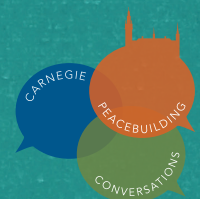
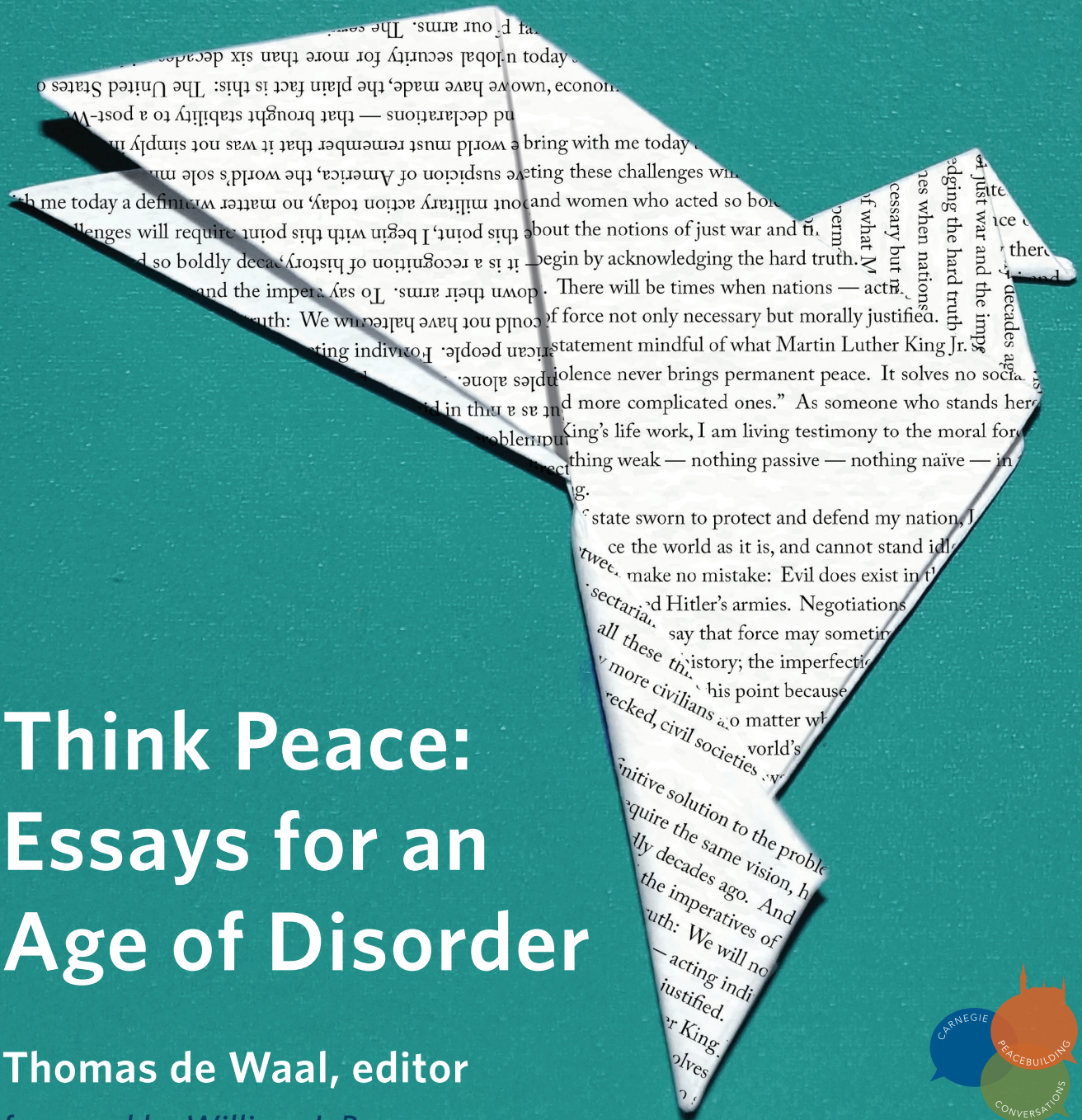




Think Peace: Essays for an Age of Disorder

Thomas de Waal, editor

foreword by William J. Burns



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Photo by Michael Lionstar.



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Andrew Carnegie

FOREWORD

WILLIAM J. BURNS

Andrew Carnegie turned his efforts to the cause of international peace at a critical historical juncture.

At the beginning of the last century, the last great surge of the Industrial Revolution was transforming the global economy, bringing with it unprecedented ease in international trade, travel, and communication. There was a palpable sense of possibility about a more peaceful, interconnected future. Carnegie was far from alone in his belief that “the abolition of international war, the foulest blot upon our civilization,” might finally lay within humanity’s grasp. To advance that aspiration, he endowed a series of institutions that inspired a global peace movement, and which remain vital voices today.

Beneath the surface, however, the foundations of the international order that prevailed in the nineteenth century had been cracking. The rise of new great powers challenged the geopolitical primacy of established players. The same technological advances that had been cause for such optimism were revolutionizing humanity’s capacity for conflict. By 1919, the year of Carnegie’s death, a catastrophic world war had

left behind devastation of unimaginable scale, and his optimism was buried under the weight of violent great power competition and humanity’s failure of imagination.

A century later, we find ourselves at another rare inflection point, full of promise and peril. The wave of optimism that peaked at the end of the Cold War has receded, leaving foreboding currents in its wake. After the collapse of the Soviet Union, it seemed that history was moving inexorably in the direction of democracy and free markets—that we’d reached the “end of history” and could leave behind the dangers of great power conflict. The bipolar world seemed transformed by the emergence of a nascent Pax Americana. That moment of euphoria ultimately proved as fleeting as Andrew Carnegie’s hopes in the early days of the last century, with troubling undercurrents again foretelling a tsunami of disruption.

Indeed today, the world is more crowded, complicated, and competitive than ever before. Great power competition is back. The technological revolution is

reshaping how we live, work, and fight. And the global economic and political center of gravity is shifting from West to East.

The pace of change is eclipsing responses at every level. The extraordinary peace and prosperity that the world has enjoyed for the last seventy years shows signs of erosion, as the dislocations of globalization become more acute and rising or resurgent powers chip away at the international order. All of these challenges are compounded by a profound erosion of faith between citizens and their leaders. Populism and authoritarianism are on the rise; democracy's global march has slowed, and even reversed, as the prospect of cooperation framed by international law withers on the vine. Once again, trend lines seem to be heading toward massively destabilizing collisions.

Advancing the cause of international peace in this new era, and against these headwinds, is a daunting task, and it's one that demands the renewal of diplomacy—one of the world's oldest, yet most misunderstood, professions. No country will be able to navigate difficult global currents on its own, or by force alone. That's especially true for the United States, which is no longer the only big kid on the geopolitical block.

It's sometimes fashionable to dismiss diplomacy in today's world: nonstate actors wield increasing international influence; heads of state and senior officials can interact easily and directly; and diplomats and embassies have lost their traditional monopoly on access and information in foreign capitals. It can often seem that diplomats are like village watchmakers living in a smartwatch world. But if we're going to rise to the challenge before us, it's diplomacy that must be our tool of first resort.

Diplomats are translators of the world to capitals, and of capitals to the world; they are early warning radars for troubles and opportunities, and builders and fixers of relations. All these tasks are as vital as ever. And all of them demand a nuanced grasp of history

and culture, a hard-nosed facility in negotiations, and the capacity to translate national interests in ways that other governments can see as consistent with their own. These are the same core qualities that made for successful diplomats a century ago, and for centuries before.

Of course, to be effective, diplomacy needs to adapt and modernize. Timeless skills need to be brought to bear upon more timely priorities, and countries need to focus more on the issues that matter most in the twenty-first-century challenges like the technological revolution, or climate change. The pace of advances in artificial intelligence, machine learning, and synthetic biology will only increase in the years ahead, and already these developments are outstripping the ability of states to maximize their benefits, minimize their downsides, and create workable international rules of the road. Climate shifts threaten to upend societies around the globe and spark new conflicts over resources. Diplomacy must do more—with much more urgency—to grapple with these increasingly significant drivers of insecurity.

The world has finally become the “neighborhood in constant and instantaneous communication” that Carnegie envisioned just before the First World War, but it has not become the peaceful world that he imagined. Diplomacy will be a crucial tool in making progress toward that end, but it will only be effective if our societies can also grapple with the disconnects and dislocations that are driving the world toward crisis. In the United States, that requires bridging the gap between the U.S. public and a Washington, DC, foreign policy establishment that has been far too undisciplined in how it spends American blood and treasure. Around the world, it means working to soften the displacement and loss that has accompanied globalization, and working to harness its benefits to create more broad-based prosperity. It also means adjusting the international order of the past half-century to give new players and rising powers a seat at the table, and a stake in the preservation and renewal of its institutions.



Andrew Carnegie and President William Howard Taft, center, in front of the Pan American Union Building, Washington, DC, 1910. (Library of Congress)

It would be easy to look cynically at those tasks and view them as impossible hurdles—after all, we are a hundred years on, and have yet to eliminate that “foulest blot.” But while those hundred years witnessed unspeakable horrors, they also saw extraordinary progress for peace and the welfare of humankind. The peaceful end of the Cold War showed us that diplomacy and leadership still matter, and that human agency remains decisive. That agency will always have limits, and we will always be subject to powerful forces of history—but trend lines can bend, and even the strongest headwinds are not impossible to overcome.

The essays in this volume represent just such an effort. They tackle some of the toughest questions facing the world today, and make the case for a more peaceful world when the future of that project is once again uncertain. At a time when four out of five victims of violence in the world suffer from criminal or state-sponsored violence rather than from formal conflicts, it’s vital that we wrestle with issues of governance—and the social, economic, and political deficits that fuel instability and sow the seeds of alienation and extremism. At a

time when cyber conflict threatens to upend traditional notions of war, it’s vital that we devise rules of the road that can capture technology’s promise and limit its risks. At a time when the bloom has fallen off the rose of international law and justice, we ought to keep alive—and demonstrate the promise—of norms and processes that can manage disputes and hold accountable those who commit abuses. And as we take stock of efforts to promote peace throughout the past century, it’s vital that we draw out the lessons of what we got right, and what we got wrong. In taking up questions like these, the scholars that have contributed to this volume have demonstrated the continued relevance—and growing importance—of Andrew Carnegie’s charge.

Even idealists like Carnegie knew that peace and stability are not static phenomena. As the international landscape continues to shift, so too must our thinking and action. I remain hopeful about a day when, as Carnegie put it, “the poison of the past is exhausted.” And I am confident that the renewal of diplomacy will be essential to that journey.



*Crown Prince Harald and King Olav of Norway congratulate American civil rights activist Martin Luther King Jr. after he receives the Nobel Peace Prize in Oslo.
(Getty Images)*

INTRODUCTION

RETHINKING INTERNATIONAL PEACE

THOMAS DE WAAL

The word “peace” has fallen out of use in today’s political discourse. Politicians are more likely to invoke the harder-edged notion of “security” to counter threats and deal with conflicts. The world’s top philanthropists prefer to invest their money in causes such as global health than in projects associated with peace. “Peace” is included in only one of the United Nations’ seventeen Sustainable Development Goals and only in the context of the ambition to “promote peaceful and inclusive societies for sustainable development.”¹

This does not need to be the case. Peace, even if understood only in negative terms—as constituting an absence of conflict—is a key determinant in curing or preventing all the threats and challenges set out in those goals, from chronic diseases to child poverty to environmental degradation. The World Bank estimates that “conflicts . . . drive 80 percent of all humanitarian needs and reduce gross domestic product (GDP) growth by two percentage points per year, on average.”²

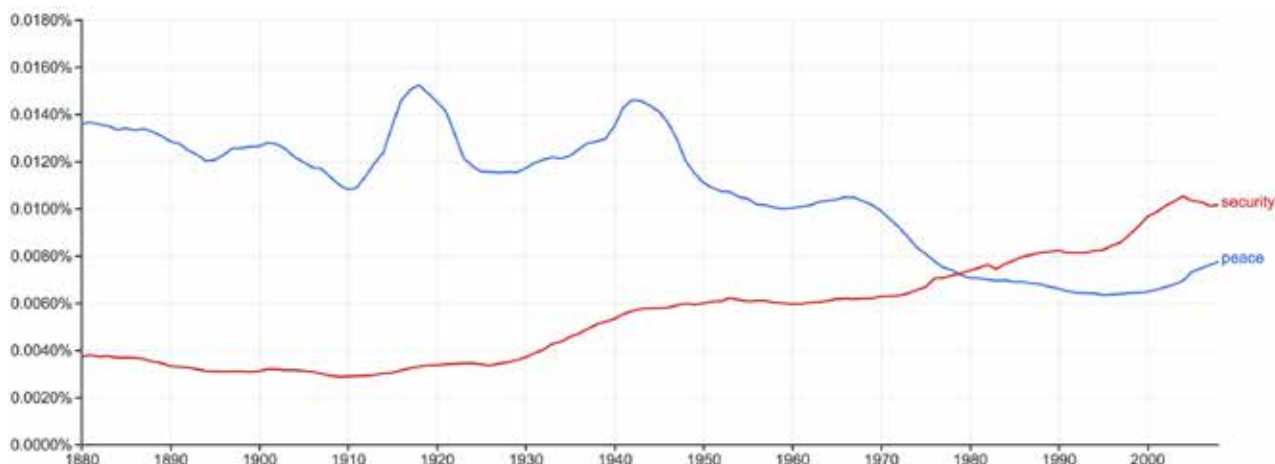
Presented with greater ambition, peace can be regarded as the supreme human right and the harmonious condition that underpins everything else in a healthy

world. Periodically, public thinkers in the modern age have tried to articulate this more positive idea. In his Nobel Lecture of 1964, Martin Luther King Jr. declared,

So we must fix our vision not merely on the negative expulsion of war, but upon the positive affirmation of peace. We must see that peace represents a sweeter music, a cosmic melody that is far superior to the discords of war.³

King’s words were unusual. Why the instinctive caution in talking peace? The twentieth century overused, misused, and tarnished the word. Maybe Neville Chamberlain and Leonid Brezhnev should take the blame. The invocation of “peace for our time” in 1938 by the British prime minister coming from a meeting with Adolf Hitler at one of the darkest moments in European history still leaves a bitter taste in the mouth.⁴ During the Cold War, the leaders of the Soviet Union appropriated the word and repeated it ad nauseam. Brezhnev, the man who had crushed Czechoslovakia’s Prague Spring in 1968, announced in 1981 that “the Soviet Union and its allies are more than ever the chief

Incidence of Use of the Words “Peace” and “Security” in English-language Publications, 1880–2008



Source: Google Ngram Viewer.

buttress of world peace.”⁵ No wonder that, as quoted in this collection, Czech dissident Václav Havel spoke of how “for forty years, an allergy to that beautiful word has been engendered in me as in every one of my fellow citizens”—an allergy Havel sought to overcome.

In the year 1900, the world breathed a different air. International peace was the declared goal of a global movement. The two Hague Peace Conferences of 1899 and 1907, attended by all the big powers of the world, undertook to build a new international framework outlawing conflict and won several successes in banning certain types of warfare.

The Scottish-American industrialist and philanthropist Andrew Carnegie was the biggest funder and one of the main champions of that peace movement. He died in August 1919, cruelly disappointed by the bloodshed of the First World War, but leaving behind a series of institutions he had endowed with the express goal of achieving international peace.

This collection of essays comes out a century later, at a moment of global turbulence—albeit not one as grave as 1919. Following on from a series of Carnegie

“Peace Conversations” in The Hague, it is funded by the Carnegie Corporation of New York, assisted by the Carnegie UK Trust, and published by the Carnegie Endowment for International Peace. It is thus a collective endeavor that reflects on the legacy of Carnegie’s vision, the meaning of international peace a century ago and now, and the new context in which conflict persists in the world.

Carnegie and his fellow peace activists put their hopes in the “realm of reason,” believing that the European Enlightenment project was on the verge of triumph and that war could be abolished altogether. Just as mankind had outlawed dueling between individuals, Carnegie told students at St. Andrews University in 1905, so the march of progress could consign conflict between nations to history.⁶ After the peace conferences, Carnegie funded the building of a “temple of peace,” the splendid Hague Peace Palace, inaugurated in 1913 and still home to the Carnegie Foundation, the Permanent Court of Arbitration, and the International Court of Justice. In December 1910, he sent a letter to the trustees of the newly launched Carnegie Endowment for International Peace, in which he famously told them to use its revenue to “hasten the abolition of war,

the foulest blot upon our civilization.” When that goal was achieved the board should decide which are “the next most degrading remaining evil or evils” that they should combat.⁷

The peacemakers’ optimism was crushed first by the apocalypse of the Great War of 1914–1918 and then by the botched peace of 1919. In his essay, Jay Winter sets out in painful and poignant detail the many flaws of the Versailles Treaty of 1919, how it failed to establish a peaceful order in Europe and only set the clock ticking toward a new war two decades later. Versailles excluded the defeated and ignored the aspirations of non-Europeans. By crippling the German economy, it condemned Europe to economic depression. The settlement of 1919 was “a house built on insecure foundations, which gave way under the pressure of the world economic crisis of 1929 and the arrival of the Nazi regime in 1933.”

In the chaotic 1920s and 1930s, the Carnegie institutions struggled to make their case against the strong headwinds of protectionism, nationalism, and economic depression. In 1945, the so-called Carnegie men, the liberal internationalists Nicholas Butler, James Brown Scott, and James Shotwell, had a better chance to promote their vision. They had been sidelined in the crafting of the 1919 treaty but were more deeply involved in the construction of a new postwar settlement and the United Nations. As Frédéric Mégret records, the Nuremberg Trials were a brief moment where international justice was given respect and “crimes against peace” were prosecuted. Yet this internationalist moment is more generally regarded as a postwar era. As the Cold War quickly took hold, peace was again an elusive goal.

DRIVERS OF CONFLICT IN A NEW ERA

The end of the Cold War in 1991 was another sunny postwar moment, but, a quarter of a century later, gloomy clouds have gathered again. The contemporary

world is characterized by new kinds of disorder. Echoes of the more savage world of the First World War era have returned.

Three broad trends driving contemporary conflict and violence emerge from the essays in this collection. The first is national leaders’ determination to defend the primacy of state sovereignty in defiance of international multilateral organizations. The second—somewhat contrary—trend is the increased capacity of nonstate actors in the modern world, such as warlords, drug barons, terrorists, and money-launderers, to cause conflict and instability. A third trend is how technology, especially advanced information technology, has reduced human agency, made the world much smaller, and facilitated asymmetrical warfare, in which a few individuals can cause massive disruption.

The first trend is one that Andrew Carnegie and the generation of 1900 would have recognized—even if the international organizations that Carnegie dreamed of then did not yet exist. This is the modern story of how power in the world is concentrated in the hands of nation-states, which compete with one another over territory and the world’s resources. In so doing, they insist on the absolute right—one might say fetishization—of state sovereignty. States’ deployment of nuclear weapons against one another is the most dangerous, if not the most salient, outcome of this phenomenon.

