



Center for International and Security Studies at Maryland

Is Being ‘Partial to the Peace Agreement’ the Same as ‘Protecting the People’

Daniel Levine

November, 2006

CISSM
School of Public Policy
4113 Van Munching Hall
University of Maryland
College Park, MD 20742

Phone: 301-405-7601
Fax: 301-403-8107
E-mail: CISSM@umd.edu



UNIVERSITY OF
MARYLAND

Is Being ‘Partial to the Peace Agreement’ the Same as ‘Protecting the People?’¹

Daniel H. Levine

Recent years have seen two important shifts in international attitudes towards military interventions for human rights and humanitarian purposes, especially among the leadership of the UN and Western nations. The traditional peacekeeping principle of “neutrality” has lost ground to “impartiality.” In addition, there is growing acceptance of an international “responsibility to protect” civilians threatened with grave human rights abuses. Both conceptual shifts represent a concern to make peacekeeping, especially UN peacekeeping, more assertive. But their relationship is not simple.

The *Report of the Panel on United Nations Peace Operations*’ (the “Brahimi Report”) first explanation of “impartiality” is in terms of a peace agreement to be upheld: “where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil.”² Later, however, impartiality is explained in more explicitly moral, human rights protection terms: “Such impartiality is not the same as neutrality or equal treatment of all parties... In some cases, local parties consist not of moral equals but of obvious aggressors and victims.” In such cases, impartiality means using force to “oppose obvious evil.”³ The easy shift between the language of mandates and peace terms and aggression and evil on the other – a feature of many discussions of impartiality, not just the Brahimi Report – implies that using force to support a peace agreement and using force to protect civilians are equivalent. I will argue that they are not equivalent, and in fact will often not even be compatible.

The Brahimi Report overlooks the possibility that *supporting* the terms of a peace agreement may amount to complicity with evil. Peace agreements are not concluded with the input of all the people affected – they are negotiated between belligerent parties. The people in general have a strong interest in an end to violence and the egregious human rights abuses that accompany it. But we should not ignore the fact that upholding a peace agreement may mean creating or buttressing a political situation in which many people are subject to tyranny by armed minorities; conversely, putting peace on hold until a fully just political solution can be found may perpetuate serious violence.

This incompatibility is important to our moral thinking about peacekeeping and humanitarian intervention: The “responsibility to protect” is attractive because it is the more clearly moral idea. It charges the international community, when all else has failed, with taking over a delinquent or impotent state’s duty of protecting its citizens. By force, if necessary. Impartiality’s narrower sense is a less immediately exciting concept that has to do with the attitude of a peace operation towards the parties to a conflict. It charges the intervention force with acting assertively to support the peace agreement or other political process in place to end the conflict. The shift towards impartiality as a standard (from the older concept of “neutrality,” which required an even hand, even towards parties that violated a peace agreement) should be welcomed. Unfortunately, taking impartiality seriously may

¹ I would like to thank Nancy Gallagher, Joshua Smith, and Jason Terry for helpful comments on earlier drafts of this piece.

² *Report of the Panel on United Nations Peace Operations* (UN Document A/55/305-S/2000/809, New York: United Nations, 2000), ix.

³ *Report of the Panel on United Nations Peace Operations*, 9.

force us to scale down our expectations regarding how far at least the military aspect a peace operation can go in terms of protecting people.

Some Preliminaries

Despite the fact that current discussions of impartiality and the responsibility to protect center on UN peacekeeping, they are relevant to non-UN operations as well. I would therefore like to cast a relatively wide net in terms of the kind of military operation one should have in mind while reading the remainder of this essay. I will use the term “peace operation” to mean the full sweep of international military interventions in support of peace, human rights, or humanitarian concerns. In particular, I intend the term to cover the range of operations from traditional, UN-based, interstate peacekeeping through humanitarian interventions (or, at least, operations like NATO’s 1999 bombing campaign in Kosovo or the US’ 2003 invasion of Iraq that make some claim at the mantle – my goal here is not to enter the debate over whether any given operation was a genuine humanitarian intervention or even whether there can be such things, interesting as that question is).

Most peace operations, so defined, are complex affairs. When we consider the whole sweep of diplomatic, humanitarian, and military tools ideally at their disposal, the prospects for both upholding a peace agreement and protecting human rights may be fairly good. But different elements of an international presence will typically have differing abilities fulfill these goals. This essay will focus specifically on the *military* element of peace operations, and that is how the term should be understood in what follows, unless otherwise noted.

Finally, I would like to focus on the relatively early phases of an intervention, when establishing a basically viable peace is the primary concern. In peacekeeping operations, this is generally the initial military phase, and the first task of the peacekeeping force entering after an agreement is in place. In the case of a humanitarian intervention, where mass human rights abuses (e.g., genocide) are actually underway military force may be used to interpose itself between victims and aggressors, defeat major violent groups on the battlefield, or carry out “regime change” on an abusive government. Peace enforcement, peace making, etc. may fall somewhere in the middle. In any event, I am concerned with what happens *after* any element of the conflict that may be structured more like conventional warfare (i.e., focused on military defeat of a major combatant), but when military force is still necessary to support a fragile political process and deter or defeat potential spoilers.

While this may seem limited, the short- to medium-term military elements of a peace operation are crucial. First, because international forces are often deployed with the idea that military force is the way to protect innocent people in some crisis, making military force an important instrument of the responsibility to protect. Second, decisions made during the early phases of a peace operation, when peace must be secured to allow other elements to operate, can shape the progress of the rest of the intervention.

I will begin by explaining the concepts of impartiality and the responsibility to protect more fully, as well as why they may come into conflict. I then argue that, in general, peace operations have good reason to focus their military activities on impartially supporting the peace agreement rather than directly seeking to protect the people, when the goals conflict. Finally, I will argue that we should understand the dangers of peace agreements in terms of the possibility of “domination,” and how the international community might design peace operations’ mandates so as to mitigate their possible dominating effects, even if not eliminate them.

The Two Concepts

“Impartiality” and the “responsibility to protect” are not always used in clear or unequivocal ways, and this lack of clarity may sometimes make them seem more easily combined than they are.

Impartiality

The Brahimi Report explicitly contrasts “impartiality” with “neutrality,” in a way that echoes a distinction made by Deputy Secretary-General Louise Fréchette in June 2000:

Impartiality is not the same as neutrality. Of course, United Nations forces must apply impartially the mandate given them by the Security Council. But that is not at all the same as being neutral between parties that obey that mandate and those that resist it, or between those who respect international humanitarian and human rights law, and those who grossly violate it.⁴

The concept of impartiality outlined in these comments shares with neutrality the idea that peacekeepers do not take the side of any *party* to the conflict. Yet impartial peacekeepers *do* take a side, after a fashion – they are on the side of the peace process, of the UN Charter, and of international law.

