNSCOM and UNMOVIC, was vindicated when it turned out that Saddam Hussein had not actually been holding any WMD). Peace-building efforts in Iraq have suffered from the lack precisely of those well-honed and specialised services that the UN and its agencies can provide, and the US has found itself in the position of pressing for the UN to play a *greater* role—analogous to that in Afghanistan—while the UN holds back *inter alia* because of coalition forces' inability to guarantee an adequate level of security. There could be no clearer illustration that 'going private' with conflict management very, very rarely works.

At the same time, another striking trend of the last years has been towards new forms of complementarity and burden-sharing between the UN and other capacity providers, both in 'horizontal' and in 'serial' terms. 'Horizontal' burden-sharing occurs when a UN mission and another presence exist side by side with different functional responsibilities: this has been the case for a while in Kosovo (UN civil administration and NATO military forces), and now happens (for instance) between the UN and a NATO-led force (ISAF) in Afghanistan, and the UN presence (MINUCI) together with ECOWAS and French forces in Côte d'Ivoire. The UN mission (MONUC) in the Democratic Republic of the Congo (DRC) was supplemented for a while in 2003 by the EU-led Operation Artemis, sent to control a threat of breakdown of order in the Bunia region. However, it is more typical for institutions to succeed each other serially over time, usually as the required capacity 'softens' in nature from operational military peacekeeping to monitoring, re-training and reconstruction. What is interesting is that, especially recently, there does not seem to be any fixed order to these hand-overs. Sometimes regional institutions have looked after the 'tough' phase of the operation before the UN took over, or brought their efforts under a wider framework—Liberia, DRC, Burundi. In one well-known case, NATO took over when the UN approach proved incapable or inappropriate to deal with a deteriorating military situation (the transition from UNPROFOR to IFOR in Former Yugoslavia). However, there have also been cases when the UN has presided during the immediate conflict resolution on post-conflict period, to be succeeded by local organizations possessing the models and resources for more thoroughgoing reconstruction (like the EU in the Western Balkans). The only process that seems to be unidirectional is when the 'hard' phase of an action is taken on by a self-appointed coalition, and the UN may or may not choose to legitimise and take responsibility for the subsequent phases—as in Afghanistan and Iraq, but also various African instances.

The variety of such intervention sequences also reflects the diversity of partners now available. Since 2001 both NATO and the European Union have developed their policies and capabilities to the point where they can offer, in principle, to contribute to interventions anywhere around the globe. NATO's coming-of-age in this respect was marked by its take-over of responsibility for the International Security Assistance Force (ISAF) in Afghanistan in August 2003, following a period in which individual NATO countries had succeeded each other in command of the force with back-stage NATO assistance.⁶⁸ The EU, as already noted, carried out a brief 'autonomous'⁶⁹ intervention in the DRC from July 2003, and its new Security Strategy (adopted by the European Council in December 2003) spells out the rationale for such global activism: 'With the new threats,

⁶⁸ At the time of writing NATO has also taken on certain military re-training tasks in Iraq, but not with any direct operational component (and with some nations declining to take an active part at least inside Iraq).

⁶⁹ In context, autonomous means without NATO assistance (such assistance was drawn upon for the EU military deployments in FYROM, 2003, and Bosnia-Herzegovina, end-2004).

the first line of defence will often be abroad'.⁷⁰ Both organizations have shown themselves able in practice to work (horizontally and serially) with the UN, but the EU has especially stressed its wish to put its operational services at the disposal of the latter, and signed a Joint Declaration with the UN to that effect in September 2003.⁷¹

