

People's security as a new measure of global stability

by

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Despite renewed commitment by States to respect and ensure respect for the rules of international humanitarian law, the surge of violence against civilians has continued. Entire populations in Europe, Africa and Central Asia have been displaced, harassed or subjected to extreme forms of violence as a consequence of armed conflicts, in violation of the most fundamental rules of international humanitarian and human rights law. As a result, traditional schemes of protection enshrined in international law are increasingly questioned, revealing the need to develop new strategies to enhance the protection of civilians in times of war. In his Report to the Millennium Assembly, United Nations Secretary General Kofi Annan wrote:

“International conventions have traditionally looked at states to protect civilians, but today this expectation is threatened in several ways. First, states are sometimes the principal perpetrator of violence against the very citizens that humanitarian law requires them to protect. Second, non-state combatants, particularly in

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collapsed states, are often ignorant or contemptuous of humanitarian law. Third, international conventions do not adequately address the specific needs of vulnerable groups, such as internally displaced persons, or women and children in complex emergencies.”¹

International humanitarian law is entering a critical phase of its existence. Although its importance in setting norms to contain violence against civilians has never been so widely acknowledged, the strategic approach focusing on the key role of States in the protection of civilians has never before come under so much pressure. States appear more and more to be inappropriate agents for the implementation of humanitarian rules, particularly in internal armed conflicts. They are often anxious to avoid becoming involved in these messy situations or, alternatively, they themselves may be party to the conflict.

Not only has the role of the State been compromised by its involvement in internal conflict situations, but its relevance in generating protection for civilians at the international level is also being cast in doubt. Non-State actors, from corporations to civil society groups and humanitarian organizations, seem to have played a critical role in recent years in enhancing the security of people. Moreover, as a side effect of globalization, the impact of violent conflicts can no longer be easily contained within specific regions. Each conflict carries shock waves of the hostilities in concentric circles to every sphere of transnational activities and across every continent. Internal armed conflicts rely heavily on external inputs and assistance to maintain their momentum, whether through illicit trafficking, government contracts or other commercial opportunities. Conflicts affect population migration, regional ecosystems, financial markets, commodity markets, debt servicing, drugs and arms trafficking. They can no longer be considered isolated events in time or space.

¹ Kofi Annan, *We, the People: The role of the United Nations in the 21st Century*, Report of the UN Secretary General to the Millennium Assembly, United Nations, March 2000, p. 46. Available at <<http://www.un.org/millennium/sg/report/ch3.pdf>>. See also the Report of the

UN Secretary-General to the UN Security Council on the Protection of Civilians in Armed Conflicts, UN Doc. S/1999/957, 8 September 1999.

Violence against civilians is often the result of a long history of social, economic and ethnic tensions. Strategies to respond to this violence must address deeply rooted factors and this transforms the way the international community is expected to intervene in conflict situations. The involvement of international agencies in long-term post-conflict peace-building activities, from election monitoring to economic and financial reconstruction, is an illustration of the new relationship that links people at peace to people at war.

Protecting civilians in internal armed conflict

The latest incidents confirm that the most dramatic and prevalent threats to civilians arise in internal armed conflict. Of the 27 armed conflicts that took place in 1999, 25 were internal in character, involving one or more non-State actors.² A common feature of internal armed conflicts is the widespread violation of international humanitarian and human rights law by State and non-State actors. Threats to civilians also increase with the proliferation of weapons, especially small arms and landmines, and as a result of the organized crime and random violence that occur in these chaotic conditions. The presence of armed groups among civilians plays a particular role in blurring the dividing line between combatants and non-combatants, a vital distinction in international humanitarian law. These developments have cast doubt on the validity of some of the basic tenets of international humanitarian protection, in particular the central role of States in the protection of civilians and the non-military character of civilian assets.

The development of international humanitarian law and human rights law is deeply rooted in the historical and political environment of the twentieth century and the paradigm of the nation-State. Traditional protection strategies under international humanitarian law and human rights conventions have focused primarily on the role of States. Accordingly, States are the principal agents of humanitarian protection under international legal instruments such as

² SIPRI Yearbook 2000: Armaments, Disarmament and International Security, Highlights, Stockholm International Peace Re-

search Institute/Oxford University Press, 2000. Also available at <<http://editors.sipri.se/pubs/yboo/proo.html>>.

the 1949 Geneva Conventions on the protection of war victims, charged with ensuring that military operations are restricted to military targets and that populations in need receive adequate relief assistance and protection.