The distinction between neutrality and impartiality is not always made clear, and the two terms are still sometimes used in a sense that implies that they are synonymous.⁵ To the extent that some understand impartiality as another word for traditional neutrality, it is clearly incompatible with assertive protection of civilians from parties to the conflict, and so not of particular interest to my discussion. A stronger understanding of impartiality, even if not universally accepted, is influential in part because it promises the moral advantage of not requiring peacekeepers to stand by as spoiler groups overrun a peace process or commit human rights abuses.

On the other hand, as I noted above, impartiality is sometimes used in a *very* strong sense that goes beyond even-handed implementation of the explicit mandate. One peacekeeping desk officer expressed the view that the shift from neutrality to impartiality represents a “pressure to ‘take the side of the population’ and act against whoever abuses them.”⁶ Understanding impartiality as a blanket principle of defending civilians and human rights threatens to broaden it too far to leave it a distinct concept. Tying impartiality to a notion of universal right unconnected to any agreement among the parties would make “impartiality” a matter of the intervening force simply taking the “side” of its own conception of what the right outcome would be.

A robust, but narrower concept of impartiality as a willingness to take military action against any party that violates the peace process also comports better with a focus on the “primacy of the peace process” that characterizes contemporary thinking about peace operations planning. As Michael Dziejic and Len Hawley put it, a peace operation should take the position that “we support those who support the peace process and actively oppose those who obstruct it.”⁷ Hereinafter, when I use the term

⁴ Louise Fréchette, “Deputy Secretary-General Describes ‘Changing Landscape’ of Peacekeeping in Ottawa Address,” United Nations Press Release DSG/SM/96, 8 June 2000, <http://www.un.org/News/Press/docs/2000/20000608.dsgsm96.doc.html> (accessed on October 27, 2006).

⁵ See, e.g., the excellent discussion of the history and use of the terms since 1998 in Dominick Donald, “Neutrality, Impartiality, and UN Peacekeeping at the Beginning of the 21st Century,” *International Peacekeeping* 9 No. 4 (2002), 23-31.

⁶ Donald, 33.

⁷ Michael J. Dziejic and Len Hawley, “Introduction,” in Jock Covey, Michael Dziejic, and Leonard R. Hawley, eds., *The Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation* (Washington, DC: United States Institute of Peace Press, 2005), 16.

“impartiality” I will mean it in this narrower sense, unless otherwise noted.

The understanding of impartiality as being on the side of a peace process is closely tied to the traditional principle that there can be no peacekeeping without a peace to keep. As such, it may appear irrelevant to military interventions that, unlike traditional peacekeeping, are not undertaken in support of an existing peace process. This appearance is mistaken. While the discussion of impartiality vs. neutrality has largely taken place in the context of UN peacekeeping missions, the concept is relevant to non-UN peacekeeping and humanitarian intervention as well.

Many peace operations, such as the US/UN intervention in Somalia in the early 1990s, France’s *Operation Turquoise* in the wake of the Rwandan genocide, or the US’ current counterinsurgency/stability operation in Iraq, will not enter a situation in which there is an existing peace agreement or process to be upheld. Nonetheless, as the US’ difficulties in Iraq demonstrate, such operations are doomed unless some political solution to the conflict is in view. Regardless of what one might think of the US’ motives in invading Iraq, merely toppling the government of Saddam Hussein was insufficient to achieve any meaningful goals – a political process that reconciles various factions is the only way that Iraq will ever reach a stable state that would allow the US to withdraw with any prospect of “success,” however defined. Similarly, while *Operation Turquoise* was able to protect a good number of Rwandan civilians,⁸ it would have been impossible for the French to conclude the mission with any confidence of their continued safety had the Rwandan Patriotic Front not achieved a political (though violent) solution by installing a new government in Rwanda.

Such non-peacekeeping peace operations need to give some (if only aspirational) political process a role in their planning similar to that played by the peace agreement in a peacekeeping operation. Military victory should not be seen as an end in itself, but rather as a way of supporting that political process. And that means that impartiality, in an expanded sense, is relevant to the conduct of any peace operation. To the extent that an intervening nation or organization is able to claim the mantle of a peace operation, rather than mere conquest, it should not be on the side of any particular faction in the situation into which it is intervening (nor should it itself constitute a faction pursuing its own narrow interests). Impartial military force should be used to support the political process by punishing or thwarting groups that would upset it.

The Responsibility to Protect

The fully-formed concept of a “responsibility to protect” comes the 2001 report of the same name by the International Commission on Intervention and State Sovereignty (ICISS).⁹ It has since been endorsed by the UN in the report of the high-level panel on threats, challenges, and change, *A More Secure World*,¹⁰ Secretary-General Annan’s *In Larger Freedom*,¹¹ and at the General Assembly’s

⁸ Though France is (justly) criticized for protecting fleeing Hutu *genocidaires*, the intervention also protected large numbers of Tutsi targets of the genocide. See J. Matthew Vaccaro, “The Politics of Genocide: Peacekeeping and Disaster Relief in Rwanda,” in William J. Durch, ed., *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (New York: St. Martin’s Press, 1996), 398.

⁹ International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Center, 2001).

¹⁰ United Nations High Level Panel on Threats, Challenges, and Change, *A More Secure World: Our Shared Responsibility* (UN Document number A/59/565, New York: United Nations, 2004), 57.

¹¹ Kofi Annan, *In Larger Freedom: Towards Development, Security, and Human Rights for All* (UN Document number A/59/2005, New York: United Nations, 2005), 35.

2005 World Summit.¹²

The responsibility to protect is most often invoked in discussions of *whether* the international community or a member thereof should intervene in a state's internal affairs. For the purposes of this essay, I set that question aside, but the responsibility to protect concept also has implications for how a peace operation should conduct itself once intervention is decided upon.

The core of the responsibility to protect is the idea that sovereignty is not simply (or even primarily) a set of powers and prerogatives, but rather a responsibility. Sovereign states are responsible for "protecting the safety and lives of citizens and promotion of their welfare."¹³ When a state cannot or will not do so, the international community bears a residual responsibility to take up the slack – by military intervention, if necessary (though military action should always be a last resort).

