Pugwash

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To the Pugwash Community

Global Cooperation: A 21st Century Imperative

The global effect of the September 11 terror attacks on New York and Washington, DC demonstrated yet again that, in today's world, national security no longer is confined within national boundaries. Fully one-third of the more than 3,000 people killed in the attacks were non-Americans, citizens of more than 60 countries. The economic and social impacts of the terror attacks were similarly global; in addition to the loss of hundreds of thousands of jobs in the US and worldwide, World Bank President James Wolfensohn estimated that that "between 20,000 and 40,000 ***more*** children" would die, and millions of people would be "condemned to live below the poverty line" because of the global recession that became more severe because of September 11.

The terrorist networks responsible for the attacks operate in many countries around the world; the financial network supporting the terrorists is truly global, as must be the intelligence and law enforcement effort needed to identify and bring such groups to justice. While the benefits of globalization are indeed many, it is also true that the links between different terrorist organizations fighting for different causes, and the states which harbor and support them, are made all the easier by globalizing trends in communications, transportation, technology, and the world of finance.

If the latter half of the 20th century was the nuclear age, the 21st century may well become the age of asymmetrical warfare. It has been estimated that between $500,000 and one million dollars was needed to plan and carry out the attacks on the World Trade Center and the Pentagon, resulting in global financial and economic losses of tens if not hundreds of billions of dollars. Small groups of individuals, characterized by fanatical commitment, patience, intelligence, and a ready willingness to die for their cause, are able to circumvent if not neutralize the military power of modern industrial states. For those countries possessing nuclear weapons, the concept of nuclear deterrence in such scenarios is not only irrelevant, but counter-productive, in that the nuclear (and biological or chemical) technology and materials developed by such countries could well be turned against them in a terrorist attack using weapons of mass destruction.

To be truly effective, an international effort to neutralize the dangers of horrific terrorist attacks, especially those using weapons of mass destruction or those targeted against nuclear power plants, food and water supplies, and critical infrastructure, must consist of the widest possible global coalition.

Forging and maintaining such a coalition will not, of course, be easy. First, there remain tremendous political, ideological, religious, and ethnic differences between the West, the former socialist countries, Asian, Arab, and Muslim countries, and Africa and Latin America. Such differences are manifest when it comes to issues such as: controlling weapons of mass destruction and ensuring regional security; international humanitarian intervention to prevent mass killings and gross abuses of human rights; and fundamental questions of national sovereignty relating to minority rights and self-determination. Through its work over more than four decades, the Pugwash Conferences have sought to narrow these differences between states and peoples in an effort to strengthen the modalities for greater international cooperation.

Such efforts are needed now more than ever if both the manifestations and root causes of terrorism are to be successfully addressed. As symbolized by the awarding of the 2001 Nobel Peace Prize to the United Nations and its Secretary General, Kofi Annan, these efforts will demand the closest possible cooperation between national governments, NGOs, and regional and international insti-

tutions such as the UN that can articulate a broad-based vision of human security for the 21st century.

The 51st Pugwash Conference

Having postponed the 51st Pugwash Conference (originally scheduled for November in Agra, India) because of the September 11 terror attacks, the Pugwash Council proceeded to meet in London from 8-11 November, at which time it was decided to reschedule the Agra conference to 12-16 March 2002. Council members felt that unfolding events in Afghanistan, Pakistan, throughout South Asia and globally made it all the more important to proceed with the 51st Pugwash Conference in India. A central focus of the conference will be the implications of global terrorism on national and international security, and in particular the prospect of terrorist use of weapons of mass destruction (see the statement of the Pugwash Council on page 3).

The Russell-Einstein Manifesto

As an insert to this issue of the *Pugwash Newsletter*, readers will find a copy of a special commemorative edition of the 1955 Russell-Einstein Manifesto. This was a project undertaken several years ago by Maxwell Bruce, then revived this year thanks to a special grant from the Toda Institute for Global Peace and Policy Research. Unfortunately, Max Bruce died this fall before completion of the project (see page 63), but he undoubtedly would have been pleased with the final result. Pugwash has printed the Manifesto in three versions: the folio insert found in this *Newsletter*, a poster version, and a special leather-bound folio that will be used for special occasions. Limited copies of the unbound folio and poster are available from the Pugwash offices in London, Rome, Geneva and Cambridge.

The 100th Anniversary of the Nobel Peace Prize

A three-day celebration in Oslo from 6-8 December marked the 100th anniversary of the inauguration of the Nobel Peace Prize. Sir Joseph Rotblat and Francesco Calogero, the latter representing the Pugwash Conferences, were among more than 20 Nobel Peace Prize Laureates attending the ceremonies. For more on the events in Oslo, including a talk by Francesco Calogero on the dangers of nuclear terrorism, and a congratulatory letter from Pugwash to this year's Nobel Laureate, the United Nations and Kofi Annan, visit the Pugwash website at www.pugwash.org.

Acknowledgments

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The Editors

September 11 and Its Aftermath

The Dangers of Nuclear Terrorism

Statement of the Pugwash Council
Monday, 12 November 2001, London, UK

The horrific nature of the September 11 attacks has demonstrated the ability of international terrorist networks to carry out well-planned and complex operations that can kill thousands of innocent civilians. The potential for biological, chemical, and/or nuclear terrorism has greatly increased.

While there has long been concern about nuclear material being acquired by non-state groups, reports in the past few days indicate that nuclear weapons may now, or soon will be, available to terrorist groups. The challenges facing the international community from terrorism have been greatly compounded by the world's failure to reduce and eliminate nuclear weapons.

Most immediately, the members of the United Nations must adopt and effectively implement the proposed international conventions on international terrorism and on nuclear terrorism.

More generally, the large quantities of highly-enriched uranium (HEU) that are poorly controlled and otherwise unaccounted for in the former Soviet Union and dozens of other countries demand immediate attention and action by the world community.

HEU poses the danger that it is far easier to manufacture into a nuclear weapon than is plutonium, so much so that even sub-national terrorist groups could accomplish the challenge. European and Asian governments especially need to join the United States in providing aid to the Russian government in controlling and destroying this fissile material (enough to build 20,000 nuclear bombs) through greatly accelerated funding and commitment to such programs as the Cooperative Threat Reduction Program (Nunn-Lugar). In addition, the international convention on the physical protection of nuclear materials must be strengthened and expanded, and greater efforts made to safeguard fissile materials in civilian use.

HEU can, however, be readily diluted with natural uranium to a low-enriched level where it has high commercial value as a proliferation-proof fuel for civil nuclear reactors. Here again, an important opportunity exists for Europe and Japan to work with the United States in purchasing such fuel from Russia and greatly reducing available supplies of weapons-grade uranium.

Much work will be needed on a broad range of fronts, from recognizing and addressing the root causes that facilitate the growth of terrorist networks, to bringing to justice those who commit mass murder and crimes against humanity.

In order to safeguard global peace and security, it is essential that national governments and the world community recognize that the twin dangers of international terrorism and nuclear proliferation pose entirely new threats that demand immediate and sustained attention.

President George W. Bush and UN Secretary General Kofi Annan view the aftermath of the September 11 bombing of the World Trade Center in New York

Letter to the Editor

Sir Joseph Rotblat, FRS
The Times, 15 September 2001

In the agonizing analysis of Tuesday's tragic events, two points need to be stressed germane to future dangers. One is the complete disregard by the perpetrators for human life, as evidenced by the choice of targets and the timing of the attacks on New York. The second is that the terrorists are a powerful organization with huge financial, manpower, and very likely technological resources. This means that much more devastating attacks cannot be excluded.

One such attack could be by the use of a biological weapon, and there are plenty of them in the world. But far worse would be the use of a nuclear device. I would not be surprised if a group like Bin Laden's had managed to acquire such a device and had already smuggled it into a city in the USA, or, indeed, in the UK. Try to imagine devastation ten, or even a hundred, times greater than we saw on Tuesday. The mind boggles. But this is a real threat.

Urgent measures need to be taken to lessen the probability of this occurring, namely by reducing the availability of the materials necessary to nuclear weapons - highly-enriched uranium and plutonium.

There are huge quantities of weapon-grade uranium. Russia has more than 1000 tonnes, enough to make 20,000 atom bombs. It is quite easy to render it harmless by mixing it with natural uranium. A deal was arranged some years ago between the USA and Russia to dilute 500 tonnes of the latter's uranium but, for mainly commercial reasons, this is proceeding at an incredibly slow pace (about 30 tonnes per year). President George W. Bush should authorize an acceleration of the programme.

There are also large quantities of plutonium, in the USA and Russia, from the dismantlement of nuclear warheads. A programme for the disposition of the plutonium has been prepared but according to recent reports, the design work on a US plutonium immobilization plant has been suspended, apparently for financial reasons. The Russian programme is also ailing for lack of finance. Here again President Bush should take action.

Yours faithfully,
Joseph Rotblat

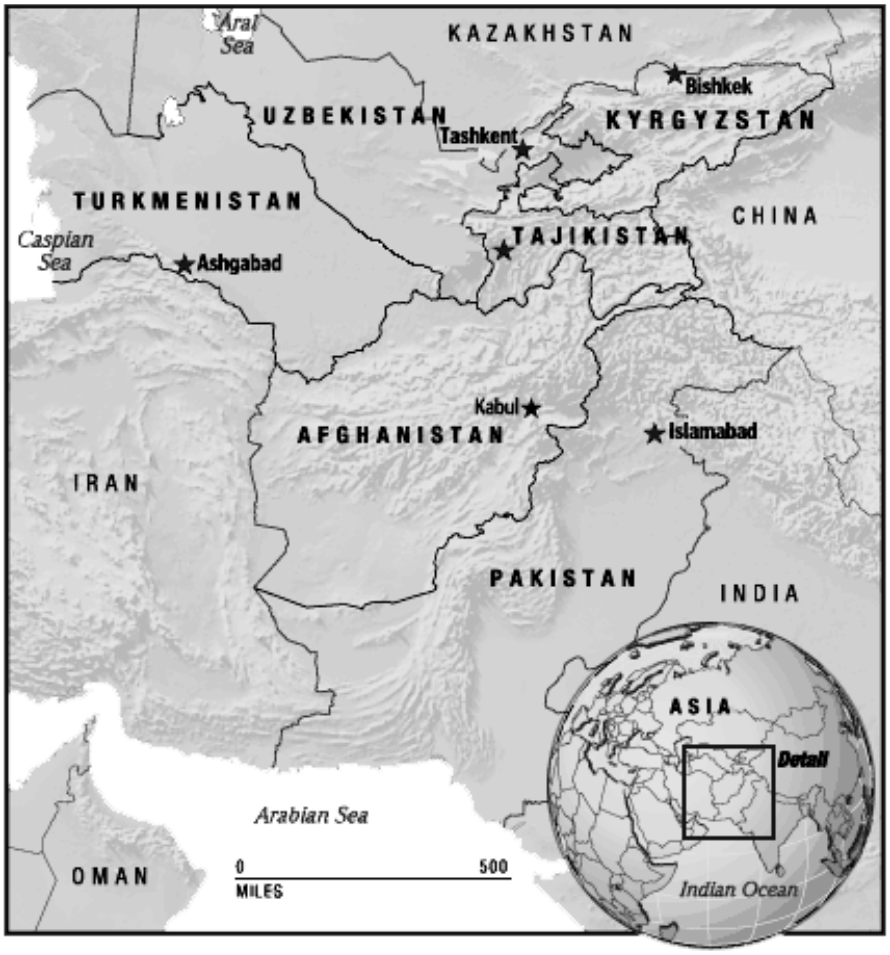
Why Root Causes are Important

Thomas Homer-Dixon
Toronto Globe and Mail, September 26, 2001

What we urgently need is subtlety of thought. We need to be able to make crucial distinctions, for instance between culpability and innocence, combatant and noncombatant, and the legitimate and illegitimate uses of force. If we make such distinctions, it's more likely that we'll guide ourselves successfully through this crisis. Sadly, though, subtlety is the first casualty of anger.

The debate surrounding the events of September 11 is being clouded by sloppy logic and analysis in the haste to say something – anything – that makes sense of the situation. One issue that has become clouded is whether it's reasonable to talk about terrorism's "root causes." Some commentators declare that any discussion of root causes legitimizes terrorism by making excuses for it. Others suggest that people who want to examine root causes are arguing, essentially, that we shouldn't take punitive action because it won't work; we should act on the root causes instead.

But these are grade-school nonsequiturs. Let's start with the first: Do we excuse or legitimize crime when we examine its causes? Of course not! And the same holds true for terrorism. We can explain why a person committed a crime – say, a murder – by pointing to the factors that caused the person to do it. We may even trace these factors far back into the person's history – to their upbringing, their childhood economic circumstances and the like. But this rarely keeps us from holding the person morally responsible for the crime. We can, in other words,



examine and acknowledge the root causes of the person's behavior, without letting them off the moral hook. The two issues – of explanation and responsibility – are distinct.

One would think this is all pretty obvious. So why do some commentators object so vociferously to any discussion of terrorism's root causes? I suspect it's because they don't like where this discussion may lead. They seem quite willing to accept some kinds of explanations of the latest barbarity – for instance, that the terrorists were depraved, mad, or the product of a particularly wicked subculture of radical Islam. Such explanations aren't very threatening because they locate the cause in the nature of the perpetrators or their group. What really infuriates these commentators is any attempt to look at factors further afield – especially those that might lie in the structure and functioning of the planet's economy, politics, and society. Why? Because such factors could implicate us in the West.

So, these commentators declare any consideration of root causes to be off limits. And they throw calumnies at anyone who raises these issues.

Yet by keeping us from learning about the origins of the threats we face, this attitude could easily make us *less safe* over the long run. Until we understand the sources of terrorism and do something about them, we can arm ourselves to the teeth, rampage across the planet with our militaries, suspend many of our civil liberties, and still not protect ourselves from this menace.

Now the second argument. Are those who want to examine the root causes of terrorism saying we should delay our efforts to track down and punish those responsible for this latest attack? Again, of course not.

The analogy of a terrible illness, like cancer, is useful here. We must excise the social pathology of terrorism - which means we must identify, track down, and destroy the culprits – just as we cut out a cancerous tumor. But when we're dealing with a critical illness, the task usually doesn't end there. We also want to change the underlying factors – such as smoking – that make cancer more likely to emerge in the first place.

What are terrorism's underlying factors? They are many, they combine in complex ways, and they vary from one incident to another.

In the Middle East and South Asia, they include a demographic explosion that has produced a huge bulge of urbanized, unemployed young men – the most dangerous social group of all, according to many social scientists. They also include environmental stresses – especially shortages of cropland and fresh water – that have crippled farming in the countryside and forced immense numbers of people into squalid urban slums, where they are easy fodder for fanatics. The impact of these factors is compounded by chronic conflict (including the Israeli/Palestinian and

Afghan conflicts) that have shattered economies and created vast refugee camps; by the region's corrupt, incompetent, and undemocratic governments; and by an international political and economic system that's more concerned about Realpolitik, oil supply, and the interests of global finance than about the well-being of the region's human beings.

The receptivity of young men to terror's radical message is enormously increased by this legacy of conflict, dislocation, and – yes – poverty in the region. From the refugee camps in Pakistan's Northwest Frontier Province to the squalid streets of Gaza, we have ignored – for far too long – festering wounds of discontent.

At this point, though, many commentators stumble into yet another mistake: they say that such dislocation and poverty in distant lands can't be among the root causes of terrorism, because the perpetrators of the New York atrocity apparently lived among us and were relatively educated and wealthy. But this argument assumes that people act only in response to their direct, personal experiences, which is absurd.

Sometimes terrorists are recruited directly from communities in misery. This seems to be the case with many of the Palestinian suicide bombers that plague Israel. Sometimes, though, they are recruited from wealthier and more educated groups – precisely because they can penetrate our societies more easily.

These people can still powerfully identify with communities elsewhere that they believe have been exploited, victimized, reduced to crushing poverty, or otherwise treated with disrespect. In fact, their relative wealth and education can reinforce a twisted sense of responsibility to do something for their suffering brothers and sisters. In the case of radical Islamic terrorists, such grievances are often expressed as anger over American policy toward Israel and Iraq and American support for "un-Islamic" Middle Eastern governments.

People who are miserable, or who strongly identify with those who are miserable, look for an explanation of that misery. Rightly or wrongly, they often focus their anger on those who are doing better. Inevitably, in a large group, some will be susceptible to wild and fantastic ideas that say violence is the solution.

As the disparities of wealth and opportunity on our planet widen, this problem is certain to get worse. We live in a seething, discontented world, and we ignore that fact at our peril.

Nuclear Weapons and the Comprehensive Test Ban Treaty

Statement of the Pugwash Council
12 November 1999

Although issued in November 1999, the Pugwash Council statement, "Nuclear Weapons and the Comprehensive Test Ban Treaty," remains as relevant and urgent today. A new sense of momentum in US-Russian cooperation to greatly reduce nuclear arsenals, tragically spurred by the need for global cooperation in the wake of the 11 September 2001 terror attacks, is a positive sign, but much remains to be accomplished if the world is to eliminate the nuclear threat.

Since its inception in 1957, Pugwash has worked assiduously to end nuclear testing; we have seen this as an essential step towards the eventual abolition of nuclear weapons. All of the first five nuclear weapon states (NWS) undertook to forgo further nuclear tests by signing the CTBT, and to date, 150 other states have signed it. According to the agreement, the Treaty will come into force after being ratified by 44 specified states. Two nuclear weapon states, France and the UK, ratified the CTBT in April 1998. Ratification by the United States would have been a strong inducement to Russia, China and other states to follow suit.

The U.S. Senate voted, however, against ratification of the Treaty last month, and this should be a matter of great concern because it is evidence of serious dissension between President Clinton and important elements in the Congress: dissension so serious that the United States may be unable to act coherently and constructively on important issues of foreign policy, even when public opinion is strongly supportive of its doing so, as was the case in the instance of the Comprehensive Test Ban Treaty. This is especially worrisome at this time considering that relations between Russia

Destruction of a Minuteman III silo

and the West have, in important respects, taken a turn for the worse in the last several years, because the nuclear weapons states have made it clear that they continue to see nuclear weapons as critical components of their military postures and policies, with, in the case of Russia, there being evidence of even increasing emphasis on them, and because of continuing, and perhaps even increasing, risks of the spread of nuclear weapons and fissionable materials.

For the sake of humanity we must avoid a return to the dark age of the Cold War. Accordingly, we appeal to governments to take action to prevent such a catastrophe. In particular:

We call on the states that have signed the CTBT to affirm that they will not resume testing.

We call on the states whose ratification is necessary for the CTBT to come into force, i.e. Algeria, Bangladesh, Chile, China, Colombia, Democratic Republic of Congo, Egypt, India, Indonesia, Iran, Israel, North Korea, Pakistan, Russia, Turkey, the United States, Ukraine and Vietnam (three of these, India, North Korea and Pakistan have also yet to sign) to ratify the Treaty at the earliest opportunity.

We remind those nuclear weapon states, parties to the Non-Proliferation Treaty, that have not yet ratified the CTBT that they are legally bound by Article VI of the NPT to proceed in good faith to nuclear disarmament.

We call on the Russian government to ratify START 2 so that the bilateral disarmament process can proceed under the terms of START 2 and subsequently START 3.

We call on members of the Conference on Disarmament (CD) in Geneva to conclude quickly a treaty to halt the production of fissile materials.

We appeal to the first five NWS and NATO to stop blocking discussion on nuclear disarmament at the CD.

Finally, we appeal to people of goodwill everywhere to awaken to the perilous situation in which we find ourselves, and which may even be worsening. The abatement of the immediate danger, after the end of the Cold War, produced the perception that the nuclear issue could be taken off the agenda of problems affecting world security. The nuclear tests by India and Pakistan in May 1998, and now the inability, because of domestic political considerations, of the United States to play as constructive a role in respect of nuclear weapons issues-and, more generally, international affairs- as it otherwise might, as evidenced by the debacle in the US Senate over the CTBT, have demonstrated that this complacency was misguided. There is an urgent need to bring the nuclear problem back to the forefront of attention.

"For inspiration on the subject [of nuclear weapons arms control], I have come across no one more credible than the noble, Nobel Laureate Pugwash. No group has made a more invaluable contribution to reversing the Doomsday Clock."

The Honorable Abdul Sattar,
Foreign Minister of Pakistan
Speech at the 2001 Carnegie International Non-Proliferation Conference, 18 June 2001, Washington, DC

7th Pugwash Workshop on the Middle East: *Palestine, Israel and the Middle East Peace Process*

Alexandria, Egypt, 26–29 April 2001

Report

by John Whitbeck

The 7th Pugwash workshop on the Middle East, entitled *Palestine, Israel and the Middle East Peace Process*, was held in Alexandria, Egypt, from 26-29 April, 2001. Hosted by the Swedish Institute in Alexandria in coordination with the Swedish Pugwash Group, the workshop brought together 21 participants from ten countries, including six Israelis and three Palestinians. Other Palestinians who had planned to attend were unable to do so due to a total blockade imposed on the occupied Palestinian territories in connection with Israel's independence celebrations. The discussions were conducted in a straightforward, business-like atmosphere, notwithstanding the extremely tense and grim situation on the ground in Israel and Palestine as the Al-Aqsa *intifada* entered its eighth month.

Discussions during the workshop focused on the successes and failures of the Oslo process, refugees, Jerusalem, areas for potential security, economic and scientific cooperation and how best to keep hopes for peace alive even if progress toward peace is unlikely in the near term.

The Oslo process

While some participants cited certain successes attributable to the Oslo process and asserted that its failure was not inevitable, the emphasis in discussions was on the flaws and foreseeable failure of the process.

One participant argued that the collapse of the Oslo process was virtually inevitable from the start and should surprise no one, that no amount of mutual concessions would have changed the results, that the official positions of both sides are irreconcilable and that psychological developments on both sides in recent months have made the obstacles to peace insurmountable.

Another participant cited as a principal flaw the procedural goal of relying on a gradual confidence-building process, with the parties moving from easy questions to more difficult ones. The possibility was raised that the chances of success might have been higher had the parties addressed the difficult questions first and attempted a global "one fell swoop" solution. Other "landmines" cited included: (1) the critical role given in the Declaration of Principles to UN Security Council Resolution 242 as the goal of the process, when each side knew well that the other had a radically different view as to what Resolution 242 means; (2) the great emphasis placed by the Declaration of Principles on joint economic development schemes (none of which were carried out); and (3) the failure of both sides to deal firmly with their own extremists. Continuing settlement building and expansion was

El Iskandarîya

also cited as an exacerbating element having a major confidence-destroying effect on Palestinian opinion.

Another participant, while sharing the general view that blame should properly be shared by both sides, felt that it was difficult to equate the occupier and the occupied. According to this view, when the Barak "offer" of July 2000, characterized as the most "generous" Israel would ever make, failed to constitute a true end to the occupation and a genuinely independent state in the 22 percent of historical Palestine conquered in 1967, despair set in and then exploded. There comes a time when people simply get fed up, and it should not be forgotten that the seven-year "peace process" followed a six-year intifada. The expectation of the Palestinian people was that occupation would be replaced by emancipation, but this didn't happen. So-called "terrorism" has been the response to occupation throughout history in all kinds of colonial situations. So long as Israel chooses to continue the occupation, according to this view, it will be met with resistance, and the resistance will be suspended only when there is an agreed mechanism providing real hope for an end to the occupation.