This is not 1914 revisited. As Rachel Kleinfeld and Robert Muggah note, levels of state-to-state conflict in the world are now at historic lows. The world’s big powers confront one another by other means, whether that be proxy war in third countries, punitive trade tariffs, or digital subversion. What’s more, the nation-states of the early twenty-first century are probably weaker than at any time in modern history, and arguably are making a last stand against a long process of global integration (how else to explain the quixotic isolationist politics of Brexit?). But the states are

making a loud noise in the meantime. In the last few years, in their different ways the governments of Brazil, China, India, Pakistan, Russia, Turkey, and the United States have fostered global disruption in the name of their “national interest.”

Take three examples from 2019. In August 2019, the Indian government insisted that its decision to abolish the autonomy of Indian-administered Kashmir was the “internal affair of India,” despite its international ramifications and potential to enflame conflict with Pakistan.⁸ That same month, Brazilian President Jair Bolsonaro insisted that the mass fires in the Amazon forests were an “internal matter for Brazil and other Amazonian countries,” even as they speeded up global warming and sparked resistance from indigenous peoples.⁹ The Chinese government insisted that criticism of its massive surveillance operation to monitor and control the Uyghur people of Xinjiang Province was “interference in China’s domestic matters.”¹⁰

The strong international reaction to the first two of these events suggests that reports of the death of multilateral diplomacy may be a little exaggerated. Two distinguished diplomats and latter-day Carnegie men—William Burns, president of the Carnegie Endowment for International Peace, and Bernard Bot, former chairman of the Hague Peace Palace—here make an eloquent case for the necessity of diplomacy. Diplomacy needs smart individuals ready to be more innovative than ever before. It also needs strong international institutions. As Bernard Bot points out, the successful implementation of a peace agreement requires the long-term planning and commitment that only a sophisticated international body can provide.

The second broad trend is more contemporary. Nonstate actors have always waged war in the world—from Vikings in the eighth century to the mercenaries of the Thirty Years’ War—but their reach has never been so great. In her compelling overview, Mary Kaldor describes contemporary conflict as “a social condition or even as a mutual enterprise in which numerous

armed groups gain more from violence itself than from winning.” There is no end in sight to protracted conflicts in Syria or the Democratic Republic of Congo in which small factions, sustained by far-away patrons or plundered local resources, operate in places in which regular statehood has disappeared.

In other countries, a more robust state creates similar outcomes as a government colludes with or subcontracts enforcement to abusive actors, engendering systematic violence. In their sobering and data-rich essay, Kleinfeld and Muggah paint a shocking picture of the state of affairs in countries such as Brazil and Mexico, countries that are not “at war” as such but where levels of violent deaths match or even outnumber those in Afghanistan or Syria. The authors employ the term “privilege violence” to describe a vicious circle in which “politicians and security forces allow mafias, cartels, and gangs impunity, in exchange for campaign contributions, bribes, and help getting out the vote or repressing opposing electorates.”

The destructive power of nonstate actors is enhanced by a third trend, that of the growing sophistication and democratization of technology. A laptop and a smartphone are becoming the great equalizers of the world. They give some global citizens opportunities that were unthinkable a generation ago. Equally, a single laptop in the wrong hands can now disable a country’s electricity grid.

Cyberwarfare presents the most disturbing manifestation of this trend. In their ground-breaking essay, George Perkovich and Wyatt Hoffman describe this new phenomenon and what peacemaking might constitute if it is to be halted. Perkovich and Hoffman warn against hyperbole about cyberwarfare: after all, no one has yet died from it. This is conflict without violence, but its worst may be yet to come. As they write, the challenge of “cyber peacemaking” is beyond the capacity of governments alone. And where cyber begins, other forms of warfare, in which humans rely on intelligent technology, are bound to follow.



Commencement Address at American University, Washington, DC. (Cecil Stoughton, White House, in the John F. Kennedy Presidential Library and Museum, Boston)

IS THERE A MODERN INTERNATIONAL PEACE?

Global problems require complex solutions. The current growing global disorder in its many forms makes the case for a reimagined international peace project, albeit a very different one from that of a century ago.

If the word “peace” is to be revived as a political idea, it certainly needs to be handled with care. Even the committed peace activist Brendan McAllister admits to being squeamish about the word and, in his essay, admits to calling it “an exhausted platitude, used and abused by all sides in the conflict and, consequently, long past its sell-by date and best avoided.”

But, as McAllister himself is the first to volunteer, the idea can be revived if a proper enabling context is there—with attention paid to the “spaces between the words.” Periodically, attempts are made to posit the idea of peace as being more than merely the absence of war, or in McAllister’s distinction, *shalom* in place of *pax*. Johan Galtung, often called the father of peace studies in the 1960s, coined the term “positive peace” to make this point.¹¹

In June 1963, then president John F. Kennedy attempted to flesh out the same idea in a famous speech at American University in Washington, DC. Reaching out to the Soviet Union with an invitation to de-escalate the nuclear arms race, Kennedy asked rhetorically,

What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time.¹²

Kennedy spoke of “a more practical, more attainable peace—based not on a sudden revolution in human nature but on a gradual evolution in human institutions.” The theme of “a gradual evolution in human institutions”—of support for a rules-based

order—runs through this collection, even if many global trends appear to be working in the opposite direction. The less powerful nations in the world, especially in the Global South, will be skeptical of appeals for a new rules-based order if they see the rules being both made and broken by the world's big powers.

A new set of rules would require first of all stronger endorsement of institutions of international law than many of the powerful nations of the world—the United States, China, and Russia—have thus far been willing to give. This is the unfinished story that Frédéric Mégret tells in his essay, skillfully weaving together history and law. It is the story of efforts to build an international justice system in the modern era to deal with the world's conflicts, of the resistance that project met from many of the big powers, unless it suited their interests of the moment; it is also the story of the many internal contradictions that project has faced, including instances where the pursuit of justice and of peace were not compatible.

Andrew Carnegie, a passionate believer in international justice as the panacea for world conflict, would have followed the modern chapters of this story with great interest. In some respects, he would feel vindicated. After all, the Hague Peace Palace he endowed is still home to two international courts that do indeed provide arbitration on highly contentious global disputes. As is told here, the Permanent Court of Arbitration gave a judgment in 2009 that broke the deadlock in the dispute over the demarcation of the boundary of the Sudanese province of Abyei.

The authors converge in describing a more hopeful phenomenon, a kind of global civil society that now exists in the form of nongovernmental organizations and civic groups—a much bigger movement than the small citizens' groups Carnegie funded across the

United States and Europe in the 1900s. This is the reverse side of the coin of the malign nonstate actors described above. This global civil society is a good place to start looking for drivers for peace, rather than agents of conflict.

Here Brendan McAllister, a veteran of the Northern Ireland peace process, a success story largely driven from below, makes a timely warning. If there is not continual reaching out, an instinct of inclusivity, peace processes can go only so far. In a merely technical and legal peace process, “there is a preoccupation with negotiating according to ‘positions, interests, and needs’ and designing agreements that focus on structures rather than strengthening relationships between opponents who must overcome deep enmities and work together to make peace sustainable. The chemistry of a peace process is as important as the physics.”

This returns to the lessons of a century ago. A civic movement advocating a broader kind of peace will only achieve so much if it does not reach out to marginalized groups across the world outside Europe and North America. A “democratic impulse” should also give voice to minorities and less powerful nations. Liberal internationalism is hollow without an accompanying commitment to tackle global economic inequality. The flawed peace of 1919 lives on as a warning of opportunities missed and the idea of international peace devalued.

CHAPTER 1

THE PEACEMAKERS OF 1919 A CENTURY ON

JAY WINTER

In January 1919, twenty-eight delegations came to Paris to draft the documents ending the conflict we now call the First World War. Just six months later, on June 28, five years to the day after the assassination of Archduke Franz Ferdinand in Sarajevo, German delegates joined the Allied and Associate powers in signing the peace treaty. Victory parades were held in Paris and London.

Now, one hundred years on, those festive moments leave us with a taste as of ashes. It was not only that millions were in mourning. It was also that virtually from the moment the peace was signed, it began to unravel. There is no better instance of the dangers of a flawed peace treaty than that concluding the war of 1914–1918. Its failures still resonate today.

The deliberations producing the treaty were complex, but the final decisions were made by only four men, each of whom brought strong national and personal ambitions to the table. The French host, Georges Clémenceau, aged seventy-eight in 1919, the elder statesman of the Allies, was trained as a physician, and had been mayor of the Parisian commune of Montmartre following France's defeat by the Prussians in 1870. In his opening statement, he said that

Germany must never again be permitted to threaten France. Germany had to be punished for the terrible devastation and loss of life its invasion of France had caused over four years. France had lost 1.4 million men and more than twice that number had been wounded. In his bitterness, Clémenceau spoke for his people.

David Lloyd George was a Welsh Liberal and a brilliant orator, a charismatic man, whom no one ever accused of being a man of principle. Ambition came first. He managed to destroy his own political party in 1916 and headed a coalition government, and then led another coalition to a major victory in the general election of 1918, held immediately after the war had ended. Notably among his delegation in Paris was Winston Churchill, former First Lord of the Admiralty and author of the disastrous Gallipoli campaign of 1918.

Vittorio Emanuele Orlando was a former professor of law and a liberal. He was a vigorous proponent of Italy's entry into the war in 1915, spurred on by secret assurances from London and Paris that Italy would be rewarded after victory with sovereignty over parts of the Dalmatian coast.

Woodrow Wilson was aged sixty-three in 1919. A Virginian, he grew up with a visceral memory of the ravages of the U.S. Civil War in the South. His father was a Presbyterian minister and gave to him a sense of moral rectitude he carried for the rest of his life. Wilson trained in the law, and then began a career that led to academic distinction in U.S. constitutional history first at Johns Hopkins University and then at Princeton University. From there, he was elected governor of New Jersey in 1910 and then, as the Democratic Party's candidate, president of the United States in 1912.

Wilson spoke for a generation of moralists who left their indelible mark on early twentieth century U.S. history. They were all children of the Civil War and shared a language of moral engagement that set Wilson off from his peers at Versailles. Initially, he was convinced the United States should stay out of the First World War and won reelection on a neutrality platform in 1916. Then he was pushed into war by German submarine warfare and prosecuted the conflict with all the fury of an Old Testament prophet bringing fire and brimstone on the sinners' heads.

Wilson's self-righteousness did not win him many European friends. Speaking about Wilson's famous declaration of principles—the Fourteen Points he announced in a speech on January 8, 1918—Clémenceau noted, “God gave us the Ten Commandments and we broke them. Wilson gives us the Fourteen Points. We shall see.”¹³

And yet, the arrival in Europe of Wilson—the first sitting president to leave the United States—stirred up great popular hopes in France and elsewhere that a new order was coming to Europe and the world, one in which war would be banished from history.

Unfortunately, these hopes were dashed. Some historians argue that the leaders at Versailles were simply not up to the task. Others believe they did the best anyone could have done, and the treaty they wrought was undermined by later events they could

not foresee. The mainstream of historical opinion lies somewhere between the two, though everyone agrees that there were structural and ideological flaws in the peace process that, in different ways, undermined the settlements signed first in Versailles and then in a series of subsequent treaties ending the Great War.

THE FLAWS OF THE TREATY OF VERSAILLES

The first flaw of the peace conference was that it was constrained by time. When peacemakers assembled in Paris in January, they were charged with the mountainous task of concluding a peace agreement that would enable the vast armies the Allies still kept in readiness to be sent home. That meant that they had to accomplish their work as quickly as possible. Many soldiers, separated from their families for four years, were in a mutinous mood. Tens of thousands were hit by the Spanish flu—the worst influenza epidemic in history. They were prepared to accept only two orders—to disband and to go home.

Rushing into peace made as little sense as rushing into war, but that is precisely what happened. Leaders from all over the world were there pressing their cases and insisting on audiences with the Big Four. The task they and their staffs faced was simply crushing. Wilson's health suffered considerably; he had what some saw as a light stroke and was exhausted—some said diminished—by the time the final treaty was agreed. The constraints of time also meant that, in the rush to Paris, Wilson did not bring onto his negotiating team the leadership of the Republican Party—a tactical mistake that he would come to regret. Instead, the president brought along members of the Inquiry, a group of academic experts that included James T. Shotwell and other men associated with the Carnegie Endowment for International Peace. Shotwell coordinated the work of producing papers and maps on the major points and areas of conflict to be decided in Paris and took a leading part in framing the convention



Clemenceau, Wilson and Lloyd George leaving Palace of Versailles after signing peace treaty. (Library of Congress)

establishing the International Labor Organization, one of the few lasting legacies of the postwar settlement. And yet much of the work of these experts was limited by the pressure of time as well as their conflicts with the U.S. State Department.

Time pressure also helps explain why Wilson changed his mind about the nature of the peace settlement he was prepared to accept. Having stood for a “peace without victory” in early 1918, a year later Wilson had become an advocate of a punitive settlement, designed to ensure that Germany would never again threaten the peace of the world. This volte-face indicated the price he was prepared to pay for British and French support for the establishment of a League of Nations, an institution he believed to be essential to uphold world peace. There was no time to work out a compromise. Either Wilson had to accept what the British and French wanted, or he would have to forget his dream of creating a League of Nations. He got his league, but the punitive nature of the peace guaranteed its failure.

The second flaw was that the Versailles Conference excluded the losers. In 1815 at the end of the

Napoleonic Wars, France was given a seat at the table to shape the postwar world. Yet in 1919, Germany was barred from negotiations. This omission completely baffled Shotwell and other Carnegie men in Paris. In Shotwell’s view, the knowledge of German experts would have helped make the peace treaty a common instrument for peace rather than a victor’s fiat. Instead, the delegates of the provisional German government replacing the kaiser were given a stark choice of either signing and accepting the settlement or rejecting it and renewing the war. Clémenceau ensured that their pariah status would be seen by all. Adjacent to the door through which the German delegation passed into the Hall of Mirrors in Versailles to sign the document on June 28, he stationed five disfigured French soldiers, men whose grotesque wounds embodied the guilt Germany and her allies should bear for all the suffering the war had brought about.

This charge of guilt was outlined in Article 231 of the treaty and constituted the third fatal flaw in the drafting of the peace.¹⁴ The Treaty of Versailles was more a moral than a political indictment. The absolute nature of the accusation that only Germany and her allies were

responsible for the outbreak of the war simplified the war crisis of 1914 and turned it into a caricature.

In the interwar years, Germans left, right, and center objected to this form of diplomatic morality, as if the assassination of Franz Ferdinand had never happened, and as if there were no degrees of responsibility for war extending beyond Germany. When Adolf Hitler demanded the revision of the treaty, he spoke for many Germans, not only the Nazi Party. After the archives of the chancelleries of Europe were opened in the 1960s, further research has made it virtually impossible to say that *only* Germany bore responsibility for failing to keep the peace.¹⁵

The fourth fatal flaw was in the construction of the new League of Nations. It aimed for collective security, but its participating members all operated on the principle of the absolute sovereignty of states. Indeed, as Britain had explicitly gone to war to defend the neutrality of the state of Belgium from German aggression, it is evident that the war was fought first of all to defend the sovereignty of individual states, not to establish an institution that prioritized collective security.

And yet Article 10 of the Covenant of the League of Nations provided for international military assistance to be given to a state that is a victim of aggression.¹⁶ Here was a derogation of state sovereignty in the interest of collective security—but it was an idea well before its time. It became the sticking point on which Wilson and the U.S. Senate refused to compromise, and was the proximate cause of the failure by the Senate to ratify the treaty. Perhaps lawyers could have found language to square the circle, but even today, international institutions falter when sovereignty becomes the issue.

Twenty years later in September 1938 at Munich, the Nazis drove a coach and horses through this intellectual hole in the framework of the League of Nations. Their threats against the Czechs were a clear threat to the collective security of Europe. And yet the league was powerless to act. The invasion of Czechoslovakia

bypassed the league, and the country's fate was decided by old-fashioned diplomacy between sovereign states. The Czech government was not even invited to its own execution; Czechoslovakia was first divided and then swallowed whole by the Nazis. Collective security never had a chance.

Hitler made much of his claim that Germans living in Czechoslovakia had the right to self-determination. It was absurd for the leader of a police state with a racist character to talk about self-determination, but that is precisely what Hitler did. His presumption was based on the fifth fatal flaw of the peace settlement—its assertion, without any precise definition, that all nations had the right to self-determination.

The catch here was that the peacemakers of 1919 had in mind all *white* nations in Europe had the right to self-determination. Not so, men and women of color. The racism of the settlement was driven home during the proceedings of the peace conference itself. The Japanese delegation, well aware of the racism of the Allied delegations, flew a kite they knew would be shot down. They advanced the idea that in the protocols of the peace treaty there would be a racial equality clause, only to be rejected by then Australian prime minister Billy Hughes, among others. Wilson appeased the Japanese by giving them control of the former German concession in the Chinese province of Shandong, thereby entrusting the birthplace of Confucius to the imperial Japanese army; so much for self-determination. Chinese students were so outraged when they learned of this decision that, on May 4, 1919, they burned down the telegraph office in Beijing and European parts of the city, and gathered together in a sports stadium to form the May Fourth Movement, the embryonic form of the Chinese Communist Party.

At the time, the creation of a series of anticolonial movements around the world did not overly trouble the imperial powers. Yet the war had both extended the Allies' imperial power and undermined the economic base on which it rested. Dealing with a vastly changed

international economy, Britain and France had difficulty in maintaining the revenues, in part from overseas assets and trade, that kept imperial power in place. War debt, especially to the United States, had to be paid, and after the release of civilian expenditure in 1918–1920, they experienced the first of many downturns in economic growth in the interwar years. The time bomb embedded in the peace treaty of 1919—the right to self-determination—started ticking under these worsening economic conditions.

What made economic recovery even more difficult to achieve was the sixth flaw of the work of the peacemakers of 1919. The peace settlement included reparations clauses that were meant to ensure Germany remained so economically weak that she could not resume preparations for war. And yet, European recovery without Germany was an impossibility. The economic—and hence political—stability of postwar Europe was not possible without a robust German economy. This was a mistake that the peacemakers of 1945 sought to correct with their ambitious economic development plans.

The seventh and final fatal flaw in the peace treaty of 1919 is that it totally ignored the Bolshevik Revolution and the status of the borders of Eastern Europe. Not only were the leaders of the new regime not invited to the proceedings, but in the course of the deliberations, Winston Churchill raised the question as to whether it was time to launch a full-scale military invasion of Russia in order to help stamp out the Bolshevik regime. In time, U.S., British, French, Italian, and Greek troops invaded Russia. Their ignorance of both the topography of Russia and the political landscape presaged their failure. Indeed, the intervention of foreign troops probably heightened Russians' hostility to foreign invaders and helped to tighten the Bolsheviks' grip on power.

FAILED LEADERSHIP

Was the Paris peace treaty a disaster that could have been avoided? Probably not. The interests of each of the Big Four states were entirely divergent and to a degree contradictory. Italy, France, and Britain each had its own domestic and imperial priorities. Wilson wanted to found the League of Nations, and was prepared to pay any price for it. In early 1917, before the United States entered the war, he proclaimed his policy as seeking a peace without victory. Once the United States went to war, and sent over 2 million men across the Atlantic, he ultimately achieved a victory without peace.