However, military strategies from World War II onwards have shown a significant departure from the traditional perception of the non-military character of civilian assets. Over the past decades civilian populations and the civilian infrastructure have acquired considerable strategic importance for various purposes in the conduct of hostilities. They have been used:

- as a cover for rebel movements' operations;
- as a target for reprisals;
- as a shield against air or artillery attacks;
- as a means to exert pressure on the adverse party by terrorizing and displacing populations; and even,
- as a principal target of ethnic cleansing operations and genocide.

In these circumstances, the assumption that civilians are protected by their distinct non-military character is questionable. Undefended civilians are easy targets for reckless and unscrupulous forces. In the absence of credible and effective enforcement mechanisms, the international community can offer little help to the targeted populations.

Moreover, internal armed conflicts often surface against the background of collapsed States and involve a number of non-State actors over which State institutions have little or no control. In some cases, the State has essentially disappeared from the political scene, leaving paradoxical gaps on the political map of the world. Even borders have lost their geostrategic significance in countries such as the Democratic Republic of Congo, where the war since 1998 has involved the armed forces of nine States and at least nine rebel groups.³ Military power is concentrated in decentralized and often transitory armed groups, who wander from region to region. The only nod to "statehood" is the discourse of the party that controls the former State capital.

³ *Idem.*

The claim to statehood of armed groups such as the Taliban, SPLA, Tamil Tigers or UNITA is rarely a pretension to govern a region or its people in a responsible and adequate manner, but a political slogan to further the cause of war. Hence, the Taliban Minister of Education in Kabul has no specific plan to rebuild the dilapidated school system in Afghanistan, but instead uses this position to prohibit girls' education, associated with the former Mudjaheddin government.⁴ On the other hand the opposition Northern Alliance, while controlling most of the north of Afghanistan from 1992 to 1998 and internationally recognized as the country's legitimate government, devoted considerable resources to mobilizing international public opinion against the Taliban's policy of restricting girls education but did very little to educate either boys or girls in the territory under its control. Thus despite international recognition of its claims to statehood, the Northern Alliance was not prepared to take on the responsibilities of sovereignty and provide basic services for its population.

Besides non-State armed groups, corporations, international agencies and NGOs are having an ever greater influence on the conduct of hostilities and their effects on civilians. Corporate interests in natural resources such as diamonds in Angola and Sierra Leone or illegal trafficking in drugs or timber in Colombia and Myanmar play an increasing part in sustaining armed conflicts and thereby help to make the situation worse in humanitarian terms. Finally, international agencies and non-governmental organizations affect the protection of civilians through their response to the needs of the population, providing much needed resources to refugee camps — and sometimes, indirectly, to armed groups.

Identifying new approaches for the promotion of security and stability

With the events of the past few years, a substantial review of the international community's approach to humanitarian crises has become imperative. In many ways, the traditional assumption of the

⁴ *Review of UN Policy Approaches in Taliban-controlled areas of Afghanistan: A DHA Report*, UN Department of Humanitarian

Affairs, New York, June 1997. Available on <<http://www.reliefweb.int>>.

primary role of States in maintaining peace and security and protecting civilians has hampered our ability to devise new strategies to restore and maintain stability in regions where State institutions and insignia have fallen into the hands of predatory contenders. The growing part played by non-State actors, including armed groups and large corporations, must be recognized in new security strategies, as well as the critical role of people's security. Unfortunately, international organizations and governments from developed countries have found themselves trapped by their own perception of the domestic role of a State in a developed economy and a democratic system. They cannot renounce the centrality of existing State institutions in the maintenance of security in regions such as the African Great Lakes or Central Asia, without to some extent compromising their own identity as State actors. Considerations of universal statehood, from Sierra Leone or Angola to European or Asian States, have prevented us from understanding these critical developments and limited our capacity to take effective action to protect civilians.