Another participant saw the fundamental flaw in the Oslo process as the failure to make the understandings and expectations of both sides clear at the start. While the Palestinians assumed that the object of the process was to end the occupation, this participant felt that most Israelis assumed that the object of the process was to obtain Palestinian acquiescence in, and acceptance of, the occupation in a restructured form, as well as personal security for Israelis from the start of the process, even before the Palestinians could be sure where the process was leading.

Other participants suggested that it may be unfair to say that the Oslo process failed, because, like communism, it was never really tried, being overwhelmed by negligence, foot-dragging and sheer bad faith on both sides. Perhaps the process failed because, at various crossroads, the wrong decisions were consistently made, with both sides choosing to violate agreements and thereby creating distrust rather than trust.

So-called "terrorism" has been the response to occupation throughout history in all kinds of colonial situations.

One participant expressed the view that it will be much more difficult to relaunch the Oslo process than it was to start it in the first place, as perceptions of the "other" on both sides are now even worse than pre-Oslo and because the enhanced expectations of peace, so dramatically disappointed, have produced a sense of betrayal and extreme distrust on both sides.

Refugees

More encouragingly, a paper was presented which convincingly argued that viable alternatives for dealing with the refugee issue and the Palestinian right of return on a mutually satisfactory basis do exist.

This view contends that the widespread Israeli reaction to Palestinian insistence that Israel formally acknowledge the Palestinian right of return (i.e., that this insistence is proof that the Palestinians still seek Israel's destruction and are not interested in peace), is both illogical and dangerous in its consequences. A distinction must be drawn, it was argued, between the Palestinian *right of return* (which exists as a matter of international law and does not depend on whether people were expelled or not, or on whether Israel formally acknowledges it) and the *actual return* of Palestinians to Israel. It was suggested that, while the Palestinian leadership seeks formal recognition of Palestinian rights, it does not seek the return of huge numbers of Palestinians to Israel.

The challenge presented was one of finding a way to accommodate the Palestinian right of return to Israel while avoiding any actual return in numbers so significant as to threaten Israel's character as a Jewish state (a character implicitly accepted by Palestine through its explicit acceptance of UN General Assembly Resolution 181 in Palestine's 1988 Declaration of Independence). Thus, the negotiating gap between the two sides was perceived as being more about conceptualization (absolute right vs. humanitarian generosity) than about actual outcomes.

It was suggested that, from a Palestinian standpoint, the option to have meaningful choices about whether or not to actually return to Israel is the central issue. Palestinian leaders need to be able to say to their people, "Yes, you have an opportunity to return to Israel, but you also have a variety of other options. Some

Mohamed Kadry Said and Joseph Alpher

of them are quite attractive. You choose." Israeli and Palestinian negotiators should put aside the issue of the basis on which the options are grounded and concentrate on structuring an attractive "menu" of options from which each individual refugee could make his or her own personal choice. As a practical matter, if refugees are given an attractive set of resettlement options, the great majority would, it was argued, almost certainly not choose to resettle in Israel.

The paper emphasized the desirability of establishing an agreed "rate of return" to Israel rather any total cap or time limit on return. The existence of a regulated rate of return would mean that, if more Palestinians seek to return to Israel than this rate permits in the near term, candidates would have to wait in a queue. The greater the number who seek to return to Israel, the longer the queue and thus the longer the wait. This in turn would mean that opting to return to Israel would become less and less attractive compared to earlier resettlement elsewhere, accompanied by immediate access to a major financial package of assistance and compensation.

It was noted that, from an Israeli point of view, the return of some refugees is more threatening than the return of others, the least threatening being actual 1948 refugees, of whom the number still living is quite limited. The return of all actual 1948 refugees, accompanied by their minor children in the rare cases where minor children exist, should be possible. Such refugees would have no long-term impact on Israeli demographics and would pose no security threat. In the context of refugee resettlement, the possibilities of land swaps and bi-national zones were also evoked.

In response, one participant, while conceding that such ideas were intellectually sound, viewed gaining acceptance of them from any level of Israeli society as highly problematic. Another participant stated that any Israeli acknowledgement of the Palestinian right of return was out of the question since it would constitute an acknowledgement that Israel was "born in sin" and would thereby be totally contrary to Israel's national narrative. Another argued that there was no reason to believe that any people given the right to immigrate to a rich state from a poor state would not avail themselves of that right. From another perspective, it was suggested that it is illogical to deny a right of return to people actually born in a particular place while granting such a right to others based on some possible ancestors 3000 years ago.

Jerusalem

Further long-term encouragement for the peace process was provided by a paper on Jerusalem suggesting that, in the aftermath of the Camp David negotiations, which shattered Israel's taboo against any discussion of "sharing" or "dividing" Jerusalem, several viable options for a solution to the status of Jerusalem acceptable to both sides now exist.

The legal argument was developed (seemingly not disputed by any participants) that Israel currently possesses sovereignty (defined here as the state-level equivalent of legal title or ownership) over no part of Jerusalem (East or West) and that the only way that Israel will ever acquire sovereignty over any part of Jerusalem is by agreeing with Palestine on a fair basis for either sharing or dividing sovereignty over the city

(or doing a bit of both) which is recognized as fair and accepted by the international community. Moreover, if Israelis perceived sharing or dividing sovereignty over Jerusalem as a way to acquire or achieve sovereignty over Jerusalem, rather than as a giving up or relinquishing of sovereignty over Jerusalem, then a mutually acceptable resolution of the status of Jerusalem (and hence peace) would be vastly easier to achieve.

It was emphasized that, in seeking a solution to the status of Jerusalem, it is essential to distinguish between sovereignty, which is an intensely emotional issue, and municipal administration, which is not, and that negotiators should focus first on agreeing upon administrative structures for an open, physically undivided and fully demilitarized city. It was further suggested that, while most Israelis and most Palestinians view sovereignty over Jerusalem as an objective of great importance to be secured, the more rational approach is to view it as an obstacle to peace to be overcome and to seek mechanisms and procedures to demystify and banalize the issue of sovereignty.

Three viable sovereignty alternatives with the potential to be acceptable both to most Israelis and to most Palestinians were cited: (1) a pure "condominium" solution, under which sovereignty over an undivided Jerusalem would be shared, making the city the one, indivisible and inspirational capital of two sovereign states; (2) a pure division solution, under which each state would have exclusive sovereignty with respect to those Jerusalem districts in which its people live; and (3) a mixed divide-and-share solution, under which the "condominium" principle of joint undivided sovereignty would apply only to the contested core of the city while sovereignty in the rest of the city would be divided as in the second alternative. It was proposed that the Palestinians might wisely propose all three alternatives simultaneously to Israel and undertake to accept whichever one Israel prefers.

In seeking a solution to the status of Jerusalem, it is essential to distinguish between sovereignty, which is an intensely emotional issue, and municipal administration, which is not.

It was noted that, during the Camp David negotiations, at the opposite extreme from the approach of finessing the sovereignty issue through joint undivided sovereignty over the whole city, minds were focused like a laser beam on the issue of exclusive sovereignty over the most sensitive square meters of the city for both sides, the Haram al-Sharif/Temple Mount. Without any credible reason to believe that doing so would prove constructive, this approach was almost certainly not constructive. Adopting it risked converting a clash of nationalisms into a clash of religions, which is potentially much more dangerous and difficult to resolve.

Several participants agreed that it was most unfortunate that religious sites had become a focus of attention at Camp David and that it was most important that the religious aspect of the conflict not move to the forefront, since this could place the emphasis on absolute and abstract issues which are impossible to reconcile. One participant observed that putting religious people on any negotiating team is the best way to ensure that the problems at issue will not be resolved.

It was noted that there is a clear contradiction between the general consensus of Israelis and Palestinians that Jerusalem must be an open and undivided city and the current strong preference of both peoples for clear, "hard" borders between the states and peoples. Any peace requires a mutually satisfactory solution to the status of Jerusalem, such a solution can only be found in the context of a "warm and open" peace with "soft" borders, but neither Israelis nor Palestinians are thinking any longer in terms of a "warm and open" peace.

Palestinian-Israeli cooperation

Discussion on security cooperation issues focused on the desirability (and implausibility) of including Israel within a Middle East Nuclear-Free Zone. While one participant argued that security issues cannot be delayed until after the "peace process" is completed and that the creation of such a zone and enhanced security for all in the region should be pursued in parallel with the "peace process", another stated that Israel would only be interested in such a zone once a "comprehensive" peace has been achieved and Israel is convinced that it will endure.

It was suggested that effective regional security (and not just Israeli-

Palestinian security) is necessary and that, in the absence of ongoing multilateral security talks pursuant to the Madrid process, Pugwash might consider picking up this responsibility and challenge. There was vigorous disagreement as to the reasonableness of Arab fears over the threats posed by Israel's weapons of mass destruction and missile capabilities and, in particular, by statements in April from Israeli Minister for National Infrastructure Avigdor Lieberman amounting to public threats to bomb the Aswan Dam.

Security problems at a personal level were also evoked with respect to the recent explosive growth in the availability of small arms in the occupied Palestinian territories, both among Palestinians and among Israeli settlers, resulting in a higher level of lethal violence during the current intifada than in the original one. Among the responses possible, it was proposed that the introduction of international peace-keeping forces, closer compliance with the Oslo-process limitations on arms, strengthening Palestinian civil society as an alternative to gun rule, and unilaterally removing some of the most provocative settlements (particularly in the Gaza Strip) should be considered.

Visions of future economic cooperation, particularly with respect to water resources, agriculture, and environmental protection, were also presented. The potential for developing desalination plants based on natural gas deposits recently found off the Gaza coast was mentioned, and one participant urged the development of the Ashdod/Gaza/El Arish area as a cooperative tripartite "megaport". More generally, it was suggested that economic growth in a Palestinian state should be viewed as an essential Israeli security imperative.

The future

Little optimism was expressed about progress toward peace while Ariel Sharon is Israel's prime minister. There was a consensus that, in light of the current dangerous cycle in which each side disbelieves in the sincerity of the other side and sees no hope for peace, the immediate need is for short-term crisis management to prevent the situation from spiraling completely and irremediably out of control.

Various suggestions were made for constructive steps which could, nevertheless, be taken in the near term. These suggestions included: (1) replacing the Palestinian Authority with an internationally recognized Palestinian state; (2) ensuring a total freeze on all settlement building; and (3) preventing inflammatory unilateral actions by either side. It was also suggested that the Palestinian leadership needs to put forward publicly a clear and detailed description of the peace that Palestine seeks, in order to generate more support for the peace process with Israeli public opinion.

Several participants noted that both sides seem to be hoping that if they inflict enough pain on the other, over a long enough period of time, then the other side will lose heart and give them what they failed to achieve through negotiations – an end to the occupation or acquiescence in the occupation. However, no participant expected that such violence would result in a satisfactory solution for either side in the foreseeable future.

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Papers

WORKING PAPERS

Joseph Alpher (Israel): The Oslo Process: Failures, Lessons, Alternatives.

Carin Atterling Wedar (Sweden): Is There a Chosen People?

Jeffrey Boutwell (USA): Light Weapons and Israeli-Palestinian Peace.

Maher El-Kurd (Palestine): Israeli-Palestinian Relations: An Appraisal.

Mohamed Kadry Said (Palestine): Crisis of Idealism in the Middle East. The Nuclear Dilemma.

Herbert Marcovich (France): Palestine, Israel and the Middle East Peace Process.

Gueorgui Mirski (Russia): Arab-Israeli Relations: The Way Forward.

BACKGROUND PAPERS

Gabriel Baramki (Palestine): "The Necessary Ingredients for a Comprehensive and Lasting Peace in the Middle East from a Palestinian Perspective", paper presented at the ISODARCO Winter Course, Andalo (Trento), Italy, 21-28 January 2001.

Ove Bring (Sweden): "The Condominium Solution as a Gradual Process: Thoughts of an International Lawyer after the Conference", Afterword in *Negotiating the Future: Vision and Realpolitik in the Quest for a Jerusalem of Peace*, ed. by Chaia Beckerman (1996).

David Makovsky (USA): "Middle East Peace Through Partition", *Foreign Affairs*, March-April 2001, pp. 28-45

Jerome Segal (Israel): Right of Return Confusions.

John V. Whitbeck (USA): The Status of Jerusalem under International Law, an address at the Conference of the United Arab Emirates Jurists Association on "Human Rights under Israeli Occupation" in Sharjah on April 11, 2001.

John V. Whitbeck (USA): "Time for a New Language of Peace," *International*, March 2001, pp. 22-23.

3rd Pugwash Workshop on Intervention, Sovereignty and International Security

Castellón de la Plana, Spain, 4–6 May 2001

Report

by Jeffrey Boutwell

The third meeting of the Pugwash Study Group on Intervention, Sovereignty and International Security was held 4-6 May 2001 in Castellón de la Plana, Spain. A total of 20 participants from 12 countries took part in the workshop, which was hosted by the Spanish Pugwash Group, with support from the Fundacion Caixa Castellón. Special thanks are due to Federico García Moliner of Spanish Pugwash and to Antonio Tirado Jiménez and Luis Barrachina of the Fundacion Caixa Castellón. General support for the Pugwash Study Group has also been provided by The Rockefeller Foundation. Participants took part in the workshop in their individual capacities, and this report reflects only the views of the rapporteur.

Whither Humanitarian Intervention?

The workshop began with an overview of where the international community currently stands regarding the necessity and modalities of humanitarian interventions. It was observed that the defining moments of the 1990s – where numerous peoples were the victims of pathological governments or groups unconstrained by those governments (Bosnia/Croatia, Rwanda, Somalia, Liberia) – remain with us today. Nonetheless, there also remain quite different views in the world on the relationship of the individual to the state. Similarly, the international community has seen an advance in the clarification of international legal perspectives, on modalities for protecting the rights of the individual, and on the options for intervention. Yet at the same time, there is decreasing likelihood that action will be taken, as the appetite for intervention is decreasing.

Equally significant in thinking about humanitarian intervention is the fact that the world could well be moving into a period of renewed strategic rivalry, marked by a renewal of individual state power, a reduced reliance on multilateral institutions, and the return of nuclear weapons in global politics (the latter stimulated by a growing US-China rivalry, nuclear proliferation concerns and US choices about dealing with those concerns, and nuclear weapons being a logical choice for countries wanting to forestall intervention against them).

In this situation, where the legal imperatives supporting humanitarian intervention may be strengthening but global politics are mitigating against intervention, a number of themes were adduced. First is a growing recognition that states and governments have a responsibility to protect their citizens (a concept far broader than humanitarian intervention). This then argues for moving from a rights-based to a duty-based framework when it comes to protecting individual life and liberty. To do so, however, will entail forging broad mandates that can legitimize intervention as broadly as possible (e.g., the East Timor fact finding group). Also important is the need for full cycle interventions, from pre-conflict prevention to post-conflict reconstruction. Institutionally, there remain questions about the standing and capabilities of regional organizations to advance humanitarian concerns. Finally, looming over all these issues is Banquo's ghost – the conspicuous absence of a specific American voice in the debate.

In response, it was pointed out that if coalitions of the willing are becoming less feasible, primarily because the major actor (the US) is opting out, then doesn't it make sense to focus even more on pre-intervention strategies than on relying on military interventions once conflict has begun? In this regard, issues to be examined would include modalities of state building, conflict resolution, coercive inducement, and coercive

Robert Legvold addresses workshop participants.

prevention, and which organizations/actors are best suited to carry out such modalities. One view noted that, given the poor track record of conflict resolution, there is a need to look more closely at coercive prevention (as formulated by Bruce Jentleson and others) and other early conflict intervention strategies. At the other end of the spectrum is the need for multilateral involvement in constructing trusteeship governments that can restore stability in post-conflict societies.

In concluding this session, it was generally agreed that whatever international consensus on intervention did exist in the 1990s was largely due to the extant honeymoon between the US and Russia, and China's general voluntary absence, neither of which applies today. Even a Kosovo-type operation will be hard to mount within NATO, and Russia/China won't acquiesce the way they did earlier.

Legitimacy and International Law

In discussing the interplay of international law and humanitarian intervention, one participant argued against the notion that evolving customary law is legitimizing humanitarian intervention, but with an important caveat: though the UN Charter remains clear on the requirement for prior Security Council approval, the UN has given its approval post-facto by identifying certain crises as threats to the peace and to certain actions (Haiti, Iraqi no-fly zones) as humanitarian actions. Moreover, it was argued that, while Kosovo was not legitimate under international law, it remains the case that international law should not be the final arbiter of human actions.

Another participant observed that the UN Charter does not contain a complete prohibition on the use of force (e.g., rescue of nationals, fighting terrorism, self determination, gross violations of human rights) and that these can be seen as precedents in strengthening customary international law. Although one view held that perhaps the 1951 Uniting for Peace resolution could be a way to take action when the Security Council is deadlocked, others said no, only a unanimous Security Council is empowered to legitimize intervention and the use of force.

A different view emphasized that international law is based on nation, state, and sovereignty, and that notions of limited and relative sovereignty must cut both ways. Moreover, the international community is not doing enough in terms of aid and support to improve conditions in developing countries so that these don't become the kind of failed state necessitating intervention.

In response, it was asked whether developing country opposition to intervention is philosophical or based on the way that interventions have been carried out. There was agreement that the humanitarian rationale for intervention must be broader than the protection of political and civil rights, encompassing as well freedom from need and freedom from fear. It was noted that the International Commission on Intervention and State Sovereignty (ICISS) was seeking to develop a concept of a 'responsibility to protect' that could encompass these various components of human rights [see page 33].

A different view brought up the need for developing a consensus on what exactly constitutes sovereignty and the role of the state in providing basic human needs, as in many parts of the world the state has never been the primary provider of these goods (compared to community, tribe, family, religion).

Finally, while recognizing the difficulty of obtaining legitimacy for intervention within the current political system (veto power), several par-

ticipants returned to the proposition that actions can be based on considerations that are broader than strict legal norms. Thus the process of norm building, and of holding states accountable, is very important in helping to legitimize the concept of 'protection of the individual'.

Intervention and Great Power Relations

The argument was made that if we are moving away from multilateralism to a state-based system, then modified balances of power and not global governance are the more appropriate reference points (similar to the 1920s) for thinking about safeguarding the human condition. The key issue here is the notion of responsibility and commitment to state-building even when this falls outside areas of national interest. Above all this means the desirability of promoting stable, democratic states (of moving premodern and modern states to postmodern status) and reducing inequalities in the international system.

In addition to issues of human welfare, however, it was argued that, although international security may have slipped on policy agendas and is no longer so important in determining responses to humanitarian crises, this view is myopic and short-sighted. Strategic rivalry among the world's major powers is returning. State building and state collapse (especially in and around Asia) are crucially important factors that could affect international stability. China is now 4-5 separate regions proceeding independently. There is a need to ensure that such regional instabilities do not re-ignite strategic rivalry. The great powers especially need to work with each other and with regional powers to forge a division of labor on state building that can both protect individual rights and promote international stability.

Looking at the post-Soviet space, the administrative boundaries of the USSR do not correspond with what should have been the natural borders of the newly independent states. Externally, the breakup of the Soviet Union as well as Yugoslavia led to a renewal of historic ties (zones of interest) between indigenous regions and peoples with outside states that had previously been contained (Germans-Croats). More significantly, the UN was created on the basis of five great powers, not one hyper-power, a broken up former superpower, and a reshuffling of the three remaining great powers (with China ascendent). When you add the emergence of three new nuclear powers (Israel, India, Pakistan), it is obvious that new mechanisms, structures, and norms are needed to deal with a very different international situation.

The problem with both China and Russia, of course, is what types of outside engagement the two countries will find acceptable so that these regions don't become major flash points during a time of renewed strategic rivalry. At a minimum, it was argued, what is needed is a consensus between 'the West and the rest' on issues of sovereignty and intervention before one can move to constructive engagement. In this regard, a commitment to liberal internationalism (Shevardnadze) is an important component which has disappeared in Russia.

In the US, current debate focuses on assessments of national interest (isolationists v. internationalists) in addition to value-based arguments about promoting human welfare (the US has a special responsibility as a hyperpower to act on values and strengthen norms). Several participants held, however, that the distinction between interests and values is artificial, as interests often support values and values can underlie interests. Citing Tony Blair's Chicago speech on Kosovo, one participant stressed the importance of framing the intervention issue as one where values inform interests.

In terms of structural strategies for preventing conflict, it will be difficult to persuade the great powers of the cost-benefits of acting early, especially when this is needed in so many places. Also difficult will be establishing connections between ends and means, where the latter does matter, both in causing injury and in causing instability (and undermining long-term prospects for peace and stability). This is precisely why this issue is so important, no matter what strategy is employed, because in the end interests will predominate over values in determining action.

Intervention and Military Force

One participant argued in favor of maintaining a norm of non-intervention, but in a context where sovereignty entails responsibility for protecting individual rights – where states and governments need to 'earn' the protections of sovereignty.

Can human rights be defended through force; Can violence and threats to the right to life be justified

in defense of human rights? The international community needs to focus on modalities of non-violent humanitarian intervention, while recognizing that these won't solve emergencies of mass killing such as occurred in East Pakistan, Cambodia, and Rwanda.

Six principles were enumerated in defense of the use of force:

- just cause (supreme humanitarian emergency – "shock to the conscience of mankind");
- last resort, exhausting peaceful solutions (but not in a drawn-out continuum), never forgetting that the use of force will always produce some harmful effects;
- seek to end the catastrophe as quickly as possible;
- non-combat immunity as the *sine qua non* of proportionality;
- right intention (while recognizing that beneficial outcomes can be produced from non-humanitarian intentions, e.g., Vietnam's intervention in Cambodia);
- reasonable prospect of success (both saving the victims and putting in place structures to safeguard rights, though this will be very difficult to do).

Regarding procedural rules underlying the use of force, should one rely solely on Security Council authorization? Can there be cases of implied authorization, based on existing UNSC resolutions (recognizing that these could be politically manipulated; e.g., the use of an Arab force in defense of the Palestinians)? What about General Assembly authorization (again, acknowledging that this could be politically misused)? Finally, what new legal norms might arise outside of the UN (e.g., the International Criminal Court, the landmines convention) that could sanction military intervention?

KFOR patrol with Kosovar Serb.

In the end, international norms can enable intervention, but they won't guarantee it. Thus it is all the more important to place the defense of human rights and values as being both in the national interest and a prime responsibility of states.

The point was made that there will often be tension between the principles of proportionality (non-combat immunity) and seeking to end a human rights catastrophe as quickly as possible. In the case of Yugoslavia, the targeting of power plants, bridges, and economic infrastructure had less to do with degrading Serb military capabilities in Kosovo than of putting maximum economic pressure on the Milosevic regime to desist, though of course this risked inflicting civilian casualties. How does one define non-combat immunity, and to what extent are non-military assets justifiable targets in using force for humanitarian aims?