The report's criteria for military intervention, in particularly the requirement of "right intention," also have implications for the proper conduct of an intervention. For an intervention to be justified, its "primary purpose" must be to "halt or avert human suffering."¹⁴ The report is clear that this "intention" has more to do with the *conduct* of the intervention than the *motives* of intervening states, which may be partly or even mostly self-interested. What is important is that military actions such as the overthrow of a government or the occupation of territory be undertaken only as necessary to the overall goal of protection, and that all military action be focused on the "human needs of those seeking protection or assistance."¹⁵

Interestingly, the ICISS report sometimes seems to conceive of the responsibility to defend the welfare of the people at least in part in terms of the threatened population's own view of their interests. One way it suggests for checking that the criterion of "right intention" is fulfilled is to see whether "the intervention is actually supported by the people for whose benefit the intervention is intended,"¹⁶ and a virtue of the responsibility to protect concept is that it requires intervening states to suppress their own interests in favor of "an evaluation of the issues from the point of view of those seeking or needing support."¹⁷ As we will see, this will have implications for peace operations, because seeing things from "the people's" view is a conceptually difficult task.

The bottom line is that a peace operation discharging its responsibility to protect some population should be "on the side" of the people, in the sense of protecting their fundamental rights and interests (whether as understood by the people themselves or in some more objective sense).

Connects and Dis-

Both the shift towards impartiality and the increasing acceptance of a responsibility to protect are driven in part by a concern with the international community's ability to protect civilians and respond to gross human rights abuses like ethnic cleansing and genocide. Unfortunately, the two principles do not always readily go together.

The basic reason that impartiality and a responsibility to protect will often come into conflict is that political agreements in postconflict situations represent an accommodation among armed factions,

¹² United Nations General Assembly, *2005 World Summit Outcome* (UN Document number A/RES/60/1, New York: United Nations, 2005), §138-140, 30. The outcome document was adopted without a vote (by consensus).

¹³ ICISS, 13.

¹⁴ ICISS, 35.

¹⁵ ICISS, 15.

¹⁶ ICISS, 36.

¹⁷ ICISS, 17.

or at least among factions that can already exert a degree of power and control over continued violence, rather than arrangements that are driven by respect for the interests of the larger population.

The possibility that an agreement that is acceptable to the parties will not respect the welfare of the broader population is not merely theoretical. Examples of cases in which a peace agreement looks like a devil's bargain are not hard to find – take, for instance, the Darfur region of Sudan.

As of this writing, the Darfur Peace Agreement (DPA), concluded in May of 2006, is the basis of the African Union peace operation in the Sudan (AMIS), and will likely be the basis of any UN operation. The agreement was negotiated by representatives of the Sudanese government and the various Darfurian rebel forces, and in the end was signed by only one rebel leader.¹⁸ The DPA does contain provisions to initiate a “Darfur-Darfur dialog and consultation,” which would be a broader conference aimed at bringing in elements of the population not included in the DPA negotiations – but the dialog has only advisory authority, and the DPA gives the militant parties a potentially controlling role in its establishment.¹⁹ Jan Pronk, Special Representative of the Secretary-General (SRSG) for the UN mission in (southern) Sudan (UNMIS) said that the “agreement does not resonate with the people of Darfur... [they perceive that it] has been forced upon them and, rather than meeting the interests of all parties somewhere halfway, only strengthens the position of the government and a minority tribe...”²⁰ Indeed, as of October 2006 the DPA was still not being respected and the rebel group that signed stood accused of joining the government in attacks on civilians.²¹

Even where there is not a formal peace agreement around which the peace operation can be structured, as is the case with the US' current involvement in Iraq, any viable political process will almost certainly represent a similar compromise among elites. The US has found itself negotiating with various factions in Iraq rather than directly trying to oversee the welfare of the Iraqi people. In Kosovo, the UN mission (UNMIK) exercised its administrative authority through a joint commission composed of members of the two rival Kosovar resistance movements, the LDK and KLA – meaning that administrators were appointed as spoils of peace between the two groups, rather than selected as representatives of the people.²²

The groups with which peace operations must negotiate typically enjoy *some* popular support. But that does not make them representatives of “the people” in any meaningful sense. The relationship between an agreement that satisfies the interests of various power elites in a conflict and the interests of the people who have suffered from that conflict will always be tenuous and contingent. At best, the people's interest in escaping violence will be served and some of their other interests may be aligned with those of the elites. At worst, a peace agreement may place the people under the authority of local tyrants. To the extent that a peace operation is “partial to the peace agreement” when it represents the interests of armed elites, it may actually be engaged in creating and supporting a system for the oppression of the people it was deployed to assist.

¹⁸ International Crisis Group, *Darfur's Fragile Peace Agreement*, Africa Briefing No. 39 (Nairobi/Brussels: International Crisis Group, 2006), http://www.crisisgroup.org/library/documents/africa/horn_of_africa/b039_darfur_s_fragile_peace_agreement.pdf (accessed on October 27, 2006), 2.

¹⁹ International Crisis Group, *Darfur's Fragile Peace Agreement*, 10.

²⁰ Jan Pronk, remarks on his blog of 28 June 2006, <http://www.janpronk.nl/index194.html> (accessed on October 27, 2006).

²¹ See, e.g., Amnesty International, *Darfur: Korma: Yet More Attacks on Civilians*, July 31, 2006, <http://web.amnesty.org/library/index/engaf540262006> (accessed on October 27, 2006).

²² Michael J. Dziedzic, “Peace Operations in Kosovo,” (unpublished draft on file with author), 387.

Which should we Choose?

If I am right that it will not always (or perhaps even often) be possible for a peace operation both to be impartial and to fully discharge its responsibility to protect, the question becomes one of which should take priority. It is tempting, from an ethical standpoint, to say “if the peace agreement does not represent the interests of the people, so much the worse for it – we should empower peace operations to defend people, not just oversee questionable compromises.” Or, as an International Crisis Group’s report on Liberia and Sierra Leone more bluntly puts it, “thugs are thugs.”²³

There are, regrettably, two difficulties with the straightforward “ethical” stance. First, comprehensive protection of rights is not always a feasible goal for a peace operation. Second, it may not even be *conceptually* possible for a peace operation to fully live up to an obligation to defend the people.

Problem One: Can we do it?