The EU has also shown an interest in supporting, and operationally supplementing, African regional peace-keeping efforts,⁷² and this leads to the last point to be made in this section. There has been a striking growth in the ambition, and practical efforts, of African regional and sub-regional organizations to provide primary peacekeeping services for conflicts on their own continent during the past decade. In 1994, of 11 peace operations in Africa, 8 were carried out directly by the UN and 3 by local organizations; in 1998 the balance tipped to 4 UN-led and 7 local-led missions; and in 2003 there were 6 of each. Earlier operations were dominated by the West African group ECOWAS, which was sometimes open to the charge of being dominated by Nigerian national interests, but in the last couple of years there has been less room for such concerns as ECOWAS has been more careful to seek appropriate UN mandates and the pan-regional African Union has also emerged as a (highly norm-conscious) framework for such actions⁷³. The main challenges facing these African forces are now of a resource nature, including the need for higher and better harmonized standards of personnel and equipment.⁷⁴ Even so, the continent is well ahead of any other in its degree of self-sufficiency in this regard. Countries like India and Pakistan make massive personnel contributions to UN-led peacekeeping missions, but their region has no truly functional local cooperation framework of its own, while other regional organizations like ASEAN (South-East Asia) or the Organization of American States *et al* in Latin America are only gradually tip-toeing towards a degree of 'securitization' where joint operations might come into question. Elsewhere, recent 'multilateral' peace-keeping missions have in reality been *ad hoc* coalitions led by a single country: this was true of the Australian-led operations in the Solomon Islands and Papua New Guinea, and true in effect of various 'Commonwealth of Independent States' (CIS) missions in the area of the former Soviet Union that were initiated and dominated by Russia. While attracting far less international attention, these last examples are intrinsically open to the same questions of legitimacy and answerability that have been debated *ad nauseam* in the case of Iraq.

Post-conflict justice in peace building and conflict prevention

Over the past decade there has been an increased focus on the issue of transitional justice, particularly in the post-conflict setting. Confronted by atrocities committed during the armed conflicts in the former Yugoslavia and Rwanda, the United Nations Security Council responded by authorizing the creation of two international *ad hoc* tribunals (the ICTR and ICTY respectively) to deal with gross violations of international humanitarian law. The 1990s also saw several repressive dictatorships giving way to more democratic

⁷⁰ See note 2 above.

⁷¹ The remaining European security organization, the OSCE, has not yet mandated any military operations and has no evident competence to do so outside the European area: but it has worked with the UN in the Western Balkans, notably in Kosovo (UNMIK).

⁷² The EU agreed to give financial help to African peacekeeping in July 2003 and has set up a standing 'Peace Facility' for this purpose. Another international support programme has been promised by the G8, which will return to the topic at its Gleneagles Summit in 2005.

⁷³ The same trends have been reflected in recent missions undertaken by groups of Central African and South African countries; for details see Dwan and Wiharta, as in note 60 above.

⁷⁴ See the Chapter by R. Williams in SIPRI Yearbook 2004: Armaments, Disarmament, and International Security.

regimes in Central-Eastern Europe, South America and South Africa⁷⁵, where experience again underlined that the adequate review and punishment of past injustices can be one key to a successful transition.

Injustice is often conceived as a *consequence* of conflict, but more often than not it is also a *symptom* and *cause*. Injustice may take several forms, notably: a) the structural and systemic, for instance, the political, social and economic marginalization of certain groups or individuals compounded by the absence, or corruption, of the rule of law; and b) injustice inflicted on individuals in times of conflict through the committing of atrocity crimes.⁷⁶ Thus, justice is perceived to have been done only when ethnic discrimination, unequal access to resources, and abuse of power can be addressed in a legitimate and fair manner. This has led to a growing consensus within the international community that the delivery of justice and accountability is integral to peace and stability. As espoused by UN Secretary-General Kofi Annan in his recent report on ‘The rule of law and transitional justice in conflict and post-conflict societies’, “Justice and peace are not contradictory forces...The question, then, can never be whether to pursue justice and accountability, but rather when and how.” The extent to which the international community has embraced this emerging norm is reflected in the presence of a nascent system of international justice—consisting of the permanent International Criminal Court (ICC), ad-hoc international criminal tribunals, ‘hybrid courts’, national courts, and truth and reconciliation commissions—all of which convey a promise to end the offenders’ impunity. Equally important is the understanding that international courts represent just one element in, and need to be balanced and coordinated with, a wider range of instruments for conflict prevention and for post-conflict (or post-régime change) stabilization. Deterrence is also part of the rationale behind the setting up of such mechanisms.