It was acknowledged that many people see using military force in defense of humanitarian aims as an oxymoron. Nonetheless, the enumeration of principles that can guide the use of military force is important not just to shape policy but in the setting of benchmarks for outside evaluation of the use of force by publics, media, NGOs, etc., all of whom should hold the intervenor accountable. To be sure, there will be differing interpretations of military actions; for example, in relation to the 1977 Geneva Protocol, NATO and Human Rights Watch interpreted the bombing of bridges quite differently. The issue of non-combat immunity is also problematic, in that hitting civilian targets hard early in the Yugoslav campaign might have ended the war earlier,

Chantal de Jonge Oudraat and Air Cmde. Jasjit Singh

thus reducing overall civilian casualties and adhering to the principle of proportionality.

It was noted that a US military doctrine which focuses on just cause and speedy resolution, necessarily relegating proportionality and civilian immunity to second place, itself constitutes a moral argument for the best method of reaching the goal. But given this doctrine, US forces are not optimally organized and trained for humanitarian operations.

In the end, the above discussion points to the need for more work on the extent to which principles underlying military intervention can shape decisions to both initiate and carry out such campaigns.

NGOs and Humanitarian Intervention

Human rights NGOs especially have a maximalist goal of protecting every individual's rights, which can be in tension with proportionality/net benefit calculations of forceful interventions on larger scale. In addition, human rights NGOs themselves sometimes have to make these tradeoffs in seeking to protect victims (of compromising on questions of legitimacy with a regime, of supporting forceful interventions that might undermine long-term evolution of norms that can protect future victims).

Intervenors need to make provision and elucidate strategies for protecting civilians both during and after forceful interventions. Human rights NGOs will react differently to different types of military interventions (e.g., Dallaire protecting Rwandans, with suitable forces, and Short massively bombing Yugoslavia to get Milosevic back to the negotiating table). Both operations will entail civilian casualties, and both may be the right strategy for the circumstances, but NGOs will nonetheless react differently to them.

The point was also made that not enough has been learned from unarmed responses to defuse conflict.

Full Cycle Planning

Discussion began with the observation that the CNN effect and the messiness of democracies precludes full cycle planning and full cycle involvement. Also, a failure to meet the stated objectives for interventions builds up over time and weakens the prospect for future interventions. Better educated publics and improved communications in developing countries, among other factors, make it dubious that effective colonial type administrations are possible in today's world.

Regarding UN capabilities for full cycle planning, remember that the organization is not one but many actors, with different constituencies, cultures, and funding levels. The problem is exacerbated by the way donor countries structure their funding (priorities follow the money, not the other way around). The UN has neither the time nor money for contingency planning on crises and coordination; Kosovo and Timor happened following several years of budget cuts, where UN departments were most concerned with preserving their existence.

Despite these obstacles, the UN is looking at full cycle planning, and is the body most well equipped to do so. It should be remembered that it is often the poorer developing country members of the UN who are the ones actually providing troops and critical support for humanitarian operations, and it is these same countries who make up the regional organizations which can provide on the ground knowledge and staying power.

Another challenge for full cycle planning is getting necessary involvement from those in the country/society being intervened against, especially in terms of post-conflict reconstruction. This was a problem in Somalia, where there was very little shared understanding with local Somali leaders.

Lessons Learned and the Way Forward

The UN has been heavily criticized for flawed outcomes that stem from flawed interventions (whether military or non-military). Yet the UN has to deal with inherently unstable regions, where conflict/post-conflict is not a continuum but a cycle. The

organization is often called on to respond with insufficient notice (the post-conflict Kosovo situation was dumped on the UN with 3 weeks notice); insufficient funds; and inequality in funding (Kosovo v. Sierra Leone). There are also the difficulties of coordination within the UN and between UN agencies and NGOs (there were some 200 in Kosovo shortly after the end of conflict) and the manipulation of the international community by warring parties.

Looking at the case of Africa, there is now 40 years of intervention experience on the continent, but little in the way of lessons learned and strategizing on how to do it better. Issues of governance are critical to conflict prevention in Africa, of people focusing on what their governments can do for them, of holding governments accountable. Once conflict does break out, there will be no quick fixes, so be wary of rushing into a truce that will break down. While conflict prevention is necessarily a long-term strategy, this is where the focus should be: democratization, accountability, transparency, good governance. In support of these goals, some coercion (diplomatic, economic) on the part of the international community will be necessary.

In terms of the way forward, many emphasized the need to reconcile intervention principles and procedures, while recognizing that intervention issues are drivers of international relations and can either facilitate cooperation or sharpen tensions between the major powers and between and within different regions.

Regarding how to intervene, five components were thought essential: assess the objectives; assess the setting and actors involved; assess options; maintain solidarity among the coalition of the willing; and do no harm and stay the course.

Problems still remain, however, of how to turn substantive principles into procedures for action; of providing practical policy guidance on articulating principles and procedures for intervention. One participant thought that this task would be a natural one for the ICISS, of specifying principles of legitimacy and operational effectiveness.

Others recognized the difficulty of transforming principles into practical policy guidelines, but argued that such an exercise is important in promoting convergence on these issues between the great powers, differing regions, and different global constituencies (security, development, human rights communities). Also important is the effort to think about concepts of national interest that incorporate individual rights and the dangers posed by failed states that can help strengthen the case for intervention, where needed.

Some participants argued for setting such issues in a global governance framework, where intervention and human rights protection affect issues of managing strategic rivalry, UN reform and effectiveness, maldistribution of resources, and trans-national civil society.

Of course, the major question remains: where is the US in all this? What happens when the US opts out of multilateral institutions and cooperative arrangements?

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Papers

WORKING PAPERS

Victor Kamyshanov (Russia): Thesis to the 3rd Seminar of the Pugwash Study Group on Intervention, Sovereignty and International Security (Revised)

Gwyn Prins (UK): Thinking about Intervention: An essay reflecting upon the state of the debate

Jorge Rodriguez Grillo (Cuba): Are Changes Possible in the Nature of the Sovereignty of the States?: Reconciliation among different perspectives

Laszlo Valki (Hungary): The Post-World-War-Two International Legal System and Humanitarian Intervention

Nick Wheeler (UK): Legitimating Humanitarian Intervention: Principles and Procedures

BACKGROUND PAPERS

Michele Griffin (USA): "Where Angels Fear to Tread," *Security Dialogue*, vol. 31, no. 4, December 2000, pp. 421-435

Bruce W. Jentleson (USA): "Coercive Prevention: Normative, Political and Policy Dilemmas," USIP, *Peaceworks* 35, October 2000

Chantal de Jonge Oudraat (USA): "Humanitarian Intervention: The Lessons Learned," by, *Current History,* December 2000, pp. 419-429

Liam Mahony (USA): "Military Intervention in Human Rights Crises: Responses and Dilemmas for the Human Rights Movement," slightly edited version of the paper presented to the recent consultation of the International Council on Human Rights Policy on *Military Intervention in Human Rights Crises: Responses and Dilemmas for the Human Rights Movement*

Pugwash Conferences on Science and World Affairs

OCCASIONAL PAPER

from the

50th PUGWASH CONFERENCE:

Eliminating the Causes of War

Essays by

Robert Hinde & Lea Pulkkinen; Helen Watson & Jack Boag; Alexander Nikitin; Morris Miller; Anne H. Ehrlich, Peter Gleick & Ken Conca; Joseph Rotblat, Matthew Meselson, Ralph Benjamin, Ana María Cetto & Michael Atiyah

Foreword by

Robert Hinde & Joseph Rotblat

15th Workshop of the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions: *Approaching the First CWC Review Conference*

Oegstgeest, The Netherlands, 23–24 June 2001

Report

by Pamela Mills

This was the fifteenth of the current workshop series on chemical and biological warfare (CBW) that Pugwash has convened in collaboration with the Harvard Sussex Program on CBW Armament and Arms Limitation (HSP) and the ninth to be hosted in the Netherlands by the Dutch Pugwash Group. The workshop was held at the Congreshotel "Oud Poelgeest". Participating by invitation were 37 people from 14 countries (Belgium, Canada, China, Cuba, Germany, India, Iran, Mexico, Netherlands, Poland, Russia, Switzerland, the UK and the USA), all of them doing so in their private capacities. The present report is the sole responsibility of its author, who was asked by the meeting to prepare a report in consultation with the Steering Committee. It does not necessarily reflect a consensus of the workshop as a whole, or of the Study Group.

The workshop was intended to provide an early opportunity for interested people from the international community to discuss what might best be done at the First Review Conference of the 1993 Chemical Weapons Convention (CWC), which is scheduled to be held in the Spring of 2003, that being in the fifth year after entry into force of the Convention.

Issues that it would be important for the Review Conference to address were duly considered by workshop participants, as well as the form to be taken by the review process as a whole. This was after an initial agenda item in which the workshop heard reports on progress in implementation of the CWC and the Biological and Toxin Weapons Convention (BWC) and related activities. The workshop closed with discussion of the future work of the Pugwash Study Group, including possible topics for further workshops.

CWC: Progress in Implementation

Recent successes of the Organization for the Prohibition of Chemical Weapons (OPCW) were identified. They include the establishment of the inspection regime for industrial facilities producing discrete organic chemicals (DOC), near completion of the 1000th inspection, adoption by the Executive Council of the UN-OPCW relationship agreement, progress in the destruction of chemical weapons in all the possessor states except Russia, and the re-organization of the International Cooperation and Assistance Division to include the Implementation Support Branch. However, five potential problems that had been overshadowed during the first four years of the Convention's implementation have in the last year emerged to trouble the Organization. The first is the delay in Russia's program of chemical weapons destruction. Although there has been a marked improvement over last year, achieved by placing the destruction program under civilian control in the form of the Russian Munitions Agency and increases in both budgetary allocation and political attention, a revised program for destruction must still be submitted to the Organization. More consultations between Russia and the OPCW, and between Russia and individual member states, are required if the CWC deadlines are to be extended. The program recently approved by the Russian government expects destruction to be completed in 2012, with one percent of Russia's Category 1 chemical weapons destroyed by 2003. To achieve these ends, increased international support is a necessity.

Second, there is a need for balance in application of the verification regime. Currently 80 percent of the OPCW's resources are spent on the verification of chemical weapons destruction, while 20 percent are spent on the industrial regime. Also, inspections should be applied equally across geographic boundaries to avoid the over-inspection

of certain states parties.

Third, in order to ensure the effective prohibition of chemical weapons, some of the unresolved issues with respect to chemical industry need to be addressed. Accurate statistics on the trade in scheduled chemicals, along with agreement on the declarable thresholds and definition of the relationship between the Australia Group and the CWC, will all contribute to the effective prohibition of chemical weapons worldwide.

Fourth, all states parties are obligated to enact the appropriate legal mechanisms to fully implement the Convention both nationally and internationally. Discrepancies between the states parties' domestic legislation need to be addressed. Also, more facility agreements, above the present 34, need to be concluded between the Secretariat and the states parties.

Fifth, the financial crisis that has haunted the OPCW over the course of the last six months is in the process of being resolved. Since the time of its Preparatory Commission, the OPCW has had to cope with an inherently unbalanced budget, latterly compounded by the "fictitious income" generated by the process of reimbursement for the costs of inspections carried out under Articles IV and V of the CWC. OPCW budgets have failed appropriately to take into account inflation, exchange rates, increases in the UN salary pay scale, and increases in the pace of work of the OPCW, resulting in a policy not just of zero growth but actually of negative growth. These budget realities led to a cash deficit in 2000 and a 2001 budget deficit, which has prompted the current austerity program. The austerity measures now in place within the OPCW include a hiring freeze, cuts in non-essential programming, and a policy of keeping 30 fixed-term posts vacant; however, verification and international cooperation activities are being pursued as fully as possible. The budgetary problems must be resolved, and the states parties must recognize the need for growth in the OPCW budget, before 2003, when the need for a more extensive inspection regime will become urgent with the full functioning of new chemical weapons destruction facilities in at least two states parties. Discussions between the Secretariat and the states parties on the 2003 budget are set to begin this summer.

BWC: Work of the Ad Hoc Group

A Special Conference of the States Parties to the BWC established the Ad Hoc

Group (AHG) in 1994 to negotiate a protocol that would strengthen the BWC, particularly through mechanisms designed to address concerns about compliance. The Conference asked the AHG to finish its work at the earliest possible date and report to a further Special Conference. A particularly important development of the last few months coming out of the AHG negotiations in Geneva has been the release of a Composite Text by the Chairman of the AHG, Ambassador Tibor Toth (Hungary). This happened at the end of March when a substantial proportion of the draft Protocol thus far negotiated, the Rolling Text, was still in square brackets signifying dissensus. The Composite Text represents the results of informal consultations between Ambassador Toth and the various delegations in Geneva, and his decisions on the compromises necessary for consensus. At the April/May session of the AHG, the Composite Text was formally presented to the delegations. As in the Rolling Text, the principal elements of the new draft Protocol are its provisions for declarations (now Article 4), measures to ensure submission of declarations (Article 5), declaration-followup procedures (Article 6), measures to strengthen Article III of the BWC (Article 7), consultation, clarification and cooperation (Article 8), investigations (Article 9), assistance and protection (Article 13), international cooperation (Article 14), the organization (Article 16), and national implementation measures (Article 17).

The close relationship between the CWC and the future BWC Protocol was highlighted as important for both regimes. The two regimes overlap with respect to toxins and bioregulators. Each convention uses a general purpose criterion (GPC) to define its scope. The GPC provides the mechanism both for accommodating technological change and for controlling dual-use technology; the Protocol would in no way limit the GPC. In contrast to the CWC, however, the Protocol does not address the destruction of weapons or their development, production or stockpiling since provisions regarding all of these activities are among the express obligations of the BWC itself. Instead, the Protocol includes provisions designed to deter such activities and to enhance confidence in compliance with the BWC. Also, while the CWC contains in its Schedules lists of "chemicals which have been identified for the application of verification measures", the Composite Text for the BWC Protocol includes lists of agents and toxins certain activities with which on the territory of a state party would trigger a declaration. More differences do exist in the details, but overall, the two regimes are similar and complementary. Furthermore, the Composite Text goes a considerable way in providing for compliance-verification of the BWC itself—which lacked any requirement for declarations or investigations—thereby strengthening the international norm against biological weapons and enhancing deterrence. The presentation concluded with an expression of optimism that, despite the numerous and large political obstacles, a Protocol could be concluded in time for the Fifth BWC Review Conference in November of this year. States parties to the BWC were encouraged to "seize the opportunity" to take a large step toward the total worldwide elimination of the threat from weapons of mass destruction (WMD).

During subsequent discussion of this report, participants focused on the available alternatives to a Protocol, if states parties to the BWC failed to come to an agreement on a draft Protocol at or before the Fifth Review Conference. One suggestion was that the overlap between the BWC and the CWC should be built upon so as to extend the CWC verification system into biotechnological manufacturing industry.

UNMOVIC

The UN Special Commission on Iraq (UNSCOM), established in 1991 by Security Council Resolution 687 in order to verify Iraq's compliance with cease-fire obligations to dismantle and destroy its WMD programs, was evacuated from Baghdad on 15 December 1998. A series of panel discussions early the following year led to the passage of Resolution 1284 in December 1999. This resolution—from which China, France, and Russia abstained—established the UN Monitoring, Verification and Inspection Commission (UNMOVIC). UNMOVIC, under the leadership of Executive Chairman Dr. Hans Blix, was charged with continuing the work of UNSCOM. To date, the main work of UNMOVIC has been training, since they have yet to be allowed to enter Iraq. Four such training sessions have been held, in New York, Paris, Vienna, and Ottawa; over 400 potential inspectors have participated. These sessions cover both general topics and specialized knowledge, such as sampling and analysis. The staff of the New York office, including a number of lawyers, has drafted an operating handbook and established a legal basis for UNMOVIC's work in Iraq, as well as formulating a comprehensive health and safety policy. UNMOVIC has also com-

pleted extensive work on the import/export lists for Iraq and in the area of site definition and categorization; it also reports on a quarterly basis to the UN Security Council.

There is still much work to accomplish before UNMOVIC enters Iraq, which appears to be a long-term prospect. Even so, UNMOVIC is prepared to begin to pursue its mission in the country on short notice. Outside of the technical questions surrounding the extent and sophistication of Iraq's WMD programs, UNMOVIC faces the formidable consequences of Iraqi noncooperation, the impact of the projected BWC Protocol (Iraq is a state party to the BWC, which it was required to ratify under the terms of the cease-fire), and the difficulty of maintaining staff continuity if the current situation continues as is for years or even decades. In the report that was given to the workshop, the following conclusions were drawn from recent events in Iraq, and from UNMOVIC's work so far: that Iraq is not disarmed of weapons covered by the cease-fire agreement; that politics and not inspections will determine Iraqi compliance with the relevant UN resolutions; that the CWC and BWC will struggle to survive without significant progress in disarming Iraq; and that the failure of the international community to accomplish this task will continue to be viewed as a flaw inherent to multilateral verification and inspection.

International Criminalization of CBW Armament

The reports segment of the workshop concluded with an update on the HSP proposal that an international criminal law be created that would be applicable to the weaponization of biological or chemical agents. The HSP draft convention to this end was published in the December 1998 issue of *The CBW Conventions Bulletin*. The draft would make it a crime under international law for any individual, regardless of citizenship or official position, to order, direct, or knowingly to render substantial assistance in the development, production, acquisition, stockpiling, retention, transfer or use of biological or chemical weapons, to threaten the use of such weapons, or to create or retain facilities intended for the production of such weapons. Any person who knowingly commits any of the prohibited acts anywhere, worldwide, would face the risk of apprehension, prosecution, and punishment if found in a state party to the proposed convention.

The HSP draft is modeled on recent international conventions now in force that seek to establish universal jurisdiction for such crimes as aircraft hijacking, torture, hostage taking, theft of nuclear materials, and harming internationally protected persons. These conventions, like the HSP draft convention, do not establish international tribunals but instead provide for the specified offenses to be adjudicated in national courts on the territory where the alleged offender is found or to which such person may be extradited. In contrast, the International Criminal Court (ICC), expected to be established in The Hague, can accept a case only if the state which has jurisdiction over that case is unable or fails to carry out the investigation or prosecution. As regards chemical weapons, the ICC Statute prohibits, under the category of war crimes, the employment of "poison or poisoned weapons" and of "asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices". The ICC Statute contains no explicit reference to biological weapons, and it applies only to actual use, not to development, production, stockpiling or transfer. So far, the drafters of the HSP convention have encountered much private support and no serious objection from the various government officials with whom they have held discussions on the draft. However, no government has yet taken the lead in seeking to refer the draft convention to the Sixth (Legal) Committee of the UN General Assembly for negotiation, to be followed by signature and ratification by states. Work in this regard, that is finding a group of governments interested in sponsoring the draft, or one similar to it, is expected to gain pace in the coming months. As well, funds are being raised to translate the draft convention into the six official UN languages—English, French, Spanish, Chinese, Arabic, and Russian—and to complete an extensive legal commentary to accompany the convention text.

The First CWC Review Conference (2003)

The CWC requires under Article VIII, paragraph 22, that the "Conference shall not later than one year after the expiry of the fifth and the tenth year after the entry into force of this Convention, and at such other times within that time period as may be decided upon, convene in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective." The Verification Annex to the CWC additionally requires in Part IX,

paragraph 26 that "at the first special session of the Conference . . . the provisions of this Part of the Verification Annex [pursuant to the regime for other chemical production facilities] shall be re-examined in the light of a comprehensive review of the overall verification regime for the chemical industry on the basis of experience gained. The Conference shall then make recommendations so as to improve the effectiveness of the verification regime." The CWC enters its fifth year in April 2001, and it is expected that the first special session or "Review Conference" for the CWC will take place in the spring of 2003.

The fact that the OPCW has organs that, in effect, continuously review the operation of the CWC means—so it was generally agreed among the workshop participants—that the Review Conference process should be concentrated on the larger issues that tend to evade day-to-day attention. What most needed review, in other words, was longer-term strategy for implementation of the Convention. Further, the process should provide opportunity for groups that mostly lie outside the OPCW institutions to express their views to the OPCW in expectation of being heard—groups that are either affected by the Convention or otherwise have a constructive interest in its proper application. Such groups exist in industry, in academia, and in other non-governmental organizations (NGOs) and organs of civil society.

This general theme—that the Review Conference should complement, not replicate, review activities that take place anyway within the OPCW—recurred throughout the presentations on the component issues and their discussion, which are now summarized in turn.

Experience from Other Review Conferences

Workshop participants were first presented with an overview of the conduct of past review conferences for multilateral treaties comparable to the CWC, such as the BWC and the NPT.

Three review conferences for the BWC have been held since the first in 1980; the fifth will be held from 19 November to 7 December 2001. These sessions have examined scientific and technological developments of relevance not only to Article I of the Convention, but also to all articles. From the review conferences, extended understandings of the original definitions and obligations of the BWC have come about. The approach taken at the BWC review conferences has been to address the preamble and each article of the Convention individually, systematically combing through the Convention. The Conference results in a Final Declaration reflecting the consensus of the states parties. The Review Conference typically lasts for three weeks; six months in advance of the start of the Review Conference a preparatory committee meets for 2-3 days to draft an agenda and invite states parties to submit information on implementation of the Convention, scientific and technological developments, and working papers.

NGOs have played a discernible role in the BWC review conferences and in the AHG negotiations. At the last BWC review conference, NGOs that had demonstrated "serious intentions" were able to make statements during a special informal session, and there has been discussion within the preparatory committee for the next BWC review conference toward allowing NGOs to submit written material as well as to speak during plenary sessions.

As to the role that NGOs might play in the review process for the CWC First Review Conference, some participants held that NGOs should use their influence to lobby for official recognition at the First Review Conference as well as a degree of participation in it. Other participants observed that it might be more useful for NGOs to become active in substantive aspects of the review process, or, in capitals, to engage themselves in the policy-shaping work associated with the process. Noted as a promising example of substantive OPCW-NGO cooperation was the recent undertaking by the International Union of Pure and Applied

Chemistry (IUPAC) to review relevant scientific and technological developments for the OPCW.

The NPT review mechanism has been in place since 1975 and thus is a very different process. Yet, it was highlighted that NGOs have been able to attend not only the extension or review conferences themselves but also to participate in the preparatory committee meetings.

The workshop was later told of three specific NGO projects.

First, preparations are now far advanced for a *CWC Appeal*. This document, on which there has been extensive consultation, will appeal to states parties to uphold the international norm with respect to chemical weapons and generate political and financial support for the OPCW. The Appeal is being circulated for signatures among those who took part in the negotiations in Geneva that gave birth to the CWC and other current and former ambassadors and government leaders.

Second, an Internet discussion forum is being established for the benefit of those in academia and elsewhere in the NGO community who conduct research into issues of chemical and biological weapons and their worldwide control and elimination. The forum is intended to stimulate debate on policy, to design and pursue research questions, and to disseminate information relating to the CWC and the BWC.

Third, there is an initiative for representations to be made to the OPCW, initially through a coalition letter to the Director-General, expressing the desire of NGOs to play a larger role in the implementation of the Convention, the work of the OPCW, and consequently in both the review process and the 2003 Review Conference. One proposal for consideration is amendment of the rules of procedure to allow greater participation by NGOs in the annual Conference of the States Parties and thus in special sessions like the Review Conference. NGOs would, under this proposal, be able both to submit written material and to make statements to the assembled states parties. In concert with this request is a desire, shared by the chemical industry associations and other NGOs, for greater transparency on the part of the OPCW.