The US/UN intervention in Somalia took a well-publicized turn for the worse in late 1993, but the seeds of the crisis were sown earlier. In March 1993, the leaders of the major Somali factions signed two peace agreements. The first established a Transitional National Council (TNC), as well as local representative mechanisms, but did not specify how members of any of the transitional bodies were to be selected. The second specified a process for choosing TNC members that essentially distributed political power between the 15 major armed factions. The UN mission (UNOSOM II) chose to ignore the second agreement and implement the first.²⁴

UNOSOM II sought to broker a more representative political process and rebuild the country’s judicial apparatus in a way that circumvented General Mohamed Farah Aideed’s Somali National Alliance (SNA), one of the most influential but also vicious warring factions. It also instituted a fairly aggressive approach to disarmament. Unsurprisingly, this approach was not to Aideed’s liking. Things started going seriously downhill when Pakistani troops carried out a weapons inspection at Aideed’s radio station in June, leading to SNA attacks on the inspectors and other Pakistanis at a feeding station. The UN and US forces decided to strike back at Aideed and the SNA, and the conflict ultimately led to the 3 October 1993 “Black Hawk Down” incident that spurred the US withdrawal from Somalia.²⁵ William Durch’s analysis concluded that:

... UNOSOM II had three potentially viable options: serve as an honest broker among the *factions* (as opposed to Somali society at large); openly side with a faction or factions; or get out fast. Instead, it chose to function as arbiter of Somali politics and champion of the disempowered “Somali people...”²⁶

Serving as an honest broker among factions would have been the *impartial* course of action; instead, UNOSOM II attempted to fulfill its “responsibility to protect” more directly (though the phrase was not current at the time). The Somalia intervention was not scuttled merely because of the particular run-in with Aideed’s forces; the approach was unsound. As Durch’s analysis goes on to point out, had Aideed been defeated, the international forces would then simply have been faced with defeating the next most powerful warlord, and the next, and the next. I would point out in addition that even if all the extant militias had been defeated, this would still not have left UNOSOM II dealing

²³ ICG, *Liberia and Sierra Leone*, 22.

²⁴ William J. Durch, “Introduction to Anarchy: Humanitarian Intervention and ‘State-Building’ in Somalia,” in Durch, ed., *UN Peacekeeping*, 331.

²⁵ Durch, “Introduction to Anarchy,” 340-347.

²⁶ Durch, “Introduction to Anarchy,” 351 (emphasis in original).

directly with “the people” - either new militias would have sprung up, or (less likely) the operation would have faced a situation of total chaos and a largely atomized population. Militant factions may not be representatives of the people in the relevant sense, but they are nothing more or less than some of the people, organized. As I will discuss in more detail in the next section, making a distinction between political organizations and “the people” is a dangerous move – it may be (problematic) organizations all the way down.

The difficulty of taking the side of “the people” was not unique to Somalia. The International Crisis Group criticized Sierra Leone’s Lomé Peace Agreement on the grounds that it “placed war criminals on the same level as elected governments and international mediators.”²⁷ The Agreement made deep concessions to the facts on the ground in Sierra Leone: Foday Sankoh’s Revolutionary United Front (RUF) was in control of nearly half the country, including much of the diamond-producing area. The agreement partially ratified this control, and legitimated the RUF despite its history of rights abuses, by granting Sankoh a cabinet position in charge of mineral exploitation.²⁸

Much as it makes one queasy to contemplate concessions to a group like the RUF, known for grievous human rights abuses, later events showed the importance of the compromise to the peace. In 2000, when the UN mission (UNAMSIL) attempted to move into RUF-controlled diamond-producing areas, the RUF resisted and captured UNAMSIL troops and their vehicles – only a forceful intervention by UK forces prevented a “humiliating collapse” of the mission.²⁹

In this case, a combination of military force and outside economic pressure was able to bring a resolution that excluded the most egregious spoiler. But this means that the formal oversight of Sierra Leone diamond was handed to another power elite, the government of Ahmad Tejan Kabbah, not given to “the people.” This arrangement does not seem to have resulted in Sierra Leone’s diamond wealth being more equitably spent on its people. Several months after the “successful”³⁰ completion of UNAMSIL’s mandate, “Sierra Leone’s diamond mining areas are among the poorest and least developed in the impoverished country,” and illegal diamond exports remain common (though there has been progress on the latter).³¹

Most conflict resolutions will have a compromise character, if they are at all successful. The goal of a peace agreement is primarily to bring *peace*, and this does not necessarily require creating a just regime, but rather one that is at least minimally acceptable to the conflicting parties. An attempt to impose a resolution that comports better with the intervener’s sense of what would be just risks being a resolution that does not satisfy the parties to the conflict sufficiently to end the fighting. This problem is unlikely to be overcome even by an increase in the military capacity of the peace operation. No peace operation is likely to wield more raw military force than the US-led invasion of Iraq, but even

²⁷ International Crisis Group, *Liberia and Sierra Leone: Rebuilding Failed States*, Africa Report No. 87 (Dakar/Brussels: International Crisis Group, 2004), http://www.crisisgroup.org/library/documents/africa/west_africa/087_liberia_and_sierra_leone_rebuilding_failed_states.pdf (accessed on October 27, 2006), 21.

²⁸ James Dobbins, Seth G. Jones, Keith Crane, Andrew Rathmell, Brett Steele, Richard Teltschik, and Anga Timilsina, *The UN’s Role in Nation-Building: From the Congo to Iraq* (Santa Monica, CA: The Rand Corporation, 2005), 132.

²⁹ Dobbins et al, 140.

³⁰ United Nations Department of Peacekeeping Operations, “UNAMSIL,” <http://www.un.org/Depts/dpko/missions/unamsil/index.html> (accessed on October 27, 2006).

³¹ Partnership for Africa Canada and Network Movement for Justice and Development, *Diamond Industry Annual Review: Sierra Leone 2006* (Ottawa, Canada and Freetown, Sierra Leone: Partnership for Africa Canada and Network Movement for Justice and Development, 2006), <http://www.globalpolicy.org/security/issues/diamond/2006/0206review.pdf> (accessed on October 27, 2006), 11.

there the coalition forces have found themselves needing to make deals among the competing factions, rather than being able to impose an idealized democracy from the top down.

Even if we scale back our expectations, and focus only on the truly egregious human rights abuses of the *Responsibility to Protect*, it may not be practically possible for a peace operation to side with their protection where it conflicts with a realistic peace agreement. No peace operation will have the capacity and coverage of a complete national police force. Even transitional administrations, such as in Kosovo or East Timor, have not exercised control comparable to that of a well-functioning state. If one or more parties to a conflict have not been convinced to end their abuses by a peace deal, the peace operation will find itself in a situation where it protects civilians in limited areas, but serious abuses can continue wherever its attention is not directed. Protecting civilians from large-scale *discrete* human rights abuses, such as genocidal assaults, with military force may be possible. And peace operations surely have a valuable role in providing protection to civilians under “imminent threat” in their areas of deployment.³² Welcome work is being done on how best to design peace operations to accomplish these tasks.³³ But tamping down mass violence or protecting civilians who cross path with a peace operation is a different task from providing comprehensive human rights protections for all people throughout a country or region.