In this context, the concept of human security offers an innovative approach to address holistically the sources of insecurity affecting people worldwide. From the human security standpoint, the security of the individual is no longer defined exclusively within the realm of States and as a consequence of national security. The origins of today's insecurities are diverse and can be found *inter alia* in social, economical, environmental and health factors. These insecurities are increasingly transcending State borders and having global repercussions. For humans to be secure, their lives must be free from pervasive threats, violent and otherwise, to their rights and safety. The human security approach addresses non-traditional threats to people's security related to economic, food, health and environmental factors, as well as issues such as drugs, terrorism, organized crime, landmines and gender-based violence. It does not offer only one definition of the content of human security, but aims instead to take a more diversified view of security interests. Human security is about recognizing the importance of the people's security needs side by side with those of States, minimizing risks, adopting preventive measures to reduce human vulnerabilities and taking remedial action when preventive measures fail.

In conflict areas where State institutions have collapsed, it is impossible to recruit the holders of State insignia as partners for rebuilding security. These groups are often involved in a fight over economic and security benefits: economic power, control over natural resources, population or territory. Although they may declare their endorsement of international discourse in terms of the promotion of human rights and other international norms, as in northern Afghanistan, their relationship with the people under their control remains essentially predatory.

These situations pose a major challenge to security strategists. The main purpose of security strategies at the international level is to favour the emergence of stable political and security arrangements enabling political tensions between and within States to be managed in a non-violent manner. Public order, political stability and economic development depend largely on the maintenance of security arrangements protecting civil institutions from both external and internal threats of violence.

The limitations of international security strategies often result from difficulties in identifying suitable and competent local agents to provide a security infrastructure, re-establish civil institutions and relinquish political control of these institutions to a formal liberal "State". However, the political entities which survive years of war are often those which thrive under such conditions. They tend to be interested in continuing the hostilities rather than engaging in a costly peace agreement that could marginalize their authority.

Theoretically, the agents needed to put these strategies into effect should be found locally, not imported in the form of colonial or neo-colonial institutions. The only recent exceptions to this approach are the UN-sponsored interim civil administrations in Cambodia, Kosovo and East Timor, set up after international military intervention. However, only in exceptional circumstances is the international community prepared to intervene directly in conflict situations and implement its own security strategy.

The international community consequently remains utterly powerless to contain violence and rebuild peace. International organizations want to rely on legitimate local agents to ensure peace

and security, but cannot find any truly interested party for this agenda. Furthermore, the rehabilitation of State institutions, including the military, has an inherently political connotation for parties to conflict. Either way, this strategy can hardly provide for the security of the population.

The solution to this dilemma lies in the capacity of the international community to focus on the security of the people, rather than that of institutions, as a central component of peace and security strategies. The implementation of security strategies can no longer be seen as the task of State institutions alone. Nor can the interests of the population be distinguished from national security interests. Protecting civilians becomes a security and political issue as the distinction between State and non-State actors and between civilians and combatants breaks down.

The international community must detach itself from State-centred perceptions of security stakeholders and move toward a more systematic role for individuals and communities, not only as bystanders and collateral victims of conflicts, but as core participants in protection strategies and post-conflict peace building. In the absence of State institutions, women's groups and Somali tribal leaders have played a crucial role in dealing with the humanitarian consequences of the famine and armed conflict. Much more attention must be devoted to the security needs of the civilian population in terms of food, health, education, employment and the environment, and also to the role of civil society groups in improving the prospects for sustainable peace and security. The issue of local agents becomes relevant only when minimal security for the population has been achieved through the work of international and local organizations.

Role of non-State actors as agents in building human security

Non-State actors, from civil society or community-based institutions to armed groups and private corporations, play a crucial part in heightening or lessening human security. The measures required to enhance human security often call for action from numerous non-State actors, particularly NGOs, in addressing, for example,

the needs of the displaced populations, advocating stronger control over the arms trade or assisting governments in preserving and restoring fragile environments. Human security can serve as a platform to call on non-State actors, along with States, to help in dealing with the causes of global insecurity.