Issues for the First CWC Review Conference

There was no disagreement with the view expressed that the first four years of the CWC regime had been successful. Despite the repercussions of the current financial crisis, there is no real "crisis of confidence" in the CWC regime. Instead, current problems have highlighted the need for states parties to make a financial commitment to the OPCW. The workshop did not, however, regard the financial crisis as a fitting topic for the agenda of the First Review Conference. Some participants considered universality, compliance, and destruction of Russia's chemical weapons stockpile examples of topics more suited to such a forum. Also, the challenge inspection mechanism, not yet invoked, needed to be explored and some sort of accommodation achieved over the Australia Group. Other participants, while not disagreeing that these questions, and also ones relating to the industry regime, might be addressed constructively during the Review Conference, saw the review process more as opportunity for strategic assessment. In this respect, it was the overall vitality of the regime in the face of changes in its environment that should be given express attention, not the shorter-term issues that were in any case bound to become the day-to-day business of OPCW organs if they were not so already. Robustness towards political change required continuing review of the structure and modus operandi of the OPCW institutions. Robustness towards technological change required sustained attention to implementation of the GPC in the light of advances in science and technology.

The workshop was reminded that the OPCW was a frontrunner organization in the field of multilateral disarmament, meaning that the First Review Conference of the CWC will be viewed as a signifier, not only of the Convention's success, but also of the future prospects for similar arms agreements—the BWC Protocol, the CTBT, and so on. For this reason, particular care should be put into preparations for the review, beginning as soon as possible. It was noted that the OPCW Technical Secretariat has announced its intention of starting its own work on the formal review process in 2002, and the Executive Council has recently proposed the formation of a working group in order to coordinate work toward the Review Conference. It was agreed that these mechanisms should now set about the task of categorizing those issues identified as key to the review, thus constructing a framework for discussions at the Review Conference itself.

Advances in Science and Technology

The use of a GPC in both the CWC and the BWC ensures that all past, present and future chemical and biological warfare agents are subject to the prohibitions of the two treaties. Moreover, because of the breadth of definition set out in the CWC for the "toxic chemicals" that it

covers, the CWC GPC overlaps significantly with that of the BWC. Participants noted the increasing salience of this consideration to (a) the rapidly increasing understanding of life processes at the molecular level, and hence the fading of distinctions between biology and chemistry, and (b) the increasingly uncertain prospects for a BWC compliance-verification system comparable to that of the CWC. The workshop agreed that, so vital is the GPC to the future of the treaty regime, the importance of implementing it properly must be reaffirmed during the First CWC Review Conference.

Discussion turned to factors that operated to compromise the GPC. The application of chemical "riot control agents" was considered in this regard, for, although such agents are unquestionably among the toxic chemicals to which the CWC applies its GPC, their use as a "method of warfare" is nevertheless the subject of a special prohibition in Article I.5 that is separate from the general prohibition of use of chemical weapons contained in Article I.1(b). The fact that such separate treatment has been accorded to no other category of dual-use chemical has led to claims that riot-control agents somehow lie beyond the GPC, thereby implying that the criterion is actually of only limited application. It was pointed out that the historical record of the CWC negotiation provided negligible support for any such claim, yet several participants continued to dwell on the negative impact of this apparent ambiguity. They recommended that the provision of the CWC that allows the use of toxic chemicals for "[l]aw enforcement including domestic riot control purposes", Article II.9(d), be given particular attention during the CWC review process.

A further compromising factor addressed by participants was the increasing investment in non-lethal weapons—technology now evident in countries that were becoming intolerant of deaths among their combat forces. There was discussion of the pressure upon the GPC that was being created by the desire to preserve an open option on use of non-lethal chemical weapons. One of the workshop papers described an episode from the 1960s in which the promise then encapsulated by incapacitating chemical weapons caused the British government not only to abandon its no-first-use policy on chemical weapons but also to restart, in secret, its development of the weapons, lethal as well as non-lethal. Partly it was in part the start of CBW arms-control talks in Geneva that had brought this little-known happening to a halt.

The huge advances in humankind's understanding of genetics in recent years has given scientists access to a gigantic store of knowledge on the human genetic code. Through genomics, this knowledge has the potential to bring about the development of new, more targeted, and thus more effective agents, including the horrific prospect of ethnic weapons or agents that attack specific strains of plants or animals. These developments have great implications for industry, academia, and both the BWC and CWC. Through the mechanisms of combinatorial chemistry, researchers might identify upwards of 50,000 highly toxic compounds per year. A handful of these would turn out to be applicable for purposes of biological or chemical warfare. Furthermore, programs that had failed in the past to produce usable agents might now succeed: genomics and proteomics might, for example, lead to the development of novel agents applicable to law enforcement or to non-lethal weapons. Although apparently benign, research in these areas could induce development of delivery systems for more malignant or even lethal agents There was, therefore, a proposal that the definition of "munitions" and "devices" in the CWC should be further developed and strengthened.

It was also proposed that the Review Conference concentrate on means of delivery to discriminate between intended military use and use for domestic riot control or other forms of law enforcement. The suggestion here was that delivery systems useful for law enforcement would likely be inconsistent with military utility. If certain delivery systems—those likely to be used in large-scale conflict—were prohibited, then the chances of legitimate scientific research being diverted for purposes prohibited under either the CWC or the BWC would be diminished. However, some participants pointed out that this differentiation was not effective enough since it would create a loophole permitting research, development, production, and testing at high levels, just one step below full-out weaponization.

Participants identified a need to increase awareness of the GPC and the overall protection it provides. One way of implementing the GPC, should scientific advance lead to discovery of regime-endangering new agents, would be to amend the Schedules. But this was seen by several participants as an unwieldy and possibly counter-productive approach. Instead, the importance of the GPC should be reaffirmed by the OPCW at every opportunity, thereby causing it to enter the implementation culture of the CWC National Authori-

Dr. Walter Krutzsch, Dr. Ralf Trapp, Dr. Mark Wheelis, Mr. Douglas MacEachin, and Mr. Ian Kenyon

ties. It was stated that, too often, the OPCW, even the Executive Council, acted as though the GPC did not exist.

Regime for Chemical Industry

The GPC ensures that normal operations of the chemical industry worldwide, including those areas where the potential is high for chemical weapons development, remain unharmed by the strictures of the treaty. Workshop participants were informed of the seriousness with which the industry takes its role within the CWC regime. In the course of implementation, industry's original concerns for the protection of confidential business information (CBI) have decreased and are no longer of great relevance, even though recent developments, such as the pursuit of the inspection regime for DOC facilities, have enlarged industry's responsibility and also the number of important questions in need of answers. Coherent policies need to be put in place both in respect to the threshold requirements for declarations of Schedule 2A and 2A* chemicals and the transfer of Schedule 3 chemicals. "Managed access" procedures need to be accepted as part of the inspection process and the definition of a "plant site" is the subject of continuing consultations between the Secretariat and certain states parties. Industry continues to voice a desire for greater communication with the OPCW and a better system for consultations, as well as greater transparency on the part of the OPCW. It was, however, emphasized that many of the most serious conflicts between the chemical industry and the OPCW have been successfully resolved.

Participants were also told of the difficulties encountered in ensuring the completeness of a state party's industry declarations. These problems arise from complex ownership and production arrangements at industrial facilities, the co-location of declared and undeclared sites, and the definition of what is declarable. Currently, many states parties think only in terms of final production and not processing when assessing concentration limits and declaration thresholds.

On export controls, industry continues to be opposed to further restrictions on trade in Scheduled chemicals, although such measures would have only a minimal impact and are a viable tool in the pursuit of universality. Of the 50 states not party to the Convention, only six use Schedule 2 or 3 chemicals. Therefore, to restrict transfers of these agents both to and from these states would not significantly damage the cause of international trade. Despite the obvious benefit accrued from a 100 percent match between import and export data, such an achievement is nearly impossible. Industry would like to emphasize the role played by international programs, run by industry itself, designed to monitor and track the global travels of its products.

National Implementation Measures

The question was put to the workshop of how much of the monitoring of compliance with the Convention is actually carried out by the OCPW. In reality, the National Authorities are entrusted with much of the responsibility for ensuring compliance. For this reason, all states parties must designate national authorities—to date only 109 have done so—and these bodies must function as more than post offices and escorts. The need for strong, effective, implementing legislation was also stressed—only 55 states parties have enacted such legislation. The OPCW needs to provide comprehensive support to states parties and national authorities in their efforts to fully implement the CWC. As the Convention matures, the national authorities will be expected to assume more responsibility, especially in areas where the division of labor between them and the Secretariat is currently undefined, notably implementation of the GPC. A fully function-

ing network of national authorities must therefore be established as soon as possible. At the Review Conference, the role of national authorities vis-à-vis the OCPW and the Convention needs to be revisited.

Role of the Scientific Advisory Board

The workshop heard that, in the past, the SAB had been seen, and used, by both the Secretariat and the states parties, as a "dumping ground" for awkward ostensibly technical issues. However, the SAB is well placed to contribute substantively to the Review Conference, as it has been actively discussing the review process over the past year. The SAB has also been in contact with outside bodies, like IUPAC, about their relationship with the Convention and their role in the review process. Participants involved in the IUPAC review noted that the project has yet to identify specific issues of substance, and has so far been a procedural exercise. There are a small number of broad issues—science and technology, verification and destruction technologies, industry verification—and an ever-expanding list of more detailed topics that IUPAC faces as it embarks upon its review of the scientific and technological foundations of the Convention. Concerns were raised about how the IUPAC findings would be received and how any conclusions or recommendations would be implemented. The call was made for all those involved in these issues to submit information or material that may prove helpful to IUPAC.

International Cooperation and Assistance

The purpose of Article XI of the CWC —international cooperation and assistance for the peaceful uses of chemistry —is to ensure that developing countries without past or present chemical weapons programs or significant chemical industry stand to benefit from membership in the OPCW. This in turn promotes the universality of the Convention. In its implementation, the CWC must avoid hampering the scientific and economic development of its states parties and encourage international trade for peaceful purposes. The workshop was told that, in order to accomplish this task, some members of the Executive Council have proposed the establishment of an International Cooperation Committee—similar to the one proposed in the BWC Protocol Composite Text—that would oversee the implementation of this Article. However, the issue has been the subject of fierce debates in the Executive Council, as other states parties (mostly members of the Australia Group) do not think that such a body is necessary and that the International Cooperation and Assistance Division of the OPCW Secretariat satisfactorily pursues programming in support of Article XI, helping the OPCW to strike a balance between disarmament and development.

Currently, many states parties think only in terms of final production and not processing when assessing concentration limits and declaration thresholds.

The continued existence of the Australia Group—which was described to the workshop as an informal group of states that coordinate their national export policies and restrict transfers to states that they feel pose a proliferation risk—is seen as an obstacle to achieving the object of purpose of Article XI by some state parties. States parties have been divided over whether the continued existence of the Australia Group does or does not undermine Article XI of the CWC, which instructs states parties "not [to] maintain among themselves any restriction, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes". Members of the Australia Group insist that their practices do not contravene the Convention, and that only when the CWC's provisions for control of exports and imports of chemical agents are being fully implemented to the satisfaction of Group members, and they are certain that the CWC is precluding proliferation, will the Australia Group be disbanded.

In support of the Australia Group's position, workshop participants were informed that less than one-third of states parties are in compliance with the Convention's provisions on national implementation, and that only a minority of states parties have fully integrated the use of end-use certificates into their national export control regimes. There is a consensus among states parties that Article XI needs to be applied in a more coherent manner. International cooperation activities continue to suffer without a decision in the Executive Council on the establishment of an International Cooperation Committee, which will

certainly be influenced by any provisions made for such a body within the framework of the projected BWC Protocol. It was proposed that, in preparation for the First Review Conference, the OPCW should take actions to enforce its own policies on trade in Scheduled chemicals (i.e. bans on Schedule 2 transfers to states not party, and the requirement for end-use certificates when transferring Schedule 3 chemicals) and strengthen such policies where necessary to ensure non-proliferation.

There was discussion of the importance of the Review Conference as a forum in which to examine OPCW preparations to provide protection and/or assistance to states parties in the event of an accidental or intentional release of chemical agents. One of the main issues in this context is the threat of use by non-state actors, or chemical terrorism. The workshop heard that the Secretariat has recently drafted a strategic concept for the provision of assistance, including responses to acts of terrorism, but there are still many gaps to be bridged in its implementation. For example, only 56 states parties have made either bilateral or unilateral offers of assistance. The voluntary fund for assistance stood at about NLG 1.3 million as of 31 December 2000, the result of pledges by 25 states parties. There is also the question of how, in accordance with Article X.4, states are to declare any chemical defense or protective programs pursued nationally.

Destruction of Chemical Weapons

The major difficulties encountered in the destruction of chemical weapons are in Russia, so participants were told. These problems were said to stem from a lack of financial resources rather than from internal or external politics. The recently revised destruction program increases the budgetary allocation six-fold to just over 3 billion rubles and provides for the complete destruction of the stockpiles of chemical weapons at Gorny (1160 agent-tons) and Shchuch'ye (5440 agent-tons), representing a combined total of 16.5 percent of Russia's total stockpile. The last year has seen significant progress: the opening of the Central Analytical Chemical Weapons Destruction Laboratory, the designation of the Russian Munitions Agency as the CWC National Authority, the establishment of the State Commission on Chemical Disarmament, the start of Category 2 and 3 destruction activities, and the revision of the original 1996 program for destruction. However, much work remains to be done and increased international funding, including the release of funding for the construction of a large-scale destruction facility at Shchuch'ye by the U.S. Congress, will be needed to complete the destruction of chemical weapons in Russia. It was stated that this goal could only be achieved through extensive cooperation of governments with support from citizens groups, other NGOs, the expert community and the mass media. It was proposed that the Review Conference should explore the ways in which the OPCW may be able to move destruction efforts in Russia ahead.

The workshop was told that other possessor states—the United States, India, and a state party of withheld identity—are in compliance with the Convention's destruction deadlines. Very few problems have been associated with these destruction programs. In the coming year, additional chemical weapons destruction facilities are planned to go into operation in at least two of these states, necessitating the allocation of greater OPCW resources to the monitoring and inspection regime for such facilities.

Summary

To summarize, the workshop was able to identify many issue areas in need of attention both during the review process and at the 2003 Review Conference. These issues apply to the practical implementation of the Convention, as well as to the political environment in which this implementation must occur. Specific actions recommended during the workshop include:

- focussing the review process on the strategic aspects of CWC implementation rather than on the specific shorter-term issues that are likely to engage organs of the OPCW in their routine business;
- reaffirming the central importance of the GPC and considering how its implementation could be improved;
- assessing the impact of recent advances in science and technology on implementation of the Convention;
- revisiting the law enforcement provisions of the CWC;
- promoting decisions on many of the unresolved issues under Article VI, such as low concentration thresholds and boundaries of production, prior to the convening of the Review Conference;
- promoting full implementation of Articles X and XI, including engagement with the states of the Australia Group in order to address their concerns about proliferation of chemical weapons, while at the same time pursuing the demands of developing states parties for development and greater exchanges of technology;
- supporting any moves toward the

destruction of Russia's chemical weapons stockpile, and helping Russia to collect international aid for this project; and,

- changing the rules of procedure to allow greater involvement of the chemical industry and other affected NGOs in the review process and the First Review Conference itself.

Future Work of the Study Group

The workshop learnt that the Study Group will next meet in Geneva during 24-25 November, which falls at the end of the first week of the Fifth BWC Review Conference. It was accordingly proposed that the workshop should focus on the prospects for the projected BWC Protocol. A further workshop, focussed on the CWC, is envisaged in 2002, its timing dependent upon the date of the seventh OPCW Conference of the States Parties. Meanwhile, participants considered it of utmost importance for Pugwash and other NGOs to strive to influence the CWC review process through all possible channels.

Workshop participants also recommended that the Study Group should address the moral dimension of the work of Pugwash and of the CBW disarmament regimes, a topic that has received some attention recently within the Secretariats of both the United Nations and the OCPW. The general opinion of participants was that now is a watershed moment for multilateral arms control and disarmament regimes. In the next two years, the world will come to a decision on strengthening the BWC; it will review the first five years of implementation of the CWC; and, hopefully, it will begin implementing other similar treaties.

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Papers

WORKING PAPERS

Gordon Burck (USA): Preparing for the First CWC Review Conference, Regime for the Chemical Industry (Article VI). Compliance by the United States (Abstract only)

Malcolm Dando (UK): Future Mental Incapacitant Chemicals : The Impact of Genomics

Daniel Feakes (UK) and Julian Perry Robinson (UK): National Implementation Measures: Role of the OPCW Secretariat

Elisa D. Harris (USA): The CWC: A Glass Half-Empty or Half-Full?

Alexander Kaliadine (Russia): The problem of the timely implementation of the CWC in Russia

Mohammad Khodadadi (Iran): Implementation of Article XI of the CWC

Caitríona McLeish (Ireland) and J P Perry Robinson (UK): Candidate Agent TL 2636: A Cautionary Tale for the General Purpose Criterion

Pamela Mills (USA): The First Review Conference of the Chemical Weapons Convention: Possibilities and Preparations (including Appendix)

Graham S. Pearson (UK): The CWC First Review Conference: Learning from the experience of the Biological and Toxin Weapons Convention BTWC (transparencies of his presentation)

Graham S. Pearson (UK): Preparing for the First CWC Rev Con: Advances in Science & Technology. Insights from the NATO ARW Prague, 31 May-2 June 2001, addressing Scientific & Technological Developments Relevant to the BTWC Fifth Review Conference BTWC (transparencies of his presentation)

Graham S. Pearson (UK): The Protocol to Strengthen the Effectiveness and Improve the Implementation of the BTWC (transparencies of his presentation)

J P Perry Robinson (UK): The General Purpose Criterion and the New Utility of Toxicants as Weapons

Mark Wheelis (USA): Biotechnology and the Development of Novel Chemical Weapons Agents

BACKGROUND DOCUMENTS

Richard H. Burgess (USA): " Chemical Industry and the CWC", Chapter 6 in *The Chemical Weapons Convention Four Years On: Implementation Challenges and Solutions*, Jonathan Tucker, Editor, Monterey Institute of International Studies

Walter Krutzsch (Germany): For the sake of peace and humanity: Uphold the chemical weapons ban! [Appeal concerning the CWC]

Ron G. Sutherland (Canada): Chemical and Biological Weapons: Proliferation, Non-proliferation and Conventions for their Control

Non-Lethal Chemical Weapons Research in the USA : Exploitation of grey areas in the CWC, The Sunshine Project, Austin, Texas and Hamburg, Germany

Joint Meeting of the Pugwash Study Group on Intervention, Sovereignty and International Security and the International Commission on Intervention and State Sovereignty

Pugwash, Nova Scotia, 20–21 July 2001

Report

by Jeffrey Boutwell

The 4th workshop of the Pugwash Study Group on Intervention, Sovereignty and International Security, held jointly with the International Commission on Intervention and State Sovereignty, took place in Pugwash, Nova Scotia from 20-21 July 2001. A total of 17 participants from seven countries participated in the joint consultation, which was hosted by the Pugwash Park Commission at Thinkers' Lodge, the home of Cyrus Eaton and site of the first Pugwash Conference in July 1957. Special thanks are due to Patrick Boyer and Giovanni Brenciaglia of the Pugwash Park Commission, to Douglas Roche and Leonard Johnson of the Canadian Pugwash Group, and to Heidi Hulan of the Canadian Department of Foreign Affairs and International Trade, for their help in making the meeting possible. Pugwash would also like to thank The Rockefeller Foundation for its support of the Pugwash Study Group on Intervention, Sovereignty and International Security. Participants attended the meeting in their individual capacities, and this report is the responsibility of the rapporteur alone.

Whither Humanitarian Intervention?

The meeting began with brief reviews of the work of the Pugwash Study Group and the International Commission on Intervention and State Sovereignty (ICISS), a body set up by the Canadian government in 1999 to prepare a report for UN Secretary General Kofi Annan, due to be delivered in late 2001. Co-chaired by Gareth Evans (Australia) and Mohamed Sahnoun (Algeria), the ICISS has held a series of international consultations to solicit views on differing perspectives and modalities regarding humanitarian intervention and its impact on concepts of state sovereignty.

Previous meetings of the Pugwash Study Group have been held in Venice (December 1999), Como, Italy (September 2000), and Castellón de la Plana, Spain (May 2001), and have resulted in the publication of two *Pugwash Occasional Papers* covering a broad array of the international legal, military, and political issues involved when the international community seeks to intervene on behalf of individual human rights.

Through its work so far, the ICISS has seen a consensus forming that: (1) humanitarian intervention is a problem that needs addressing; (2) that the United Nations' Security Council is the preferred vehicle, despite its shortcomings, for taking the lead when intervention is deemed necessary; but that (3) the Security Council will not necessarily always be the final word in determining when and where interventions occur. For many on the commission, these points give hope that the international community can forge common ground on humanitarian intervention, despite continued skepticism among many non-western and developing countries – that the west seeks carte blanche to do what it wants – as well as among western states – that too many countries seek to hide behind the protection of sovereignty.

What is encouraging for many is that, while there are certainly elements of truth in both the aforementioned positions, opposition and mistrust regarding the concept and practice of humanitarian intervention stems as much from the need to solve the practical modalities of deciding when, where and how the international community should intervene when events warrant.

As a needed step in this direction, there is much discussion of the wisdom of changing the parameters and terminology of the debate. Above all this means making states and governments more accountable for their actions vis-à-vis their citizens, so that the issue becomes one of a *responsibility to protect* on the part of states, rather than a *right to intervene* on the part of the international community. Similarly, *humanitarian intervention* becomes rather *protective intervention* when states and governments have failed their responsibility. For its part, however, the international community has the responsibility to assist states and governments in providing the means by which fundamental human rights can be assured in the first place, before intervention becomes necessary, and then to adequately follow up in post-conflict reconciliation and reconstruction should intervention occur – in short, full cycle involvement.

For its part, the ICISS, in its report, is likely to limit its definition of intervention to military and other types of coercive actions. In doing so, it will frame issues of responsibility as resting primarily with the state in question, with a residual responsibility for intervening to protect the individual falling to the international community only when that state has failed in its responsibility to protect. Mention was made in this regard of article 24 of the UN Charter, where the Security Council has a duty to respond, not just a responsibility.

Regarding this *responsibility/duty to respond*, what happens if the UN Security Council is either unwilling or unable to act? While believing that a formal request to intervene should always be made first to the Security Council, several participants thought that threshold criteria should be established so that the international community could act even without formal SC approval. Such criteria should be "high and narrow", involving mass killing, the imminent threat of such killing, and ethnic cleansing, i.e., where the damage is "immediate and irreparable." Others raised the issue of interventions to restore democracy.

In terms of carrying out interventions, the ICISS is thinking of precautionary principles (just war principles, likelihood of success, right motive, intervention as last resort) providing a guide to action. On the question of legitimacy, discussion still continues on whether, if a formal request is blocked in the Security Council, either the UN General Assembly or regional organizations (of which the offending state is a member) could provide such legitimacy. More difficult will be cases of ad hoc coalitions (coalitions of the willing) and unilateral interventions.