In most cases, the best way to ensure comprehensive protection of individuals’ rights is to establish a reasonably well-functioning government. Even stable, but otherwise odious, regimes tend to engage in fewer truly heinous abuses of rights than one sees in weak states or civil conflicts (cold comfort as that may be). In any event, the *military* aspect of a peace operation cannot simply walk in and set up a wonderful regime – the most plausible route to a *good* regime will often be to use military assurances to buttress a *stable* situation and then use political, economic, and diplomatic pressures to reform it.

There may be much that can be negotiated after the country is secured. But this should not make us morally complacent about the initial compromises. The factions are unlikely to respond well to any modifications of the political process that strip them of power. At the very least, serious modifications away from the initial compromise will likely need to wait until after comprehensive disarmament (which may never truly happen), by which time the factions will typically be well-ensconced in positions of political power.

Problem Two: Does it Make Sense?

My comment about the need for political systems to comprehensively protect rights point to a deeper problem. The discourse of the responsibility to protect can make the task of protecting people seem deceptively easy by limiting the scope of the responsibility to only the most serious rights abuses. It can also make the task of protecting people seem deceptively *clear*.

Human rights norms, whether we think of them as what is listed in various international instruments, or derive them from moral theory, tend to be specified at a very high level of abstraction. Even something like a right to life can be trickier than it seems. It would be a mistake to think that a peace agreement or reconciliation process would eliminate violence entirely, since all states use violent

³² This limited civilian protection role is becoming a common element in authorizing mandates for UN peacekeeping operations. See, e.g., the Security Council resolution authorizing an extension of the mission in the Democratic Republic of the Congo (MONUC), S/RES/1291 (February 24, 2000), 4.

³³ See, e.g., Victoria Holt and Tobias C. Berkman, *The Impossible Mandate?*, (Washington, DC: Henry L. Stimson Center, forthcoming 2006).

coercion from time to time to enforce their laws. This makes the distinction between a human rights abuse and legitimate state coercion difficult to specify in many instances. Does the right to life rule out all executions? If not, surely it rules out arbitrary or extrajudicial executions – but then, what is arbitrary? How good do the laws need to be before an international force should consider them acceptable? My point is not to imply that questions like these have no answers; I think they do. But they are highly contentious, often sensitive to the nuances of context, and so precisely the sorts of things that are generally left, in political situations, for individual states and their people to decide.

The other problem is that, while the ICISS is careful to stress in their report that the responsibility to protect does not call for military intervention in the case of ‘mere’ tyranny that does not rise to the level of genocide, ethnic cleansing, or the like, a peace operation should certainly not be in the business of *supporting* tyranny once an intervention has taken place. Less egregious forms of human rights abuses, such as ethnic discrimination, political disenfranchisement, police brutality, and so forth may occur under a political system that represents a compromise among elites. It would, at the very least, be something of a hollow victory if a peace operation were to intervene and succeed in securing a peace that allowed the powerful to get on with the business of oppressing the population. Ideally, the political situation established by a peace operation should be responsive to and respectful of the people at large.

Whether we talk about the “will of the people” or use some slightly less metaphysical phrase, like representativeness or democracy, peace operations will rarely be in a position to identify what ‘the people’ want. Peace operations are, by definition, deployed into situations in which political structures have collapsed (or been disrupted by the intervention itself) or otherwise become unable to contain conflict in a peaceful manner. Traditional peace operations deployed themselves between two states that were unable to resolve their differences peacefully, while contemporary operations tend to operate where internal state structures have collapsed or become instruments of political violence. In the absence of those structures, it is not only difficult to determine the will of the people, it is not clear that it *exists*, as I will now explain.

The theoretical problems with determining what an amorphous group like “the people” are fairly well-known and I will only briefly review them here. I will also bracket problems regarding which group of individuals constitutes the relevant “people” - I will assume (probably too simplistically) that the population of the state or states involved in the conflict is the relevant group.

There is no general and unobjectionable way to transform the individual preferences of a group’s members into a preference of the group. Any method of preference-aggregation will, in some cases, either generate a bizarre aggregate preference, or fail to generate a unique group preference. Different ways of aggregating individual preferences – most of them plausible: pairwise comparisons, adding up ranked preferences, etc. - will give different answers as to what the “group” preference is, even leaving all individuals’ preferences the same.³⁴ In some cases, especially when the choice is only between two options, any reasonable way of aggregating preferences will give the same answer. But in others (and how many situations have only two options?), there will be no unequivocal way to look at a group of people with individual preferences and say what they, as a group, want.

Things are made worse if we resist equating the people’s *will* with unreconstructed preferences. Normally, democratic theorists require at least some level of education, knowledge, and lack of

³⁴ An extended discussion of the problems with various aggregative methods can be found in William H. Riker, *Liberalism Against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice* (Prospect Heights, IL: Waveland Press, 1982), chs. 2-5.

coercion on individuals' preferences in order to count any aggregation of them justified. In cases where a peace operation has intervened to protect a people, these conditions are unlikely to be met – it would not be ideal for a peace operation to support a government that came to power through the people's choice, if that choice was constrained by intimidation or prejudice. This is one reason that holding elections is not a panacea for the problems of supporting a peace agreement among armed factions – merely allowing the people to express their unrevised preferences may, in a situation where the political structures that protect individuals from violence and oppression are still weak, simply cause people to elect those who already hold power, out of fear of retaliation. Thus, in Bosnia's first elections, many of the same nationalist politicians whose exploitation of ethnic divides fueled the war were returned to office,³⁵ and Charles Taylor won Liberia's 1997 elections with a campaign slogan of "he killed my ma, he killed my pa, I'll vote for him."³⁶ Requiring elections, even where they are "free and fair," does not automatically reconcile the political compromise of a peace with the interests of the people.

Or, we may not want to identify the people's will with something as passive as preferences, even enlightened ones. This does not help either – how does a people act? There are some large-scale spontaneous events such as mass protests and uprisings that it makes sense to think of as acts of the people, but they are rare. The most typical way that a people acts is through its institutions of governance. Given the problems with translating individual preferences into aggregate preferences, it also makes sense to regard the people's *preference* as in part a function of its institutional expression. If I say, "the American people elected George W. Bush as president in 2004," my claim makes sense in part because there was an institutionalized process of voting. The operation of institutions is not how I determine what the people did, it *is* how the people act. In conflict situations, the parties to the conflict may be the closest thing present to the people, organized for action.