Perhaps one of the most singular developments in the sphere of post-conflict justice has been the establishment of the International Criminal Court (ICC). The idea of creating such a court took root after the end of the World War II, but only began to assume concrete form at the end of the Cold War, and was finally crystallized on 1 July 2002 with the entry into force of the Rome Statute.⁷⁷ The ICC has jurisdiction only over individuals, may not try governments, and can claim jurisdiction over crimes against humanity, genocide, war crimes and crimes of aggression only if certain conditions have been met. The act under investigation must have occurred on the territory of a state party to the Rome Statute, or the accused must be a national of a state party; one or more of the parties involved must be a state party; or a non-state party must have accepted the jurisdiction of the ICC. Under the principle of complementarity, the responsible state has the duty to prosecute in the first instance. Only in circumstances where the national court is unable or unwilling to try the case will it proceed to the ICC. In situations where non-state parties are involved, the case

⁷⁵ This occurred in, e.g., Argentina, El Salvador and South Africa. For a discussion of transitional justice see Kritz, N. J. (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, vol. 2, *Country Studies* (United States Institute of Peace: Washington, DC, 1995).

⁷⁶ The term atrocity crimes is used here to cover war crimes, crimes against humanity, the crime of genocide and crimes of aggression.

⁷⁷ The Rome Statute, the treaty establishing the ICC, was adopted on 17 July 1998 at the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. See ‘Rome Statute: International Criminal Court’, *International Legal Materials*, vol. 37(Sept.1998), pp1002-69, and ‘Rome Statute of the ICC, as corrected by the procès-verbaux of 10 November 1998 and 12 July 1999’, URL <http://www.un.org/law/icc/statute/contents.htm>. The Statute entered into force on 1 July 2002. For an account of the foundation of the ICC see Wiharta, S., ‘The International Criminal Court’, *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 153–66.

will only fall under ICC jurisdiction if the UN Security Council, acting under Chapter VII of the UN Charter, decides to refer a situation to the Prosecutor. Finally, the ICC has no retroactive power and can only try crimes that have been committed after the statute entered into force on 1 July 2002.⁷⁸

At the time of writing the ICC, although fully operational since 2003, has yet to hear any cases. The Office of the Prosecutor (OTP) is at present conducting investigations on atrocity crimes allegedly committed in the Ituri region of the Democratic Republic of Congo and in Northern Uganda; and in January 2005, the situation concerning the internal conflict in Central African Republic was also referred to the OTP. However, the progress of the ICC has been beset by continued opposition, particularly from the United States, which has maintained its policy of pursuing Bilateral Immunity Agreements with states parties and non-states parties alike (ensuring that they will not refer cases involving US citizens or employees to the Court), and in other respects continuing to implement the American Service Members' Protection Act.

In view of the constraints on the ICC and in particular of the ICC's forward temporal jurisdiction (rendering it unable to address crimes that occurred prior to 1 July 2002), alternative mechanisms have had to be found to bring those guilty of grave war crimes to account. More generally, too, the hard-learned lessons drawn from the ICTR and the ICTY have added new dimensions to the debate on post-conflict justice. It can now be seen that too often, the emphasis has been on foreign experts, foreign models and foreign-conceived solutions. There is an increasing understanding that in any aspect of post-conflict peace-building, and in the case of post-conflict justice above all, local ownership is paramount for the viability, legitimacy and sustainability of the process. Hence, any mechanism employed to address past injustices must carefully consider the nature of the existing legal system, the particular requirement and demand for law and justice, and most important of all, the traditions and values of the country in question - while still upholding international legal requirements. In concrete terms, the approach taken to incorporate these lessons has been to establish various 'hybrid' courts, which are part international and part national. Hybrid courts combine international laws of accountability with local norms of justice. The motive for developing this model has, however, reflected other considerations as well: notably the recognition that the long-drawn-out procedures and steep costs typified by the ICTR and the ICTY have risked sapping the political will and also the readiness to provide funds for post-conflict justice. The limited mandates and relatively low budgets of hybrid courts are an attempt to address this problem. Lastly, the hybrid model promises to be less politically-charged than the ICTR and the ICTY: the Special Court for Sierra Leone and the Extraordinary Chambers for Cambodia (the first major experiments with this approach) are treaty-based organizations and fall outside of UN Security Council authority.