Some of the unresolved issues facing the commission are: (1) how necessary is it to redefine sovereignty

and its relationship to human rights? (many believe that current notions of sovereignty are already expansive enough to incorporate notions of a responsibility to protect); (2) how far have legal norms evolved to permit extraordinary action in defense of humanitarian values? (again, some believe there is a natural law on the right to protect, while others believe such norms have not evolved nearly enough in contradistinction to state sovereignty); and (3) the use of ad hoc coalitions and unilateral actions (are such actions always impermissible, even if the cause is just?).

In sum, the intervention vs. sovereignty debate is, in many ways, one of *"universal righters vs. state firsters."* What provides room for consensus between such conflicting views, however, is that broad agreement remains that the international norm should remain one of non-intervention, while allowing for expanding concepts that legitimize an international *responsibility to protect*.

The Modalities of Intervention

Despite numerous cases of state failure and internal instability in Africa, the post-Soviet space, and southeast Asia, the current international environment is not at all conducive to well-planned, well-carried out, well supported interventions that can stay the course. Especially in a period of generalized retreat from multilateral institutions, the re-empowerment of state agency may, while seeming a paradox, be all the more important in terms of strengthening notions of a responsibility to protect.

Five categories of the modalities of intervention (across the spectrum from consensual to coercive) were reviewed:

- conflict prevention: the mismatch between needs and means, and discrediting through overselling the prospect of complex packages (e.g., the Oslo accords);
- sanctions, where there are more problems than opportunities, and where it's difficult to show causal effect and avoid injuring the innocent;
- legal instruments, where definitions of sovereignty are conditional on norms developed through the Nuremburg, Yugoslav and Rwanda tribunals, by the International Criminal Court, by legal intrusion into the conduct of military operations; and by expanding case law that provides for domestic jurisdiction over international behavior (e.g., the US Alien Torts Compensation Act [US code 1350] of 1789 which was employed successfully in modern times first to a case of torture in Paraguay in 1980 and latterly to a Bosnian case);
- military intervention, of three types: (a) coalition action without a direct UN mandate (Kosovo); (b) a UNSC mandate with a framework nation in the lead (Australia in East Timor); and (c) an independently legitimated action to rescue and restore a UN effort (the UK in Sierra Leone);
- full cycle planning, noting how strategic opportunities created by military interventions have been squandered by lack of post-conflict administration and reconstruction (Angola, East Timor, Kosovo).

Throughout discussion of all five categories loomed the question of what the US might choose to do, or not do.

The discussion that followed touched on a number of points. One concerning legal instruments was that the extradition of Milosevic to the Hague tribunal is not an unalloyed benefit, either for domestic Yugoslav politics (the extradition being a clear violation of the Yugoslav constitution) or in terms of setting a precedent that confirms the concerns of many in the US and elsewhere about international law exceeding the stipulated boundaries of competence, thus infringing upon domestic sovereign law.

On conflict prevention, more needs to be done regarding effective modalities (e.g., Bruce Jentleson's concept of coercive prevention), especially as these affect great power relations (e.g., the positive role of the OSCE commission on minorities). It was argued that the salience of humanitarian intervention goes beyond cases of state failure to affect the process of great power relations and global governance. The importance of these issues especially for Russia and China (and their domestic space) will affect how the international community reacts to future Rwandas and Kosovos.

Regarding global governance and the UN, it was asked, how different would the UN Charter look if it were crafted now; i.e., should we be thinking of revising the Charter to reflect current international realities? Responses displayed little appetite for such revision, with several participants feeling that the Charter is not itself an obstacle (Article 39 providing wide latitude for defining

threats to the peace). Moreover, the lack of a formal SC mandate has not proven an obstacle to action (Liberia and Kosovo), reinforcing the view that the SC has primary but not exclusive responsibility. The problems, rather, are political will and capabilities for full cycle intervention.

Others held that the flexibility of the UN Charter in defining threats to the peace is both a strength and a weakness, and that codification of criteria for intervention could regularize UN actions and reduce the inappropriate use of the P-5 veto (especially on procedural issues such as fact-finding missions). Along the same lines, the concept of a *responsibility to protect* is designed to empower and impel the SC to act, especially in cases where it is difficult to argue that an internal conflict constitutes a threat to international peace and security. Mention was also made of Article 51 of the Charter, of the right to individual and collective self-defense (also found in customary law), tantamount to being a right to be rescued.

It was noted that the Security Council is steadfastly adverse to any attempt to impose codes of conduct that might constrain its freedom to act – or not to act. On the other hand, transparency would be served by requiring P-5 states to explain why they invoked the veto (when they do) to reduce its willful misuse (France has suggested no vetoes in cases of humanitarian emergency).

As a way of ensuring that a P-5 veto did not block needed intervention, it was suggested that, not only would reasons be required for casting a veto, but that action could proceed even in the event of the SC being deadlocked, that only a decisive "no" on the part of the Security Council would prevent intervention. Should a veto block SC approval, an appropriate regional body (one including the offending country), or a variant, which might include willing and able out-of-area actors, would be empowered to act. One participant referred back to the Melian dialogue (the strong do what they want and the weak put up with what they must), adapted it, and asserted that the hard case that should be considered is what happens if the strong and virtuous refuse to act.

Issues of Legitimacy

One view held that, from East Pakistan in 1971 to East Timor in 1999, the notion of sovereignty as a responsibility to protect has come a long way. From this perspective, intervention is not an action violating sovereignty, but rather one forcing states to live up to their responsibilities.

One way of considering the legitimacy of humanitarian interventions is to place such interventions along a consensual/coercive continuum. Applying this framework to the three cases of military intervention raised earlier in the discussion, Sierra Leone poses no problem concerning legitimacy, as the government in Freetown requested international aid. Regarding East Timor, the consent of the Indonesian government was granted, albeit following strong international diplomatic and economic coercion. Kosovo represents the most difficult case. While not legitimate in the narrow sense of not having the approval of a direct mandate from the UN Security Council, the Kosovo intervention was justified by NATO on primarily humanitarian grounds. These were amplified in public only by the British government, which refuted the accusation of illegitimacy by pointing to the framing authority of past UNSC resolutions on Yugoslavia as well as to the six non-aligned states in the Security Council which joined western nations in voting against the Russian resolution (condemning the NATO action), which could be taken as implicit approval. The wider international response was either sympathetic or muted.

Pushing the envelope further, this view held that there are three ways the Kosovo intervention could be said to be legitimate: (1) while not legal, the NATO action was moral; (2) new legal norms are evolving that, in cases like Kosovo, justify acting outside of a Security Council mandate; (3) Kosovo can be viewed as the domestic legal equivalent of mitigation, where the law allows for mitigating circumstances. A comparison was made here with euthanasia in Holland, where judges were lenient because of mitigating circumstances (even though euthanasia was illegal) and over time, norms evolved to the point where the law was changed.

Discussion followed, with the point strongly reiterated by one participant that the Kosovo operation was illegal, not having been sanctioned directly by the UN. In light of the divergence of views within this discussion, the question was raised on how the ICISS report will treat Kosovo, given the importance of consensus if the report is to

UN outpost in Macedonia

gain wide acceptance.

The difficulty of reaching consensus on Kosovo was acknowledged, but the point was also made that Kosovo is controversial in large part because of the perceived arrogance with which NATO acted without at least tabling a resolution in the Security Council. There are some in NATO who now regret not having tabled such a resolution, realizing that trying to spare Russian embarrassment at having to cast a veto if a motion was introduced was ill-judged. On the other hand, the point was made that had Russia been forced into a veto, the subsequent (and indispensable) diplomatic role that Russia played might have been jeopardized; the judgment call made was not casually made. Some suggested that, in the future, the legitimacy of interventions can only be assured if resolutions are at least introduced in the Security Council.

The point was also made that the conduct of the air operation might have compromised NATO's moral authority, but a ground operation from the outset would have had to destroy the Yugoslav Army in order to protect the Kosovars, probably with far greater loss of life and probably no better chance of protecting Kosovar civilians. To the question, which would have been better, a questionable air campaign or nothing, one response thought the question misplaced, as the fault lay earlier in mishandled negotiations that should not have led to a military option in the first place. Another believed that the principal value of the air campaign was not military at all, but lay in having facilitated the circumstances and will within NATO to allow preparation of the ground invasion force, based on the ARRC, which signal was important in the diplomacy which finally ended the crisis.

The UN and Regional Organizations

The reality of the intervention issue within the UN is that, although the Secretary General has been promoting a human security agenda, of protecting peoples not states, he necessarily does so within a state-based organization. Normative change may be coming, but it is coming slowly, and primarily among western countries. Kofi Annan has laid down a moral imperative (what do we do about future Rwandas?) which he knows the system cannot deliver on consistently, but which nonetheless has the value of advancing norms of a *responsibility to protect*.

At the same time, it must be granted that concerns about intervention on the part of non-western countries are both emotional and real (e.g., India's argument about the KLA provoking repression that triggered the NATO intervention, giving the KLA what they could not achieve legitimately). Unfortunately, General Assembly debates often fail to come to grips with what happens when sovereignty and human rights clash. Quite often, sovereignty concerns are not really the issue; it is the selective nature of interventions. Non-western countries know that interventions will not happen against the P-5, their major allies, or the major regional powers (without their consent, most probably coerced). And, when interventions do occur, they will be based on a strongly perceived national interest (on the part of the intervenors) and the calculation of a reasonable chance of success at acceptable cost (Kosovo, yes; the Democratic Republic of Congo, no).

What can be done about this reluctance to intervene where and when it is needed? Reference was made to the French proposal for not using the veto in the Security Council

in cases of massive violations of human rights, but Russian and Chinese agreement is not likely. Sanctions are usually neither effective or timely. While a UN military force might be the logical way to go, opposition from the US and G-7 make it a non-starter. Private armies may be more professional and cheaper than some forces that the UN has fielded in the past, but are too politically unpalatable for many states to accept. Interventions by regional organizations are a logical solution, but have inherent problems stemming from lack of capacity and partiality (bias).

Discussion of the role of regional organizations acknowledged the problems of national self-interest and agenda-setting by major regional powers within such organizations (e.g., Nigeria's role in ECOMOG), a fundamental lack of capacity, and the lack of moral authority (which only the UN has). Ideally, interventions by regional organizations should occur under a UN mandate with adequate support provided by the international community. Yet issues of selectivity (why Kosovo and not Rwanda?), and sensitivity to casualties on the part of western countries argue for building regional capacity within organizations like the OAU. Indeed, Africans are requesting help in capacity building, with many advocating the creation of what Nkrumah in the 1960s proposed as an 'African high command' and rapid deployment force. Yet the OAU is moving slowly, focusing more on conflict prevention and resolution, and building capacity in subregions to contain conflicts, not on building up intervention capabilities per se.

In the discussion of capacity building, reference was made to how the UK responded to the deteriorating situation in Sierra Leone within four days, stabilized the situation, and then helped build a workable coalition between the Sierra Leone government and UNAMSIL. Are there lessons here for building future capacity?

While another view held that ECOMOG is a poor example of regional organization peacekeeping, several positive developments were cited, including Canada's lead in forming an international peacekeeping brigade and the implementation of at least some of the Brahimi proposals (12 standing officers to provide intelligence and warning for the Secretary General).

A question was raised about South Africa's role in OAU and subregional peacekeeping, both in terms of providing political support and capacity building. It was noted in response that the prospects for a more active South African role are not good, given Johannesburg's experience in Lesotho and residual suspicion in black Africa about South African motives (e.g., South Africa giving priority to trade relations with the EU, not neighboring countries). Moreover, the South African government doesn't feel in total control of its own armed forces. One view was even more pessimistic, thinking the South African domestic situation is extremely volatile (AIDS, land distribution, unemployment, race relations) and could lead to widespread disorder.

Discussion ended on the point that, while strengthening the capacity of regional organizations (such as the EU coalition force of 60,000 troops) could increase the means available for intervention, such developments would also gradually erode the monopoly of authority currently held by the SC.

The Future of Humanitarian Intervention

For one participant, the political debate over sovereignty and intervention is more accurately a clash of apprehensions: the fear of too many interventions masking the reality of too few interventions. Noted also were the often paradoxical positions of countries (e.g., Algeria is against intervention in theory, but was pushing the west to act in Sierra Leone). It was suggested that the toughest challenges may lie in the "middle space" between the current ICISS remit and all-out war, and be found geographically in the post-Soviet space and in Asia.

To the question posed by Kofi Annan, will there be another Rwanda, one response was quite possibly, but in a far more difficult country such as the DRC or Indonesia (West Papua, Aceh). One view held that, in such cases, the outcome is unlikely to be UN-mandated responses, but emergency responses like that of the UK in Sierra Leone. Others disagreed, seeing the DRC and Indonesia as far less hospitable to such actions as a small country like Sierra Leone. It was also noted that the humanitarian imperative does not seem to be responding to the gradually evolving genocide in Burundi.

On the question of the motives

underlying intervention, one view held that economic and narrow national interests can still promote humanitarian ends, one example being Vietnam's incursion into Cambodia. Operation Tourquoise in Rwanda was also cited, as both serving French national interests yet saving 15,000 to 20,000 lives. Another participant strongly disagreed, noting that the saving of some lives was outweighed by the French facilitating the escape of tens of thousands of Hutu genocidaires into eastern Zaire. In this view, Operation Tourquoise has given humanitarian protection a bad name, especially in Africa. France should not have been given a mandate, as their motives were patently not to promote humanitarian aims, and this should have been recognized.

Ultimately, the issue of what motives for intervention are acceptable to the international community, and which are unacceptable, will impinge directly on the issue of how to mobilize the necessary political will to act when the need is there.

The ICISS Report and Beyond

A summary was provided of the origins of the ICISS, with the Canadian government providing the initiative but not seeking to have substantive input while the commission prepares its report. Wide-ranging consultations have been held to solicit differing national and regional perspectives, with the express aim of being a confidence-building exercise in transparency that can help lay groundwork for follow-up efforts, overcome the perceived faults of the Brahimi experience, and allay fears that the issue will be taken out of the UN's hands.

Andrew Mack, Gwyn Prins, and Robert Legvold

The government of Canada will be involved in follow-up efforts to promote the recommendations of the ICISS report, but this strategy will depend on circumstances and the preferences of the Secretary General. Short-term goals are seen to be stimulating formal General Assembly discussion, while longer-term aims are those of promoting norms in support of a responsibility to protect. Questions still to be decided concern options of formal codification of principles (a separate treaty, UN Charter amendment, or UNGA resolution) and where to locate follow-on efforts (Security Council, General Assembly, New York or Geneva, and/or outside the UN). In many ways, the process is seen as more important than the report itself, with 2002 discussions envisioned with regional organizations, national governments, and civil society, once the report has been made public.

A major challenge in this process is finding partners; of putting together a coalition of national governments (the UK, Mozambique, Chile were mentioned), regional organizations, NGOs, and the academic/research community in support of the ICISS process. The difficulty of this is not to be underestimated, however, whether with national governments or NGOs, given the essential proposition of intervention being the use of military force in support of humanitarian aims.

Discussion emphasized the importance of the ICISS being truly a consensus document, focusing on the concept of a responsibility to protect. Issues of law and morality must be front and center so as to resonate with the public. Previous commissions (Brandt, Brundtland, etc.) have contributed to concepts of responsibility within the global community, and combining the moral imperative with practical steps for implementation could do the same for humanitarian intervention.

Canada's role was seen as especially important, with no loss of momentum despite the transition from Axworthy to Manley, in finding like-minded governments for a true

multilateral initiative that can reach out to broader civil society. Also mentioned was the need to focus on national parliaments, the European Parliament, groups like the Parliamentarians for Global Action, and appropriate bodies within organizations like the OSCE. Specific suggestions were made about engaging the Commonwealth secretariat and emphasizing hearings by select committees in important countries (UK, New Zealand, Australia, the US Senate) rather than parliamentary debates. Going beyond the like-minded states will be important; think of getting Vladimir Lukin to promote debate in the Russian Duma.

In terms of coalition building, a parallel was drawn with the Middle Powers Initiative on nuclear weapons issues, focusing above all on the interrelationship between governments and civil society. Yet the difficulty of forging a coalition on an issue such as humanitarian intervention was not underestimated. Nonetheless, effective use of the ICISS research volume (especially making 2-3 page summaries of major issues available to editorial writers, NGOs, policymakers, etc.) could help stimulate public attention and discussion. Comparisons were made to the World Development and Human Development reports, where presentation of the issues is key (both printed and website).

The work of Edward Luck on the failure of previous UN blue-ribbon commissions was mentioned, especially the need to engage skeptics and bring them on board. While generally supportive, both Human Rights Watch and Amnesty International need to be engaged and directly involved. National militaries are also important, already being heavily engaged in issues of peacekeeping and peace enforcement; the report could be the basis of discussions at institutions such as the Australian defence college, CINCPAC, and national military academies.

Regarding Pugwash, suggestions were made about Canadian Pugwash sponsoring symposia on issues contained in the ICISS report, while international Pugwash could use its network of some 50 national groups to promote similar efforts.

In the end, framing the report, and thus the debate, will be critically important, and there was much support for advancing concepts such as a responsibility to protect on the part of states and governments. Such a strategy could help bridge the gap between governments, multilateral organizations, and NGOs on issues that go to the core of the relative competencies and responsibilities of the nation state and the international community.

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2nd Pugwash Workshop: *Nuclear Stability and Missile Defenses*

Como, Italy, 6–8 September 2001

Report

by Clayton Nall

The Pugwash Workshop on *Nuclear Stability and Missile Defenses* was held in Como, Italy from 6-8 September 2001. Twenty-one participants from ten countries attended the meeting, which was hosted by the Municipality of Como and the Landau Network Centro Volta. The following report is the responsibility alone of the rapporteur.

Participants discussed a wide range of issues related to missile defense, with the immediate concern being announced U.S. intentions to move beyond the ABM Treaty and construct a limited national missile defense (NMD) system. There was also much discussion of the potential affects of missile defense on strategic stability, non-proliferation efforts, and arms control, as well as European missile defense options.

The workshop took place just days before the terrorist attacks on New York and Washington, DC., which dramatically changed the global political environment. While summarizing the discussion as it took place, this report does take into account the post-September 11 situation, particularly in terms of workshop discussion of non-state threats.

Launch of Trident missile.

The Current Strategic Context and Missile Defenses

The first session provided broad overviews of the current strategic environment, with particular attention paid to missile defenses and potential nuclear threats.

In terms of the changing US-Russian relationship, one participant observed that it has become "banal" to observe how the bipolar Cold War conflict is over, and that never-ending debates about what constitutes the "New World Order" are likely to change in tone as new threats make themselves known.

One obvious change is growing doubt, especially in the United States, about the continued strategic relevance of the 1972 ABM Treaty. When the Treaty was signed, both the US and USSR were rapidly building and modernizing their strategic offenses; the ABM Treaty and SALT agreements were designed to prevent an offense-defense arms race. The strategic parity that the Treaty codified in 1972 is less relevant now. Therefore, for many Americans, there is less reason for Moscow to object to US deployment of missile defenses. Even with Russian objections, Moscow's opinions now matter less, according to many, given its inability to conduct a strategic arms buildup. Thus, by some measures, the cost-benefit balance has shifted in favor of deploying missile defenses.

This notion that previous strategic concerns no longer apply, it was argued, does not mean that strategic concerns in general are irrelevant to the ongoing debate. It was suggested that strategic logic does underlie Russian reluctance to abandon or renegotiate the ABM Treaty, as Russia has a "very modest" second-strike deterrent that could be diminished by US missile defenses, and that its weakened deterrent might even make it vulnerable to Chinese strategic nuclear forces.

In terms of its negotiating strat-

"Arrow" interceptor.

egy, Moscow also has quite rational reasons to maintain the status quo. With the Bush administration making clear its intention to "move beyond" the ABM Treaty, Russia has nothing to lose in seeking to extract as many concessions as it can, or in diplomatically isolating the US for abandoning the treaty.

A second changed component of strategic stability is criticism, again especially in the US, that deterrence based on 'mutual assured destruction' is unreliable and immoral. President Bush's speech on May 1 announcing US missile defense intentions repeated many of the traditional arguments against relying on nuclear deterrence alone: that certain hostile states are undeterrable, and that deterrence is immoral, dangerous, and a thing of the past.

In this changed strategic context, one participant took his cue from former Soviet Premier Kosygin's line that "defense is good, offense is bad" and asked: Shouldn't supporters of MAD and offense-based strategies, which are hard to defend morally, have a greater burden of proof than supporters of defense-based strategies?

Discussion then ensued regarding the likelihood of a U.S.-Russian "deal" on missile defenses, which was clearly a high priority for many workshop participants. In this view, not only is US-Russian agreement needed to "detoxify" the issue of missile defense, but also to keep on track a broad array of bilateral programs to reduce nuclear dangers, including the Nunn-Lugar nuclear threat reduction programs.

The likelihood of US-Russian agreement on missile defenses will depend on a number of factors, including: Congressional and NATO support for (or acquiescence in) missile defenses, and genuine Russian interest in such a deal, as opposed to causing diplomatic trouble for the United States. Much will also depend on the extent to which Russia feels secure about the deterrent viability of its aging nuclear forces, which, despite recent statements to the contrary, is a definite cause of concern for many Russian officials.

Regardless of one's views on missile defense, participants agreed that deep cuts in US and Russian nuclear forces are both needed and feasible, and would go far to lessen the widespread fear that US missile defenses would stimulate a new arms race. One positive development on this front was President Bush's campaign promise to reduce the US nuclear arsenal to around 1,500 deployed warheads, which he reaffirmed in his May 1 speech at the National Defense University. One participant argued that both Moscow and Washington could go further and reduce their strategic arsenals to the same levels as France and the United Kingdom, with little concern for the viability of nuclear deterrence.

Missile Defenses and Strategic/Crisis Stability: The Offense-Defense Equation

Since 1972, the ABM Treaty has prevented the deployment of nationwide missile defenses by either of the Cold War superpowers, thereby simplifying the offense-defense equation through the (near total) prohibition of defenses. As noted above, the renewed debate on missile defense has reintroduced core issues of how changing levels of offense and defense affect strategic and crisis stability.

The next speaker reviewed some of the problems with defense-based strategies. While "morally impeccable and easy to sell," missile defenses against nuclear weapons will never be 100 percent effective, and they could well be destabilizing. For example, given NMD dependence on space-based assets, deployment could

stimulate development of anti-satellite weaponry (ASAT) and other offensive military activities in space. Aggressors might also resort more often to asymmetrical responses, especially, as seen on September 11, including terrorist actions. Thus, crisis stability could be worsened by the deployment of missile defenses.

Several other participants cited examples of crisis behavior to suggest that offensive nuclear deterrence is resilient even when arsenals are at low levels, and that the added factor of missile defenses would have little effect on decision-making in crises. Examples of where nuclear deterrence worked, even when one side appeared to have a greater strategic advantage, include the Cuban Missile Crisis, where the possible existence of operable nuclear weapons in Cuba deterred the United States from mounting an invasion, even though the US had a 17-to-1 numerical advantage in strategic nuclear weapons over the Soviet Union. Similarly, another participant noted that evidence strongly suggests that US Secretary of State James Baker's thinly veiled warning to Iraq regarding US nuclear retaliation succeeded in deterring Iraq from using weapons of mass destruction during the Gulf War.