It is easy in retrospect to judge the peacemakers of 1919 as lacking a vision and a sense of the limits of the possible in a deeply damaged world. And yet, what British historian E. P. Thompson once called “the enormous condescension of posterity” serves little purpose.¹⁷ Like the war itself, the peace of 1919 took on a character few could have predicted and no one controlled.

Perhaps we can add to an assessment of the peacemakers of 1919 some reflections on what their record tells us about peacemaking in 2019. The first point to make is that the consequences of the flawed peace of 1919 still exist. The modern Middle East emerged from the imperial division of the region between Britain and France and a subsequent revolt against Western domination, through proxy or force. The Chinese humiliation at Versailles and the awarding of Shandong Province to Japan are matters of concern to this day in China. Listen to Hungarian politicians like Prime Minister Viktor Orbán speak of the crime of St. Germain; they are not referring to a famous Parisian football team but to the loss of two-thirds of Hungarian territory at the end of the war. The Armenian genocide of 1915 is still contested by Turkish spokesmen, though historians in Turkey as elsewhere have established clearly the genocidal character of the crime. The peace treaties of 1919–1923 left jagged edges on the international map that still cause distress today.

Another painful issue that still resonates is regime change. Wilson came to Paris in January 1919, insisting that he would not negotiate with Kaiser Wilhelm II or his government when their emissaries sought his help in bringing about the armistice. Wilson got his regime change on November 10 when the kaiser reluctantly abdicated, and was replaced by a provisional government formed by those who were not responsible for the war. These people then signed the peace treaty of 1919 and wore that indignity like an albatross for the rest of their lives, while the true culprits like the Kaiser; Erich Ludendorff, his key military commander; and Alfred von Tirpitz, his naval commander, escaped scot free. Wilson's inflexible regime-change strategy, like later incarnations of this idea, undermined the peace settlement in essential respects.

The third point is that the Versailles decision to conduct peace negotiations without all the relevant parties at the table made then and makes now no sense at all. Israeli Prime Minister Benjamin Netanyahu and U.S. President Donald Trump will not settle the Israeli-Palestinian conflict by themselves. The Western peacemakers of 1945 knew better, and engaged first the Soviets and, after 1949, the German government in the reconstruction of the postwar world. Their record has flaws, but they pale in comparison to those of 1919.

The fourth point is more specifically American in character. Liberal internationalism was at the heart of Wilson's foreign policy, just as it was (and is) at the heart of the peace projects associated with the name of Andrew Carnegie. Perhaps one of the weaknesses of this position then as now is that liberal internationalism shrivels under the pressure of modern war. Those on the political extremes attract a mass following and make compromise difficult.

THE CARNEGIE LEGACY AFTER VERSAILLES

The liberalism of the Carnegie men at the peace conference of 1919 was more damaged by the 1914–1918 war than they knew. Nineteenth-century liberalism championed a weak state and a strong civil society. States grew in strength during the war and stayed strong thereafter. Liberalism had a much harder time dealing with a big state than with the small states that marked the prewar period. In addition, the prewar pacifist core of liberalism was based on its appeal to a wide electorate; that electorate deserted liberalism for parties on the left and right throughout Europe and elsewhere. But perhaps of greatest importance was that pacifist liberalism foundered when the dynamic economic growth of the period 1870–1914 came to an end. These halcyon days were the ones in which Andrew Carnegie not only made his fortune but also attempted to use it to abolish war by constructing a stable peace based on law, arbitration, and conciliation. After 1919, the economic conditions in which liberalism had flourished both in Europe and in the United States simply did not exist.

The Great War inaugurated a dark period in global economic history. Britain's interwar depression began in 1920, and continued with ups and downs until 1940. France, like Britain, was impoverished by the staggering costs of war, and by the need to pay off war debts. The failure of international trade to revive rapidly after the war reduced national incomes and made it much harder for these two imperial powers to afford both the costs of protecting their empires and paying for the welfare benefits to which millions of disabled men and their families were entitled. The optimism of Carnegie men, like Nicholas Murray Butler, James Brown Scott, and James T. Shotwell, was born in an age subsequently blown away by the shattering effects of the first fully industrialized war in history.

The democratic impulse Wilson brought to the conference table at Versailles was both deeply felt and profoundly unrealistic. The settlement of 1919 broke up the German and Austro-Hungarian Empires, and later events tore apart the Ottoman Empire. But democracy in these successor states was a frail reed, unable to take root firmly in the harsh postwar era. The peace settlement had created new states in Eastern Europe, many of which had substantial minority populations unhappy with their status. Ethnic conflicts deepened as antidemocratic regimes emerged first in the 1920s, and then with the rise of the Nazis in 1933, throughout central and Eastern Europe.

By the 1930s, it was evident that the Great War had made the world safe for authoritarian governments. This was hardly the outcome Wilson and the Carnegie men had hoped for when they landed in France in the heady days of 1919, thinking they could forge a new and democratic world order. None of them knew that the treaty would be turned down twice by the U.S. Senate. Thus Wilson's beloved League of Nations was born without U.S. support, and without the chance of Americans to shape it and strengthen it in coming years.

In effect, Wilson and the U.S. delegation got the worst of both worlds. They got their prize—the League of Nations—but at the price of signing on to a peace settlement that had little chance of success. The peace settlement was a house built on insecure foundations, which gave way under the pressure of the world economic crisis of 1929 and the arrival of the Nazi regime in 1933. The treaty's eventual collapse in 1939 surprised no one.

Indeed, Allied peacemaking in 1945–1946 was the diametrical opposite of the way things were done in 1919. To be sure, the defeated powers were prostrate and occupied in 1945, but the effort to reconstruct the world order avoided the worst errors of 1919. The foundation of peace was the revival of the world economy, led by the United States. The Marshall Plan of 1948 gave Europe \$12 billion—over \$100 billion in today's currency—and the triumph of Keynesian economics helped produce the greatest economic boom in a century. Globalization, interrupted by the two world wars, began its second surge, producing what the French term “*les trentes glorieuses*,” the years of bounty from 1945 to 1975.

In those years, men and women in the Carnegie mold got a new lease of life. Their liberal internationalism was different from that of their founder. Their aim became less utopian. They did not try to abolish war but worked instead to contain it politically through multilateral policies, through a concerted effort to control nuclear weapons, and through support of global civil society.

The failure of the peacemakers of Paris in 1919 is an object lesson in what not to do to create a stable world order in the wake of war. Looking back at their work leaves this observer with a sense of tragedy. All that suffering between 1914 and 1918—10 million dead soldiers, and 20 million wounded—yielded little other than a rearrangement of the explosive materials that had detonated in 1914 and would explode again in 1939. The settlement of 1919 was indeed the peace that passeth all understanding.



Head of Political Office of the Taliban Sher Mohammad Abbas Stanakzai attends the peace talks on Moscow format at the President Hotel in Moscow, Russia, on February 6, 2019. (Photo by Sefa Karacan/Anadolu Agency/Getty Images)

CHAPTER 2

THE CALL OF UNORTHODOX DIPLOMACY

BERNARD BOT

The famous U.S. diplomat Richard Holbrooke once quipped, “Peacemaking is like jazz, you have to listen to the other instruments and improvise.” Will the modern peacemakers continue to stick to traditional means of settlement or will they rather opt for more unorthodox means—for more jazz?

Even in a twenty-first-century world, which is devising new and varied threats to international peace, diplomacy will always be needed. It is still a powerful instrument. There are strong grounds for believing that the art of diplomacy with all its accumulated experience and multilateral institutions, with its huge arsenal of expertise, is still capable of dealing with almost any kind of future conflict situation. International law will also undoubtedly continue to be a lodestar for those tackling new threats. It is not a static science, but a discipline that constantly evolves and that draws on lessons learned from past negotiations, political developments, scholarly contributions, and plain common sense.

And yet the job of diplomacy is getting harder. Consider some worrying global trends. To begin with, most modern conflicts are not fought between states, but are more likely to be ideological clashes fought between

unequal parties. Even if a state party is involved, it often faces a nonstate actor such as a terrorist movement, a religious body, or a marginalized tribe inside its own country. Thus multilateral organizations, which often lack a mandate to mediate in these asymmetric internal conflicts, are struggling to maintain their influence.

Moreover, negotiations between unequal parties may lead to long-drawn-out processes or even no consensus. The situation in Yemen bears witness to this unfortunate dynamic. In a conflict such as this, peacemaking may only ensure a temporary halting of hostilities, during which the warring factions stock up on weapons and resume fighting as soon as they think their chances of winning have improved. Consequently, peacemaking may not lead to peace but to an interim cessation of hostilities.

WHAT KIND OF PEACE?

When discussing peacemaking, practitioners must first ask what constitutes “peace.” Conventional wisdom has it that a successful peace agreement means first bringing a conflict to a lasting end by terminating hostilities between the warring parties, and then

securing a promise of long-term stability. The second condition encompasses elements as various as new boundary demarcations, the exchange of prisoners, protection of minorities, determining mining rights, and internationally supervised disarmament. This was the case for example with the Ethiopia-Eritrea peace agreement of 2018, the Astana peace talks on Syria in 2017–2018, and the peace talks with the Sudan People's Liberation Movement/Army (SPLM/A) in 2009. Yet a stable peace often proves impossible, and peace agreements break down because they fail to resolve deep underlying ideological differences.

The rapidly changing international landscape with its multiple conflicts demands a more holistic approach toward peacemaking, one that offers a broader view of the current international situation and of the instruments available to promote peace. This refers to the Kantian idea of “perpetual peace,” which acknowledges that traditional means of settling disputes are often no longer sufficient and that an unorthodox, outside-the-box approach may sometimes be the best option.

What follows are some thoughts identifying and analyzing key elements underlying a serious contemporary peacemaking endeavor, including some of the more unconventional strategies being employed to bring parties to a modern conflict together.

This means breaking the peacemaking process down into different phases before drawing some tentative conclusions. The first phase is starting negotiations, the second focuses on effective implementation of the agreement, and the third one concerns monitoring and supervising the various elements of the deal reached.

STARTING NEGOTIATIONS

The greatest challenge nowadays is not how to conclude peace negotiations, but how to start them. Getting as many warring parties as possible around the negotiating

table demands skill and delicacy. Just convincing them to meet somewhere informally, be it under the aegis of the United Nations, the Organization of American States, or another mediator, can be tricky. The mediator needs to be acutely aware of local or regional factors. As far as possible, all participants have to be accepted as equal partners during the negotiating process. This may be a controversial first step as more often than not smaller or nonstate actors do not enjoy the same status and level of respect as more powerful participants.

Negotiating parties may be states, but they may also be tribal representatives, insurgents, or nonstate actors. Letting them take part in talks on an equal footing sounds logical, but it may come at a price. For example, when U.S. President Donald Trump's administration recently sought to start peace negotiations with the Taliban, the legal Afghan government was cut out of the talks—to its great dismay. Former president Barack Obama's administration had resolved not to hold talks with the Taliban unless the Afghan government was an official party to the process. Its successor got fed up with the endless delays in starting a meaningful peace process. The Trump administration decided to take the unorthodox approach of not including the legitimate Afghan government in talks. It remains to be seen, of course, whether this novel approach will lead to a settlement acceptable to all parties, including the excluded government. The latter may well balk at any result that emerges from these discussions.

Almost half a century ago, U.S. secretary of state Henry Kissinger set a precedent by cutting the government of South Vietnam out of peace talks with North Vietnam. The United States has repeated this practice much more recently in the Yemen conflict, when it used its heavyweight status to get as many parties as possible to attend so-called exploratory discussions. A U.S. scholar said at the time: “Saudi Arabia needed U.S. support to start its war in Yemen and it will need U.S. support to end it. No other country has sufficient leverage to influence Saudi behavior.”¹⁸

The arbitration case settled at the Peace Palace in the Hague in 2009 between the central government of Sudan and the SPLM/A, a Sudanese liberation movement over the demarcation of the Abyei boundary, provides another example of an asymmetrical negotiation. In 2007, tensions between the SPLM/A resulted in its withdrawal from the Government of National Unity over, among other matters, the issue of the Abyei region.

The Yemen conflict demonstrates the myriad difficulties of getting parties to agree to a meeting, as long as they believe that fighting suits them better than figuring out how to end a war. One factor remains constant however: in the modern world, as in the past, superpower pressure can be essential to force parties to leave their dugouts. In this instance, the United States managed to arrange a cease-fire between the Houthi rebels and the Yemeni government, backed by the Saudis. In December 2018, the UN special envoy to Yemen, Martin Griffiths—the third such envoy in four years—persuaded the rebels and the government to meet in Sweden for initial talks on a possible framework for peace negotiations. Even then it proved impossible to get all the parties involved in the conflict to attend. Saudi Arabia and the UAE as well as representatives from the Southern Transition Council and other Yemeni groups were conspicuous by their absence. Unfortunately, even superpower pressure has its limits.

These examples make it clear that voluntary participation in a peace process is rare. Sustained international pressure, especially from big powers, is indispensable in getting warring parties around the table. Without pressure from guarantor states Russia, Turkey, and Iran, peace talks on Syria would simply not have taken place in Astana, the capital of Kazakhstan, in 2017 and 2018, however urgent earlier appeals by other states and international organizations to halt hostilities may have been. A second observation is that it is desirable or sometimes even inevitable to exclude some of the warring factions or a government itself from this initial stage altogether. The weak point in this approach is the risk that results will not be accepted by

all parties and that the talks may only lead to a truce, a breathing space before fighting resumes.

IMPLEMENTATION AND MONITORING

Once peace negotiations have concluded, the second stage, beginning the actual implementation of a peace deal, is even more demanding. In other words, full peacemaking entails getting the relevant parties around the table not just to end hostilities but in order to reach a deal with a promise of long term stability.

The Treaty of Versailles, signed one hundred years ago in June 1919, offers a cautionary tale to negotiators even today about the costs of a flawed agreement. It teaches them that a lasting peace agreement requires more than a few signatures on a piece of paper; that participation by all parties should be based on equality; and moreover, that a peace agreement that is presented as a capitulation by the losing side may be short-lived, especially if the vanquished are convinced, as the Germans were, that they had been saddled with unjust burdens. Versailles, indeed, sowed the seeds for the Second World War rather than laying the foundations for a lasting peace and a new stable international order. (For more, see the essay by Jay Winter in this collection.)

Great Powers can end up being bullies, as at Versailles, but they are still indispensable. In the regional conflicts of our day, pressure from outside powers—preferably big ones—has been essential in curtailing the violence. One example is the former Yugoslavia where the U.S. applied intense pressure to finally secure the Dayton Peace Agreement in 1995. Likewise, the blessing of the United States was key in securing the Oslo Accords framework for an interim agreement between the Israelis and Palestinians in 1993.

As mentioned earlier, it took three outside parties in the Syria peace talks, Russia, Turkey, and Iran, to create the necessary conditions for halting hostilities,

while Bashar al-Assad's regime was excluded. In North and South Korea, an attempt to ease tensions ended recently in dramatic failure. Why? Because of a lack of even the most basic preparations for this meeting, a lack of experience on the side of the United States, and the mistaken belief that "the art of the deal" in private negotiations could be applied in an international context. Taken together, all these elements contributed to a formidable disaster.

The negotiation and implementation stages are not clear-cut and sometimes intertwined. Implementation of a deal may already start during the negotiating process or negotiations may continue on and off once the implementation phase has begun. The negotiator has to be on guard to ensure that some parties will not attempt to exploit this situation by starting implementation, apparently in good faith, and then extorting additional concessions as a condition for continuing the peace talks. Another risk arises if a clause stipulating a "review conference" at relatively short notice is included in the treaty. That may be a necessary concession to get parties to agree, but it may also encourage some to withhold vital concessions during the initial negotiation phase.

Sometimes parties to a conflict also request a "transition phase" between the initial agreement and a final peace deal. This may seem an understandable request especially in situations where fighting has been going on for decades and parties are being asked to make painful concessions at relatively short notice. The South Sudan peace agreement of September 2018 is a case in point. Soon after the third peace agreement was concluded, it became clear that long-standing quarrels about access to land, minerals, water, and arms were thwarting proper implementation of the deal. This failed implementation led to a new round of negotiations and haggling about how the text of the agreement should be interpreted. A new deal was successfully concluded between South Sudan's president and the main rebel leader in 2018, but there are concerns over whether its terms will be observed.

The third element essential for a lasting peace process is that it be monitored and kept in the international eye. This subject requires an essay on itself. Briefly put, the emergence of a new order or a new era of stability that sees economic growth, good governance, and respect of human rights can only materialize if there is some form of international supervision. Here international organizations, especially those working under the aegis of the UN, can come in and play an indispensable role. It is true that the impact of international organizations on the first two stages of peacemaking has lessened in recent times. But the financial means, experience, and well-trained troops and supervisors of international multilateral organizations mean they are well equipped to assume this task, of long-term facilitation of a peace agreement.

As minister of foreign affairs of the Netherlands, I experienced many of these painful lessons at first hand. Monitoring can be a delicate task and quite often a disappointing experience. Tepid support by the authorities, lack of trust from the population in the duration and effectiveness of a peacekeeping mission, or sabotage activities by small subversive groups may derail even the most carefully planned and thoroughly prepared peacekeeping effort. In 2004–2007, I thought I had made "stormproof" arrangements with then president Ahmed Karzai in Afghanistan about a Dutch monitoring and peacekeeping role in Uruzgan Province prior to the Netherlands' participation in the International Security Assistance Force mandated by the North Atlantic Treaty Organization and led by the alliance from 2003 till 2014.

In Uruzgan, initially our team was successful in implementing our programs. A peaceful environment was created. We oversaw repair of roads, access to markets, reinforcement of small dikes, the opening of schools and hospitals for women and girls, and the partial eradication of poppy culture in close cooperation with the local authorities and population. All this was in the context of the "3-D philosophy" of diplomacy, defense, and development. But soon

an issue arose about the length of our stay. It became known that it would be for a limited period only, and that, in turn, led to a gradual erosion of trust from the local population. In meetings with provincial leaders, I was often asked, “Who will protect us and the projects you have initiated once you have left us?” They feared that the Taliban might regain power and punish those who had collaborated with foreign peacekeepers. These doubts undermined our efforts and emboldened the Taliban to step up its subversive activities. As a result, peacekeeping aimed at securing long-term stability turned into a peace-enforcing effort with a shorter-term focus.

The same questions had been raised earlier in al-Muthanna in southern Iraq. There, Dutch troops had been deployed as guarantors of an unstable peace deal. In that part of Iraq, we were more successful because there were no major conflicts between opposing factions. We gradually gained the confidence of local authorities and the population, and successor nations could concentrate on reconstruction and development.

I can only conclude from these experiences that peacekeeping and monitoring should be of a long-term nature if it is to yield lasting results. If local parties know that it will be a short-lived interlude, warring factions will be tempted to resume their quarrels rather sooner than later, profiting from the indecisiveness of foreign monitors. A peacekeeping mission should, furthermore, be able to reckon on widespread local support. If not, allegiances may shift quickly. Third, in the framework of the 3-D approach, there should be a convincing defense component. That also implies willingness to take forceful action against possible sabotage activities by small terrorist groupings.