Since peace operations deploy into an areas where political institutions have become dysfunctional, they cannot generally make respecting the will of the people a priority. The will of the people does not yet exist to be discovered in such situations. It may be clear that allowing two warring factions to create a government that divides the nation as spoils is permitting tyranny. But that does not mean it is clear what political arrangement would *not* be tyrannical. Insisting on a Western-style democracy – thin forms focused solely on elections will tend to rubber-stamp whatever power relations are already in place, and thick forms of democracy incorporating the intervener's own political ideals may themselves be tyrannical if those ideals are not shared by the local population. That last is not to say that human rights are relative, or anything of the sort – but a political system could be tyrannical, even if it is a tyranny of the good. The problem is not that the system might incorporate bad ideals, just that the ideals would not be those *of the people* for whom it is designed.

What do We Do About It?

If my argument above is correct, peace operations (or at least their military aspects) should generally focus on supporting the peace process, not on protecting the people. This is a bitter pill, but it more reasonably reflects the ability of a military force entering a conflict where the institutional structures of political will have collapsed than an injunction, however noble, to take the side of the people against their various foes. One response is for the military aspect of a peace operation to punt

³⁵ James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel Swanger, and Anga Timilsina, *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: The Rand Corporation, 2003), 101.

³⁶ "Liberia: Goodbye to All That?" *The Economist*, 14 August 2003.

questions of political justice. Once the situation is stabilized, the political situation may be improvable through non-military means. Even if it is not, at least fewer people will die.

Unfortunately, the choices made during the military peace-consolidation process can have an impact down the line, and significantly constrain what later political processes (except perhaps in the very long run) can achieve. Once a particular regime is in place that represents a degree of compromise between the armed powers, it will tend to perpetuate their dominance and keep them close to the tools of violence that they could use to crush competitors or re-start the war. This problem is exacerbated by the tendency of the international community to focus on getting a power-sharing arrangement and/or reasonably fair elections in place, and then leaving rather than working to more deeply transform the political arrangements.

If the military phase is to accomplish anything that would make the bitter pill of choosing impartiality over protection go down easier, the first step is to put a slightly finer point on what's bad about a peace process that gives political power to the armed elites, even if they can be made to remain peaceful in its exercise.

Non-domination

The particular vice to which peace agreements are subject is *domination* – the potential that the factions given power in the post-conflict political system will be able to exercise that power *arbitrarily*, without reference to the interests of the broader population. The classical source for thinking about domination is Machiavelli, but the more modern non-domination approaches of Philip Pettit and Ian Shapiro are more congenial here.

Power, of course, is nearly inescapable. *Arbitrary* power is power that can be exercised at the whim of the power-holder, who is not bound either by effective rules or by accountability to those over whom power is exercised. Arbitrary power forces its targets to become servile, doing whatever they can to please the holders of power, because there are no limits on how their wrath might be exercised. The “republican” ideal is a life free from domination, in which each person is subject only to power that he or she can understand, predict, and exercise some control over.³⁷

The main bulwark that Pettit provides against domination is *contestability*.³⁸ The role of political institutions, including democratic institutions like elections, is to allow the people over whom power is exercised to contest the use of that power – to register their discontent with particular uses, or general rules instituted for the use of power, and to be able to hold power-wielders accountable to at least some extent if their complaints are not dealt with. Pettit's notion of contestation even allows for some degree of veto if no compromise can be found; the ultimate form of contestation is opting out of the power structure – for a group within a state, internal autonomy or outright secession. Secessionist movements are often one of the causes of the situations peace operations try to resolve, so support for the extreme form of contestation is not generally an option.

Shapiro offers a similar remedy for domination, insisting that deliberation be required whenever a political decision threatens the basic interests (the essentials for surviving as independent agents)³⁹. Deliberation's partisans claim many virtues for it, but in Shapiro's argument one of its most important functions is to, like contestation, allow grievances to be aired and enforce some degree of delay. It is

³⁷ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (New York: Oxford UP, 1999), 52-56.

³⁸ Pettit, 63.

³⁹ Ian Shapiro, *The State of Democratic Theory* (Princeton: Princeton UP, 2003), 43-45.

this domination-deflecting aspect of deliberation that I will focus on here.

An advantage of contestation and deliberation over other concepts, like representation, is that they are direct institutional suggestions – they recommend safeguard procedures rather than metaphysical properties of the system. So they provide a helpful basis for thinking about how to design peace operations and their mandates. Of course, deliberation and contestation do not work perfectly even in the best-established, most democratic, and most respectful political systems. Thus, it would be unreasonable to expect a peace operation to somehow give the people it is trying to assist full avenues for them through judicious exercise of military force.

Political Space

A more reasonable goal would be for the military operation to open up “political space” in the same way that military force is often used to open “humanitarian space.” In non-domination terms, this would mean not trying to *help* individuals and groups air their grievances and hold the power of armed elites in check so much as prevent those elites from interfering if individuals attempt to contest power (and perhaps protect non-military groups such as international political party organizations that are in the business of helping with such things). Unfortunately, even humanitarian space is not entirely unproblematic, and political space is significantly more dangerous.

Humanitarian provision can be politically sensitive in a conflict situation. If you feed my enemy, you strengthen her, and thus threaten me. This perception no doubt explains in part why violent groups still attempting to win militarily will sometimes target or attempt to drive out humanitarian workers (as has been done, e.g., by parties to the current conflict in Darfur⁴⁰). Humanitarian aid groups typically mitigate the danger that supplying someone’s enemy puts them in by maintaining a posture of scrupulous neutrality (in a sense that comports fairly closely with the UN’s traditional use of the term). But while the link between humanitarian aid and political power can be weakened or broken, political space just *is* about protecting individuals’ ability to gain political power. There is no link to be broken, and so providing political space very quickly threatens to unsettle the political compromise underlying peace.

So we find peace operations with two conflicting desiderata. On the one hand, effective contestation requires that people who dissent from the policies of the emerging regime be able to acquire the political power necessary to hold the elites accountable and potentially influence outcomes. On the other, the peace operation is there to consolidate a peace process that embodies a compromise among elites liable to be upset by anyone or any group gaining that kind of power.

If there is a way out of this trap, it is through the relatively small amount of power that contestation requires. Allowing a group to grow that can contest the power exercised against it is not the same as allowing for a group that could plausibly seize power on its own. To democratic ears, the idea of taking a course of action that explicitly rules out allowing some minority group or set of dissenters to take control of their own destiny may sound odious; but to an armed elite, it will hopefully sound crucially non-threatening.