If it is true that great powers are deterred so easily, one individual responded, then we should anticipate that hostile proliferators such as North Korea and Iraq will place great value on obtaining nuclear weapons in order to prevent future interventions by foreign powers. It was proposed that the United States would not have been so willing to counter Saddam Hussein in 1991 if Iraq had had nuclear weapons. After all, this participant mentioned, far less power was sufficient to force US troops out of Somalia in 1993.

In terms of the challenges posed by missile defenses for East Asian stability, important factors include Chinese concern over US-Japanese cooperation on theater missile defenses, which could lead to Japan abandoning its post-World War II restraint in the region, and the extent to which missile defense deployments could spark a general arms race in the region.

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Europe and Missile Defenses

An opening presentation focused on the new security environment and how the Bush Administration's strong backing of missile defense had caused European governments to both give in to the Administration's proposed changes and to seek ways to incorporate missile defense into their own military strategies.

Several participants thought that US consultations with its European allies had ameliorated concerns that Washington would proceed with NMD without taking into account European interests. Such consultations were thought to have eliminated lingering Cold War concerns that "national" missile defense would cause the US to pull inside its shell and retreat *de facto* from its European security guarantees. There now seems to be less concern that the US might abandon its "extended deterrent" in Europe, not only because that deterrent is seen as less necessary today, but because the Bush administration has done more than previous administrations to keep Europe informed. A different take on events held that, while European concerns may have diminished, it is also true that the Europeans' "role in the debate has diminished considerably," with the US no longer having the same need for European support in the post-Cold War era. Others disagreed, noting the importance of European support for eventual US-Russian agreement on missile defenses, and the permission needed from the UK and Denmark for upgrading US NMD radar systems. [Editor's note: The terror attacks of September 11 and the need for a global coalition to fight terrorism have changed the dynamics of the US-European missile defense discussion; see Thérèse Delpech, "A New Transatlantic Deal on Missile Defenses After the Terrorist Attack?" on the Pugwash website.]

Important questions do remain about Europe's role in US missile defense plans. Should Europe play a more significant role as a broker in US-Russian relations? How many times can Europeans challenge US missile defense intentions without giving Moscow too good a bargaining position in the missile-defense

talks? To what extent do Europeans need to take seriously those in the US who criticize Europe for constantly advocating multilateral measures yet failing to take action?

Europe's own missile defense plans were also discussed. There are many in Europe who support missile defense (primarily theater missile defenses to cope with limited threats and for protection of deployed troops). In terms of non-proliferation challenges, one participant criticized Europe for not doing enough to address the ballistic missile threat, saying that Europe should at least deploy its own early warning system. Others concurred with this goal, saying that Europe should have more information at its disposal, and that an early warning system would not in itself be destabilizing.

There was much discussion of reported interest in Europe for boost-phase intercept (BPI) defenses to defend against regional missile threats. Several participants questioned the technical feasibility of BPI in the European context, however, with others noting that BPI would require costly space-based assets that the Europeans do not have and would not be interested in developing. In addition to BPI only being feasible if deployed adjacent to the countries of concern, questions were also raised about how BPI would work in NATO's joint decision-making process, given the short response time necessary. What would be the rules of engagement, and would a fast-reaction missile defense system even work in a multilateral context? Apart from missile defenses, suggestions were made that the European Union ought to engage in more discussions about cooperative responses to crises, especially if the EU intends to implement new security policies based on capabilities such as rapid reaction forces.

Missile Defenses, Politics, and Arms Control

Of all the topics at the Como workshop, the role of politics in the missile defense debate may be the most changed by the events of September 11, 2001. The relationship between the United States and the rest of the world appears to have changed dramatically. Nonetheless, certain observations made during the workshop concerning the arms control and political implications of US NMD plans remain relevant.

Borrowing a cinematic metaphor, one participant speculated that missile defense supporters in the administration want simply "to get Dorothy through the portal so she will be in Oz after the administration."

Regarding when and how the US would deploy a missile defense system, most participants anticipated that nothing more than a symbolic system would be deployed during President Bush's first term. Borrowing a cinematic metaphor, one participant speculated that missile defense supporters in the administration want simply "to get Dorothy through the portal so she will be in Oz after the administration." This does lead one to ask, which side of the portal is fantasy and which is reality? Another noted that a "whole hog" defense is "a tremendously unlikely scenario," saying that the administration is far more likely to deploy a system on par with that postponed by Clinton than that contemplated by President Reagan and still backed by groups such as the Heritage Foundation.

One intensively discussed issue was the Bush administration's offer to make unilateral cuts down to 1,500 deployed strategic nuclear warheads as it pursues missile defenses. Most participants favored such cuts but thought them inadequate and strategically irrelevant, with many disturbed by the "strong affirmation" by the administration "that the security of the United States is based on the presence in perpetuity of US nuclear weapons." It was noted that part of the Bush position calls for maintaining large numbers of non-deployed warheads as a "huge hedge," thus making the cuts reversible. In short, the deep reductions promised by the Bush administration could have very little impact on reducing the role of nuclear weapons in US policy.

Several participants also raised concerns about the effect on arms control if the US were to resume nuclear testing in conjunction with missile defense, as some members of the administration have proposed. They cited the "tremendous pressure" that exists in various corners of the Bush administration to resume testing. They argued that such a step would be highly destruc-

tive of arms control and would more than offset whatever benefits would arise from unilateral deep cuts by the United States.

A contrary view was that missile defense could be helpful to arms control and could actually encourage nuclear restraint. In particular, missile defense could contribute to non-proliferation programs by reducing the incentive for states hostile to the United States to obtain a mere handful of ballistic missiles armed with nuclear weapons. An effective, limited missile defense system would require states to deploy a higher number of missiles before their effectiveness could be guaranteed. The costs of such a program could discourage a state from developing long-range ballistic missiles or nuclear weapons at all. In addition, the deployment of effective missile defenses to protect the territory of US allies could discourage them (especially Japan) from pursuing their own offensive programs. Thus, US missile defense systems could actually help to prevent an arms race in East Asia.

Others objected strongly to these assessments, arguing that missile defense would raise the perceived likelihood that the US would "intervene with impunity," and that this would place hostile states under great pressure to develop and deploy nuclear weapons. Thus, missile defense could be an inducement to weapons proliferation. Another argued that the "stability" argument for missile defense is specious, asking rhetorically, "Is there any precedent for one side arming itself with shields, and the other side giving up swords?" The implied answer was "No."

Russian SS-23 Spider

Finally, there was the argument that missile defense could simply be neutral when it comes to non-proliferation and arms control. After all, North Korea, Iraq, and Iran have not faced US missile defenses, yet have had, or continue to have, active ballistic missile and nuclear weapons programs. Perhaps missile defense does not matter one way or the other.

Meeting the Nuclear Threat: Alternatives to Missile Defenses

Given the prevalence of opposition to, or skepticism about, missile defense among most of the participants, many individuals proposed alternatives to missile defense that would rely upon both offensive military force and multilateral diplomatic measures to counter proliferation threats.

One such idea was to make global and multilateral the US-Russian prohibition on INF systems. A global ban on missiles with ranges between 500 and 5500 km could help prevent regional missile proliferation, just as the Nuclear Non-Proliferation Treaty (NPT) had succeeded in reducing nuclear weapons proliferation and promoting regional stability.

Others pointed out potential problems with such a "multilateralized INF Treaty." First, there is the double standard of states with ICBMs advocating the total elimination of intermediate range missiles. Second, eliminating INF would "turn the world over to manned aircraft" to the benefit of those countries with advanced fighters and bombers. Others noted that comparing a multilateral INF Treaty to the NPT is misleading, as there are two types of signatories to the NPT, with the treaty providing material inducements

Chinese ICBM DF-31.

to non-nuclear-weapons states in the form of civilian nuclear assistance.

One participant went so far as to question the effectiveness of the NPT, noting that both North Korea and Iraq had clearly violated the treaty. Citing two major failures (the belated discovery of Iraq's program and the ability of North Korea to blackmail the international community even though it clearly violated the treaty), this speaker called into question the effectiveness of non-proliferation treaties of any kind. The very states that must be stopped are those most willing to violate the treaties.

Doubts were raised by another participant about the effectiveness of the current agreement to control the spread of ballistic missiles, the Missile Technology Control Regime (MTCR). One participant noted how the status quo, and in particular China's proliferation behavior, "has been so deplorable that there is no sense preserving it."

Civil defense was also brought into the discussion to highlight the shortfalls shared by the range of defensive schemes against ballistic missiles armed with nuclear warheads. One participant said of civil defense that digging holes and expecting people to go into them was not a good model during the 1960s, yet now everyone is expected to support a different form of defense that also provides very little protection. Others made a different point, saying that if NMD is to be deployed, then civil defense should be a priority as well (while acknowledging that the taboo against civil defense is likely to persist).

Military preemption was also proposed as an alternative to missile defense, and became the subject of heated discussion. One participant supported preemption if carried out as a joint effort among "like-minded nations", with clearly stated policy objectives. Even those supporting preemption as a counter-proliferation tool recognized its shortcomings, however, especially in terms of international law and world opinion. Others were far more skeptical, doubting that preemption could ever be feasible or moral as a way of combating hostile proliferators.

Finally, discussion focused on the need for the United States in particular to publicly reevaluate its nuclear policy. One participant argued that the American public needs to be better educated about US nuclear policy so that it can play a more important role in reforming it.

There was general agreement that such a review is necessary, especially in light of the Bush administration's pronouncements that it is moving beyond Cold War constructs. Pressure also needs to be brought to bear on the US Congress, where the Senate saw fit to reject ratification of the Comprehensive Test Ban Treaty (CTBT) without any prior discussion or hearings.

Most participants agreed that publics, not only in the US but elsewhere, have opted out of direct involvement in thinking about or discussing the role of nuclear weapons in the current strategic environment. Over and above the pros and cons of missile defenses, a far broader discussion is needed on threats posed by nuclear and other weapons of mass destruction, the continued utility of nuclear deterrence, and the best way of ensuring that such weapons are never used. Particularly in light of the tragedy of September 11, policymakers and the public around the world need to arrive at a far better calculus of the tradeoffs involved among a wide range of national security policies.

Participants

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Papers

WORKING PAPERS

Victor Gilinsky (USA): Is Missile Defense Really Such a Bad Idea?

Jack Harris (UK): Britain and National Missile Defence—The Political Scene

Len Johnson (Canada): National Missile Defence (NMD)

Mohamed Kadry Said (Egypt): Layered Defense-Layered Attack's Rally: The Middle East Missile Race

John Polanyi (Canada): The Nuclear Threat and Missile Defence

George Rathjens (USA): Perceptions of Utility of Nuclear Weapons and ABM Defenses

John Rhinelander (USA): The Washington Politics of NMD

Chu Shulong (China): Missile Defenses and East Asian Stability

Jasjit Singh (India): Missile Defences and the Dynamics of Stability in the Nuclear Defence-Offence Equation

Walter Slocombe (USA): Stability Effects of Limited Missile Defenses: The Case for the Affirmative

Gerald Steinberg (Israel): One of These Things Is Not Like the Other One: A Comparison of the Strategic Implications of the American and Israeli Missile Defense Programs (very preliminary draft: 23 July 2001, prepared for discussion at the Pugwash workshop in Como) (*in absentia*)

BACKGROUND PAPERS

Thérèse Delpech (France): George W. Bush's Uncertain Success in Europe

Michael Krepon (USA): "Moving Away from MAD", *Survival*, vol. 32, no.2, Summer 2001, pp. 81-95

Robert S. McNamara and **James G. Blight (USA):** Antiballistic Missile Systems: The Pros and Cons of Their Deployment, under "Avoiding Nuclear Catastrophe: Moving steadily and safely to a nuclear-weapons-free world", Chapter 4 in *Wilson's Ghost: Reducing the Risk of Conflict, Killing, and Catastrophe in the 21st Century,* PublicAffairs: New York, 2001, pp. 192-200

Steven E. Miller (USA): "Defenses are Coming: The National Missile Defense Debate in the United States," presented at the Conference on the Missile Threat and Plans for Ballistic Missile Defense, Landau Network Centro Volta, Rome, Italy, 18-19 January 2001 [published in Paolo Cotta-Ramusino and Maurizio Martellini, eds., *Missile Threats and Ballistic Missile Defense: Technology, Strategic Stability, and Impact on Global Security* (Como, Italy: Landau Network Centro Volta, 2001), pp. 123-145)]

Steven E. Miller (USA): "Indefensible Arguments?: Missile Defenses in the New Strategic Environment," *Survival*, Autumn 2001 (forthcoming), revised draft 13 July 2001

Clayton Nall (USA): "Pursuing a Heavenly Peace: An Analysis of Nuclear Pacifism, Environmentalism, and Anti-BMD Activism from a Just War Perspective (Excerpt from senior honors thesis, *Live by the Shield, Die by the Shield: An Analysis of the Ethical Dimension of the U.S. Ballistic Missile Defense Debate*, University of Wisconsin-Madison, May 2001.)

Paul Schulte (UK): "Assessing NMD's Overall Impact – An illustrative framework for evaluation and comparison of judgments based on the most frequent publicly expressed arguments" (survey).

Paul Schulte (UK): "NMD and Moral Arguments," paper presented to the Council on Christian Approaches to Defence and Disarmament (CCAD) on Tuesday 24 April 2001

Israeli-Palestinian Relations: An Appraisal

Essay

by Maher El-Kurd
Ramallah – Palestine, April 2001

Having had the opportunity to participate in the early Oslo talks of late 1992 and 1993, and, eight years later, observing the stream of comments and analyses declaring the "death of the Oslo process", I find it necessary to propose a concise interpretation of the experience of the past and an appraisal of the present state of affairs.

I continue to believe that the principal premises of the Oslo accords remain correct. The over-riding concept of the Declaration of Principles (DOP) was to work towards achieving political separation while developing institutional economic and social cooperation; the interim period was aimed at providing both societies and both peoples with the necessary transitional mechanisms which cumulative effects over the years of the interim period would enable them to mature towards facing the issues of the permanent status.

The Oslo process has been going through a long and tormenting death since the very beginning of the process. Once the jubilation and festivities had come to an end in 1994, the (Israeli) security establishments took over the interpretation and implementation of the accords, turning the direction from institutionalizing economic and social cooperation into the direction of full separation. The three most significant "peace dividends" for the Palestinians in the Oslo accords: the three redeployment phases, the return of the 1967 displaced persons through the quadruple committee, and the two safe passages connecting Gaza Strip and the West Bank, were implemented in a manner of 'too little too late' for the redeployments and the safe passages, and 'not at all' for the 1967 displaced persons. Most of the joint (Israeli/Palestinian) committees in the appendices of the DOP have never been set up. The main concept of the Economic (Paris) Protocols, i.e., the free movement of goods and people, was never fully implemented. Palestinian failures at institution building and establishing a democratic and civic society contributed to worsening the situation.

The assassination of the late Prime Minister Rabin marked the beginning of the end for both societies. For the Palestinians, what was supposed to be a peace process that would have created real interests in a peaceful settlement turned into a nightmare of closures, security checks every 5 kilometers, restrictions on movement, more settlements, an inefficient government apparatus, and, according to the IMF and WB, a decrease of more than 20% in real per capita GNP over the years of 1994 – 1999. The seven years of the peace process have worsened the socio-economic situation instead of creating political and material interests in the process.

For the Israeli society, the assassination of Rabin invoked the polarization that had divided Israeli society since 1977 (the election of the first Likud Government): i.e., the division between the 50% or so of Israeli society that believed in retaining the unity of Eretz Israel at the expense of a large non-Jewish minority to be 'transferred' at a later stage, and the other 50% or so that believe in the foremost importance of preserving the Jewish character of the State at the expense of 'sacrificing' Arab densely populated territories captured in 1967. This schizophrenia in Israeli society sent no clear message of peace to the Arab world as it reflected an unexpected fact: that there existed no clear and determining majority in Israeli society for a 'land for peace' and 'implementation of 242' peacefully negotiated settlement. Disillusionment in the Palestinian society accumulated frustration, resentment and antagonism – the contrary process in both societies to the one anticipated in the DOP.

This process, despite its maladies and shortcomings, could have muddled on for a longer period had it not been for the unfortunate Camp David Summit. Most of the Palestinian political elite was against the whole idea of the summit: a 100 year existential conflict could not have and

cannot be dealt with in such a superficial manner; the seven years that preceded the summit did not prepare either party to reach an agreement on the permanent status issues in two weeks.

The so-called 'generous and far reaching offers'of Camp David, once leaked to the Palestinians, turned frustration and resentment into despair: 52 years after the *nakba*, with 33 years of occupation and seven years of a failed peace process, Israel still claimed control of the West Bank's prime lands and control of the water aquifers, offered diminished sovereignty, imposed the settlers but rejected the refugees. Sharon's provocative visit to Al-Aqsa was the last straw.

Most of the post-mortem comments and analyses dealing with the failed Camp David talks attempt to explain, from either point of view, the factors that contributed to the failure. The Clinton proposals and Barak's 'generous' offers were symptoms of a serious and profound gap between the Israeli and Palestinian perspectives of a permanent peacefully negotiated settlement of 100 years of conflict. The Israeli 'moderate' position represented in Barak's generosity presumed to end the conflict and put an end to all Palestinian claims through a compromise on the results of the 1967 war – hence the Camp David offer.

The Palestinian perspective was outlined at the PLO's 1988 Algiers meeting of the Palestine National Council and the declaration of the Palestine State. It defines the historical reconciliation and the end of the 100 years conflict through presenting a compromise on the *nakba* of 1948; i. e., the recognition of Israel's right to exist and the partition of Palestine into two states, of which the State of Palestine is to be established along the borders of June 4th 1967 and the settlement of the refugees issue in accordance with UN Resolution 194. It is this gap between the two perspectives, the fact that there existed (during the Camp David talks) in Israel no clear majority for a comprehensive peace settlement, and the failures of the past seven years that underlined the Palestinian resistance, that doomed the Camp David conference.

In the past six months, the Israeli excessive use of force and collective punishments, encirclements and blockades fed more resentments and antagonisms. State terrorism was inevitably confronted by mass popular resistance as well as sporadic underground and fundamentalist armed resistance. The cumulative effects of the past six months have inflicted serious damage. The effect on both societies is deeper and more wide-spread than the growing confrontational spirit in Palestinian society and the demise of the narrow and isolated 'peace camp' in Israeli society. It will therefore be simplistic and naïve to suppose that ordinary measures and political statements will be enough to break the current deadlock and move out of the abyss.

The situation is moving quickly from a failed peace process to a new phase in the 100 years conflict: a *South African model of Apartheid in the Middle East*. The statements of Palestinian leaders and intellectuals in the past few weeks, the general spirit of the Arab summit which accommodates the Arab emotions, the early symptoms of - marginal so far, but spreading – European calls for anti-Israel sanctions, and, indeed, the statements and actions of the leading Israeli political and intellectual figures (including Amos Oz *et al*) are strikingly reminiscent in their arrogance and inherent racism of the aura that surrounded the last white generations that governed Rhodesia and South Africa.

Among those Palestinian and Arab intellectuals who characterize the present phase of the conflict as a South African model of Apartheid, only a minority would believe this trend to be a negative one. To them, of the peoples living west of the Jordan river, 'only' 50% (due to the large number of Russian Christian emigrants) at present are Jews; it will take one, or at most two more generations for the Apartheid policy imposed by Israel to run its full course and reach its logical conclusion, an historical process that will avoid the partition of Palestine between the two peoples, and the eventual creation of a democratic and secular state for all its citizens west of the Jordan river.

The proponents of this view recognize the poetic justice in this 'let the apartheid run its course' slogan (as opposed to the 'let the IDF win' slogan supported by the majority in Israeli society).

The South African-Development phase of the conflict is still in its very early stage, and thus reversible. Whatever its merits, the suffering that it will inflict on both societies for another generation or two in the Apartheid model can – and must – be avoided. What is needed is a fair and humane way out of the present deadlock.

It is idle to expect to resuscitate the peace process with a Sharon- and Likud-led government, in which a Nobel Peace Prize laureate acts as a Minister for Propaganda and a Labor Defense Minister needed to be restrained by the

very Sharon of the Lebanon war. It is not unrealistic, however, to explore areas of joint interest in stabilizing the situation and moving it from a situation of the confrontation between state-terror and growing popular resistance to a situation of stability through ending mass punishment and blockades. Meetings between the two sides are necessary to agree on security, economic and political steps to be jointly agreed upon and implemented.

Could the presence of a Labor faction in the present government be the one factor that could act as the necessary and indispensable catalyst to organize the first of such meetings without impossible pre-conditions? Will the present situation drag on and drive the region out of the peace process era into the era of Apartheid and the Rhodesian and South African model of development? Unfortunately, very little time is available before the region enters this new, non-reversible, phase of development that is entirely different from the failed peace process of the 1990s.

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SELECTED ESSAYS

The Oslo Process: Failures, Lessons, Alternatives

Essay

by Joseph Alpher
November 2001

The Oslo process has collapsed and the al-Aqsa Intifada continues to rage. Both the PLO and the new Israeli government have thus far offered little by way of either military or political solutions to the impasse. Indeed, the two sides appear to have lost their capacity to communicate in a constructive manner. At such a juncture in the fortunes of the Middle East it is important, indeed imperative, to look back over the past eight years and ask ourselves what flaws in the Oslo process contributed to the current state of affairs.[1] Such an inquiry is not merely of historical importance. For if we can identify flaws, we can hopefully learn from them. And while the discussion of possible alternative new tracks for an Israeli-Palestinian settlement is already underway, it could surely benefit significantly from an attempt to apply the lessons learned from Oslo.

An inquiry into Oslo is inevitably, at least in some ways, a subjective exercise, influenced by the experiences and political perceptions of the inquirer. This analysis acknowledges the following assumptions and experiences:

The current impasse was not predestined. At and after Camp David, the PLO was presented with a reasonable set of proposals by an Israeli prime minister who, along with all his mistakes, was prepared to continue to negotiate additional compromises and could have achieved popular support for an agreement. The PLO opted instead for violence. The reasons why are one of the subjects of this inquiry.

There are some on each side who suspect the other of never having been sincere in their desire to make Oslo work. If they are right, then Oslo was an exercise in deception at the strategic level. This is a legitimate line of inquiry, but for the purposes of this analysis we shall assume that both sides indeed were originally sincere.

This analysis is about the Oslo process; we are not looking here specifically at the causes of the current Intifada. Yet the Intifada in effect concided with, or signaled, the collapse of the Oslo track, and it is obvious that some of its causes also contributed indirectly to the collapse of Oslo. For example, the Israeli unilateral withdrawal from Lebanon in May 2000 was interpreted by Palestinians in two ways that contributed to the Intifada and proved detrimental to the Oslo process. First, Israel's withdrawal to a UN-designated border with Lebanon reinforced the PLO demand that Israel withdraw to its 1967

borders with the West Bank and Gaza—a demand that Israel refused to countenance. Secondly, the unilateral nature of Israel's withdrawal from Lebanon in the face of Hizballah's attacks persuaded Palestinians that the use of force, rather than negotiations, could oblige Israel to withdraw from remaining occupied areas in the West Bank and Gaza.