FINAL REMARKS

Some concluding remarks are in order. First of all, modern peacemakers will need to cope with modern challenges. They face a rapidly changing geopolitical

landscape, warring parties without official international status, and new developments such as fake news, drones, and social media.

Yet, in the international landscape the modern is also combined with the classically familiar. In some regards, the landscape holds similar characteristics to the nineteenth and early twentieth centuries. Big superpowers like China and Russia increasingly make themselves felt in international conflicts, even indirectly, while the biggest, the United States, is trying to isolate itself behind an “America First” wall. The echoes of a century ago, of U.S. debates about isolationism and whether or not to join the League of Nations after the Second World War, are unmistakable.

At the same time, multilateralism’s influence is waning and nationalism is resurgent. History tells us that this bodes ill for long-term peace and stability. This new nationalism may spawn more conflicts inside states fought between nonstate actors. The constellation of diminishing multilateral supervision and increasing national populism has already led to a series of conflicts in the former Yugoslavia, Syria, Yemen, and North Africa.

Diplomats have their work cut out to end these protracted conflicts. They need to be realistic and accept that no two peace negotiations are the same. Local circumstances differ from case to case, and a long-festering historical conflict that has lain dormant may erupt again all of a sudden in a different form. A strong dose of unorthodoxy is desirable in order to succeed. A readiness to engage in “outside-the-box” thinking has therefore become a precondition for success. This is a true challenge indeed for future negotiators.

Diplomatic creativity always needs to be combined with legal rigor. A good legal text is fundamental to a peace agreement. The legal side is sometimes belittled as mere hairsplitting of overzealous jurists. But loopholes in a peace agreement may quickly give the conflict parties all sort of reasons not to implement parts of

an agreement. Throughout history, philosophers and statesmen have dreamed of a lasting peace. Thinkers as different as Abbé de St. Pierre and Immanuel Kant have advocated a project of “perpetual peace.” Will it remain a dream forever? Henry Kissinger remarked in his book *World Order* that: “Conflicts within and between societies have occurred since the dawn of

civilization.”¹⁹ The number of conflicts in the world has certainly not diminished since Kissinger’s day. That may be a sad conclusion, but I feel entitled to draw at least one positive note from this observation, namely that the “art of peacemaking” will also remain perpetual, that wherever there are conflicts, there will also be peacemakers.

CHAPTER 3

PEACEMAKING IN AN ERA OF NEW WARS

MARY KALDOR

Fleeing people locked up in camps along the United States–Mexico border or drowning in the Mediterranean Sea; trucks driving into crowds of people; mass shootings in schools; foodbanks and homelessness in advanced industrial countries; violent storms, floods, and fires caused by climate change; seemingly never-ending wars in places like Afghanistan, Syria, Yemen, or the Democratic Republic of the Congo; the spread of extremist fundamentalisms; electoral victories for racist, misogynist, populist leaders such as Donald Trump in the United States, Narendra Modi in India, or Recep Tayyip Erdoğan in Turkey. All of these phenomena are what the Italian Marxist philosopher Antonio Gramsci called “morbid symptoms.” They appear in situations where “the old is dying and the new cannot be born.”²⁰

The “old” is the system of states associated with modern industry, mass production, mass media based on newspapers and television, and dependence on fossil fuels. It is a system that is out of step with today’s interconnected and complex world, associated with the revolution in information and communications technology and facing the existential challenge of climate change. In similar grand transitions of the

past, war played a critical role in constructing and reconstructing the state apparatus. But the type of war through which this occurred has become too destructive to be fought. Instead, contemporary wars could be described as state *unbuilding*. They involve what Saskia Sassen terms the “disassembly” of the state.²¹ So how is it possible to construct the kind of institutions that would enable us to lay the basis for the “new”?

The world needs to rethink the meaning of peace. Peace, as it is predominantly perceived, is a “modern invention,” as Michael Howard has termed it, associated with the rise of the states and “modern” wars.²² To develop this argument, I start with a brief discussion of the changing character of war and then reflect on the meaning of peace.

THE CHANGING CHARACTER OF WAR

In this essay, the terms “old” and “new” wars are used to describe the difference between the wars of the “modern” period, from the seventeenth to the twentieth centuries, on the one hand and contemporary wars

on the other.²³ Old wars include both interstate wars and classic civil wars between governments and rebels, where the rebels are organized, in effect, as a state in waiting. Indeed, the English Civil War of the 1640s could be described as the first modern war, in which Oliver Cromwell's New Model Army offered a template for the future organization of the state.

The distinction between old and new wars is conceptual rather than empirical. Old wars, at least in theory, as Carl von Clausewitz, the iconic strategist of the modern period, expounded, were contests of wills; he defined war as "an act of violence designed to compel our opponent to fulfil our will." These wars tended to the extreme as the political leaders tried to gain their objectives, as generals tried to disarm their opponents, and as hatred of the "other" was mobilized among the population. Old wars were grand clashes between two or more sides in which battle, as Clausewitz stressed, was the decisive encounter—something he compared to the act of exchange in the marketplace.²⁴

New wars, like those in Syria, the Democratic Republic of the Congo, or Somalia, are better described as a social condition or even as a mutual enterprise in which numerous armed groups gain more from violence itself than from winning. They gain politically through the construction of extremist identity politics based on hatred of the "other"—along the lines of ethnic sectarianism or religious fundamentalism. And they gain economically through loot, kidnapping, extortion, and other criminalized activities that take place under the cover of war. In new wars, battles between armed groups are rather rare and most violence is directed against civilians. These wars are difficult to end in time or space; they tend to persist and spread rather than to extremes.

All wars are the site of gender construction. In theory at least, old wars constructed a type of heroic masculinity in which male heroes fought for their families at home—even though in practice the totalizing nature of war also involved much greater participation by women,

and wars always involved sexual violence. New wars produce a much more extreme, unstable masculinity where the ideologies are inherently misogynist and racist and where sexual violence is often a systematic part of the violence against civilians. The need to continually reproduce this form of unstable masculinity contributes to the persistence of new wars.²⁵

Although contemporary wars are predominantly of the new type, they may also include old war characteristics. Likewise, during the modern period, there were more or less continuous instances of warfare as part of the process of colonization of other parts of the globe by European powers, and though they were not often called war, they might be better explained in terms of the logic of new wars. Some features of contemporary wars are, of course, empirically new, most notably the transformation of communications technologies and the way this has contributed to new forms of networked organizations, new forms of mobilization through social media and websites, and new terror tactics based on publicizing atrocities. But this is not the reason for describing contemporary wars as "new," rather it is the different logic that matters.

Old wars were an essential element of state-building. "War made the state and the state made war," said Charles Tilly.²⁶ Wars, usually against other states, were the ways in which first monarchs and later republican governments established order and built a state apparatus. Modern wars centralized power, mobilized the population, and encouraged economic self-sufficiency. To raise money for wars, governments increased and improved the efficiency of taxation, increased borrowing, regularized banking, and established central banks.

In Western countries, this involved an implicit bargain, in which the population gained increased rights in return for paying taxes and fighting in wars—initially civil and political rights but, in the twentieth century, economic and social rights as well. In Eastern Europe and Asia, by and large, funds for fighting wars were

extracted through increased repression rather than through a bargaining process, so the repressive capacity of the state was also developed. War established an international and domestic hierarchy that provided the basis for order in the intervening period before the next war. And wars produced technological and organizational innovations that contributed to the transformation of both the state apparatus and the broader socioeconomic context. Wars, moreover, opened up new forms of communication and social organizations; thus, newspapers were first published in the English Civil War, while many new social movements, such as humanitarian groups or women's groups, gained traction in times of war.

Contemporary wars are almost exactly the opposite. They disassemble the state. Participation is low. They are decentralized and globalized wars. They involve the disintegration of federations, such as the former Yugoslavia or the Soviet Union. They construct new, unstable, inward-looking substate entities like the Republika Srpska in Bosnia, South Sudan, or the Donetsk and Lugansk People's Republics in eastern Ukraine. Taxation is low and finance comes from war-related activities. State services such as health, education, police, or courts are decimated. They produce fragmented and often transnational extremist political identities. They lead to waves of forced migration. They also give birth to new transnational assemblages of security and humanitarianism formed to tackle their problems; that is to say, external interventions by the United Nations and other multilateral institutions and by a whole array of international NGOs and private contractors.

RETHINKING THE MEANING OF PEACE

The wars that evolved during the modern period were discontinuous. While the military capabilities acquired by states and indeed private companies were used almost continuously for colonial purposes, major clashes between European states took place only

intermittently. The intervals in between major wars gave rise to a corresponding concept of peace.

Philosophers and political thinkers began to develop schemes for perpetual peace during the Enlightenment era. This period saw the rise of secular intellectuals associated with an enlarged merchant or capitalist class—consisting of growing numbers of teachers, doctors, writers, or lawyers—that developed alongside the traditionally dominant warrior nobility and clergy. According to Michael Howard, this class “saw war not as the natural order or as an instrument of state power but as a foolish anachronism perpetuated only by those who enjoyed or profited by it.”²⁷

Most of these schemes were based on the assumption that war was between states, and they proposed to end war through proposals for some form of league or federation of nations based on a permanent peace treaty. Immanuel Kant, whose pamphlet “Perpetual Peace” is probably the best-known example of these suggestions, created a scheme that involved a permanent peace treaty, republican constitutions (with checks and balances), and the idea that cosmopolitan rights (human rights, as understood now) need only to be confined to the right of hospitality, that is to say treating strangers appropriately. Peace movements developed throughout the nineteenth century with regular pan-European congresses that put forward peace schemes designed to end conflict between nations, aimed at establishing instruments of international arbitration such as the court established at the Peace Palace in The Hague. It was this version of peace that was championed by Andrew Carnegie.

This idea of peace as synonymous with “peace between nations” became the dominant conception of peace up to 1989. The Soviet Union espoused this understanding of peace as peace from above, negotiated among states and associated with noninterference in internal affairs—in other words, as the absence of old war. This was reflected in peace research databases of war established during the Cold War period, such as

the Uppsala Conflict Data Program that defined war as interstate or intrastate and involving a certain number of battle deaths.²⁸ Wars that involved networks of state and nonstate actors that were both global and local and where most violence was directed against civilians were simply not captured by the data.

For these old-fashioned advocates of peace, the main method of peacemaking was top-down diplomacy among states. Wars could be ended either by victory for one side or by talks that resulted in a compromise between the parties. Yet in new war contexts, this understanding of peace has turned out to be counterproductive. The various armed groups are not states in waiting; rather, they represent a combination of gangsterism and political extremism. Since the end of the Cold War, there have been literally hundreds of such agreements negotiated by international agencies, mainly the United Nations but also the Organization for Security and Cooperation in Europe (OSCE) and the African Union.²⁹ Only about half can be said to have succeeded in reducing violence.³⁰ Because violence is directed against civilians, it is rather easy to halt violence between the groups or to separate the warring parties—which is what the agreements are meant to do. The agreements are usually the moment when some kind of international presence is deployed. Both because of the international presence and because the narrative of war is harder to justify, this may also reduce violence against civilians. These agreements, basically, freeze the social condition of a new war, and so, in most cases, violence continues after the agreement albeit often at a lower level of intensity.

While these agreements have a legalistic veneer on the model of peace treaties in the past, they are better described as mafia truces. As armed groups multiply, it becomes ever harder to bring them together, except through promises of positions and money. Indeed, there are cases where peace groups have been formed in order to participate in peace talks. If peace talks do succeed in reaching agreement, the main effect is to legitimize the participants, thereby entrenching the

toxic combination of political extremism, social and economic predation, and the disassembled state.

Bosnia-Herzegovina is often touted as the model for this type of agreement. The Dayton Agreement is hailed as a success story for ending three years of war. Yet the Dayton Agreement also divided Bosnia into three entities ruled by ethnic warlords. Despite a large international military presence and very high levels of funding—more money per head than the Marshall Plan delivered to Western Europe after the Second World War—Bosnia remains a dysfunctional society, where the threat of renewed war is ever present, human rights violations are tolerated, unemployment stands at 25 percent (40 percent among young people), and corruption is endemic and systemic.³¹

An alternative conception of peace requires a very different set of assumptions in which peace is imagined not as the absence of war between states, but as a social condition experienced in rights-based law governed societies. The world of states was characterized by what international relations scholars call the “great divide” between “outside” relations of power based on war and diplomacy and “inside” relations based on politics and the rule of law. Instead of peace between states, the new peace is about the spread of the “inside” outward. It is constructed on the basis of the globalization of politics and law. Peace could be described as a civic social condition that can be counterposed against the social condition of a new war that crisscrosses national boundaries. Peace can only be achieved by reversing or countering the new war social condition. That is a much more complex undertaking than merely top-down peace talks. It requires a simultaneous, multilevel combination of building legitimate institutions, countering sectarian and fundamentalist narratives, investing in value-adding economic activities, establishing the rule of law, and creating effective justice mechanisms.

This approach does not replace peace talks. But peace talks aimed at reversing the social condition of new



The South African peacekeepers of the MONUSCO Force Intervention Brigade patrol the town of Pinga in Democratic Republic of Congo as part of a mission to secure the area. (MONUSCO/Marie Frechon)

wars would be constructed very differently from peace talks aimed at reaching agreement among the warring parties. They would be more akin to politics than diplomacy. They would be much more inclusive, involving civic political groupings, especially women. They would be multilevel. New wars are fragmented. Many peace or ceasefire agreements are reached at local levels even though they tend to be fragile and unstable; these agreements need to be supported and integrated into a broader peace process. Instead of focusing on constitutional and/or power sharing agreements, they would address specific conditions on the ground—lifting sieges, sustaining cease-fires, humanitarian access, access to infrastructure and services, all with the goal of creating safe spaces for broader political and societal change.

The last three decades have been a learning process. The transnational security assemblages formed in the wake of top-down peace agreements to deal with postconflict situations have grown in size and scope. There is a much greater understanding of the multidimensional requirements that are needed to address the new war social condition. But the efforts of many dedicated

international officers and volunteers are often subverted by the gap between the actual situation on the ground and the conceptions of how to achieve peace at the level of high politics, which means, by and large, the level of old-fashioned states with built-in old-fashioned ideas of war.

GIVING BIRTH TO THE NEW?

New wars are an expression of the way in which states have become increasingly dysfunctional in contemporary society. The morbid symptoms to be observed worldwide are the symptoms that can be observed in new war contexts. They include the neoliberal hollowing out of states and the rise of crony capitalism or what Alex de Waal calls the “political marketplace,” where money replaces public deliberation as the currency of power.³² They also include the rise of extremist populist ideologies directed against women and minorities and fomented through new digital methods of spreading lies and propaganda. States no longer have the capacity to address the everyday problems that individuals face because their capacities

are hollowed out by spending cuts and contracting out, because problems like climate change are bigger than the state, and because of embedded “old war” ways of thinking and doing.

Even in the so-called advanced countries, hate crimes, terrorist attacks, and mass shootings are already rising. A possible, indeed probable, scenario is a global era of chronic new warfare—the spread of the new war social condition supplanting capitalism and democracy. This does not mean increased war between states, but a new dark age where all these morbid symptoms of societal breakdown contribute to and are compounded by climate change.

If we conceive of the new peace as the spread of the inside outward, then it should be noted that there are different models of the inside, some of them characterized by repression and surveillance. The growing weight of China in global affairs, for example, may betoken a model of world order based on extensive global surveillance and the imposition of stability from above. Rather, a new conception of peace should be based on an inside that is characterized by a rights-based rule of law.

This kind of peace would need to express a broad social narrative about how to adapt political institutions to a different development paradigm that makes use of new digital technologies to save resources and transform

lifestyles in a way that is just in both social and climate terms and addresses all levels of governance. Earlier peace proposals for federations or leagues of nations need to be replaced by new models of global governance in which states are no longer the pivotal element of the global system. Local and regional levels need to be empowered to address local and regional complexities. And regional and global political institutions need to be more than intergovernmental institutions, able to act politically and accountable to citizens.

Some models of a new way of thinking exist, in nascent form at least. It is worth noting that unlike states, other institutions at local, regional, or global levels have never been war-making institutions. Indeed, organizations like the European Union or the United Nations were established as peace projects, albeit of an old-fashioned kind. The current challenge is whether they can be transformed into institutions capable of promoting a new sort of peace.

The problem is, above all, in our own minds. The earlier conception of peace was produced by newly emerging secular intellectuals who were able to realize the potential of living beyond the “bare life” of mere existence.³³ Technological change, the spread of tertiary education, and the expansion of knowledge all make possible a broader transnational constituency of people who have a stake in a new conception of peace. It is their ideas and actions that matter.

CHAPTER 4

NO WAR, NO PEACE: HEALING THE WORLD'S VIOLENT SOCIETIES

RACHEL KLEINFELD AND ROBERT MUGGAH

Hard as this is to believe, we live in one of the most peaceful periods of human history.³⁴ Homicides have been falling in most parts of the world for centuries.³⁵ Despite the horrors beamed across the internet, violent deaths from wars between states are at historic lows.³⁶ Civil war deaths have risen in recent years owing to the conflicts principally in Afghanistan, South Sudan, Syria, and Yemen, but they had fallen so far since the end of the Cold War that they are still a fraction (in per capita terms) of what they were at any time before.³⁷ After rising for a decade and a half, even violent extremist-related fatalities are on the decline.³⁸

These comparatively recent improvements in peace and security did not occur spontaneously. The end of the Cold War gave them a boost, but they were chiefly achieved by concerted investment in policies designed to prevent and mitigate warfare and terrorism. Sharp reductions in violent crime were also due in part to investments in smarter policing and prevention.

But there is a darker side to the story.³⁹ Many societies ostensibly “at peace” are far from peaceful. Some of them are experiencing endemic violence that exceed death rates in warfare. These situations can only be

improved with better quality governance, rather than traditional peace agreements and peacekeepers. Almost nine out of ten violent deaths across the world today occur inside countries and cities that are not at war in the traditional sense.⁴⁰ Criminal violence perpetrated by drug cartels, gangs, and mafia groups is skyrocketing, especially in Latin American and the Caribbean, causing global homicides to creep up again.⁴¹ Meanwhile, state security forces are continuing to deploy mass violence and excessive force against their own people.⁴²

These two types of violence—organized crime and state repression—are more intertwined than is commonly assumed. Politicians, police, judges, and customs officials often cooperate with cartel bosses and gangs in the pursuit of profit and power. Both are skilled at hiding their violent acts such that they often are not recorded in worldwide datasets on lethal and nonlethal violence. Yet it is possible that such violence may be contributing to a jump in overall violent deaths worldwide. Such violence is difficult to disrupt.