Within this model, a distinction can be made between the international-domestic and the domestic-international type of court. The former refers to an international body with domestic elements, of which the Special Court for Sierra Leone (SCSL), located in Freetown, is a prime example. The SCSL assumed its functions on 1 July 2002, is composed of both international and local judges, and applies international and domestic criminal law. The other type of hybrid court is one where international elements have been 'grafted onto' the domestic legal system. In March 2003, the UN and the Cambodian

⁷⁸ Wiharta, S., 'Post-conflict justice: Developments in international courts', *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004), pp. 191-206.

Government came to an agreement on the terms of the creation of the Extraordinary Chambers to address war crimes committed under the Khmer Rouge regime.⁷⁹ The only remaining stumbling block to this Phnom-Penh based court is its financial viability—it is thus far financed entirely from voluntary contributions from UN member states. Although a controversial case, the Iraqi Special Tribunal, established by the Iraqi Governing Council on 10 December 2003 can also be loosely classified as a hybrid court. International involvement in it, where it occurs, comes through the use of advisers, observers and specially appointed judges. However, the internationally appointed advisers have little authority within this tribunal's framework and it is not clear to whom the former would report if it became evident that the tribunal was not following international standards. The organization of the Iraqi Special Tribunal thus raises many questions,⁸⁰ and many in the human rights community are sceptical that it will be able to hold fair trials, given its predominantly domestic nature.⁸¹ The establishment of the Iraqi Special Tribunal could, indeed, arguably be seen as a reversion to a system based on 'victors' justice', which is exactly what the international community has recently been striving to move away from.⁸²

The hybrid model (regardless of type) does help to underscore that, more often than not, there is a lack of a functioning judicial system in post-conflict states. Court systems may have collapsed, or may be corrupt and subject to political manipulation. The model is an attempt to address this gap through the infusion of international expertise, but with the aim of strengthening domestic capacity in the judicial sector of the country in question. Moreover, the international presence gives the court greater legitimacy and objectivity for both the accused and the victims; and it can serve to attract extra funding. It is far too early to assess whether the hybrid model is the ideal one, but for now it is seen as the most efficient prospect for timely delivery of post-conflict justice.

To judge from the various formal legal mechanisms now in place, there seems to be a strengthening consensus among policy makers and academics that the delivery of justice is important for sustainable peace-building. However, there is still a debate about how, and in what form, justice should be administered: and questions hanging over the extent to which justice is pursued. The limited mandate of the hybrid models, and the decision by the ICC to target only those bearing the greatest responsibility, are a reflection of the *de facto* limits to the international community's commitment to justice. They also provoke the question whether, in its haste to complete as many trials as visibly as possible and to fulfil the mandates of the international courts, the international community may be doing itself a disservice. Plea bargains can make victims feel that justice is not being served; and the severity of the crimes committed may not be recognized by the relatively light sentences passed. Furthermore, if only the top leaders are prosecuted, ordinary citizens do not always feel that their grievances have been adequately addressed. A key point of contention at present is precisely that the existing models have not matched the actual expectations and

⁷⁹ The Special panel for Serious Crimes in East Timor and the 'Regulation 64 Panels' in Kosovo are other examples.

⁸⁰ The commission, which was predominantly made up of US representatives but also included other international and Iraqi legal experts, was set up to look into judicial reform in Iraq.

⁸¹ Roth, K., 'Now try him in an international court', *International Herald Tribune*, 15 Dec. 2003, p. 10.

⁸² The debate on Iraq parallels the situation in Afghanistan, where captured individuals are being detained at Guantanamo Bay, Cuba, under unclear legal conditions. Captured detainees are not accorded 'prisoner of war' status and await trial by a US Military Commission. For further discussion on the nexus between terrorism and international law see Roberts, A., 'Counter-terrorism, armed force and the laws of war', *Survival*, vol. 44, no. 1 (spring 2002), pp. 7–32; and Wedgwood, R., 'Al Qaeda, military commissions, and American self-defense', *Political Science Quarterly*, vol. 117, no. 3 (fall 2002), pp. 357–72.