By way of full disclosure, the author notes that he was involved with the Oslo process in a number of ways. He was associated with track II efforts between Israelis and Palestinians, and with research on Israeli-Palestinian peace, that preceded and paralleled the original Oslo track. At the time of Camp David II in July 2000 he served as a Senior Advisor to Prime Minister Barak.

Finally, this is a very preliminary investigation of a topic that requires considerable additional discussion and debate, and probably the simple passage of time, in order to be better clarified.

Achievements

An exploration of the flaws of the Oslo process is not meant to denigrate from the historical importance of the Oslo breakthrough and the net gains of the past eight years of the peace process. Today, compared to 1993, the gaps separating Israelis and Palestinians are radically narrowed and the issues far better defined. Indeed Oslo, which reflected considerable personal courage on the part of Israeli and Palestinian leaders, provided the two sides their first opportunity to engage the core issues in depth. Oslo strengthened the centrality of negotiated, land-for-peace settlements between Israel and its neighbors, and specifically legitimized a two state solution between Israel and Palestine. It transformed the psychological environment, initiated a modest process of 'de-demonization' on both sides, and created political-legal norms—in effect, an agreed vocabulary—for discussing Israeli-Palestinian relations. Oslo enabled Israel to negotiate a peace agreement with Jordan and to radically improve relations with a host of additional countries, with positive consequences for Israeli strategic security and for the Israeli economy.

Oslo provided the Palestinians with a territorial base, a degree of self rule, and a potentially fruitful relationship with the United States.

Some observers would argue that Oslo, like true communism, did not in fact fail because it was never really tried, i.e., the failure was in the execution, not the agreement. Many also contend quite persuasively that the 1993 DOP was 'the best we could do at the time.' Then there is the argument that Oslo actually succeeded, in that it was only designed to lead Israel and the PLO into final status negotiations—not to ensure their success. None of these considerations detracts from the need to examine the flaws in both the agreement and the process as a whole.

Flaws

Oslo's first and most obvious failure concerns the building of trust and confidence between Israelis and Palestinians. This was a key objective of the introduction of phasing into the process. The interim step-by-step process was supposed to generate trust. Yet arguably, the prolongation of a gradual, step-by-step process in a tense atmosphere has inevitably generated major episodes of violence; gradualism seems merely to extend the vulnerability of the process as a target for the extremists on both sides. In many ways it is the failure of the Oslo interim process (land transfer, cessation of settlement building and state-building for the Palestinians, security for Israel) rather than of the final status phase, that produced the Intifada. All this calls into question the advisability of breaking such a process down into interim phases.

When Oslo was born, it was Abba Eban who noted this vulnerability and suggested that it might have been preferable to do the job in 'one fell swoop.' But here we must note that this was precisely what Ehud Barak—himself no adherent of the phasing principle—tried to do during his 19 months in office, with equally unsuccessful results. Moreover, in the Intifada Palestinians are fighting for a number of demands, e.g., removing provocative isolated settlements, that Israel already effectively signaled it would comply with under agreed final status terms. While this does not mean that a phased process could necessarily have been avoided, we nevertheless must conclude that the Oslo interim process failed entirely to create trust and confidence between the parties.

An additional assumption of the Oslo interim concept and timetables for autonomy and final status talks is that the Palestinian people and their leadership, the PLO, are—or quickly will become—'ripe' for self-government. While it may seem 'politically incorrect'—in an age that recognizes the universal right to self determination—to question

this assumption, it must be acknowledged that historically Palestinians have never been sovereign, and never managed their own affairs. Thus one could argue that the interim process, far from being eliminated, should have been spread over a far longer period of time.

Another failed objective of phasing and the generation of trust was to provide an instrument for the economic development of the Palestinian Authority. Fully one-third of the Oslo DOP of September 1993 concerns joint economic development plans that proved abortive. These were based on the concept of economic integration championed by Shimon Peres within the framework of his New Middle East concept, which has itself proven to be radically premature if not totally misplaced. In reality, Palestinians' productivity and standard of living dropped considerably during the Oslo period—by 20% between 1994 and 1999, according to the IMF and World Bank. Reasons for this include corruption, high natural population increase that the PA made no effort to reduce, and Israel's security needs.

In this context, it is instructive to note that on the Israeli side, Oslo embodied the problematic combination of two very different fundamental strategic concepts: on the one hand, the security-minded 'separation' espoused by Yitzhak Rabin (and later Ehud Barak), and on the other, Shimon Peres' 'integration' with its economic emphasis (the 'New Middle East'). Over time the concepts have proven to be incompatible and at times even contradictory (e.g., when Israel responded to Palestinian suicide bombings by invoking closures and other security restrictions, with devastating economic effect on the Palestinians), to the detriment of Israel's overall policy for administering Oslo.

A second structural flaw in the Oslo DOP is its determination that final status negotiations, regarding a specified list of topics, would "lead to the implementation of Security Council Resolutions 242 and 338". Resolution 242 as a formula for peace is interpreted very differently by Israelis and Arabs. The framers of Oslo were undoubtedly aware of the two sides' contradictory interpretations, but nevertheless determined in advance that the basis for final status talks would be disputed from the outset. Presumably they reasoned that time, and the confidence-building process which never took off, would render the contradictions more amenable by the time final status talks arrived.

This did not happen. Israel came to the table to negotiate final status believing it was entering into an additional process of mutual compromise on all fronts. It held fast to the 'territories' (as opposed to 'the territories') language of the English original of 242, along with its mention of 'secure borders': Israel understood these phrases to mean that it did not necessarily have to evacuate all the territories occupied in 1967. Moreover, it argued that 242 did not apply to the West Bank, Gaza and East Jerusalem in the way it had applied to Israel's international borders with Egypt (back to the '67 lines) and Jordan (one-on-one territorial swaps) and would presumably apply to the border with Syria ('67 lines). After all, Israel claimed, the Palestinian territories had not constituted a sovereign state, or the Green Line an international border, prior to 1967.

The PLO, for its part, cited both the language of 242 that it preferred (evacuation of '*the* territories', meaning all the territories, in the Russian and Arabic versions) and the precedents of Israel's previous peace negotiations, to back up its demand that negotiations center on the 1967 border. Moreover, the PLO came to the final status negotiating table with a well developed narrative that placed it essentially only on the potential receiving end of concessions regarding territory. According to this concept, the Palestinian people made a single huge concession when it agreed to a two-state solution based on the existence of Israel within 77% of Mandatory Palestine (the 1967 boundaries). While minor symmetrical territorial adjustments were possible, the basic Palestinian demand for the remaining 23% was non-negotiable. This fundamental contradiction between the two sides' core approaches regarding territory has not been resolved to this day. Certainly Oslo provided no mechanism for a preliminary discussion of the applicability of 242.

Moving from the DOP to the peace dynamic it generated, the Oslo process also reflected a failure of leadership on both sides. Israeli and Palestinian leaders alike found it expedient to ignore, and at times even encourage, activities by their extremist opposition that were explicitly or implicitly prohibited by Oslo—all in the interest of conciliating the opposition and buying political time, even as these same opposition elements became yet more extreme. Thus prime ministers Rabin, Peres, Netanyahu and Barak all, to one extent or another, allowed settlement building to proceed, avoided carrying out interim further redeploy-

ments and opening safe passages between the West Bank and Gaza Strip, and refused to release prisoners—all in contradiction to the spirit and/or the letter of Oslo, even as Arab and American policymakers pointed out the devastating effect this was having on the Palestinian commitment to the process. Note, for example, the clash between Rabin's open antagonism toward the settlers ("propellors," "political settlements") and his reaction to the Baruch Goldstein massacre in Hebron in February 1994: after a single settler murdered 30 Palestinians as they prayed, and the Israel Defense Forces, in suppressing the ensuing riots, then killed some 20 more, Rabin imposed a heavy closure regime on the city's battered Palestinian population and refused to remove the provocative and extremist Jewish settlers. Some Palestinians cite this as a major turning point in their attitude toward Oslo.

Arafat, for his part, never collected arms from the public as directed by Oslo, never seriously suppressed the Islamic opposition, and never came to terms with the demand to cease anti-Israeli incitement. At key junctures in the process, when he apparently assessed that he had exhausted his reserve of diplomatic options, he violated his commitment (embodied in his letter to Israeli PM Rabin of Sept. 9, 1993 that accompanied the Oslo DOP) to refrain from "terrorism and other acts of violence."[2] Nor did he ever display public empathy for Israel's concern with personal security. Basically, he never educated his people for peace.

Apropos settlements, the 1993 DOP specifies that their fate is a final status issue, to be negotiated between the two sides. The PLO, which sees settlements as a colonialist statement of Israeli aggression, understood this and additional references to territorial issues in the DOP to mean that settlements would not be expanded in any way in the interim. But successive Israeli governments insisted that Oslo did not prohibit 'natural growth' to satisfy settler needs. Interpreted liberally—and in many cases cynically—this position brought about an increase in the settler population from 120,000 in 1992 to around 200,000 by 2001. A portion of the new settlers live in new 'neighborhoods' and 'outposts' that are really new settlements in all but name. The Oslo language on settlements is yet another example of the dangerous ambiguities that were tolerated in the DOP in the interest of reaching a deal that advanced the process.

The leadership failures climaxed in the year 2000. Ehud Barak demonstrated a painful lack of personal political skills that prevented him from building a direct relationship with Arafat (or, for that matter, with most of his own coalition). As for the PLO leader, not only Israel and the US but many in the Arab world too recognize his key mistake. In the words of commentator Fahd al-Fanek (generally a tough Arab critic of Israel), "the Palestinian side made a mistake when it allowed a unique opportunity . . . to slip by . . . at Camp David and Taba. . . . The previous century has witnessed a number of opportunities that were rejected by the leadership of the Palestinian people, only for them to come back later and make the same demands accepting what they had previously rejected."[3] The consequences of these failures of leadership—particularly those regarding Israeli settlement-building and Palestinian incitement, hoarding of arms and failure to ready the public for a compromise peace—were abundantly evident in the outbreak of the al-Aqsa Intifada that marked the termination of the Oslo process.

Thus far this assessment of the failings of Oslo has focused on flaws shared, or mistakes committed, by both Israelis and Palestinians. Additional flaws were specific to each of the parties. A succession of Israeli governments, for example, failed to factor in the ramifications of Oslo for the Israeli Arab community. On the one hand Israel insisted, and the PLO accepted, that the status of Israel's million strong Palestinian Arab community was an internal issue that should in no way be a subject for negotiation. But on the other, Israel ignored the radicalizing effect on its Arab citizens—in particular, a sharp rise in socioeconomic expectations and increasing demands for greater autonomy and even for Israel to cease to be a 'Jewish state'—of the anticipated 'end of conflict' agreement and emergence of an independent Palestinian state. The consequences were evident in the violent Israeli Arab participation in the early stages of the al-Aqsa Intifada in October 2000, which was also nurtured by a parallel growth in Arab Islamic extremism in Israel.

The PLO, for its part, and Arafat specifically, continued to exhibit a reliance on the use of violence—specifically prohibited by Oslo—that ultimately helped destroy the process. It also emerged that the PLO leadership brought with it from the Diaspora elements of a systemic corruption that eventually threatened to alienate it from

its own constituency in the West Bank and Gaza. Many Palestinians cite Palestinian Authority corruption as a key domestic cause of the Intifada, and explain that in some ways the uprising is directed as much against the PA leadership as against Israeli occupation.

At the strategic level, each side based its acceptance of Oslo on a set of assumptions that proved to be largely unfounded. The Israeli signers of the Oslo DOP held the false expectation that Israel was exchanging land for strict Palestinian enforcement of security for Israelis; and that settlement expansion during the interim period would be tolerated by Palestinians. The Palestinian leadership and public believed mistakenly that Israel's signature meant it was prepared to acquiesce in Palestinian core positions regarding sovereign statehood, Jerusalem and refugees. Perhaps the ultimate case study in mutual misperceptions emerging from the Oslo process is Jerusalem: at Camp David it emerged that neither side really understood the religious-national significance of the city to the other. From here to the ill-fated Sharon visit to the Temple Mount on September 28, 2000 that catalyzed the Intifada, we can trace a direct line of misunderstanding and suspicion.

Finally, there is the American element. Throughout the process Washington—the principal international guarantor of the Oslo agreement—was aware of the destructive effect of both parties' non-compliance with Oslo obligations, yet failed to demand their compliance effectively. Toward the end of the process, during the Netanyahu and Barak premierships, the US became overinvolved, moving from a facilitator mode to the role of active mediator and even arbiter. Initially, under Netanyahu, this had the understandable goal of simply keeping the process alive. Ultimately, under Barak, the frenetic pressures of his and Clinton's 'lame duck' timetables of the last months distorted the capacity of Israel and the PLO to reach and keep agreements, and led to a strong devaluation of American political capital in the Middle East. The eventual 'hands off' reaction of the Bush administration—which at least initially disassociated itself from the Oslo process—was, under these circumstances, inevitable.

Lessons

When Israel's Uri Savir and the PLO's Ahmed Qurei (Abu Alaa) began their Oslo dialogue in the spring of 1993, they resolved to discuss only the future—not the past. To do otherwise, they reasoned, would doom the process to failure. They may have been right, in the sense that their approach enabled the two sides to create a pragmatic formula for temporary coexistence that advanced the cause of Middle East peace. But by postponing discussion of the contradictions between the most fundamental Israeli and Palestinian narratives, they also allowed the Israeli-Palestinian dynamic to be invaded by a virus that has now paralyzed it.

Stated plainly, Oslo has failed to resolve these contradictions. When the process ended in late January 2001 at Taba, Palestinians were still insisting that Israel admit the 'original sin' of its very existence, blame itself officially for causing the Palestinian refugee problem, accept a principle of 'return' that implies (to Israelis) that Israel should not be a Jewish state, and absolve the PLO of the need for additional compromises. They also denied any Israeli/Jewish spiritual or national link to the Temple Mount. These demands, coupled with growing Israeli Arab calls for 'deZionizing' Israel and with the violence of the Intifada, left the Israeli public thoroughly traumatized. That same public still supports the original substance of the process, as well as Barak's far-reaching formulation for a two-state solution, but only on condition that it enshrine Israel's legitimacy as a Zionist Jewish state with deep historic and religious links to Jerusalem and the Temple Mount, and be based on a spirit of mutual compromise.

If Oslo proved unable to resolve—or, alternatively, bypass or even postpone—these near primordial contradictions, perhaps there are alternatives that can. The following brief survey assesses alternative peace process concepts. The author himself does not necessarily endorse or advocate any particular option; rather, they are cited here because they have recently appeared, or are judged likely to appear, on the Israeli national agenda. Nor are all necessarily mutually exclusive; some could coexist or coincide.

Possible Alternative Israeli-Palestinian Peace Tracks

There are those, like Yossi Beilin, who continue to believe that the Oslo final status track can succeed. If only the negotiators could have "a few more weeks," they might be able to reach a package deal that comprises everything: Jerusalem, refugees, borders, security, and 'end of

conflict.'[4] This route reflects progress made at Taba in January 2001, on issues like borders, settlements and refugee compensation. But it appears to ignore the very basic contradictions regarding essential narratives and positions that emerged in the course of the past year's final status talks, were apparently not resolved at Taba, and which must be clarified before a final status agreement can be concluded.

Some Palestinians, like West Bank Fatah leader Marwan Barghuthi, also argue that a return to the Oslo framework is impossible, and that "the Palestinians and the Arabs must find a new formula for the negotiations."[5] In any case, Israeli Prime Minister Ariel Sharon, representing a widespread sentiment in Israel, has indicated that he has no near-term intention of pursuing the Oslo final status formula. Hence this track appears to have little immediate relevancy. Yet in the medium or long term, Israel and the Palestinians will inevitably have to return to these issues, more or less in the Camp David/Taba format, if they are to resolve the conflict.

A second alternative that is increasingly prominent may be termed 'short term crisis management.'[6] It assumes that, whatever developments take place in the near future, the gap separating the two parties' basic narrative positions will prevent a solution that ends the conflict. Hence means must be developed for both sides to manage, rather than resolve, the conflict—to draw back from confrontation, until such time as the process may be renewed. These could comprise a renewal of security coordination, a third party role, and perhaps agreement by both sides to observe mutual constraints—for example on violence, on incitement or on settlement construction. An existing example of such crisis management is the two sides' tacit understanding to avoid taking violent or unilateral actions that might affect their shared water supply. This option, like the one following (no. 3, below), is also roughly compatible with the path toward renewed negotiations outlined in the Mitchell Commission recommendations of the spring of 2001.

Prime Minister Sharon's official position advocates postponing final status talks and returning to an interim mode—ostensibly because of the unbridgeable gap between the sides, but also because Sharon is not prepared to offer the concessions Barak proposed for final status. Under an interim deal, Israel would agree to an additional transfer of West Bank territory, measures to enhance territorial contiguity within the Palestinian areas, economic concessions and incentives, and the declaration of a Palestinian state. The PLO would agree to a non-belligerency pact and a postponement of final status talks for, say, five or ten years. Unconfirmed but reliable reports—denied vigorously by Sharon for the time being—indicate that he has even offered to remove outlying settlements in the Gaza Strip and West Bank in order to ensure greater stability and territorial contiguity for the Palestinians. Meanwhile, Israel would retain the Jordan Valley and united Jerusalem. While a final status track might be reopened, it is not expected to register progress. All these elements of an agreement have apparently been relayed to the PLO through unofficial contacts, some at ministerial level, held over recent months.

Thus far the Palestinian response to this set of proposals appears to be a conditioned rejection. While Arafat presumably would not object to receiving an additional increment of land and declaring a state under agreed conditions, he would nevertheless insist that Sharon's scheme fit in with the overall Oslo framework, which provides the 'international legitimacy' that is so important to the PLO. Thus the land transfer must be called the '3rd FRD', i.e., the final stage in the interim process that Ehud Barak preferred to ignore in favor of a final status agreement. It must be considerably more substantial than the 10% of the West Bank that Sharon has thus far intimated he would consider. And it must not constitute an alternative to final status talks, but rather complement them—again, in the spirit of Oslo.

This does not mean that Arafat necessarily expects that Sharon will participate in a breakthrough on final status talks, but rather that the format of Oslo, and the concommitant commitment to final status, must be honored. But by the same token, Arafat would presumably also not agree to a prolonged postponement of a final status agreement. Instead, he would seek to reduce and mitigate the terms of postponement to a manageable minimum, while implicitly brandishing the threat of a renewed Intifada if the postponement turned into a freeze.

Under current conditions, some variation on this option appears to be the most probable of the alternatives for renewing negotiations.

Before he left office, Ehud Barak trumpeted the option

of unilateral or 'bilaterally coordinated unilateral' steps. The objective would be to achieve a high degree of separation even without a peace process. Under this alternative, Israel would inform or signal the Palestinians regarding a series of moves designed to define its border with the West Bank unilaterally, by building fences and paving bypass roads that include the major settlement blocs within Israel's borders, and setting up new border crossing points accordingly. In return it would not object to certain unilateral Palestinian steps, such as a declaration of independence. All this, without specific reference to the ongoing violence. In fact, some of these fencing and paving activities began under the Barak government, principally as a response to the security challenges of the Intifada.[7]

The primary drawback of the unilateral approach is that it is limited geographically. It cannot be applied in Jerusalem, where geographic separation is impossible due to mixing of neighborhoods, or in the Jordan Valley, where for security reasons Israel is not likely even to contemplate withdrawing its military presence prior to a final status agreement. In the settlement blocs where it can be applied, it does not rationalize the status of Arab villages located within the blocs—which presumably would have to be negotiated. And in the Gazan and West Bank heartland, it would have to involve unilateral dismantling of isolated and provocative settlements in order to have any effect—a politically explosive option, albeit one that is gaining increasing public support.[8]

As noted, unilateral separation was proposed by Ehud Barak while he was prime minister. Ariel Sharon has stated that he sees no practical possibility of carrying out a policy of separation. Indeed, Sharon claims to oppose the very notion of separation, and argues that "I don't believe in 'us here and them there.' . . . I always said we could live with the Arabs"[9]—albeit, presumably, only on Sharon's own political-ideological terms.

The PLO's efforts at 'internationalization' of the conflict, e.g., by calling for intervention by a UN force, are designed to impose elements of a settlement on Israel. This option could reach a degree of fruition if the military situation deteriorates seriously, as a result of large scale loss of life on one or both sides due to deliberate attacks or inadvertent error. Heavy international pressure on Israel could be designed to force it to alter its military or police deployment—in effect, abandon territory and perhaps settlements—in sensitive areas like Bethlehem, Hebron and Jerusalem. If the Intifada continues, some aspects of this scenario could become increasingly probable, insofar as inadvertent heavy loss of life is almost certain to happen eventually.

Three additional options appear at present to be somewhat counter-intuitive, but could well become more prominent on the Israeli public agenda if the current political impass continues. One is to revert to the thinking regarding federal and confederal options that characterized the pre-Oslo period, and that has remained fashionable with anti-Oslo Palestinian intellectuals. These options would seek to bypass some of the most intractable final status issues—borders, settlements, refugees—through new concepts of flexibility regarding political borders and definitions of citizenship.

One such possibility might be to involve Jordan in confederal arrangements with Israel and a Palestinian state in a manner calculated to soften territorial demands.

Another is to exploit the increasingly controversial support of Israel's Arabs for the Palestinian cause, together with the growing demographic concerns of Israel's Jewish majority, and suggest that Israel compensate the PLO for settlement bloc annexations very generously, by moving the border so as to place several hundred thousand Israeli Arabs (in the Triangle, Wadi Ara and Northern Negev regions), with their lands and dwellings, inside a Palestinian state. Alternatively, or in parallel, Israeli Arabs who object to Israel's status as a Jewish state might be encouraged to exchange Israeli for Palestinian citizenship—while continuing to live in Israel—even as settlers could remain as Israelis living deep inside Palestinian territory. This would produce a measure of demographic separation to overlap geographic separation.[10]

This option, with its variations, has the advantage of mustering creative thinking and seeking to integrate related issues—Jordan's welfare and political status, the Israeli Arab problem—into a peace process. One disadvantage is that it involves political frameworks that presume a complex and 'warm' peace and soft borders at a time of growing mutual suspicion and demand for separation rather than integration. Many Israelis—Jews and Arabs—as well as the international community, are likely to object to the notion of 'trading' with the citizenship

rights of Israeli Arab citizens. As for Jordan, it has long held that it will not be a part of an Israeli-Palestinian final status agreement.

A second counter-intuitive option would involve agreement by both sides to abandon the notion of final status as a complete package involving complex trade-offs, and agree to discuss specific final status issues separately, one-by-one. Thus for example, the parties would seek to solve the related issues of security, borders and settlements alone, agreeing in advance not to discuss in parallel refugees or Jerusalem. Or, they would attempt to reach separate agreement on the refugee/right of return issue. This option has the advantage of being compatible with other partial solutions, such as a new interim agreement or unilateral separation. It also might inject new momentum into an otherwise stagnant process. Its great disadvantage is that, by breaking up the final status package, it denies both parties the room for trade offs that might enhance their capacity to reach agreements. In particular, it neutralizes Israel's demand for an 'end of conflict' pledge by the PLO in return for a comprehensive agreement embodying Israel's final status concessions.