These challenges are not confined to poor, “failed,” or “fragile” states. Compare the roughly thirty fragile states listed by the World Bank to the fifty most violent

countries in the world, and just four appear in both compilations. It is middle-income countries that are fast becoming the world's most violent places.⁴³ Relatively wealthy South Africa has a violent death rate nearly double that of war-torn South Sudan.⁴⁴ In 2018, more civilians were killed by state and paramilitary forces in the Philippines than in Iraq, Somalia, or the Democratic Republic of the Congo—as many as in Afghanistan.⁴⁵ Of the fifty most violent cities in the world in 2017 (based on murder rates per 100,000), fifteen are in Mexico, fourteen are in Brazil, and four are in the United States.⁴⁶ Inequality, not poverty, is strongly correlated with murder—and inequality often rises as poverty falls.⁴⁷

The international community has few tools to address the twin challenges of state and criminal violence. Traditional peace treaties and the deployment of blue-helmeted peacekeepers are not fit for purpose. Development organizations have a role to play in reducing criminal violence—but it must be an explicit focus, since measures to alleviate poverty don't affect violence *per se*.⁴⁸ In fact, efforts to reinforce state capacity can make violence even worse by propping up governments complicit in the problem. When politicians are unable or unwilling to stem violence, international leverage is often limited, since governments can sanction international organizations and agencies or evict their staff. A new toolkit of solutions is needed to return violence to its previous trajectory of decline.

WAR AND TERRORISM—CHANGING THREATS

War has always constituted an existential threat to humanity. The civilization-ending potential of armed conflict reached its apogee in the twentieth century. Then, in the late 1940s, something remarkable started happening. The incidence and severity of cross-border and civil wars began to fall.⁴⁹ Half a century later, after the Cold War had ended, the number of wars went into

free fall, with many petering out as the United States and Russia withdrew support for competing sides. By 2018, direct deaths from civil and interstate wars had dropped to fewer than 53,000 a year.⁵⁰ (Indirect deaths caused by conflict, such as increased disease and malnutrition, remain higher.⁵¹)

The risk of warfare is reemerging as U.S. hegemony weakens and geopolitical rivalries return, fueling regional proxy conflicts such as those in Iraq, Syria, and Yemen. While the deadliness of today's wars remains historically low, there are nevertheless twice as many civil conflicts today as there were in 2001. It is a small uptick after a long decline, but it is a disturbing trend.⁵²

Armed conflicts today are harder to extinguish because of three parallel trends. First, while old-style interstate wars are now vanishingly rare, the term “civil war” can be a misnomer. Of the fifty-two current intra-state conflicts counted by the Peace Research Institute of Oslo (PRIO), external states were sending troops to at least one side in eighteen of them.⁵³ These conflicts fueled by outside states are generally more violent, longer lasting, and much harder to resolve than traditional civil wars.⁵⁴ (For more, see the essay by Mary Kaldor in this collection.)

Second, the number of nonstate armed groups participating in the bloodshed is multiplying. According to the International Committee of the Red Cross (ICRC), roughly half of today's wars involve between three and nine opposing groups.⁵⁵ In a handful, including the ongoing conflicts in Libya and Syria, literally hundreds of armed groups are fighting one another. Wars are harder to end when so many groups can spoil the peace. Third, today's warriors are as likely to be affiliated with drug cartels, mafia groups, and criminal gangs as with armies or organized rebel factions. In a globalized world with highly connected supply chains, they often act as all of the above. The Taliban is a rebel group fighting for political control of Afghanistan. It is also a drug cartel fighting criminalized portions of the Afghan government for control over

domestic and regional smuggling routes.⁵⁶ Politicians, businessmen, and fighters who profit from ongoing war make negotiated peace more complex, and in some cases impossible.

These trends are compounded by a long-ignored reality. Many citizens suffering under predatory governments have no automatic loyalty to the state. Rebel groups, terrorist insurgents, cartels, and gangs successfully lobby for legitimacy and public support—not just with threats, but with slick digital videos and social media persuasion campaigns.

For much of the twentieth century, terrorism was viewed as a lower-order concern by most governments. The September 11 al-Qaeda-led attacks on the United States catapulted terror to the top of the global agenda. Incidents of terrorism spiked for more than a decade. But since 2014, the number of attacks has fallen by as much as 44 percent.⁵⁷ North Americans and Europeans still feel that they are on the frontlines of terror, yet according to the Global Terrorism Index, white nationalist groups pose a greater threat to U.S. citizens than political Islamist groups.⁵⁸ As gruesome attacks in Brussels, Manchester, and Paris, suggest, Western Europe does face a greater terrorist threat. Yet in 2017, just 2 percent of all terrorist-related attacks occurred in Europe. Across the continent, the probability of dying at the hands of a terrorist was 0.027 per 100,000—slightly less likely than being hit by lightning.⁵⁹

The geographic locus of extremist violence has altered. Just seven countries account for 90 percent of all terrorist attacks and related deaths: Afghanistan, Iraq, Nigeria, Pakistan, Somalia, Syria, and Yemen.⁶⁰ Perpetrators are also concentrated in a few conflict zones. More than 10,000 of the roughly 19,000 terrorist killings in 2017 were perpetrated by just four groups: the self-proclaimed Islamic State, the Taliban, al-Shabaab, and Boko Haram.⁶¹ Over the past decade, they have been responsible for close to half of all terrorist-related deaths. Terrorism today serves largely as a battle tactic within irregular war in the developing world.

The inherent vulnerability of soft targets will always allow individuals with the will and means to sow terror. But the focus of Western security policy should correspond more closely with the actual—rather than the perceived—threat. In particular, attention should focus on the potential of attacks with biological and chemical weapons, a threat that has become plausible again after their repeated use in the Syrian war.⁶²

Within the countries hardest hit, the only meaningful method of terror prevention in the long run is to address the factors that give rise to it in the first place. Terror is a tactic of war, but it is a product of inequitable governance and political and social exclusion. Feelings of inequality, marginalization, and indignity feed anger and resentment. Moreover, it is often state violence that sets this tinder alight. According to a UN study interviewing violent extremists across North Africa, violent state repression transformed grievances into terrorist violence in 71 percent of the cases.⁶³

RIISING STATE VIOLENCE

Ever since modern nation-states burst onto the scene in the seventeenth century, they have violently controlled their populations. The practice of giving states a pass on coercion within their borders was codified in the Treaty of Westphalia of 1648, which ended the apocalyptic bloodshed of the Thirty Years' War in Europe. In the long run, the cure turned out to be more deadly than the disease, however. R. J. Rummel estimated that in the twentieth century, 262 million people were killed by their own governments—six times more than in all international and civil wars occurring in that period.⁶⁴ In China, the Soviet Union, and other Communist, totalitarian states such as Cambodia, between 85 and 110 million people were killed by their own governments.⁶⁵

After the fall of Communism, humanitarians argued that state repression could no longer be tolerated under the rubric of national sovereignty and noninterference.



Tear gas, and plastic pellet gunshot used by Venezuela's National Police against a protest in Altamira, Caracas. (Andrés E. Azpúrua)

Most states perpetrating violence against their citizens were no longer near-peer rivals, but weaker governments more susceptible to Western strong-arming. Rwanda's genocide of 1994, in which possibly 800,000 people were killed in a hundred days, was so horrific that a new norm, the "responsibility to protect," sanctioning international interference in situations of mass violence, won widespread support.⁶⁶

Yet, despite the new global norm of protection, state violence has continued. North Korea is holding between 70,000 and 130,000 people in concentration camps deemed by a Holocaust survivor to be as bad as those of Nazi Germany.⁶⁷ In Brazil, police committed more than 6,100 killings in 2018 (more than one of every nine violent deaths in the country)—and one of the legislators who condoned this violence is now president.⁶⁸ Amnesty International found that between 2009 and 2015, Nigeria's military starved or tortured to death at least 7,000 Nigerians, killed 1,200 more in extrajudicial executions, and imprisoned 20,000.⁶⁹

Today, state killings are potentially among the largest sources of violence against civilians—although with data so easily hidden and manipulated, it is hard to be sure. Indeed, few countries collect or centralize statistics on victims of state violence, much less make them available to the public. At the same time, new, digitally enabled forms of state control are emerging, most notably China's practices of preemptive imprisonment and super-charged surveillance, employed most thoroughly against its Muslim Uyghur minority.

While China's surveillance state hints at the future, Venezuela embodies state violence today. Venezuela has one of the highest murder rates in the world, a grim record that at first glance appears to be the result of murderous criminals taking advantage of a nearly failed state.⁷⁰ In fact, Venezuelan drug trafficking is well organized and managed by the government itself.⁷¹ The most virulent form of violence today is the result of such partnerships between states, their security forces, and paramilitaries and organized criminals.

THE SINISTER EXPANSION OF ORGANIZED CRIME

Organized criminal violence has grown in virtually every part of the world in recent years, whether it be drug cartel violence in Mexico, reprisal killings among pastoralists and herders in Nigeria,⁷² gangland murders in El Salvador,⁷³ or brutality by election-campaign thugs in the Democratic Republic of the Congo.⁷⁴ The acts of bloodshed these violent actors commit are often flagrant and intentionally gory so as to send a message to their rivals. Many places are so deadly that they face war in all but name.

True, organized crime tends to step into the breach where a government is unable or unwilling to provide basic security and justice. Yet this kind of organized crime flourishes more often when a state is not weak, but collusive. Such “privilege violence” occurs when politicians and security forces allow mafias, cartels, and gangs impunity, in exchange for campaign contributions, bribes, and help getting out the vote or repressing opposing electorates.⁷⁵

The exchange allows these political elites to enjoy the fruits of corruption, privilege, and perks, while ceding portions of their territory to control by violent criminals.⁷⁶ In some Mexican towns, parallel governments composed of criminalized political and administrative structures wield real control from behind the scenes. In Brazil, large portions of some of the country’s biggest cities are under the control of competing drug trafficking factions and militias. In some places, criminals and politicians merge and become one and the same. From Latin America to India, violent criminals have gained electoral office, while others seek to influence elections through buying and selling votes.⁷⁷

To allow their violent compatriots impunity, politicians politicize and deliberately weaken their security services. Criminalized police battle with gangs and cartels not over law and order, but over control of turf

and illegal proceeds. Ordinary citizens are forced to pick sides. Stuck between massive criminal violence and a predatory, criminalized state that tends to prey on the marginalized, populations become polarized, and fragile regimes get even more brittle. These so-called crime wars thus corrode democracy.⁷⁸

Poorer communities are left to protect themselves. There is a tight correlation between people’s perception of insecurity and exposure to victimization and their likely support for extralegal measures to restore law and order. Where private security is too expensive and unavailable, people tend to turn to vigilantes, gangs, and mafias that offer security against the predatory state and other violent groups—for a price. The cocktail of factors driving terrorism—marginalization, exclusion, and repression—can similarly compel young men to join criminal gangs. Finally, as impunity grows, ordinary people turn to violence. A significant portion of murder emerges from bar fights and disputes between neighbors rather than professional criminals.⁷⁹

The ensuing mayhem allows politicians to posture as being tough on crime with repressive or militarized policing. Many citizens, exhausted by crime and violence, are easily seduced by simple promises of law and order. These so-called *mano dura* tactics tend to win elections.⁸⁰ They are also, often unintentionally, emboldened by foreign security assistance and equipment. But these policies supercharge criminal groups. Zero-tolerance laws condemn many young men to life in jail, where they learn from each other.⁸¹ Criminals respond to brutal policing with even more violence.⁸²

The result is a self-reinforcing cycle of violence among criminal groups, the state, and regular people. Since 2015, Brazil has witnessed more violent deaths than in Syria.⁸³ Over the last fifteen years, Mexico has experienced more violent deaths than Iraq or Afghanistan.⁸⁴ Public authorities there estimate that 40 percent of the country is subject to chronic insecurity with disappearances and population displacement at all-time highs.⁸⁵

FIGHTING STATE VIOLENCE AND CRIME

The confluence of state repression and organized crime constitutes a wicked problem. Venezuela (and its patrons) is not going to authorize United Nations peacekeepers to patrol the streets of Caracas. China and Russia are not about to allow international observers to monitor their repression. Questions of noninterference and state sovereignty loom large. A new toolkit can help to fight state violence and crime. These tools could also help in addressing contemporary forms of splintered, semi-criminalized warfare, and the terrorism emanating from poor governance and state repression.

As a beginning, the United Nations, World Bank, and other multilateral institutions must become less risk-averse and savvier in engaging with states that purposefully brutalize their citizens, govern inequitably, or partner with criminals.

The experience of states, or substate governments that are willing to improve, indicates a great deal about policing reforms and other security improvements that can reduce violence.⁸⁶ Disrupting today's violence, however, also requires reducing political, social, and economic inequality and building inclusive decisionmaking mechanisms across divided societies.⁸⁷ Reversing high levels of gender inequality and gender-based violence can decrease vulnerability to civil war and interstate war.⁸⁸ Countries that offer more opportunities for political and economic participation and encourage social mobility also tend to experience less violence.⁸⁹

When the problem is a governing system that relies on violence to sustain inequity, straightforward solutions to increase inclusiveness will meet resistance, however. Technical solutions premised on strengthening a weak but well-intentioned government won't work. Some bolder and smarter initiatives to address these issues of will are already under way. For example, the World Bank has a program to make security sector budgeting

more transparent. Corruption is now receiving greater international scrutiny from public and private investors alike. More work is needed to rebalance lending strategies, including by spending less on technical programs that gloss over the underlying problem and more on efforts that tackle the elites profiting from the status quo.⁹⁰

International and intergovernmental organizations are limited in their ability to affect domestic politics, both by internal legal constraints and because they rely on the permission of governments to operate. These interventions from outside are also not a long-term solution: a social contract needs to exist between a state and its people, not a government and external powers. The role of international actors must always be focused on empowering active citizens (and citizenship), while incentivizing states to listen to their own people. Changing the relationship between a state and its citizens is what ultimately reduces state violence and organized crime. Repressive states and organized crime thrive when societies are divided and fragmented.

Success comes primarily from helping the middle class build social momentum for political and economic change. Donors can fund local organizations that can spread trusted information while avoiding partisan pitfalls; can bring citizens together across polarized, divided countries; and can support a free media and investigative journalists who inform people about what their government is up to. Information alone, however, can merely anger and depress populations that lack a means to force change. Knowledge must be paired with mechanisms to enforce accountability.

To reduce chronic levels of violence, outside actors—including public and private donors—must fight to defend civil society, free speech, and rights to assembly and opposition voices. In many countries, opposition efforts rely on local businesses willing to fund advocacy that would build a more just state.⁹¹ Outside funders that can't appropriately or legally fund advocacy can target aid toward building a middle class and a private

sector that can be independent of the government, not reliant on government largesse.

To ease the path of active citizens, international actors must also avoid doing harm. Donor funding can prop up predatory governments so that they do not need to heed the wishes of their populations. Where corrupt politicians are fueling the violence they claim to be fighting, foreign governments should withhold security aid rather than waste taxpayer dollars. Central America's gangs metastasized when the United States deported gang members from Los Angeles with no support for integrating them into countries they had left as toddlers. The United States continues to repeat that mistake today.⁹²

The private and social sectors play an important, if often underappreciated, role. International financial hubs such as Dubai, London, New York, Shanghai, and Singapore should tighten the regulations of financial systems and property markets that allow criminals and politicians to launder ill-gotten gains.⁹³ Academic institutions could follow the lead of Magnitsky Act and Global Magnitsky Act sanctions and deny admission to the children of leaders guilty of gross human rights violations and corruption.

Finally, more research is needed into diplomacy and mediation among criminal groups and between governments and criminals. El Salvador's famous gang truce of 2012 ended in failure.⁹⁴ But, in Los Angeles, violence has not rebounded after a thirty-year truce modeled on the Middle East peace process helped end violent reprisals in the 1990s.⁹⁵ These negotiations are often secret and are rarely even apparent to anyone other than the politicians and criminals themselves. Very little is known about the circumstances that allow some to succeed, while others cause only more bloodshed. Gaining a better understanding could help address not only criminal violence but also criminal actors within modern warfare.⁹⁶

The problem of violent predatory governments won't be permanently solved by agreements such as these. In fact, they can make a governing order even less legitimate. But they can buy time, creating the breathing room necessary to rebuild the social contract between a state and its citizens. While working to improve internal governance, other measures are needed to tackle urgent problems that cross borders. Refugee law needs updating to help those trying to save themselves. Millions are trying to escape the criminal violence of Central and Latin America, just as refugees have fled the wartime violence of Syria. The difference is that those seeking succor from crime are often stuck in legal limbo after being refused asylum in third countries.⁹⁷ In otherwise peaceful countries across Europe and in the United States, populism is rising on the backs of migrants fleeing bloodshed, often not caused by war.

Finally, data collection may not be sexy, but the fight against all forms of violence also requires better statistics and analysis. There is surprisingly little information about violence in sub-Saharan Africa, where around half the states don't report homicide numbers, in authoritarian countries where the numbers are probably manipulated, and in places less covered by the English-speaking press (which is generally used to determine conflict counts).⁹⁸ Supporting better data, which would be comparable across war and homicide as well as across countries, is essential to learn where the problems lie, and whether interventions are having an impact.

Decades ago, in the wake of the Second World War, a vast intellectual, multinational, and bilateral effort succeeded in corralling interstate war and reducing civil war. Collective violence fell globally. Now it is rising again, in new forms that are harder to eradicate. According to the World Health Organization, one in six people worldwide is affected by violence today. It is time for the international community to direct its manifold resources, monetary and intellectual, to upending the problem of our time: organized crime and criminally violent states.



U.S. Defense Cyberspace Operators, assigned to U.S. Cyber Command and members of the Ministry of Defense of Montenegro, pose for a photo during Cyber Defensive Cooperation at Podgorica, Montenegro, Sept. 28, 2018. Defensive Cyber cooperation is part of U.S. Cyber Command and U.S. European Command effort to support NATO allies and European partners by helping build their cyber defense capabilities. This collaboration also enables the teams to learn from one another, and demonstrates that we will not tolerate foreign malign influence on the democratic processes of our allies and partners or in the U.S. (Photo by Spc. Craig Jensen)

CHAPTER 5

FROM CYBER SWORDS TO PLOWSHARES

GEORGE PERKOVICH AND WYATT HOFFMAN

INTRODUCTION

No one has died directly from a cyber attack—yet. Nevertheless, in just a few years cyberwarfare has become a major global concern. Since 2013, cyber operations have topped the U.S. intelligence community's assessment of worldwide threats. This worry is widely shared—and yet the specific qualities of cyber threats, and what constitutes appropriate responses, are still hard to characterize.

Cyber anxiety proliferates globally because so many actors and actions can cause harm through cyber means, and the scope and scale of their potential harmful effects are so varied. Criminals routinely break into networks to steal financial assets and valuable intellectual property. The NotPetya cyber attack in 2017, attributed to Russia, shut down production lines, such as those of the pharmaceutical manufacturer Merck, and rendered entire ports inoperable when it hit the shipping company Maersk.⁹⁹ North Korea has pioneered the use of cyber for large-scale robbery, attempting to steal an estimated \$1.1 billion from financial institutions around the globe over the past few years.¹⁰⁰ China has conducted cyber espionage

to steal intellectual property, including designs of advanced U.S. military equipment and commercial nuclear reactors, as well as the personal information of over 21 million current and former federal government employees.¹⁰¹

Cyber operations have subverted elections and sown chaos, cognitive confusion, and violence in France, India, Ukraine, and the United States, to name a few targets. Russia's invasion of Georgia in 2008 and irregular military operations in Ukraine in 2014 relied heavily on cyber. The United States and Israel mounted the Stuxnet cyber attack to physically damage uranium enrichment centrifuges in Iran. Amid these trends, Western powers, including Canada, France, Germany, Israel, the UK, and the United States, increasingly broadcast their development of offensive cyber capabilities.¹⁰² Others, such as China, India, and Russia, are more quietly creating dedicated military cyber forces.¹⁰³

Yet, the worst fears of a “cyber Pearl Harbor” have yet to materialize. Instead of rapid escalation to cyberwarfare, there has been a steady degeneration to a state of near-

constant cyber contestation among major powers in the gray zone between war and peace. In the absence of civilizing rules of the road, the tenuous boundaries of cyber contestation that have emerged could break down. Once they do, all bets are off.