Freedom of Association and Impartial Ground

Generally speaking, the way to gain enough political power to effectively contest is through

⁴⁰ See, e.g., Human Rights Watch, “Darfur: Aid Workers Under Threat,” Press Release (April 5, 2005), <http://hrw.org/english/docs/2005/04/05/darfur10417.htm> (accessed on November 8, 2006).

organization. This means that a right of *association* should be elevated in importance to sit alongside rights to life, freedom from torture, and the like, in our thinking about peace operations.

If there are unarmed, but well-organized groups already existing in the society, providing political space may primarily be a matter of preventing the parties to the conflict from using their new political power to disrupt those organizations.

On the other hand, if there are not existing organized political groups (or if the extant groups still leave some individuals or groups subject to domination), a more assertive sort of political space may need to be opened. Merely preventing direct disruption of attempts to organize (such as through defending freedom of movement) may not suffice as political space any more than merely preventing militias from snatching food from people's mouths would provide humanitarian space. Providing humanitarian space may also mean providing secure food storage areas, protecting people traveling to places where potable water is available, etc. Where people are unorganized, certain kinds of positive support may be needed from the peace operation to give them an effective option of becoming organized.

Political organization, like almost anything else, takes resources. For instance, it requires means of communication and specialized knowledge. Most of those resources necessary are most appropriately supplied by non-military elements of the peace operation; to a large extent, the military goal can be a negative one of ensuring that access to those resources is somewhat protected, and that a constituency is still around to receive them when the peace is consolidated enough to make more robust forms of outside political intervention more reasonable. Some, however, are appropriately provided by the military element and are necessary to lay the groundwork for later political work.

The most crucial thing needed to support some form of contestation-enabling political organization, and which can be appropriately supplied by military elements of an intervention, is "impartial ground" on which individuals and groups can organize.

I've adopted the concept of impartial ground from Karol Soltan's work on the importance of "neutral ground", who explains that neutral ground "can include institutions of various kind... , as well as persons, groups, ideas, places and even objects which are seen as neutral within the most important and divisive conflicts in a country."⁴¹ The neutrality of neutral ground is a matter of treating all parties *fairly*, by some standard that sits above the relevant conflicts. As such, Soltan means "neutrality" much more like the way I have used "impartiality" - hence the slight terminological shift in this essay.

The impartial ground established by a peace operation should have two characteristics. First, it will often literally be *ground*, space. An under-appreciated resource for political organization is physical space. Groups wanting to organize so as to articulate their grievances and contest the powerful in an effective way often need to be able to come together, meet face to face, discuss their options, and build relationships of mutual trust and understanding. Technological advances, such as the internet, may remove this constraint in some cases. But access to such technology will be limited in the typical peace operation's' environment - and it bears noting that even groups in high-tech societies usually set aside some time to meet in person. Providing physical space for early potential political organization is something that is well within the reasonable reach of a peace operation. In many cases, the relevant space may be provided incidental to other tasks - such as protecting displaced persons' camps or safe areas. If those spaces are not relevant, smaller *ad hoc* spaces could be set up without a peace operation going too far out of its way (if there are very large numbers of people who seek some

⁴¹ Karol Soltan, "Rebuilding Constitutional Order," unpublished draft dated October 30,2005 on file with author, 5.

form of protection from the peace operation, that will effectively be a displaced persons flow, and can be dealt with in the same – imperfect but not unusual – ways that any movement of displaced persons is handled).

The element that bears more attention is the question of impartiality in *this* context. As Soltan notes, impartiality is always both *between* some parties and *relevant* to those important and divisive conflicts and the social life of the area.⁴² So the question is: what sort of impartiality could the impartial ground established by a peace operation adhere to that would make it a resource for those who might otherwise be dominated by the peace agreement?

We are already assuming that the peace operation has made it past the point of containing battlefield violence by the time that these subtler questions of domination become a problem. Violent coercive power exercised by the emerging regime (or even the peace operation itself) in support of the new order's laws remains a serious problem, since those laws may be arbitrary with respect to significant elements of the population. So the relevant sort of impartiality in this case seems to be an impartiality about laws and rules.

The question is not unlike that faced by UN transitional administrations in situations like Kosovo. The UN mission there (UNMIK) was charged, in part, with administering law and order. This raised a sticky question – which law? Kosovo antebellum law was created by the Serbians in 1989 and was viewed as an instrument of oppression by the Kosovar Albanians. Previous to 1989, Kosovo had enjoyed an autonomous status in Yugoslavia, and Kosovar Albanians much preferred a return to that code – but that was unacceptable to the Serbs, whose sovereignty over Kosovo the UN was intent on respecting (which sovereignty, in the context of this essay, it should be noted was a major Serb *casus belli*). UNMIK decided to enforce the laws extant in 1999, which was “considered odious by Kosovo Albanians,” until a crisis of compliance led the UN to revert the law to its 1989 status.⁴³

At one point, UNMIK contemplated simply issuing a temporary code covering only the most serious crimes. While in the case of Kosovo that solution may have been perceived as *ad hoc*, and worse in terms of the administration's legitimacy than choosing either local code, the idea has potential for thinking about impartial ground. A way of establishing the relevant sort of impartiality to provide political space for groups or individuals looking to resist domination would be for the UN to establish, on the basis of the charter and international legal practices (such as the Fourth Geneva Convention provisions for occupying forces⁴⁴), a minimalist “model” legal code. This could then be applied in any areas under formal or *de facto* jurisdiction of a UN-approved or -led peace operation – such as the physical spaces that could serve as impartial ground. This is to some extent the way things work in actual operations, though there is often a push to hand over control of areas like displaced persons camps to local forces⁴⁵ – precisely what my analysis implies we should *not* do. An explicit commitment and clear code would help clarify things.

In fact, the Brahimi Report noted the need to clarify the applicable law for UN transitional

⁴² Soltan, 17.

⁴³ Halvor A. Hartz and Laura Mercean with Clint Williamson, “Safeguarding a Viable Peace: Institutionalizing the Rule of Law,” in Jock Covey et al, 176.

⁴⁴ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, entered into force October 21, 1950, <http://www.unhcr.ch/html/menu3/b/92.htm> (accessed on November 8, 2006).

