

ASSISTING DISRUPTED STATES  
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I must confess that it is some time since I was privileged to give an address in Canberra. I think the last occasion was on the 57<sup>th</sup> Anniversary of the Universal Declaration of the Human Rights in 1948. That was some two years ago when I spoke to the United Nations Association, ACT Chapter.

I do give addresses all the time in the State of Western Australia, most often on the subject of building a sustainable relationship with Indigenous people in this nation. The most recent occasion for that subject was two weeks ago when I addressed the combined jurists of WA, including the Chief Justice of the High Court of Australia who had spoken to them before me. I mention this because I always suggest on these occasions that this is both a human rights issue and a fundamental constitutional issue, implying that Australia's record is such that it is in a flawed position when taking the high moral ground on either of these issues.

Why they keep inviting me back is a good question. I suppose that, for the time being anyway, there is some confidence that the rule of law applies in this country in a way that affords better protection to its citizens than is the case in most countries and that this allows a comparatively just distribution of resources we can be proud of.

There is however, a growing awareness that it is not just for everyone, and that people need greater protection in the emerging socio-technological climate from the moral turpitude of politicians and the executive than is currently afforded by the workings of the existing legislature and its regulatory bodies. I believe, for example, that there is greater support for a Charter or Bill of Human Rights than is immediately obvious to our current batch of political leaders who seem to find it an affront that their record in this area is being contested – despite the several party room contrived abuses of rights that have occurred in pursuit of the popular vote in recent years.

I guess I am implying here that democracy is always a work in progress and that even the most lawful of states can be constrained by fear and greed to fall back on racist and anti social principles of discrimination. How to get out of it once you are deep into the sort of social alienation that causes institutional rupture, corruption and violence is the question that we are asking here.

Of course, the nation state, with its foundation in law is a quite recent innovation as a universal basis for relations between cultures, as established in the Charter of the United Nations. In many instances however, there has been insufficient time to forge legitimate institutions out of what were once ancient kingdoms and tribes with their mixture of theocratic sanction, family prerogatives and personal power.

Some cultures know nothing else and have no idea of how to cope with the sharing of power demanded by modern technology and universal education. These are not disrupted states we are talking about here. They have never been states, and the sharing of power that is required to build the institutions of a modern state confronts the existing power structures with deep anxiety and a deadly dilemma.

The forces of modernization, backed by the international community, might just resort to the primitive cultural norm of killing them all once they have ascended to control of the instruments of state. You might agree that this is what has actually happened in many former colonies, particularly in Africa. Maybe, it is what is happening in Iraq at this very moment.

I think it is also fair to say that this is what happened in Cambodia when the Sorbonne educated, intellectual elite who became known as the Khmer Rouge came to power in 1975 and set about breaking the culture down into its individual components in order to recreate it in its own version of agrarian purity. Taking their cue from the Cultural Revolution in China, the grisly nightmare they then created was bereft of any institutions of substance other than the Party and the descent into a truly disrupted state was inevitable.

The complaint from the Khmer Rouge leadership that outside forces interfered in and did not allow their social experiment to bear fruit can be justified in part – particularly given the flaws in the contemporary government of Cambodia. But the hell into which the Cambodian people descended from 1975 was never going to see national unity emerge as a stabilizing reality in the foreseeable future of that time. More than a million people died before anything could be done about it and Cambodia's creative potential was draining away over and under the horizon at a rapid rate.

All these characteristics define a disrupted state – widespread poverty and starvation, corruption of the culture, the absence of institutions with integrity, armed terror in the countryside, destruction of the landscape - just to survive in many instances, but also to get rich quick in others, asset stripping by transnational criminals, and a draining of creativity.

The awful thing about this is that sometimes it is difficult to believe that it could get worse, but, invariably, it definitely could. By contrast, suppressed just beneath the surface often lies the cultural foundations for the rebuilding of constructive relationships and sustainable institutions. The question becomes one of how to draw them out and give them enough stability and breathing space to coalesce into, and to come up with some governance arrangement which recognizes the reality of the situation, but can evolve into long term sustainable government.

Where has this been done successfully? I think this is a subject for discussion. Opinions are bound to be divided on the issue of success or otherwise, and we are all confronted by the issue of whether the outcomes are sustainable or not. Certainly, Namibia, Nicaragua, Cambodia, and Timor L'Este would be in the category of qualified successes for the International Community, and you may have personal experience of others. In my view, none of the pre 1989 United Nations peacekeeping, most of which are still going after more than half a century, could be classified as successful in these terms.