This uncertain state of affairs harkens back to earlier periods when technological disruption threatened global stability. In 1907, as telegraphy and radio transformed the world, Andrew Carnegie noted hopefully,

Since the civilized world is now united by electric bonds into one body in constant and instant communication, it is largely interdependent and rapidly becoming more so. War now involves the interests of all, and therefore one nation has no longer a right to break peace without reference to others. Nations hereafter should be asked to remember this and not to resort to war, but to settle their disputes peacefully.¹⁰⁴

Of course, the First World War erupted seven years later, illustrating the need for institutions and leadership to control the risks that new technologies may add to international affairs. The conflict began in 1914 with an act of gray zone violence, when a Serbian militant with ambiguous ties to state security organs assassinated Archduke Franz Ferdinand. The rapid escalation that ensued continues to alarm students of human behavior and politics. Technology—in the form of railways—played a part in the catastrophic escalation by speeding it and making it harder to reverse.

A century later, notwithstanding lots of gray zone competition, states thus far have not used growing cyber arsenals in ways that could cascade into collective self-harm à la 1914. Of the 272 documented cyber operations between states between 2000 and 2016, only a few were highly destructive.¹⁰⁵ Thus far, the vast majority of malicious cyber activity has constituted espionage, theft, vandalism, and other nonlethal threats. States have good reasons to exercise restraint—

but how long will this restraint suffice in the face of growing cyber confrontation?

What is the need for cyber peacemaking, and how might it be pursued? Before all else, it is vital to distinguish those threats that could rise to the destructiveness of war from those that will be more persistent and will require civilizing forms of preventive or palliative action different from those associated with peacemaking. Then the more particular challenges of cyber conflict and peacemaking can be addressed.

THE CYBER FRONTIER

The cyber peacemaker's first task is to develop norms that distinguish acceptable behavior from unacceptable and exert moral and political pressure to isolate those that transgress them. Criminals, mercenaries, and states possess the means and motivations to steal from, vandalize, spy on, and otherwise disrupt individuals, societies, and governments through cyberspace. With so many actors of such wide reach, it will take a long time to civilize this space. The civilizing project requires concepts, actors, and instruments that are analogous to law and order and standards of hygiene and public health within well-ordered societies. The pace will be uneven, as some governments are less enthusiastic than others to take this up.

Many national, international, and private sector institutions are now working to foster norms of responsible behavior for states' (and others') cyber activities.¹⁰⁶ Notably, the United Nations' Group of Governmental Experts (GGE) process brings together expert representatives from key states to explore international norms and rules and cooperative measures to reduce the risk of cyber conflict. Other efforts include the recent Paris Call for Trust and Security in Cyberspace, which brought together sixty-five states and hundreds of private corporations and nongovernmental organizations to endorse a set of normative principles.¹⁰⁷ Valuable as they are, these efforts

primarily seek voluntary, legally nonbinding adherence to high-level principles in peacetime. The process of moving from norms to codified and enforceable rules and laws is only beginning. A widespread perception remains that cyberspace is still a wild frontier.

The frontier metaphor suggests another facet of the civilizing project: preventing, defending against, and managing viral threats to the cyber health of the population. This is akin to a public health challenge. Illicit actors gain access to computers, networks, and data through vulnerabilities created accidentally or purposefully in hardware and software, and from poor cyber hygiene by owners and operators. Information and communication technologies (ICTs) need to be more resistant to hacking, and networks and society must become more resilient to withstand hacking that cannot be prevented.

The “public health challenge” is made more complicated by the fact that much of the internet and related ICTs are owned and operated by nongovernmental actors—businesses and individuals. The burden of managing cyberspace falls largely to the private sector, especially in technologically advanced Western countries.

Producers, sellers, operators, and regulators of ICTs must be educated and motivated to do all that can reasonably be done to ensure their security and resilience against malicious activity. Moreover, the sheer number and variety of producers and users of relevant technologies continues to grow with the Internet of Things. As sellers and buyers naturally seek to reduce costs and maximize profits, the urgency of the prevention imperative is not met by necessary action. Robert Hannigan, the innovative director of the United Kingdom’s intelligence organization GCHQ from 2014 to 2017, and creator of the National Cyber Security Centre in 2016, concludes:

The market does not easily correct because there is no immediate cost for the consumer or manufacturer from poor security. . . .

Governments can not only encourage behavioral change, but have the regulatory levers to accelerate it. . . . Without regulatory force, manufacturers seem likely to resist the extra costs.¹⁰⁸

Of course, private actors worry that governmental rules and regulations will be inflexible, impractical, and expensive to implement. A balance may need to be found between imposing regulations and a market-oriented approach. For example, holding providers of vulnerable ICT goods and services liable for the flaws that leave their users open to attack would strengthen incentives to make products more secure. Insurance providers will also play a role, pegging coverage and premiums to customers’ cyber risk management practices.¹⁰⁹ Similarly, other commercial actors such as large private and sovereign-wealth-fund investors and credit-rating firms can create financial incentives to improve the security practices of technology providers and users.

The inculcation and enforcement of norms and rules, and the increased proportions of secure products and hygiene-minded users, will reduce threats of cyber theft, vandalism, harassment, and disinformation. This in turn will begin to change the cost/payoff ratio that today motivates states to opportunistically exploit and attack each other’s ICTs rather than cooperate with one another. In this safer and more secure environment, two other requisites of cyber peace become more achievable: the establishment of taboos around the most dangerous, destabilizing actions, and the implementation of deterrence and laws of armed conflict to reinforce restraint and impose severe costs on those who would violate it.

CYBER CONTESTATION: THE GOOD, THE BAD, AND THE UGLY

States increasingly project and parry power through cyberspace. The good news is that thus far they have not tried to do the worst that can be done with cyber

weapons. The challenge is to preserve restraints, even as states continue to pursue two lines of action that could cause accidental or purposeful escalation to major conflict: cyber espionage and cyber-infused confrontation in the gray zone between war and peace.

Technical and political factors entice states to use cyber operations to challenge each other. The interconnectedness and widespread vulnerabilities of ICTs make it relatively easy and affordable for states to penetrate each other's systems and those of private entities. At the very least, this is done to gather intelligence—a standard operating procedure of governments since time immemorial. Each capable state assumes or knows that others are doing it, so acts in kind. Defenders then persistently engage with intruders.¹¹⁰

Yet, with cyber espionage it is far more difficult for the defender to assess that the purpose of an intrusion is merely espionage and not a full-scale attack. The difference may be a few lines of code in a weaponized payload, and the final step of delivering or activating that payload can be taken in an instant. This ambiguity is potentially very dangerous.

Beyond intelligence gathering, most cyber contestation now occurs in a gray zone between peace and war. It is worth noting that the use of cyber operations in this space may sometimes actually reduce real-world bloodshed. Cyber operations expand the range of options for states to signal resolve, apply pressure, and counter others' activities before resorting to armed force. For example, the use of Stuxnet to disrupt and damage Iranian nuclear centrifuges likely forestalled an airstrike against Iran's nuclear program. The implantation of foreign code in a competitor state's electricity infrastructure could be a less menacing form of deterrence than the threat of missile attacks against the same targets. Competition in cyberspace can act as a "pressure valve" that inhibits war, adding new means for adversaries to signal resolve and the potential to raise costs short of causing bloodshed.

The major danger here, however, is that gray zone contestation can escalate. "The truth is," intelligence expert Robert Hannigan writes, "that aggressive nation states behave online much as they do in the physical world, with the same degree of recklessness and disregard for collateral damage or unintended consequences."¹¹¹ States such as Iran, North Korea, and Russia—not to mention criminals and terrorists—do not have hugely valuable tech companies and global financial institutions that they must protect from cyber attack. These states already censor and control information exchange and debate online. This means that, compared with technologically advanced and democratic states—and in different ways China—these states have little to lose in a conflictual cyberspace. Moreover, several of these cyber-aggressive states have effective conventional, covert, and, ultimately, nuclear forces that can deter their adversaries from responding too harshly to their cyber operations. They thus find it relatively easy to undermine the military and economic power and political cohesion of their adversaries. However, even these more cyber-reckless states thus far have not been able to successfully use cyber threats to compel adversaries, including the United States, to concede to their demands.

Those more open states that *do* benefit enormously from the cyber-based economy and open online information exchange have the most to lose. For them, as Hannigan puts it, "'hitting back' is rarely a feasible response, despite the salience of this headline in political terms. . . . It is hard to find targets that are both high enough profile to have impact, but low enough in impact not to breach what is lawful and ethically acceptable."¹¹² To be sure, the United States and Israel have used cyber means to coerce others, most visibly in the Stuxnet attack on Iran. More broadly, China, Russia, and other states perceive the internet and many of the world-dominant tech companies as vehicles of invasive U.S. hegemony. But, to the strategists of the United States and its allies, the restraint Hannigan describes is troublingly real. Even more troubling has been the inability to use cyber power to compel Russia, Iran, North Korea, China, and



French President Emmanuel Macron delivers a speech at the opening session of the Paris Peace Forum, an event that is a part of the commemoration ceremonies to mark the centenary of the 1918 Armistice, at the Villette Conference Hall in Paris. The Paris Peace Forum was created to bring together all actors of global governance to strengthen multilateralism and international cooperation. On Sunday, November 11, 2018, in Paris, France. (Photo by Artur Widak/NurPhoto via Getty Images)

perhaps others to change the behaviors that continue to threaten or rankle the more law-abiding states.

The persistence of gray zone contestation—in cyber, information operations, economics, and diplomacy—and the risks of escalation that hostile cyber operations could cause, point to the necessity of pacifying the relations between currently adversarial states. This is at once obvious and often neglected. Whether the coercive instruments are nuclear, cyber, Russia’s so-called little green men, Iran’s Revolutionary Guards, the U.S. Navy SEALs, or international sanctions, what’s most important are the interests and politics driving the contests between, for example, the North Atlantic Treaty Organization and Russia; the United States and China; North Korea and its neighbors and the United States; and Iran and its Gulf, Israeli, and U.S. adversaries. These adversaries who are confronting each other most actively in cyberspace have not yet mutually conveyed and recognized boundaries of tolerable cyber activity or the designation of off-limit targets and effects.

The central peacemaking challenge in cyberspace, therefore, is the same as it is in other domains: to stabilize, if not positively transform, the relationships between states that otherwise may move to war. Meanwhile, in the interval between now and when peace can be made, contestants and the rest of the world have a great interest in preventing escalatory warfare that can leave everyone much worse off. States will continue to probe, spy on, and potentially attack each other, but they must be restrained from taking actions that threaten the stable and secure civilian use of cyberspace.

There is some cause for optimism. For reasons that are not yet entirely clear, states, thus far, have eschewed the riskiest, most aggressive, and destabilizing cyber activities. Decisionmakers are inhibited by uncertainty as to whether a cyber weapon will reach the target and have the desired effect—a single patch in the target system could foil even the most elaborate operation. Large-scale cyber attacks also carry significant risks of collateral damage or unintended effects. They might harm the attacker’s own (or friendly) systems

by spreading uncontrollably across the internet, as NotPetya did in 2017. Among NotPetya's many victims worldwide was, apparently, Russia's own state-owned oil company, Rosneft.¹¹³ States might also see their cyber weapons reverse engineered and reused by malicious actors. The possibility for the target to detect and attribute the attack and retaliate via cyber or other means gives further pause to states. Of course, a single miscalculated cyber attack might cross some unseen red line and trigger an aggressive response. One massively destructive or disruptive attack could change the picture entirely, as the assassination of an archduke did in 1914.

To begin to establish upper boundaries on aggressive cyber behavior, the UN GGE produced, in 2015, a set of voluntary norms and affirmed the applicability of international law and the UN Charter—and by extension the laws of armed conflict (LOAC)—to cyber activities.¹¹⁴ But China, Cuba, and Russia later opposed inclusion of a specific reference to LOAC. This disagreement contributed to the collapse of the process in 2017. China argues that affirming the applicability of LOAC would legitimate military responses to malicious cyber activity and further militarize cyberspace. Paradoxically, of course, China and Russia, along with other states, have developed military cyber commands. Moreover, if one wishes to argue that the LOAC should not be applied because no one should use cyber means in warfare, it would be difficult to argue that if someone *did* use cyber weapons their application should not have to conform to the LOAC.

The absence of shared rules of engagement for gray zone competition and clear boundaries between it and outright cyberwarfare fosters instability. The focus should be on preventing actions with systemically destabilizing consequences—that is, operations whose effects threaten the physical or psychological functioning of one or more globally important states and/or economies. Four major categories of such extreme behavior are most important.

First, cyber operations with targets and/or effects that threaten critical societal functions and services should be eschewed. Financial systems are the most obvious such target because undermining the integrity of financial data and transactions can threaten the operation of the global economy.¹¹⁵ Health, energy, and water infrastructures are similarly vital at the national level, and attacks on them would be most likely to cause escalatory conflict.

Second, and more broadly, cyber attacks with nondiscriminatory effects, such as self-propagating worms that harm any system they infect, are especially anathema to international civilization and peace. The wider the extent of harm, the greater the pressure on targeted states (or businesses) to retaliate with equal or greater impact. The norms promulgated by the UN Group of Governmental Experts reflect these two priorities for strategic restraint; all states should be expected to abide by them, and to suffer consequences for violating them.

Third, targeting extremely sensitive functions such as nuclear weapon command and control systems could trigger hugely destabilizing and destructive action-reaction dynamics.

Finally, adversarial states and the broader international community have clear interests in doing everything possible to prevent vulnerabilities and malware from proliferating. Offensive cyber weapons can be reverse-engineered and reused by hostile actors, as in the case of the Wiper malware used against and subsequently copied by Iran.¹¹⁶ The global WannaCry and NotPetya attacks were enabled by an exploit developed by the U.S. National Security Agency and leaked by the Shadow Broker hacking group, showing how careless safeguarding of cyber tools can lead to equally damaging proliferation.¹¹⁷

MOBILIZING CYBER PEACE ENTREPRENEURS

If the objectives sketched above are suitable priorities for peacemaking in cyberspace, how to achieve them? We began by suggesting that nascent norms and rules for civilizing behavior in this domain will have to be strengthened, along with public health-like measures for improving cyber hygiene, security, and resiliency. This will strengthen the hand of the cyber peacemakers. As cyber aggression becomes more clearly anathema and technically difficult and costly to conduct, states and private sector leaders will have more leverage for imposing costs on hostile states that would transgress strategic boundaries.

To temper cyber aggression, states will use the same tools and strategies that shape state behavior in other domains—tools such as diplomatic warnings, economic sanctions, law enforcement and diplomacy, and commercial regulation. Hard-power tools both in the conventional military and cyber spheres will also be needed to deter or defeat aggressive actors.¹¹⁸

More specifically, states must prepare and communicate their readiness to exercise these tools to impose costs on those who would violate the boundaries described above. The goal is to narrow the ground in the gray area between war and peace by restricting the most dangerous forms of cyber conflict and widening the safe space of peaceful commerce and information communication. Because this field of contestation is relatively new and difficult to perceive, states and key commercial actors must constantly and carefully assess whether and how various tactics and tools work—including unintended effects.

In all of this, there are three major, somewhat unique challenges:

1. Cyber-related technology will continue to evolve. Even if security is more commonly and effectively designed into products, old vulnerabilities will

persist, and new ones will be created. Hostile actors will continue to seek ways to adapt their weapons to get around defenses.

2. Commercial actors will remain of paramount importance. Most of the machines, networks, and software that comprise cyberspace are built, owned, and operated by commercial actors and individual citizens. Changing their behavior poses distinct challenges.
3. It is far from clear what those states most concerned by Russian, Chinese, North Korean, and Iranian cyber behavior can do and what risks they should be prepared to take to deal with threats emanating from these countries. Iran, North Korea, and Russia are already being sanctioned, economically isolated, and politically challenged for a range of behaviors. The likely costs, in treasure and lives, of war with those countries exceed the costs their hostile cyber actions impose on their opponents. China's economic importance and power pose a different set of limits. Broadly speaking, clear victories or a transformed cyberspace are unlikely.

In the ideal world of the United Nations Charter, contesting states—influenced by the Security Council—would resolve these most threatening disputes peacefully. In a second-best world, as suggested above, major powers (including adversaries) would negotiate rules or codes of conduct that would prohibit or at least heavily penalize the most destabilizing forms of cyber action. As necessary, the diplomatically engaged states would encourage and facilitate participation of indispensable commercial technology providers and operators, and vice versa. Leading global companies have launched initiatives to shape norms for states and corporations alike, including Microsoft's proposal for a Digital Geneva Convention proscribing certain offensive cyber activities, and its Cybersecurity Tech Accord committing tech companies to “oppose cyberattacks on innocent citizens and enterprises from anywhere.”¹¹⁹

Unfortunately, of course, neither this ideal nor second-best world is around the corner. When states are unwilling or unable to make peace—or, short of peace, to explicitly stabilize their contestations—and commercial actors are key actors, nonstate peace entrepreneurs must step to the fore. These entrepreneurs—from think tanks, activist organizations, universities, transnational businesses—can offer non-national, nonprofit perspectives that often are necessary to identify the accommodations that all actors will need to make in order to minimally satisfy competing interests. This kind of conflict resolution or public-private cooperation can bridge differences in situations where the narrowly vested interests of competing governments or businesses often make it difficult to directly negotiate compromises on their preferred positions. This type of third-party mediation is acutely necessary in the cyber domain, where contests are not simply bilateral and between governments but are multilateral, if not global and involve commercial and private interests as well as those of governments.

In the Europe of 1914, conflict escalated so quickly in large part due to the absence of institutions and empowered neutral facilitators that could channel and limit the underlying contestation between the antagonists. Such facilitators and institutions could have exchanged information, perceptions, and declarations of core interests within and between governments as they rushed reactively into war.¹²⁰ Today, as intergovernmental institutions are being attacked or disused, and information and communication technologies are made and used by businesses and citizens so extensively, cyber peacemaking is too important to be left to governments. Governments will ultimately determine whether peace is made, and conflict is avoided or contained, but others may need to set the stage and write the script for them.

CHAPTER 6

LAW OF WAR OR PEACE THROUGH LAW?