needs of the victims On the other hand, it could be argued that *absolute justice*, involving total and maximum punishment of all perpetrators of atrocities crimes and grave human rights abuses, is not always necessary or even conducive for successful peace-building. Such an absolutist approach to the issues of truth and accountability can be destabilizing, and may prolong and even obstruct the transition to and consolidation of democracy and peace in the short-term.⁸³ There is therefore an obvious need for other processes to complement and supplement the internationally led process of judicial retribution. This can be done through mechanisms such as truth and reconciliation commissions, which function as tools of reparative justice, and local judicial processes – both of which are often more victim-oriented. Truth and reconciliation commissions offer the opportunity for a rigorous accounting of the past, which is important to restore the dignity of the victims, and allow victims and perpetrators alike a chance to heal and move forward with their lives. The recent experiments with different models of judicial mechanisms illustrate a movement towards a more holistic and interwoven approach to justice which more effectively closes the ‘impunity gap’.

In addition to a multi-tiered approach of retributive justice, post-conflict justice must help to lay foundations for avoiding future injustice and conflict through the reform and strengthening of the rule of law. Lastly, the concept of post-conflict justice also needs to be expanded beyond retributive justice to include social and economic aspects.⁸⁴

The financial viability of post-conflict justice is an important practical issue to address. The international community, particularly a select group of states, has by now spent well over \$1 billion on international courts. With so many international courts now in place, the question arises of the financial sustainability of maintaining this commitment. Nor is further devolution to the local level always a solution because, in territories like Bosnia and Herzegovina where wide areas of administration are still the responsibility of the international community, the costs will still fall to the latter. There is thus more than enough fuel for a continuing debate about how to strike the delicate balance between resource constraints on the one side, and on the other a symbolically and psychologically adequate provision of justice that ensures optimal and appropriate levels of punishment.

Last words

The complexity of the modern challenge of conflict, as reflected in all the above sections, itself rules out anything that could be described as a ‘conclusion’. All recent experience and analytical advances underline the need to see conflict not in isolation but as one symptom of more general dysfunctions both in security and governance, within and between states and in the global community. All the evidence points to the need to approach any form of ‘treatment’ of conflict – prevention, containment, management or conclusion and re-building –in a holistic, multi-dimensional and multi-functional way.

Some last thoughts may, however, be added regarding the bigger picture. Historically, we are living in a period of declining quantity of conflict linked with important (and sometimes alarming) proportional shifts in its nature or ‘quality’. Since the end of the cold war in particular, successive trends in security discourse have tried to provide the one illuminating insight and one set of weapons that might bring the remaining problems under

⁸³ Newman, E., ‘Transitional justice’: The impact of transitional norms and the UN in *International Peacekeeping*, vol. 9, no.2, Summer 2002, pp.30-50.

⁸⁴ For an elaboration of the 3 dimensions of justice—legal, rectificatory and distributive—see Mani, R., *Beyond Retribution: Seeking Justice in the Shadows of War* (Polity Press: Cambridge, 2002).

control: conflict as an ethnic deconstruction of the state, conflict as a ‘weak state’ symptom more generally, and now, conflict as a trigger or manifestation of ‘new’ and ‘asymmetrical’ threats. None of these approaches has yet provided the ‘silver bullet’ that was hoped for. They all neglect one point that emerges much more compellingly from the statistical study: namely, the disproportionate amount of suffering, and of danger to the general international security order, that emanates from a relatively limited number of very stubborn, long-term, and protean conflicts – the most obvious example being in the Middle East. These are, as it were, the sharp point of the gradually narrowing thrust of armed conflict world-wide. As such, they should logically demand a greater effort from the world community both in terms of analysis and resources, leading to new and more inventive attempts at solutions (which in these cases above all, would have to be individually custom-made). Such a fresh look at the issue might also bring a much-needed sharpening of focus to policy discussions on conflict prevention. Rather than taking the way of least resistance which is to try to prevent the causes of the last conflicts we are familiar with (as military planners constantly re-fight the last war), we could aim, on the one hand, to look at instruments specifically suited to tackle the challenge of recidivism; and on the other, to stretch our imaginations and plans to cover new drivers of conflict (environmental, biological/demographic, infrastructure and cyber-related, etc etc) that could before too long replace the latest ‘new threats’ in a constantly evolving globalized society.