Finally, precisely because the interpretation of 242 appears to be such a fundamental sticking point, it might be advisable for the parties to engage in direct negotiations aimed at reaching an agreed interpretation of this key UN resolution—following which a number of controversial final status issues might more easily fall into place. Of course, failure in such a venture would, in turn, have a detrimental effect on the overall process—which is presumably why the drafters of Oslo avoided such a debate.

Conclusion

This paper has briefly examined Oslo's flaws and the lessons and alternatives that they suggest at this critical juncture. Its conclusions point to the need for policymakers, as well as academic and other interested circles, to expand their search for a renewed peace process. In this regard, creative thinking regarding new ways to advance an Israeli-Palestinian settlement could focus on a variety of interim, partial, unilateral and confederal solutions, and could revisit 242 and other traditional underpinnings of the process.

Joseph Alpher is an Israeli writer and consultant on peace process related issues. He is the Israeli editor of bitterlemons.org, an internet-based Israeli-Palestinian strategic dialogue. He is a former Director of the Jaffee Center for Strategic Studies, Tel Aviv University.

Notes

[1] A preliminary version of this paper was presented at a workshop sponsored by the Bertelsmann Foundation, in conjunction with the Konrad Adenauer Foundation, in Jerusalem on March 15-16, 2001. Themes discussed in the paper were also presented by the author at the Seventh Pugwash Workshop on the Middle East in Alexandria, Egypt, on April 26-29, 2001, and in a Backgrounder prepared for Americans for Peace Now in April 2001 and published on their website. The author is indebted to a number of individuals present at these meetings, and in APN, as well as additional Israelis, Palestinians and Americans, for their insights on the issues in question.

[2] For the text of the Arafat letter, the Oslo DOP and other key documents, see Mahdi Abdul Hadi, ed., *Documents on Palestine*, Vol. II, PASSIA, 1997.

[3] *Al-Rai*, Jordan, April 2, 2001.

[4] Personal conversation, April 16, 2001.

[5] *Al-Hayat al-Jadida* (PA), May 8, 2001, citing Al-Bayan (UAE). Cited by MEMRI.

[6] I am indebted to Maher el-Kurd, Economic Adviser to the President of the Palestinian National Authority, for the use of this term.

[7] For a fairly comprehensive exposition of this option, see David Makovsky, "Middle East Peace Through Partition," *Foreign Affairs*, March/April 2001.

[8] See for example the poll in *Yediot Aharonot*, May 4, 2001, according to which 44% of Israelis favor unilateral dismantling of outlying settlements and determination of the border with the Palestinians.

[9] Interview in *Haaretz* weekend magazine, April 4, 2001.

[10] For a presentation of this approach based on a recent discussion in Israel, see "Balance of National Security and Strength: Policy Directions—Executive Summary" (Hebrew), summary of the "Herzlia Convention," 2001, Herzlia Interdisciplinary Center, Institute for Policy and Strategy.

The US Pugwash Group

Scientific Cooperation and the US Embargo of Cuba

Following up the Pugwash workshop on medical research held in Havana, Cuba in February 2001, and publication of a *Pugwash Policy Brief* (June 2001) on the effects of the embargo for patients in both Cuba and the United States who suffer from sickle cell anemia, several members of US Pugwash participated in a symposium sponsored by the American Association for the Advancement of Science (AAAS) on the benefits of greater exchanges of people, information and research between the US and Cuba. The AAAS symposium was held on 18 June 2001 in Washington, DC and included representatives from the Smithsonian Institution, the American Chemical Society, and a wide variety of NGOs. The US Pugwash members attending were Kenneth Bridges, M.D. (Brigham and Women's Hospital, Boston), Elliott Schiffmann (National Institutes of Health), and Jeffrey Boutwell (Pugwash Conferences), all of whom later that afternoon visited several Senate and House offices on Capitol Hill to discuss the prospects for relaxing the US embargo to allow greater scientific and academic cooperation between the US and Cuba. One outcome of the visit was an initiative taken by Rep. James McGovern (D-Mass) to circulate the *Pugwash Policy Brief* to the other 434 members of the House of Representatives, with the Dear Colleague letter reprinted below. Sen. Christopher Dodd (D-Conn) later did the same to all members of the US Senate.

The following letter was accompanied by the Pugwash Policy Brief on Cuba and distributed to all members of the US House of Representatives.

July 6, 2001

Dear Colleague,

I would like to bring to your attention the June 2001 policy brief produced by the Pugwash Conferences on Science and World Affairs, the 1995 recipient of the Nobel Peace Prize. This newsletter explores the effects of the U.S. embargo on US-Cuban medical cooperation. I especially encourage you to read the article by Dr. Kenneth R. Bridges, Director of the Joint Center for Sickle Cell and Thalassemic Disorders at Brigham and Women's Hospital in Boston, Massachusetts.

As you know, drugs and medical devices developed by Cuba are not available to Americans. This includes vaccines for heart disease, cancer, hepatitis-B and meningitis-B, although for the latter a special protocol is being negotiated because the drug is so needed and desired by the U.S. medical and pharmaceutical community. Common areas of research requiring clinical trials, such as sickle cell disease, are also denied from engaging in joint clinical trials. Cuba has also developed fetal monitoring equipment that is being used in Canada, the United Kingdom and twenty other countries, but not the United States.

While only lifting the embargo will make these drugs, medical devices and opportunities for joint research truly available for all Americans, H.R. 2138, the Bridges to the Cuban People Act of 2001, takes important steps forward. For example, it would allow the import into the United States of Cuban-originated medical devices and medicines that are not commercially available in the U.S. already.

I encourage you to read the articles in the attached newsletter, and I encourage you to contact the offices of Representatives Jose Serrano and Jim Leach to become a cosponsor of H.R. 2138.

Sincerely,
James P. McGovern
Member of Congress

[EDITOR'S NOTE: On July 25, 2001, the US House of Representatives passed an amendment by a vote of 240 to 186 (supported by 67 Republicans) that would greatly ease restrictions on Americans traveling to Cuba. Then, on December 18, the US Senate moved a step closer to easing the embargo by voting 61 (including 21 Republicans) to 33 to defeat the Torricelli amendment that would have made more difficult the private financing of food and medical supplies to Cuba.]

52nd Pugwash Conference on Science and World Affairs

Planning continues for the 52nd Pugwash Conference, to be held on the campus of the University of California, San Diego (UCSD) from 9-14 August 2002. The co-chairs of US Pugwash, Lynn Eden (Stanford University) and Steven Miller (Harvard University), are working with a conference advisory committee that includes Ruth Adams, Marvin Goldberger, John Holdren, and Herb York, as well as several faculty and administrators from UCSD, among them Richard Attiyeh (Vice Chancellor for Research), Stephan Haggard (School of International Relations/Pacific Studies), Patrick Ledden (Provost, Muir College), Susan Shirk (East Asian studies), and Mark Thiemens (Dean, Physical Sciences). The 52nd Conference is also a Pugwash quinquennial conference which will see the installation of a new Secretary General, President, and Council. For more information, visit the Pugwash website at www.pugwash.org.

Pugwash Nederland

A National Workshop of the Netherlands Pugwash Group:

Sharing the Planet: Population–Consumption–Species

13-15 June 2002, University of Groningen, The Netherlands

Seeking to contribute to the debate on what a sustainable world might look like and how it can be reached, the Pugwash Council stated in its 1988 Dagomys Declaration that environmental and developmental problems are intimately linked, and that *destruction of the environment on a global scale* and *denial of basic needs for a growing majority of humankind* are interrelated dangers. In *The World at the Crossroads* (1994) a Pugwash study group presented a critique on humanity's tendency to seek one-dimensional and simplistic answers to today's intertwined and complex global problems. According to its conclusions, the world is "on the wrong fork of the crossroads - the fork leading to disaster", and recommendations were given regarding the steps required to get on the right fork, that is, the one leading to sustainability.

Continuing the analysis of how to get on the right track, Pugwash Netherlands is now organising a national workshop entitled "Sharing the Planet: Population – Consumption – Species". The workshop will bring together thirty to forty knowledgeable participants and respected personalities, who will examine the subject of sustainability from a multidisciplinary and multicultural approach, in which both scientific and ethical arguments play an important role. A significant representation of perspectives from developing countries and the participation of developing-country specialists will be indispensable for the workshop to succeed. The workshop participants will discuss strategies for realizing the goal of a sustainable sharing of our planet among humans and all species.

For more information on the workshop, please contact Johan van Klinken (e-mail: vklinken@kvi.nl).

Excerpts from the ISYP Newsletter September 2001

FROM THE EDITOR

On 11 September the world as we know it changed a little bit. Much interesting debate has evolved inside ISYP and elsewhere, with many very different views of the attack and the shape which the response to these attacks should prevail. Many of these appear irreconcilable, but within Pugwash, and around the world we should bear in mind our common humanity and seek the most peaceful and least harmful solutions to our differences. The Board is happy to have reached consensus on a statement, published below.

The new ISYP Board has constituted itself with Hugo Estrella being elected as Chairperson and Magda Kropiwnicka as Treasurer. We have divided into working groups similar to those within the Interim Committee and look forward to reporting on our specific activities. The first group will be responsible for communications, including contact with national groups and the distribution of the newsletter; the second group is charged with funding and other financial matters; while the third group will deal with legal issues including the holding of elections, etc. We act on behalf of the National Groups and always welcome any suggestions and proposals coming from Student/Young Pugwash members everywhere.

The Newsletter, which will henceforth be published only every second month, is also available online at www.student-pugwash.org for those of you who prefer to access it in HTML format and you are welcome to request it from me in Microsoft Word or Word Perfect format (ginavanschalkwyk@yahoo.com). Material for the newsletter should be sent to me at this address: ginavanschalkwyk@yahoo.com. Thank you.

—Gina Van Schalkwyk

FROM THE INTERIM COMMITTEE

A Call for World Peace and Justice

Almost half a century ago the Pugwash Movement was founded. Now a new generation of young people in International Student/Young Pugwash (ISYP) accepts the moral challenges of its elders.

We are heirs of a Humanist tradition, moved by the desire and determination to achieve world peace. The time has now come to face our responsibilities on the eve of the new international conflict initiated by the terror actions in the USA. But this time there are no longer two confronting sides to be challenged. Warnings have been raised in the Russell-Einstein Manifesto, and at Pugwash Conferences on Science and World Affairs about the dangers of pursuing a struggle where weapons of mass destruction eventually would be used. Changing a belligerent mindset and devoting scientific and technological resources to improvement of human life, instead of putting it at risk, was the clear message repeatedly sent by Pugwashites to scientists, world leaders and decision-makers.

Global war was narrowly avoided more times than those publicly acknowledged. But still, disregard for human lives, rights and dignity are tolerated as the sad - though unchangeable - reality. Raw nationalism, religious fundamentalism and "low intensity" conflicts were weapons of the East and the West during the Cold War decades. Today's terrorist minds were forged according to those manoeuvres. Today's disregard for human life can be an effect of the daily violence against the forgotten margins of our civilisation.

There exists no more a rationale of struggle for world domination. Our responsibility as individuals, concerned educated citizens is, therefore, paramount.

There is a grave danger that violent retaliation will trigger a spiral of growing violence. But a safer world cannot be achieved without justice. It is the time to think and act in global terms.

The United Nations has created

adequate organs to ensure fair trials in criminal justice. Any crime against humanity has to be judged by those organs. International law is to be reinforced. Making institutions responsive in the defence of civilization entails the commitment to respect international rules of civilized coexistence.

As a tribute to our forebears, as an allegiance to each other, we, the young Pugwashites, are the first to say that we want to live.

In these times of anger, sorrow and death, we express our determination to make this world a more equal, safer and peaceful place for us to live, and the following generations to enjoy. Our knowledge, our feelings and our actions are committed to that goal. We call upon our fellow human beings to join us.

Approved by the Board of International Student/Young Pugwash, 26 September 2001

Tom Børsen Hansen (Denmark)
Hugo Estrella Tampieri (Argentina)
Magdalena Kropiwnicka (Italy)
Clayton Nall (USA)
Alberto Salazar Martínez (Mexico)
Gina van Schalkwyk (South Africa)
Joe Wemin (Papua New Guinea)

Forthcoming Biography on

Cyrus Eaton

Featuring the Formation and Early Years of Pugwash

The small village of Pugwash in Nova Scotia, whose name was appropriated in the late 1950s for our world-wide organization for nuclear disarmament and peace, was the birthplace in 1883 of Cyrus S. Eaton. The dramatic episodes of Eaton's remarkable and controversial career ("one of the most hard-bitten capitalists in America" who also won the Lenin Peace Prize) form the basis for a new and comprehensive biography now being written by Patrick Boyer, himself a Pugwashite.

A number of Pugwashites, including Sir Joseph Rotblat, have already spoken at length with Patrick Boyer about their Cyrus Eaton connection.

Prof. Boyer continues his research for what he is determined should be a complete and well-rounded account; if you have insights or interpretations, anecdotes or episodes, to share, based on your own experiences with or about Cyrus Eaton, please contact Patrick at: patrickboyer@sympatico.ca. He can also be reached by telephone at 416-255-3930, fax at 416-252-8291 or mail at 2583 Lakeshore Boulevard West, Toronto, Ontario, Canada M8V 1G3.

Johan Lundin (1928-2001)

Dr. Johan Lundin, a distinguished Swedish chemist specializing in defense against biological and chemical warfare and in related arms control issues, died on 8 August 2001 of cancer at the age of 73.

Lundin received his Ph.D. from the University of Uppsala and served most of his life in the Swedish Defence Research Institute in Stockholm. In the 1960s, he conducted pioneering work to develop an enzyme-based method to detect the presence of nerve gases. The enzyme was extracted from plaice, the salt water fish. This cellbound enzyme could be liberated by a bacteria and could then be purified and characterized. The method is still in use by, among others, Swedish civil and military defence. Since 1969, he also served as an advisor to the Swedish delegation in the Geneva Disarmament Conference and played an important role in the preparatory work to elaborate the treaties on prohibiting biological weapons in 1972 and chemical weapons in 1993.

At the end of his career, Johan was for some time the expert advisor to Sweden's Supreme Commander and also spent five years doing research in arms control at the Stockholm International Peace Research Institute (SIPRI). He served as a coordinator for SIPRI's chemical and biological activities and also contributed to its well known *Yearbook of World Armament and Disarmament*.

Johan was very active in the Pugwash and attended some 40 meetings beginning with the 23rd Pugwash Conference in Aulanko, Finland, in 1973. He participated in the series of Pugwash workshops on chemical weapons, from the first meeting in Helsinki in 1974 through all subsequent meetings into the 1990s, including the 1979 workshop in Stockholm which he organized. He served as the executive secretary of the Swedish Pugwash Group for more than a decade and was the group's treasurer until the late 1990s.

Johan had the true Pugwash spirit in seeking solutions to global security problems in the area of weapons of mass destruction and will be remembered with great affection.

Maxwell Bruce

Maxwell Bruce, O.C., Q.C., a Pugwash stalwart, died in Toronto on 25 October 2001 as a consequence of injuries incurred in a tragic car accident, in which his wife, Nina, was killed instantly. Max was an extraordinary person with an active interest in many areas, such as the improvement of international relations, and the building of lasting peace in the world, contributing significantly to them.

Canadian by birth, he had residences in Toronto, London and Valletta. Apart from commuting between these cities, he frequently traversed the globe, usually accompanied by Nina. These travels were not for sightseeing but to participate in international meetings of the various organizations of which he was a member. This made him a world citizen, a description justified by the nature of his activities.

A lawyer by profession, his interests included the aquatic environment, particularly the oceans, and he took an active part in drafting international laws for the protection of the oceans. He was a member of the Planning Council of the International Ocean Institute based at the University of Malta, and participated in many *Pacem in Maribus* Convocations.

At the same time he was actively engaged in a variety of professional and voluntary organizations. Thus, he held the posts of President (later permanent Vice-President) of the Canadian Red Cross Society; served on the Council of the Canadian Bar Associates; and was Chairman of the Canadian Parks and Wilderness Society.

In 1977 he took up residence in London, as representa-

tive of the British branch of his firm. Soon afterwards, and purely by chance, he walked into a meeting of the British Pugwash Group at my College in Barts. This turned out to be a decisive moment in his life; he became enthusiastic about the objectives of Pugwash in its quest for global peace, and remained a devotee of Pugwash in its pursuit of nuclear disarmament until the end of his life. Although Pugwash is primarily a movement of natural scientists, the nature of our activities brings it to problems of international law, in formulating or interpreting international treaties and conventions. The collaboration between scientists, who have expertise in the technical aspects, and lawyers, with their knowledge of the legal side, proved to be a very efficient way to tackle such problems, and Max soon found his niche in Pugwash activities. Thus, together with a few other lawyers that he recruited, Max contributed to our project on the desirability and feasibility of a nuclear-weapon-free world, by setting out the legal aspects of a Convention on the Elimination of Nuclear Weapons.

He devoted much time and energy, in collaboration with me, on the World Energy Organization project. The idea was to set up an organization analogous to the World Health Organization, which would do for energy problems what WHO is doing for health. The paper we wrote drew the attention of experts in the field; and at a meeting we attended with the relevant UN authorities in New York, much sympathy was expressed for the project. However, it did not get off the ground because of the vested interests of other organizations concerned with energy. Believing that this was an idea whose time would come, Max Bruce organized a Pugwash workshop in 1995, in Malta, on the topic: "The Feasibility and Desirability of a World Energy Organization".

Starting in 1981, Max attended 25 Pugwash Conferences and workshops, to many of which he made significant contributions. He was particularly active in the British Pugwash Group of which he was honorary secretary for a number of years. In that capacity he was mainly responsible for organizing the 40th Conference in Egham in 1990. His wife, Nina, who also took an interest in Pugwash, was in charge of the Ladies Programme.

As a person, Max was charming, witty, invariably polite, extremely reliable, and though somewhat reserved, very caring. He was indefatigable in seeking and obtaining financial support for his various projects, even from people antagonistic to them. He never refused any task, however onerous, and worked on his causes for their own sake and not for his self-aggrandisement. Nevertheless, he was pleased when the Canadian Government appointed him recently an Officer of the Order of Canada.

I cannot end this tribute to Max without mentioning two more examples of his care for Pugwash and his friends. One was the production, together with Tom Milne, of the book *The Force of Reason*, in honour of my 90th birthday; this required a huge effort, particularly since it was all done in the London Pugwash Office, without my being aware of it! The second was his idea of giving the Russell/Einstein Manifesto a wide circulation. This project has come to fruition only just now, in the production of the beautiful folio (inserted in this issue) and posters with the text of the Manifesto. Alas, he did not live to see the final product.

He will be sorely missed by a large number of friends.

—Joseph Rotblat

Paul Warnke (1920–2001)

Amb. Paul Warnke, director of the US Arms Control and Disarmament Agency during the Carter administration and a decades-long fixture in the American arms control community, died in October 2001 at the age of 81. Amb. Warnke attended the 31st Pugwash Conference in Banff, Canada in August 1981, a few years after leaving government sevice, and later went on to become chair of the Committee for National Security and a long-time member of the Lawyers Alliance for World Security. In the 1960s, Warnke served under Secretaries of Defense Robert McNamara and Clark Clifford and was a forceful advocate for US disengagement from Vietnam.

ISODARCO

International School on Disarmament and Research on Conflicts
Italian Pugwash Group

23rd ISODARCO Summer Course on

Cyberwar, Netwar and the Revolution in Military Affairs: Real Threats and Virtual Myths

TRENTO - ITALY
3 - 13 August, 2002

Director of the School: Carlo Schaerf
Directors of the Course: Gary Chapman and Diego Latella

PURPOSE

This will be the second time an ISODARCO summer course will focus on information technologies and their relation to war and international relations. A course on "Computers, Networks and Prospects for European and World Security" was held in 1999. The 2002 course will be less broad in scope than the first one and, in particular, it will be focused on Cyberwar (CW), Netwar (NW), the current Revolution in Military Affairs (RMA) and related issues.

Despite there being no unique definitions for CW, NW and RMA yet, a lively discussion on their nature, the threats they bring, the possible counter-measures to be undertaken by nation states, as well as other organizations, is taking place in political and military circles as well as academia.

Issues of major importance in such a discussion are: the relation between computers and regional defense; the threat of "cyberterrorism" as well as "cyberwar"; new forms of group organization like "networks" and how information technology supports them; the impact of information technology developments on military doctrine and organization of military forces.

Without any doubt, some of the above issues are connected to real threats, but the dimension of such threats is far from being fully assessed and understood. Thus, as often happens when new scenarious are elaborated, a proliferation of myths related to CW, NW and RMA is also taking place and it brings with it a possible real threat of widespread global surveillance.

Ironically enough, information technology is itself supporting such a proliferation by providing a "virtual space" where a great deal of the ongoing discussion on the above issues is taking place.

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Pugwash Council for the 1997–2002 Quinquennium

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Sir Michael Atiyah, President of Pugwash, is a mathematician, Master at Trinity College in Cambridge (1990-1997), and former president of The Royal Society (1990-1995). He was the first director (1990-1996) of the Isaac Newton Institute for Mathematical Sciences, and received the Fields Medal in 1966; Dept. of Mathematics & Statistics, James Clerk Maxwell Building, King's Buildings, Mayfield Road, Edinburgh EH9 3JZ, Scotland, E-mail: atiyah@maths.ed.ac.uk (*)

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(*): Member of Executive Committee

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Calendar of Future Pugwash Meetings

7–9 March 2002 Beijing, China	**Pugwash Meeting no. 268:** Pugwash Workshop: *East Asian Security*
12-16 March 2002: Agra, India	**51st Pugwash Conference:** *Challenges for Peace in the New Millennium*
April 2002 Alexandria, Egypt	**Pugwash Meeting:** 8th Pugwash Workshop on the Middle East
May 2002 Oegstgeest, The Netherlands	**Pugwash Meeting:** 17th Workshop of the Pugwash Study Group on the Chemical and Biological Weapons Conventions
23-24 May 2002 Sigtuna, Sweden	**Pugwash Meeting:** Pugwash Workshop: *Tactical Nuclear Weapons*
June 2002 Mexico City, Mexico	**Pugwash Meeting:** Pugwash Workshop: *Impact and Threats of Agricultural Biotechnology-Environmental and Food Security*
27 June–2 July 2002 St. Petersburg, Russia	**Pugwash Meeting:** Pugwash Workshop: *The Evolution of Strategic Stability*
9-14 August 2002 La Jolla, California	**52nd Pugwash Conference:** *Science, Sustainability, Security*
September 2002 Como, Italy	**Pugwash Meeting:** Pugwash Workshop: *Terrorism, Nuclear Weapons, and International Security*
November 2002 Geneva, Switzerland	**Pugwash Meeting:** 18th Workshop of the Pugwash Study Group on the Chemical and Biological Weapons Conventions
November 2002 London, UK	**Pugwash Meeting:** Pugwash Workshop: *No-First-Use of Nuclear Weapons*
July 2003 Halifax, Nova Scotia	**53rd Pugwash Conference**
2004 South and North Korea	**54th Pugwash Conference**

Pugwash Conferences on Science and World Affairs

President Sir Michael Atiyah

Secretary General Professor George Rathjens

Pugwash Council

Chairman Professor Francesco Calogero

Members

Professor Ulrich Albrecht
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