Non-State actors are particularly well suited to bring about human security in the new world environment. Indeed, in the case of failed States they are the only ones present to do so. During internal conflicts, non-State actors benefit from closer involvement with the local community and have greater potential for local capacity-building than their traditional counterparts. They can and do play many roles in the protection of human security. To mention only a few, organizations such as the ICRC or Oxfam act as relief agencies when governments are unable to respond to emergency needs; NGOs such as the Community of SanEgidio facilitate negotiations between warring parties; and media efforts, such as those of Radio Ijambo in Rwanda, are made to rebuild peace. The Internet community is an emerging and original participant engaged, for example, in the reunification of families.⁵

These entities function without the constraints imposed upon State institutions by their narrow foreign policy mandate, and with increased access to areas inaccessible to official agencies. They can talk to several parties at once without losing credibility. They can deal directly with grassroots populations and operate without political or public scrutiny. In addition, non-State actors can build a network more effectively with civil society representatives and focus together with them on longer-term perspectives. They are less subject to complaints of outside interference or breaches of sovereignty. In short, they are

⁵ The ICRC has created a website to help re-establish contact between family members in the former Yugoslavia. To assist persons wishing to locate their relatives, computers have been installed in ICRC offices in Albania, Macedonia, the Federal Republic of Yugoslavia and Bosnia-Herzegovina. See <<http://www.familylinks.icrc.org>>. Moreover, a team assembled by the International Rescue Committee (IRC) pro-

vided an Internet service to Kosovo barely 100 days after the arrival of UN peacekeepers. The project offered free, reliable and inexpensive communications to local organizations and was instrumental in efforts to reunite families. See the Kosovo Internet Project's Web site <<http://www.ipko.org>>.

often more flexible than States, especially in internal conflict situations.

Evidently, the term “non-State actors” amalgamates a large number of very different entities and individuals with distinct roles in societies in conflict. It includes armed groups, NGOs, corporations, educational institutions, private donors, religious organizations, the scientific community, private individuals, the media and, increasingly, the Internet community. Their few shared characteristics stem from their distinct “unofficial” nature as compared to State actors, their greater flexibility and their frequent unaccountability under national and international laws. There is an acute need for a clearer distinction to be made between the various types of non-State actors.

The decisive part they play in several key areas affecting human security, including the illicit trade in small arms, the recruitment of child soldiers and the use of landmines, can already be observed. The lead taken by non-governmental organizations in the establishment of the International Criminal Court and the adoption of the Ottawa Treaty on the prohibition of anti-personnel mines are small illustrations of the growing importance of their role. Efforts should be made to improve understanding of it and to identify strategies for full advantage to be taken of their contributions to the elaboration and implementation of international legal norms.

International humanitarian law and human rights law provide only limited opportunities to develop new strategies for internal conflict situations. International law pays little attention to the role of non-State actors, with the notable but limited exception of the International Committee of the Red Cross. The role and responsibility of non-State actors in the protection of civilians under international law depends largely on the consent and actions of States. The current discrepancy between the role of State and non-State actors in international law shows the extent to which political considerations have impeded the development of effective strategies to protect civilians in armed conflicts. As things stand at present, the exclusion of non-State actors is unlikely to change. Non-State armed groups are repeatedly barred from participating in international conferences on the protection of civilians, and contact with such groups is subject to intense

political pressure from many sides. The accountability of private corporations for their conduct in conflict areas also remains unclear, owing to a lack of relevant legal standards and State opposition to investigation of the role of corporations in war situations.

Recent evidence of the reluctance of States to recognize the role of non-State armed groups in the implementation of international standards is provided by the Rome Conference of July 1998 on the establishment of the International Criminal Court (ICC). Whereas hundreds of NGOs were represented, several of them in an official capacity, alongside more than 130 State delegations, no efforts were made to engage armed groups in this process. The ICC Statute adopted at the Conference imposes obligations only on States and individuals, and contains very few provisions for engaging the responsibility of armed groups. In particular, the Statute confers no legal authority on non-State actors in the prosecution of war crimes, despite the fact that the leadership of these armed groups may be the only body with real control over non-State combatants. The practical significance of these legal developments is therefore minimal in situations where governments have lost their capacity to bring non-State actors to trial, or by granting an amnesty as part of a peace process — as in Sierra Leone for RUF combatants — have relinquished their authority to prosecute war criminals. The recent developments in Sierra Leone prove that an armed group that has been isolated for many years and has not been held accountable for its ruthless behaviour cannot easily be co-opted into a political process. Yet from a practical point of view, armed groups remain key actors for protection strategies in four areas: as *de facto* governments within the territory under their control; as military entities active in combat; as authorities potentially responsible for the protection of humanitarian operations; and as political entities that may eventually be party to a peace settlement.