⁴⁵ As, for instance, in the (as-yet-unenforced) Darfur Peace Agreement, which provides for parties to exercise police functions (though under supervision by the African Union peace operation (AMIS)). See *Darfur Peace Agreement*, signed May 5, 2006, <http://allafrica.com/peaceafrica/resources/view/00010926.pdf> (accessed on November 9, 2006), §268-274.

administrations, and recommended the creation of an “interim criminal code” for cases in which the UN is expected to take over administration of law and order.⁴⁶ While an initial working group convened by the SG considered the idea of a interim code infeasible, the project was taken up by the United States Institute of Peace (USIP), which presented a draft code in 2003.⁴⁷ The USIP’s Model Codes for Post-Conflict Criminal Justice project plans to release a final package of codes in 2006.⁴⁸

While such codes would be welcome, my suggestion here is in some ways more modest. A military operation will not be in a position to enforce even a fairly simple transitional code. In a situation in which the basic security situation has not been consolidated, the actors on the ground will be soldiers and, at best, military police – not judges and civilian police. An even more minimal code, covering only the worst offenses and straightforward enough both in its rules and imposition to be used by *troops* would be a worthwhile supplement. At the very least, the considerations I have advanced here indicate that any model code should be made available (perhaps in simplified form) to the non-police members of a peacekeeping mission, in addition to its rule of law components. In addition, we should not think of the model code as useful only in transitional administration situations – many other peace operations will have some role, formal or informal, as alternative guarantors of law and order. If the military aspect of an intervention is not prepared to enforce a neutral code in its area of control from the start, we risk much damage being done by indigenous forces executing a dominating set of rules before rule of law reform or transitional administration can take hold.

Physical spaces in which coercive force was only used to enforce a minimal code independent of the arrangements in the peace agreement are precisely the sort of areas that would allow some space for nascent organization against domination, and could ultimately serve as spaces in which non-military actors could carry out deeper political projects once the peace had matured. An appropriate code should not be conceived of as a full set of legal rules, but rather as a minimal set of rules for maintaining rough order that could be implemented by military police or similar personnel. An effective and impartial code should be developed in advance and clearly promulgated both in general and in areas of operations.

Some caveats are in order. It is very important that the peace operation ensure that these areas do not become overly threatening to the parties to the agreement. Since they are by definition under the peace operations’ control, one important way of doing this is to prevent any arms inflows. If significant arms are already present in the area, the peace operation cannot expect parties to the conflict to respect them as impartial ground nor should they declare them such until the area can be disarmed.

In addition, while the peace operation should not allow any of the parties to enforce their laws (even those agreed upon for the new regime) within the impartial area, it *should* allow their agents to come and go so long as this does not compromise the peace. This may well have a chilling effect on some forms of organization, but that chill can be mitigated both by effective peace operation defense of the ground’s impartiality and by later more comprehensive political action. The military phase’s goal is not full-blooded contestation, but merely the preservation of enough political space to prevent armed

⁴⁶ *Report of the Panel on United Nations Peace Operations*, 14.

⁴⁷ William J. Durch, Victoria K. Holt, Caroline R. Earle, and Moira K. Shanahan, *The Brahimi Report and the Future of UN Peace Operations* (Washington, DC: The Henry L. Stimson Center, 2003), 25.

⁴⁸ United States Institute of Peace, “Current Projects: Model Codes for Post-Conflict Criminal Justice,” <http://www.usip.org/ruleoflaw/projects/codes.html> (accessed on December 5, 2006).

elites from effectively snuffing it during consolidation of the peace. The peace operation needs to take action to assure those on the impartial ground that they can organize themselves and air grievances without undue fear, but also to assure the parties that they will not allow a group to organize in such a way that it could upset the peace process.

As a corollary, we need to bite the bullet about certain limitations of the political space provided. If, for instance, anyone seeking to organize politically would face serious abuses as soon as they left the immediate protection of the peace operation, effective political space will only be able to be provided them if they are willing and able to live in an area under protection (such as a refugee camp). A peace operation can protect freedom of movement in many cases, but cannot assure the safety in general of political dissidents outside its immediate area of control – this would amount to attempting comprehensive rights protection all over again.

Finally, it must be understood by the peace operation, by the parties, and by anyone on the impartial ground, that the arrangement is strictly temporary. The generic code established should be clearly minimal, not a comprehensive legal system. A military force will not be equipped to undertake serious investigations or trials, even if we include police elements of a peace operation as “military.” Most likely, the one-size-fits-all response will be a brief hearing and then detention. The provision of impartial ground is intended as a stopgap measure to ensure that there is some political space for the beginnings of a political reconciliation process that will go well beyond the peace agreement *once a peace is secured*, and hence well beyond what the military aspect of the operation can reasonably concern itself with. Ultimately, any dissenters will have to contest what they see as domination through political systems that the population will create in conjunction with internationals – impartial ground of the sort I am advocating is a precursor to that process, not a replacement for it. Emphasizing the temporary character of the generic code's applicability will, hopefully, induce local groups to use the opportunity for organizing that it provides to prepare for a politically integrated future.

Conclusions and Problems

It may be objected that even this proposal is unrealistic. I do not think it always will be, at least in the long term; but I also think that we should be realistic about when it is not.

The republican ideal is relatively undemanding – in the limited form appropriate to the resources of a military intervention, the goal is to protect individuals from the worst excesses of a potentially-dominating government, rather than accomplish anything more lofty, like making it an instrument of the people. As much as possible, the overall goal should be to encourage (and, beyond the military component, *facilitate*) people finding ways to live within the regime established by the peace process.

In one sense, what these considerations show is how *little* we can really expect out of an intervention's military aspect. A military intervention might be able to stop mass killing. But without a political settlement, no matter how imperfect from the standpoint of justice, it will not be able to secure comprehensive safety for a population, and that makes the military quite beholden to the quality of agreement that the armed parties are willing to make. If the peace of the armed is unjust, a military's only constructive role is likely to be to shield some of the population from the worst injustices and hope that non-military aspects of an intervention can improve the regime whose security it is attempting to establish.

The worst-case scenario for an attempt to provide impartial ground as I have described it is one in which the parties are so frightened of any organized political dissent, even by the relatively small

and unarmed groups my proposal would protect, that they will meet the possibility with a return to violence. I am not sure that *any* peace could be both stable and acceptable to the international community under such conditions, however. A government that could crush all dissent and remain stable would be extremely repressive – and, for what it is worth, the international community has shown both a commitment to and some success in at least enforcing minimal forms of democracy where it has supported a peace agreement.

Even if a peace operation *can* do no better than stabilizing a problematic peace agreement, we should not let lofty moral ideals tempt us to look too far down our noses at it. Peace, even an unjust peace, is still often better than violence. Non-domination can look like a subtle luxury in the face of the horrors of conflict. But neither should we members of the international community be too ready to pat ourselves on the back for achieving mere stability. A clear-sighted appreciation for the way in which peacekeeping may dominate the population will, I hope, at least make planners aware of the need to find ways to mitigate any moral drawbacks a peace may have.