FRÉDÉRIC MÉGRET

The authors of the Versailles peace conference in 1919 had great hopes for international justice. Four years of devastation gave a unique impetus to crystallize earlier aspirations and embark on new projects that would both guarantee peace and entrench justice. But what exactly was the connection between the two? How is international justice supposed to be conducive to peace? And what has become of that vision today?

Today's International Court of Justice and the Permanent Court of Arbitration sit in Andrew Carnegie's Peace Palace in The Hague, Netherlands. Andrew Dickson, in his plea to Carnegie to finance the building of the palace, insisted that it would be "a temple of peace" that would "throw open its doors for the peaceful settlement of differences between peoples."¹²¹

Yet the association between the two concepts is more fraught than this neat conjunction would suggest. The allure of international justice today is still partly that it is not only justice for justice's sake—always a limited proposition in a world of distrusting sovereign states—but a means to a broader peaceful end. By the same token, some would rather sacrifice peace than abandon

justice, denouncing a peace obtained through injustice as a shallow and precarious one. At what cost should justice or peace be pursued?

THREE VIEWS OF JUSTICE AND PEACE AT VERSAILLES

Understanding the Versailles conference can help better understand these dilemmas. At least three concepts of international justice as an instrument of peace were visible on that occasion. None of them turned out to be very successful. First, the architects of the Versailles Treaty decided that international justice could be a component of peacemaking *after* war. The plan to prosecute war criminals, including the kaiser himself, for "a supreme offence against international morality and the sanctity of treaties" and the "war guilt clause" were part of a movement to punish the initiators of war and excessive violence within it.¹²² Efforts to prosecute the kaiser, however, came to nothing after he fled to the Netherlands, which then refused to extradite him. The attempt to impose onerous reparation obligations on Germany infamously failed and is often credited as a cause of the rise of Nazism.

Second, international justice could also be part of a more forward-looking, preventative drive to rely on adjudication to avoid war. The Permanent Court of International Justice (PCIJ) in The Hague, a court designed to decide disputes between states, was very much conceived as part of the emerging League of Nations project of collective security. It harked back to the 1899 Hague Conference, which had led to the adoption of the Convention for the Pacific Settlement of International Disputes and the creation of the Permanent Court of Arbitration. The gist of international adjudication was that it would provide a mode of pacific resolution of disputes. If states went to arbitration or submitted their disagreements to international courts, so the reasoning went, they would not go to war.

The PCIJ was rendered fragile from the start, however, by the fact that submission of disputes to it was not compulsory and was in fact, when it came to matters of national life and death, quite unlikely. The court's fortunes thus tended to follow the ebb and flow of international relations—a system to manage peace rather than to impose it. It was most successful in the relatively peaceful 1920s, but states largely ignored it during the treacherous 1930s. Whatever small contribution the court may have made to international peace was completely obscured by the Second World War—indeed, quite literally so, as the invasion of the Netherlands by Germany made it impossible for the court to convene.

Finally, the Versailles Treaty, with its emphasis on disarmament and the banning of secret treaties, could also be seen as a manifestation of a deeper pacifist ethos. Today, pacifism is often reduced to a nonviolent agenda of wholesale opposition to war, including a refusal by some to participate in military action (even in self-defense). But the pacifist tradition is arguably far richer and encompasses a wide spectrum of initiatives to educate for peace, deflate aggression, exercise democratic control over foreign policy, combat militarism, disarm, or mediate.

In the midst of the First World War in 1915, for example, the Woman's Peace Party improbably proposed a process of continuous mediation between warring parties. Contra a tendency to emphasize responsibilities for conflict, the 1915 International Congress of Women organized in The Hague insisted on the sheer cruelty of war. The International Committee of Women for Permanent Peace sought to intervene with all parties to convince them to withdraw from the conflict. It eventually took a stance against the Versailles Treaty, arguing that the treaty's harsh punitive stance would only lead to renewed hostilities.

These three ways of imagining justice's contribution to peace still resonate a century on, despite the limitations and failures of Versailles (for more, see the essay by Jay Winter in this volume). But they also come to us as the faint and distorted echo of a world that is quite different from ours, and that has, in the meantime, significantly reframed the dilemmas of international peace and justice.

NUREMBERG'S (BRIEF) TURN TO INTERNATIONAL LAW

The Second World War saw the wholesale violation of treaties and the trampling of states' sovereignty, which the PCIJ had vainly sought to uphold. The victors of 1945 envisaged a much more robust system of collective security but gave no obvious place in it to instruments of international justice. This is not to say that the International Court of Justice (ICJ), founded in 1945, could not be conducive to peace, but nor did it give any particular pride of place to avoiding war. Instead, the United Nations (UN) Security Council emerged at the apex of the new system of international peace and security.

For a time, the Nuremberg and Tokyo tribunals of 1945 and 1946 captivated the world's attention and seemed to herald a renewed role for international justice. In contrast to 1919, they suggested that simply extracting



*Aerial view of the Peace
Palace, The Hague.
(Library of Congress)*

massive reparations from the defeated was no longer a viable or desirable option, and that the international community should hold individuals directly accountable for their crimes, even though they had operated on behalf of states. These postwar tribunals, for all their flaws, convicted dozens of defendants for their crimes.

The notion of “crimes against peace” was central to this process. The idea was based on the bold assertion that war had been made illegal and even criminal by the Kellogg-Briand Pact of 1928 (Nicholas Butler, president of the Carnegie Endowment for International Peace from 1925 to 1945, won a Nobel Peace Prize for promoting the agreement). This recast peace not simply as a desirable state to be reached through patient and voluntary arbitration or collective security, but as something to be protected through the criminalization of its breach. The problem of peace became a problem of international law enforcement. The International Law Commission would go on to codify crimes against peace as part of customary international law.

The UN Charter itself prohibited the use of force by states against each other. The prohibition of the use of force in international relations received enthusiastic backing from newly decolonized nations, who saw its importance in upholding their sovereignty.

Yet this seemingly momentous breakthrough failed to dramatically alter international reality or reinforce the place of international justice in the collective security regime. The Security Council remained the crucial vehicle for collective security and resisted efforts to be regarded as a law enforcement body. As submission of disputes to the ICJ was not compulsory, it almost never heard cases involving international violence and perceived life-or-death decisions. Before long, Nuremberg and Tokyo looked like isolated episodes rather than the prototypes for international justice they had been briefly imagined to be. With the advent of the Cold War, the International Law Commission soon suspended its work on a draft Statute for an International Criminal Court—and would only resume it some four decades later.

THE END OF THE COLD WAR AND THE AMBIGUOUS PROMISE OF JUSTICE

The end of the Cold War opened up new possibilities at the intersection of international peacemaking and international justice. A unified Security Council responded with force to Iraq's invasion of Kuwait. In these early years, some were even ready to see the council as the enforcement arm of international law. The ad hoc international criminal tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) were specifically created by the Security Council as measures to reestablish international peace and security. This raised the hope that justice could indeed be deeply conducive to peace, vindicating the early enthusiasm of civil society activists that there could be "no peace without justice."

For a while, international criminal justice even seemed to displace peacekeeping as the council's preferred tool for intervention in conflicts. Initiatives in Cambodia, East Timor, Kosovo, Lebanon, and Sierra Leone further cemented its role as a tool to rebuild the rule of law, help mend societies, and ensure order. However, this was also a very selective form of justice. It needed to either be triggered by the council, with the consent of the permanent members, or to be agreed to by the states involved.

In 1998, the Rome Statute was adopted and, in 2002, the long-awaited International Criminal Court (ICC) came into being. The ICC also sits in The Hague, barely a mile from the Permanent Court of Arbitration and the International Court of Justice, but a world away in terms of its jurisdiction and mode of operation. Unlike the previous international criminal tribunals, this was meant to be a permanent body with jurisdiction potentially over all acts of genocide, crimes against humanity, war crimes, and even aggression committed on the territory or by the nationals of one of its more than 100 states parties. Its preamble specifically recognized that "grave crimes threaten the peace, security and well-being of the world."¹²³

The Rome Statute contains an important provision explicitly making it possible for the Security Council to refer "situations" to the court on the basis of Chapter VII of the UN Charter. This provision suggests a rather instrumental vision of justice in which tribunals operate at the behest but also, therefore, at the discretion of security institutions. Indeed, the Security Council's interest in its own tribunals has waxed and waned, depending on the priorities of the moment. The Security Council referred the Darfur and Libyan "situations" to the ICC, yet the council did not always consistently back the prosecutor's subsequent efforts.

Moreover, just as the Security Council could trigger international criminal justice, it could also rein it in by suspending the court's investigations for six months at a time, as per the Rome Statute. This is not an entirely discretionary power and theoretically has to be exercised in conformity with the UN Charter. But soon enough it was abused, as the United States insisted that the council adopt a series of resolutions ensuring that nationals of states that are not parties (including, of course, Americans) would not be prosecuted by the court, under the threat of defunding some of the UN's peacekeeping activities. The United States explicitly argued that ICC prosecution of nationals of nonstate parties would endanger international peace and security. The connection to peace thus proved both a boon and a curse for international justice.

A FOCUS ON ATROCITIES

If at Nuremberg there had been a dominant focus on "crimes against peace," the new tribunals had a different set of priorities. After Nuremberg, international lawyers did painstaking work to define the crime of aggression. Their efforts somewhat paid off in the 1970s with the adoption of UN General Assembly Resolution 3314, considered by many to crystallize customary international law on the subject. Yet aggression did not make a comeback as the crime at the heart of the statutes of the international criminal tribunals.

Neither the ICTY nor the ICTR had jurisdiction over aggression. Even the special Iraqi tribunal missed a striking opportunity to prosecute Saddam Hussein for aggression following his attacks on Iran and Kuwait. As for the ICC, its aggression jurisdiction is still largely more theoretical than real and will only apply to the few state parties who have ratified the relevant amendments. Despite the entrenchment of international criminal justice, the nominal trend to criminalize war in the name of peacemaking has thus had much less of an impact than may have been expected.

Why the downgrading of the crime of aggression? There are at least two reasons. The first is a focus on “atrocities crimes,” such as genocide, crimes against humanity, or war crimes. The peculiar character of gravity of these crimes results not from how they have imperiled peace as such (although they may also do or be a result of that) but in how they have offended fundamental humanitarian values, typically through the large-scale killing of the innocent. Crimes against peace may well have once been described by the Nuremberg tribunal as “the crime of crimes”; in more recent years, that epithet has instead been bestowed on genocide, the word first coined by Raphael Lemkin in his book *Axis Rule in Occupied Europe* (published by the Carnegie Endowment for International Peace in 1944).

Giving primacy to a humanitarian approach by focusing on atrocities honors the fundamental intuition that wars of aggression are primarily wrong because of their human consequences; yet it also depoliticizes the use of violence and implies a relative neutrality toward offenses against peace. After all, humanitarian breaches committed in war are crimes, whether those committing them are aggressors or acting in self-defense. Violations of international law *in* war (the so-called *jus in bello*) are seen to matter more than the breach of peace itself (the *jus ad bellum*). What is more, a use of force that is not in self-defense or authorized by the Security Council is sometimes claimed to be redeemable if its intent is to save civilian lives in dire circumstances. The reemergence of the notion of humanitarian

intervention in Kosovo and the subsequent attempt to codify it under the Responsibility to Protect (R2P) has not laid to rest concerns that humanitarian noblesse oblige can be used to carve a loophole into the UN Charter and, effectively, endanger peace.

A second related change in thinking on aggression derives from the perception that the nature of peace itself has changed fundamentally, from a condition that characterizes the relations *between* states to one related to the stability and order *within* a state. From Somalia to Syria, the Security Council is largely responsible for this trend toward the domestication of international peace and security, which, in turn, has propelled shifts in the focus of international justice away from crimes committed by one state against another and toward crimes committed by states against their own populations or by rebel groups. The focus of both peace efforts and international justice has, as a result, fundamentally switched to the domestic sphere. This has significantly confused what it means to search for peace, although it may simultaneously have provided distinct overtures for international justice.

A NEW ROLE FOR INTERNATIONAL JUSTICE?

These evolutions have potentially fundamentally changed the role of international justice from being a linchpin of a collective security system to being one technique among many to manage the world’s internecine conflicts. In the old, grandiose conception, justice was supposed to prevent war *between* states. In the new, more managerial conception, justice is one element of a multifaceted policy intervention *within* states. Justice is instrumentalized on the grounds that it will make bad actors accountable, promote reconciliation, deliver truth, or assuage victims. International justice is also increasingly seen as a force that will shape peace agreements, for example by ruling out amnesties or insisting that victims of war receive certain reparations. This more instrumental

use of international justice has helped give birth to the pragmatic paradigm of “transitional justice,” a catch-all for a variety of interventions in protracted crises that often prioritizes dealing with the past as a tool of conflict resolution.

This changed approach to global conflict resolution still leaves space for international justice as a peacemaking instrument, but it raises daunting challenges. International justice remains ill at ease with purely domestic breaches of the peace—what might be termed the domestic equivalent of aggression. Its natural realm, when it comes to peace, is that of violence between states, relatively identifiable cases of aggression, and the possibility of intermediation between sovereigns. But who will bring a case against a state that has attacked its population or, for that matter, against a rebel or terrorist group that has attacked a population and/or the state? Proposals to try those responsible for the September 11 attacks before an international tribunal, for example, led nowhere (and would, at any rate, have been for quite specific terrorist offenses). Moreover, there is still no domestic equivalent of the crime of aggression. Meanwhile, other dangers continue to lurk. One concern in this context is that the more domestic the peace project becomes, the less specific it will be, becoming virtually indistinguishable from a host of activities to prop up the state. Another is that the more justice is instrumentalized, the more unrecognizable it may become to its proponents.

JUSTICE AGAINST PEACE?

In this new context, it becomes conceivable that international justice may occasionally endanger peace. First, a tension exists between international criminal justice’s supposedly imperative character (“justice must be done!”) and the dangers that an effort to deliver justice during or after a conflict may backfire. Should justice be obtained at the cost of a renewal of hostilities—“let justice be done, though the world perish”? Conversely, should one be ready to turn a

blind eye to the commission of war crimes or the very launching of hostilities so as to get parties to sit at a negotiating table? The pendulum has swung back and forth on these dilemmas.

For much of the history of international law, the default stance was that one should let bygones be bygones, and that to push too hard for accountability would contradict the effort to achieve peace through diplomatic negotiation and balancing of power. The Westphalia Treaty of 1648, which many see as the origin of the nation-state system, contained a resounding amnesty clause for all crimes committed during the Thirty Years’ War. The increased emphasis on war crimes has, by contrast, provided justice with a bigger platform, strengthening the status of accountability in peace settlements. This may lead to at least two potentially problematic consequences. First, one-time supporters of accountability may find it very difficult to climb down from a position of wholesale condemnation when it comes to negotiating with leading but tainted figures in a conflict. Second, those targeted by arrest warrants may be tempted to pursue a scorched-earth policy or to cling to power at all costs. Even if international criminal justice deters in the long run, then, it may not do so in the short term. Omar al-Bashir, for example, responded to calls for his arrest by expelling civil society organizations from Sudan.

There are ways in which the dosage of international criminal justice can be adjusted to account for conflict-resolution dynamics. According to the idea of complementarity, the ICC only has jurisdiction if a case is not being dealt with domestically. In weighing complementarity when launching an investigation, the prosecutor is required to take into account the “interests of justice.” A peace-minded prosecutor will likely tread carefully in cases where too forceful a judicial intervention might disrupt peacemaking efforts. This has happened before. For example, Carla del Ponte, then prosecutor of the ICTY, famously kept the indictment of Serbia’s Slobodan Milošević under wraps long enough that he could participate in the Dayton

peace talks and sign a peace deal. But the authority of an international tribunal to make these complex decisions remains shaky, especially when dealing with sovereign and democratic states.

On occasion, moreover, it is conceivable that international criminal justice may unwittingly reinforce demands for the use of force, with potentially devastating effects for the regime of collective security. For example, the perception that Serbian forces were poised to commit genocide in 1999 in Kosovo justified what is seen by many as a major violation of the UN Charter, albeit one that may have been redeemed by its goal. The authorization by the Security Council to use “all necessary means” to protect civilian populations in Libya in 2011 soon led to regime change assisted by NATO bombings, much to China’s and Russia’s dismay. In this respect, the international justice project may have come full circle, changing from a mechanism initially designed to allow parties to settle their disputes rather than go to war, to one that targets opprobrium and sometimes authorizes violence against select parties.

REIMAGINING THE PEACE THROUGH LAW PROJECT?

The relationship of international justice to peace remains inevitably fraught, as both are susceptible to political trends. Even in a world that is now equipped with international criminal justice institutions, the management of peace still tends to fall back on well-tried political approaches. The Security Council continues to have a monopoly on responses to breaches or threats to international peace and security, most notably through peacekeeping, but it is prone to react haphazardly to them, depending to the vagaries of power politics. This can have significant consequences on the perceived impartiality of international justice. Given these constraints, is it still possible to reenergize the project of international peace through law in the twenty-first century? Doing so may well involve returning to the project’s sources and engaging anew with its founding dilemmas.

A first avenue for progress entails reimagining what peace really is. It should be quite clear by now that the single-minded focus on interstate war always reflected a narrow, Westphalian agenda; but it is not clear that focusing on non-international armed conflict changes this fundamentally. This approach may merely reproduce an emphasis on tackling military violence as the core concern. Feminists have long emphasized, by contrast, the persistence of private violence even beyond the public sphere. What may be needed is a rethink of the pacifist agenda to deal much more broadly with the problem of violence in international relations in all its dimensions. This could mean fresh attention on the iniquities of the arms trade, the growing security response to migration, the gendered dimensions of militarism, global inequalities, or climate change.

A second area in which international justice still sustains peace is a rather old one, which would be familiar to the peacemakers of a century ago: the continued operation of conventional state-to-state arbitration and adjudication. The rise of international criminal justice, it is worth stressing, has not supplanted a more horizontal approach to dispute settlement that remains quite tied to the ideal of peace through law. The old ambition to arbitrate international legal disputes as a way of avoiding them degenerating into war, or even of adjudicating claims dealing with the use of force, has witnessed quite a comeback over the last three decades, with many cases brought alleging the illegal use of force following the ICJ’s landmark *Nicaragua v. United States* judgment of 1986. Moreover, the ICJ has heard and, in some cases, decided on a number of issues that implicate the broader peace project, including a series of cases on nuclear weapons or the Genocide Convention.

A third area that potentially strongly connects notions of peace and justice is human rights. Human rights protection has been a fundamental issue in the postwar era, but agendas of human rights and peace do not always fully overlap. Indeed, leading human rights organizations such as Human Rights Watch have often found themselves being perhaps exceedingly cautious about denouncing aggression. They have preferred

instead to monitor humanitarian performance by diverse parties without prejudging the legality of their fighting in the first place.

Yet there is arguably such a thing as a human right to peace, part of the right “to a social and international order in which the rights and freedoms set forth by the [Universal Declaration of Human Rights] can be fully realized”¹²⁴—a sort of precedent to their enjoying all other rights. Much was made in the 1970s of this idea, and it could be resurrected to challenge a view of international justice as resigned to managing conflicts rather than fundamentally problematizing violence.