Related concerns apply to the role of corporations. Efforts to engage corporations in the protection of civilians are still in their infancy. Recent initiatives by the UN Security Council Sanctions Committee to hold DeBeers accountable for its activities in the diamond trade with UNITA have shown the Council's potential influ-

ence on multinational corporations.⁶ Similarly, the trial of the oil company Unocal in a California court for violations of the Slavery Convention of 1927 in Myanmar shows the potential leverage that can be exerted against them by national courts.⁷ The economic activities of corporations in conflict areas make them key elements of new protection strategies — perhaps more significant than armed groups, or even States. While armed groups tend to remain obscure and unreliable, acting outside any legal framework, and State representatives benefit from diplomatic immunity, private corporations are vulnerable to political and legal pressures ranging from consumer boycotts to lawsuits.

There are, however, many problems associated with the increased role of non-State actors in the protection of human security in conflict situations. The multiplicity of “unofficial” actors can mean a lack of coordination of efforts and of clear accountability. Non-State actors such as NGOs may also have insufficient political leverage or resources to attain their objectives. They may be uninformed about or unaware of important issues, and may consequently take sides in the conflict. In addition, it can be argued that their focus on civil society rather than on State institutions draws resources away from the struggling State.

A number of problems have arisen in efforts to engage armed groups as security agents. Old grievances, charges of corruption, political manoeuvring and the difficult issue of demobilization and reintegration of combatants have complicated the situation. In some cases, the reintegration of armed groups such as RENAMO in Mozambique has been successful. In other cases, such as that of the RUF in Sierra Leone, it has failed miserably. In these circumstances, three approaches have been developed to remedy the absence of a reliable security agent:

- co-opting the armed group into a new civil authority, supporting the establishment of a civil administration and using political and financial leverage to induce the new authority to adopt a responsi-

⁶ Christopher Munnion, “De Beers ban on gem sales hits UNITA”, *Daily Telegraph*, 8 October 1999.

⁷ William Branigin, “Rights victims in Burma want a U.S. company to pay: Suit alleges army abuses while pipeline was built”, *Washington Post*, 13 April 1999.

ble form of administration — e.g. PLO/Palestinian Authority (1992-2000);

- co-opting part of the opposition group into a new civil administration headed during an interim period by international civil servants, and supporting the establishment of national services in sectors such as health and education as well as local municipal administration — e.g. Kosovo since 1999;
- rebuilding civil institutions entirely, training local individuals to perform administrative functions and assisting them until the creation of a new government and a democratic election (Cambodia, East Timor).

In all three cases, the transformation of armed groups into responsible security agents is a costly investment for the international community, an investment that carries no guarantee of success.

Conclusion

This paper presents an analysis of the existing gap between current perceptions of the central role of State institutions in the maintenance of security and stability and the actual impact of non-State actors — from armed groups to corporations and the efforts of the population — in internal armed conflict. Considering the unfortunate situation in which civilian populations have found themselves after more than fifty years of international norms elaborated to protect them, it is time to reconsider the overall assumptions that have directed previous efforts. Individual and communities should no longer be seen as passive victims of war, waiting for airlifts of food or the establishment of an international criminal court. Civilian populations can play a crucial role in stabilizing inflammatory situations and preserving the foundations of peace. They require the full support of the international community to ensure that, at the very least, our diligent efforts are not detrimental to human security at the individual, family and community levels. Health, education, employment and a viable environmental policy are the next generation of security goals, for they hold out the greatest hope of achieving sustainable peace.



Résumé

La sécurité : un nouvel indice de la stabilité mondiale

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La sécurité des individus n'est plus nécessairement garantie par l'État. Comme on a pu le constater récemment à plusieurs reprises, les besoins des États en matière de sécurité semblent aller à l'encontre des besoins qu'éprouvent leurs populations dans le même domaine, les États se livrant de plus en plus à de violentes attaques contre les civils et les institutions civiles. Or, en vertu du droit international, il incombe avant tout aux États de protéger leur population contre les effets de la guerre. Dans les situations de conflit armé, cette tâche devient toutefois problématique, puisque la population est souvent laissée à la merci de son oppresseur. Un changement de stratégie s'impose de manière pressante. À côté d'un système de protection basé sur l'État, la communauté internationale doit concevoir des solutions de plus grande ampleur et diversifiées pour que la protection des civils soit assurée, solutions qui n'impliqueraient pas seulement les États, mais aussi des entités non étatiques, des groupes de la société civile, des acteurs du monde des entreprises, les médias et les populations elles-mêmes.