The questions of stability and breathing space are perhaps what we should be discussing here. How do you create these conditions in a truly disrupted state? This brings us to the issues of Peace Enforcement versus Peacekeeping operations and the subject of international consensus – or Chapter VII versus Chapter VI of the United Nations Charter.

Having been confronted with calls from all sorts of uninformed opinion to enforce compliance with the modalities of the United Nations Transition Authority in Cambodia – a peacekeeping mission, I have long expressed the view that peace enforcement is war by another name. I have done this on every occasion where I have had an opportunity to talk about this subject. The fact is that there is no easy return from war once you are engaged in it. I think that many people have forgotten just what war is and continue to confuse peace enforcement as just another form of peacekeeping, if and when it is mandated by the Security Council of the United Nations. War, whether limited or absolute, is a process of reciprocating and escalating violence until one side or the other capitulates on a territorial point at issue or surrenders completely through exhaustion.

Whether it is war between legitimate nation states or civil war, a third party has to take sides with one of the combatants for its engagement to make any sense. There is a widespread view that civil wars are best avoided because of this. How then to legitimize in the eyes of your own people the party whose side you have taken becomes the vital question. In the past, third parties have done this on the basis of supporting justice for a race or class – genocide is a relatively easy thing to provide just cause for most people. But, in a modern context, where these things are not clearly defined, this can only be done by free and fair elections by a universally enfranchised electorate.

If you get this wrong, you run the risk of becoming part of the problem rather than part of the solution. No amount of media spin or propaganda can solve your problems once your own people begin to think you have chosen the wrong side. At the end of the day, no one can fight a war if their people are not applying themselves to it with commitment and passion.

What is interesting about this is that the Khmer Rouge sought to get the UN to switch to an enforcement role when the peace process started to go badly for them in their relationship with the Cambodian people. While there was little appetite in the West to engage in another war in Indo China the Khmer Rouge began to see their best chance coming from promoting the idea that only enforcement would gain an outcome acceptable to the international community.

The truth of the matter was that the Cambodian people truly wanted what the United Nations said it had come to deliver – peace, justice, economic opportunity, national and individual security and individual enfranchisement as a part of having some say in your own future. This provided the moral authority to be in that country and to defend the vital parts of the mission.

There were many things that eroded that moral authority, but also many that enhanced it. The United Nations mandate with its detailed modalities and high language was a powerful contributor to the moral authority. But courage to stand fast in the face of dire threats and to identify with the yearnings of the Cambodian people had to be the key. This applied to all aspects of the mandate, but perhaps the most important was those people who went out into the remotest parts of the Cambodian landscape to register people on the new electoral rolls, which then became the key strategic ingredient of the entire mission. This was a United Nations controlled election and ensuring the integrity of those rolls and the vote was the foundation of the legitimacy of all future developments.

In my own view, all this moral authority would have evaporated if we had been persuaded or directed to move to an enforcement mode, and failed, as we would inevitably have done, because the troops I had under command were not equipped for war, nor had the contributing nations in any way built the national consensus necessary to take the casualties that would have resulted.

Now, having said these things, I am aware that we have had NATO led peace enforcement operations in the former Yugoslavia that have provided the stabilizing influence and breathing space I spoke of earlier. These were regional enforcement operations with leadership required from outside the region by United States because the European states were simply not up to the acts of mobilization and levels of trust to do it themselves.

The operations were accompanied by resolutions from a desperate United Nations that had tried, by a mixture of enforcement and peacekeeping, to bluff its way to a solution and failed. The problem of having peace enforcement and peacekeeping going on in the same country at the same time also highlights the problem of going to enforcement and then trying to return to peacekeeping. I think Somalia is a case in point and Iraq might also show how difficult this can be.

This option of United Nations endorsed regional operations has been tried in other places, particularly Africa, but raises the obvious issue of the cohesion of regions and their willingness to do the contingency planning and preparation demanded by enforcement. There is only one NATO, so far, and very little commitment by permanent members of the Security Council to promote armed alliances in the regions of their strategic interest. Nor is there commitment for that matter from nations who feel they might be found wanting in fulfilling the demands of the protocols and conventions of the United Nations and would be reluctant to see a regional force being used to enforce those protocols and conventions in order to gain an international mandate for their actions.

On that note, I want to conclude my remarks by observing that a body as potentially powerful as the United Nations should really have no difficulty in easing the pain of people who live in disrupted states. Why it can't do this must be because the United Nations is united in name only and national self interest remains the primary driving force behind its actions, or lack of action as the case may be. One hopes that with the world in crisis on climate change and loss of bio diversity that the threats to international well being posed by disrupted states will become apparent to everyone and timely and concerted action will become easier to mandate.