All of this points to a residual impulse to imagine a different international law, one less committed to managing international security and more devoted to disrupting violence in all its forms. Whether international justice institutions can embody that aspiration or, at least, champion it remains an open question.

CHAPTER 7

ON PEACE AND THE SPACES BETWEEN THE WORDS

BRENDAN MCALLISTER

One evening in the spring of 2000, a group of people came to see me in my office in Belfast. They were a delegation from the World Community for Christian Meditation and were led by a Benedictine monk named Laurence Freeman. They were in Belfast to prepare for a conference involving the Dalai Lama and a number of Nobel Peace Prize laureates from around the world, and they wanted to take soundings among locals regarding the conference program.

“What are you calling this event?” I asked.

“Dialogue for Peace,” Laurence Freeman replied.

I groaned, and, when asked what was wrong, I opined that in the Northern Ireland conflict, the word “dialogue” had become owned by one side. As for “peace,” well, in my view, it was just an exhausted platitude, used and abused by all sides in the conflict and, consequently, long past its sell-by date and best avoided.

“I can see you are a person for whom words are very important,” Father Laurence observed.

“Of course,” said I. “They are all I have.”

“No, they are not,” Laurence instantly replied.

A few days later, a thoughtful note arrived from Laurence Freeman. It read: “It was good to meet you and I wish you well with your work. But . . . while your words are important, don’t forget to look after the spaces between them.”

I had been involved in political activism and mediation efforts in Northern Ireland since my teenage years in the 1970s, the most awful decade of the Troubles. Here was a true challenge to my way of thinking about the conflict: the importance both of words and the spaces between them.

I thought back to an afternoon in January of 1998, a year that would see the historic Good Friday Agreement signed in Belfast, but which started with horrible violence. On December 27, a hardline loyalist (Protestant) paramilitary leader named Billy Wright had been assassinated within the walls of the maximum-security Maze prison by members of an

opposing, republican (Catholic) organization. Wright was against the peace process and the ceasefires that went along with it. After his murder, his associates went looking for people to kill in retaliation. Between December 1997 and February 1998, they shot dead a number of Catholics.

I had been visiting the Maze prison since 1995 for regular discussions on the conflict with the commanders of the paramilitary organizations held there. I was actually sitting in a cell with Billy Wright four days before his death. When I returned two weeks later to meet with his men, I found two of his closest associates watching the evening news on TV. A boy of about ten was speaking to the camera. His father, an ordinary Catholic, had been murdered the night before. With a simple eloquence he said:

“I’d just like to ask the men who did this: why did you shoot my daddy?”

Wright’s grieving prisoner colleagues switched off the television in the cell. Without any of us commenting on what we had just seen and heard, we began our meeting, focused on the state of the peace process at that time.

Two years later, as the last of the prisoners were being released as part of the peace agreement, I visited the prison for the last time. In a moment of candor, I reminded one of the prisoners of that evening, how we had sat with him while a child asked for an explanation for the murder of his beloved father. The prisoner said he remembered it very well. I said that I had decided to say nothing at the time, that words seemed unnecessary; just being there (especially since I was a Catholic) seemed enough.

The prisoner agreed and said that he had been deeply embarrassed and uncomfortable in front of me and my friend that day. Simply by being there, we had punctured the prisoners’ world, making it impossible for them to sit in the mono-cultural comfort of a

prison ghetto. We had brought an “otherness” into the cell and, in the process, our presence had brought some kind of moral accountability that, as it turned out, lodged in the mind of two leaders of a group of paramilitary prisoners.

So, the implication of Laurence Freeman’s sage advice held true for me. Sometimes words are not necessary. Indeed, simply being present can sometimes be as much as you can do and can be a significant contribution in itself.

But, how does an intervenor become present in a situation where a conflict has become intractable, where, in between attacks on each other, each side takes refuge in their respective trench? How does one gain simultaneous access to opposing trenches, especially when you are a local and viewed as coming from one of the sides? If you are working as a peace mediator in your own country, you need several qualities.

Firstly, you need the confidence to be yourself, to be authentic. In my case, this meant being comfortable and up-front about being a Catholic, from the nationalist side of the conflict. In my experience, protagonists respect you more if you are not in denial about coming from a different background or side to them. However, a certain subtlety is required. One should not be too assertive about one’s background, to the point where it becomes the focus or a distraction. The focus should always be on the other.

Yet you also need the breadth to be more than yourself, to take something of the other into your heart and into your way of thinking. You have to learn how to think as others do and to reflect this at times in the dialogue, to empathize, to let people know that you have come to understand them. And thirdly, you need tenacity—or, should I say, courage—to come out of the safety of whatever shell-hole, trench, or enclave you live in, walk across no-man’s land, and ask to be allowed into an opposing trench.

It is also important to say that the work of peace begins within the work of conflict. Conflict is a dynamic phenomenon. It is not static and lifeless but moves and evolves. Conflict has an emotional life. Peace is also dynamic. It has an energy that has to grow and be nurtured within conflict, if that conflict is ever to be transformed.

People often talk about peace as if it is something that starts when violence stops. But in Northern Ireland and elsewhere, the two have existed side by side. Peace is born in the midst of violence. It is as if a society is a greenhouse where the tree of violence grows strong and overshadows the greenhouse, denying light to much of the ground. Then, the greenhouse conditions begin to change, just enough for a new tree to grow inside it. In time, the tree of peace grows more powerful than the tree of violence, which no longer thrives and begins to wither where it stands. But when the tree of peace is in its infancy, during its sapling years, it must sprout and reach outward and upward in a climate that is still harsh and more favorable to the tree of violence.

UNEARTH AND REFINE THE TRUTH

The idea of peace is threatened not only by the men of violence, it is devalued by false prophets, those who misuse it for their own ends. One instance of this was in the Cold War era, when dissidents in the Communist bloc struggled to reclaim an authentic concept of peace from the cynical meaning imposed by the Soviet-backed rulers of their countries.

In a speech accepting an award from the German Booksellers Association in 1989, Czechoslovakia's most famous dissident, Václav Havel, affirmed the importance of keeping the meaning of words under "adequate observation." He spoke of how he and other activists in the Charter 77 dissident movement in their country had worked hard to rehabilitate the word "peace":

For forty years now, I have read it on the front of every building and in every shop window in my country. For forty years, an allergy to that beautiful word has been engendered in me as in every one of my fellow citizens because I know what the word has meant here for the past forty years: ever mightier armies ostensibly to defend peace.

In spite of that lengthy process of systematically divesting the word "peace" of all meaning – worse than that, investing it instead with quite the opposite meaning to that given in the dictionary . . . [we] have managed to rehabilitate the word and restore its original meaning. . . . It was worth it, though. One important word has been rescued from total debasement.¹²⁵

I am moved to observe that, in these times, the international community is still debasing the beautiful word "peace" and that it is in dire need of rehabilitation. Peace should mean much more than the absence of war. The original biblical understanding of peace was contained within the Hebrew word *shalom*. According to moral theologian Enda McDonagh, "shalom" means "a rich reality of wholeness, well-being and flourishing which extends from cosmos through society to God. It is a covenant reality, at once gift and task."¹²⁶

In McDonagh's view, the peace of shalom is a loving awareness of the loving God. The peace of shalom is a harmony of body, mind, spirit, and emotion. It is about wholeness and well-being and all of life understood in relation to its Creator. McDonagh draws attention to another important Hebrew word, *sedaqah*. It means "righteousness," to live in right relationship with all of Creation, in right relationship with the Earth and its fruits, in right relationship with people. Shalom is the biblical root of peace, and sedaqah is the biblical root of the word "justice." Shalom and sedaqah (peace and justice) go together, but, according to McDonagh, down through the ages, successive translations of Scripture have narrowed and distorted popular understandings of peace and justice.

In subsequent Greek versions of Scripture, McDonagh tells us, there are more than twenty terms used to try to describe the Hebrew concept of shalom. The nearest Greek word is *eirene*, which means harmony and order and, therefore, lacks the sense of right relationship with God and his created things. As history moved on and Scripture was translated into Latin, the nearest word to shalom was *pax*, meaning legal order. In ancient Rome, the doctrine of Pax Romana was introduced by Emperor Augustus in the first century CE. Pax Romana was a form of order that met the interests of the most powerful military magnates in the time of Augustus. At various times in world history, there has been an imperial peace that upholds the interests of those in power: Pax Islamica, Pax Hispanica, Pax Britannica, Pax Sovietica, Pax Americana, and many more.

In the same spirit as Havel sought to rehabilitate the “beautiful word,” we should be ready to criticize the concept of peace that world leaders currently promote too regularly. Is not this “international peace” often merely the outcome of a diplomacy that serves the interests of the most powerful? Peace is too frequently reduced to *pax*, as the restoration of a legal order and the absence of violence rather than the promotion of well-being and human flourishing.

Because of the term’s history, it’s important to understand if your own idea of peace is being received in the same way as you understand it. In my own country, Northern Ireland, in the mid-1970s, I went with my girlfriend to a peace demonstration in our town, and, as we processed along the street with thousands of others, the IRA (Irish Republican Army) set off an explosion nearby. At the time we wondered whether such people were mad. After all, how could anyone feel threatened by a peace demonstration?

Years later, I was traveling in the United States with a former member of the IRA. I told him about the explosion near the peace march and asked him to make sense of that. He replied that he remembered that time well. He and his comrades had asked permission to increase their violence in response to those peace

marches. I asked why. He said that in their view we were settling for a false peace, one that accepted the continued British occupation of a part of Ireland and the continued inequality of (Catholic) nationalists. I profoundly disagreed with my companion’s analysis, yet it was a moment of personal awakening for me. I saw that one person’s peace is another person’s *pax* and, in their view, a legal order that ultimately serves the interests of the powerful.

This insight informs my understanding of the apparently irrational opposition of insurrectionists and terrorists around the world to that which the rest of the world understands as peace. Of course, this is not to justify any kind of violence. But it does raise questions about how peace is made and, from my point of view, about the concept of peace mediation.

In the 1980s, two veteran peace activists, Jean Goss and Hildegard Goss-Mayr visited Northern Ireland to conduct a workshop at the Corrymeela Centre for Reconciliation. They set out their understanding of Christian nonviolence in these terms:

To discover the truth, which is in the other, however little it is – perhaps he/she has betrayed this good and this truth to the point that one can hardly see it. This truth must be sought in the ideological, political, professional or religious context of the person or group in question. Why? Because all good and all truth come from God. It is His, the good and the true. If it is from God, then I have need of it. God, in creating human beings, put his divine seed into them, that is to say Himself. I must, therefore, discover this seed of God which is in the adversary. For if I discover this, I will find a way to dialogue, the bridge between the other and me on the level of equality. I must then discover the truth in the other and tell it to them.¹²⁷

Whether one believes in God or not, to my understanding, nonviolence assumes that every human



A Peace People rally in Northern Ireland in the 1970s. Its leaders, Betty Williams (L) and Mairead Corrigan/Maguire (R) were awarded the Nobel Prize in 1977. (Getty Images)

being carries within themselves at least a seed of truth. If we view mediation as a method of nonviolent peacebuilding, the mediator's task is to look for the seed of truth in every person involved in a situation of conflict. It is to approach and even befriend people whom others may see as obnoxious, to separate people's bad behavior from the truth that inspired it. A mediator's role is to excavate truth, to unearth it and refine it to the point where it can become visible or accessible to opponents. And when the seeds of truth that opponents carry are drawn out through dialogue, the truth between them gets bigger. Truth is an energy that, in time, helps to transform conflict.

BUILD RELATIONSHIPS

In the summer of 1997, tensions rose in my hometown of Newry. A Protestant marching order proposed to hold a parade of 20,000 members through the 95 percent Catholic town. This particular situation was part of a bigger pattern across the country at that time. Many people of the Protestant/British tradition in Northern Ireland saw the right to parade as a litmus test of the health of their way of life in a period when the political negotiations were making many of them insecure. Similarly, many of the Catholic/nationalist tradition saw the right of local communities to live free

of such parades as a test of equality. Local authorities in Newry asked me to mediate and, thankfully, an agreement was reached whereby the parade went only up to the town rather than through the town.

As other similar parades were planned for Newry over the following two summers, I was asked to explore the possibility of dialogue between the opposing sides. Over a period of months, I took soundings on the ground but found that the conditions were not ripe for getting the sides to sit down together to resolve the ongoing tension. Instead I proposed that the local authorities should establish a Good Relations Forum and invite various sections of the community to participate in an effort to improve general cross-community understanding in Newry. People involved in the parades conflict would be invited to participate as individual citizens, not as representatives of their organizations, alongside other nonaligned citizens. I also proposed a rule whereby the forum could not be used as a place of negotiation.

Having received these assurances, influential people reflecting a range of opinion and disagreement from across the local community came together in the Good Relations Forum. The forum met regularly for nine years. The parades conflict in the town subsided, not through negotiation of a deal but, rather, because people

became more deeply informed about each other. Over time, because they had a deeper sensitivity about “the other,” people took steps to moderate their behavior. In Newry, the conflict was not so much resolved as it was transformed.

In a lot of conflict situations, people get stuck. They adopt positions, then dig in and become entrenched. And there they remain, perhaps for years, unable to put their natural energies to good use. In situations of conflict, good energy is trapped. Good mediation releases trapped energy and stimulates creativity.

The U.S. poet and conscientious objector, William Stafford, understood this when he famously observed that violence is a failure of the imagination. Often people engaged in violence fail to put themselves in the shoes of the other and are unable to imagine a way forward that does no damage to the other. We need to address this failure, to feed the imagination so that a better way of doing things can be envisioned.

But, before any of this can be done, we must first find our way into the trenches. This involves an area of work that I like to call “conciliation.” A conciliator establishes a relationship with people engaged in conflict and becomes a critical friend. That means empathizing with their experience and its impact on their lives, but it also means bringing to the engagement a sense of the other, the opponent, and encouraging a view of their conflict-world that takes more account of the other’s world view. Preferably, conciliation involves engagement with more than one side in a conflict but, unlike in mediation, there is no expectation of facilitating exchanges between them. The conciliator is an in-between, not a go-between. Because the conciliator is in contact with the other, however, they carry insight from them; they have the scent of the enemy about them and this is part of what makes them interesting to all sides. Contact with the other is part of the currency of conciliation/mediation.

If the international community tends to understand “peace” as “pax,” its approach to peacemaking evolves accordingly. The modalities and practice of mediation tend to be very technical and focused too narrowly on negotiations. They tend to give insufficient importance to building relationships. There is a preoccupation with negotiating according to “positions, interests, and needs” and designing agreements that focus on structures rather than strengthening relationships between opponents who must overcome deep enmities and work together to make peace sustainable. The chemistry of a peace process is as important as the physics.

GO BEYOND RATIONAL ANALYSIS

In Northern Ireland, the Good Friday Agreement was signed in April 1998 and ratified by over 70 percent of voters in a referendum a month later. However, it took a further nine years of false starts and further negotiations before a relatively stable, power-sharing government could take form. That government ran for ten years before it collapsed in January 2017. Its demise was, in part, a reflection of unresolved enmities between the two main parties who were obliged (by the terms of the agreement) to share power.

At the time of writing, the British and Irish sovereign governments are engaged in repeated efforts to enable the parties to negotiate a new arrangement. Yet they do so in an atmosphere of cynicism and despondency about their apparent incapacity to share power. This suggests a deeper problem about the failure of politics to overcome differences in a divided society. In Northern Ireland, while the violence has stopped, politics seems to have failed.

On the face of it, Northern Ireland possesses many of the components necessary for a sustainable peace such as sophisticated structures of shared governance between erstwhile enemies and a financial aid package to subsidize the economy. However, our society’s

capacity to move on to a shared future is still shackled by the legacy of a divided past. This is manifested in many ways: in unresolved murders and many other serious crimes; the historical collusion of members of the state security forces in paramilitary murders and violence; the refusal or reluctance of the state and of those associated with terrorist organizations to assist with genuine recovery of the truth about the past.

I believe that the essential work of deepening relationships between erstwhile enemies in the effort toward peace requires a mediator to have a capacity to enter into the “spirit” of each protagonist. That means attending to the spirituality of conflict. By “spirituality” I mean a sense that there is more than what is obvious or visible, a sense of “the more.” It is a sense of interiority. Whether one believes in God or not, most people have a sense of interiority, a dialogue within themselves, a place of encounter with values, feelings, and impulses. The American theologian Ronald Rolheiser describes spirituality as “the holy longing”:

It is no easy task to walk this earth and find peace. Inside of us, it would seem, something is at odds with the very rhythm of things and we are forever restless, dissatisfied, frustrated, aching. We are so over-charged with desire that it is hard to come to simple rest. Desire is always stronger than satisfaction.¹²⁸

Rolheiser asserts that our efforts to address this inner restlessness are at the heart of spirituality. From my point of view, Rolheiser’s evocation of this restlessness approaches the mystery of what motivates the terrorist extremists who embark on mass slaughter. To borrow a word from Rolheiser, people turn to violence because they are enthralled to their inner “dis-ease.” They may have a noble cause, such as a struggle for justice or other fundamental rights, but there is a deeper need, a “dis-ease” that they are trying to satisfy. And, without the capacity to imagine a peaceful way forward, they engage in violence.

Speaking more plainly, we have a tendency to believe that only peaceful people are spiritual; that only peaceful people have a heart and soul. But if we understand “spirituality” as the efforts each person makes to engage with the “holy longing” that is basic to the condition of being human, then a whole continent of possibility opens up to those whose task it is to build peace.

In the prologue to the Rule of St. Benedict, the father of Western monasticism, the following invitation is offered to those who wish to become monks in their search for God:

“Listen carefully my son, to the Master’s instructions, and attend to them with the ear of your heart.”¹²⁹

Mediation conducted with “the ear of the heart” will go further than a mere rational analysis of conflict. It will visit the spirit of those involved. Perhaps in these times, peace mediation needs to develop a greater capacity to travel into the spirituality of conflict and navigate ways through its many layers of trauma, misapprehension, alienation, and deep desire. For it is within the realm of spirituality that conflict is most deeply rooted. In the midst of conflict, there is a holy longing within both the peaceful and the violent; that those engaged in violence, in all its forms, on all sides, are spiritually lost; that those who are not at peace are spiritually lost.

Therefore, it is often the case that the work of peace must begin within the violence and mayhem of conflict. I speak, of course, of the bearers of shalom—that peace that is concerned with “wholeness, well-being and flourishing of the human spirit.”¹³⁰ I speak of peace actors, such as mediators, who bring a quality of attention to those engaged in conflict, who look for the seed of truth within others and give as much importance to the spaces between words as to words themselves.

NOTES

- 1 Google's Ngram data device, tracking incidence of use of certain words in publications over time, shows us how use of the word "peace" peaked twice in the twentieth century in times of war, in 1918 and 1942, but has declined since then. Use of the word "security" has climbed progressively and overtook "peace" in frequency in 1979. See https://books.google.com/ngrams/graph?content=peace%2C+security+&year_start=1880&year_end=2008&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Cpeace%3B%2Cc0%3B.t1%3B%2Csecurity%3B%2c0#t1%3B%2Cpeace%3B%2Cc0%3B.t1%3B%2Csecurity%3B%2Cc0.
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