

## **Ending Genocide and War Avoidance in the 21<sup>st</sup> Century: Some Basic Truths**

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*“Liberty does not consist in mere declarations of the rights of Man. Its consists in the translation of those declarations into definite action.”*

*--Woodrow Wilson (Charlton, 1990)*

As the world makes its way through the first decade of the 21<sup>st</sup> century, thoughtful students of history still debate the depth of positive change that has come to the international community since the end of the Cold War. With the benefit of almost 15 years of hindsight, one may still only find a partial answer to this question. One issue that seems to remain clear above all others, however, is the yearning for fundamental human rights and freedoms by all peoples and a general rejection of the legitimacy of non-democratic States. Indeed, as the onward march of history continues, the last decade has witnessed the establishment of dozens of new governments committed to democracy and human rights. In the quest for halting genocide and war avoidance this phenomenon is extremely promising news. Indeed, democracies do not engage in aggressive war or genocide and are far better at abiding by human rights than non-democracies.

Unfortunately, many nations in the world still refuse to embrace the positive concepts of freedom and basic human rights found in the U.N. Charter and amplified in a host of international agreements designed to guarantee basic freedoms – to include the freedom of religious expression. A particularly troubling example is found in the case of the People’s Republic of China (PRC) and its treatment of the Falun Gong movement. The facts of the continuing persecution of the movement are well documented and need not be recounted here. In addition, the geo-political realities (the desire for commercial trade and the need of Chinese support on the U.N. Security Council) that block a more aggressive campaign by the United States and other democracies against the PRC is fairly clear to most. Accordingly, the purpose of this note is to reaffirm the need to enlarge the circle of democracies as the best long term means to end to genocide and avoid war. This note will also address an initiative that the United States has taken vis a vis the military of the PRC.

In the last half of the 20<sup>th</sup> century, no concept has done more to advance positive change in the social and political spheres of human experience than human rights. In the quest for bettering the quality of human life, human rights have had a major impact in shaping world opinion and events and serving as the basis for reaching consensus on defining the fundamental pillars upon which all just governments should be anchored. As the preamble to the Universal Declaration of Human Rights asserts, human rights serve “as a common standard of achievement for all peoples and all nations.”

Although in its most comprehensive meaning, human rights encompasses all those principles and concerns associated with ensuring respect for the inherent dignity of the individual human being, many scholars view human rights as chronologically evolving in *generations*. The *first* generation of human rights deals essentially with the individual's fundamental right to be secure in the most sacred asset of all—his or her person. Only this category of human rights law is binding on all nations. Specifically, a State violates international human rights law if, as a matter of State policy, it practices, encourages, or condones seven types of actions that have gained universal recognition through treaty and custom. Set out at Restatement (Third) of the Foreign Relations Law of the United States (1987) § 702; Customary International Law of Human Rights, those actions consist of:

- (1) genocide
- (2) slavery or slave trade
- (3) the murder or causing the disappearance of individuals
- (4) torture or other cruel, inhuman, or degrading treatment or punishment
- (5) prolonged arbitrary detention
- (6) systematic racial discrimination (United Nations Centre for Human Rights, 1992)
- (7) a consistent pattern of gross violations of internationally recognized human rights

The most troubling aspect of all in addressing human rights issues is determining what causes of people, or more precisely, governments, to commit human rights violations? Clearly, this is a critical question as it is directly related to the attendant issue of how to halt human rights violations. Can, at least, the most despicable categories of violations such as genocide be halted or controlled?

In reviewing the human experience of the last 6,000 years, one could list a host of factors related to the gross violations of human rights that have taken place; such as religious issues, ethnic strife, territorial disputes, population pressures, and competition for limited resources. While all of these factors may be catalysts for human rights violations, any discussion that fails to examine the basic nature of man can never capture more than a part of the real truth. Since human rights violations are generally associated with corresponding human lusts for power and approbation, one must put the responsibility for violations not only on the environment created by man, but on mankind himself. Although numerous environmental excuses for gross violations are always voiced by the perpetrator (when brought to account), violations are ultimately a reflection of the problems that rest inside each individual, who, according to the basic tenets of every major religion, is morally flawed. Thus, the question of what causes a person to commit a *malum in se* crime might be asked collectively of a government that engages in a consistent pattern of human rights violations.

Objectively, much of what we know about the nature of mankind comes from the record of his history; a record written in streams of blood. For example, to observe that various governments have engaged in massive gross violations of human rights against their own people simply describes their behavior, but only partially explains it. In fact, no one has ever satisfactorily explained why certain societies—ancient Assyria, Soviet Russia, North Vietnam, Communist China, or Iraq—turned into aggressive war machines and instruments of horror against their own people. What has been established are the characteristics of those nations that have a high propensity for engaging in aggressive war and human rights abuses. Professor John Norton Moore of Virginia argues that

totalitarian regimes are considerably more likely to resort to aggressive violence than democracies. He terms this phenomenon the “radical regime” syndrome.

The elements of a radical totalitarian regime include:

- a failing centrally-planned economy
- severe limitations on economic freedom
- a one party political system
- the absence of an independent judiciary
- a police state with minimal human rights and political freedoms at home
- a denial of the right to emigrate
- the heavy involvement of the military in political leadership
- a large percentage of the GNP devoted to the military sector
- a high percentage of the population in the military
- leaders strongly motivated by an ideology of true beliefs including willingness to use force
- aggressively anti-Western and antidemocratic behavior
- selective support for wars of national liberation, terrorism
- disinformation against Western or democratic interests

Recognizing a nexus between the nation that mistreats its own citizens and the nation that fosters aggression against its neighbors, both the preamble and Article 1 of the U.N. Charter make crystal clear that the framers were under the impression that the unleashing of aggressive war occurred at the hands of those States in which the denial of the value of the individual human being was most evident. On the other hand, the addition of new democracies into the community of nations makes us more secure because, in the words of Anthony Lake, “democracies tend not to wage war on each other and they tend not to support terrorism—in fact, they don’t. They are more trustworthy in diplomacy and they do a better job of respecting the environment and human rights of their people.”

While it has long been touted that stable democracies firmly committed to human rights do not make war on each other, nor do they abuse their own people, empirical studies have now affirmatively demonstrated this correlation. It is now possible to demonstrate numerically the validity of the proposition that totalitarian regimes are the chief abusers of internationally recognized human rights and the most likely candidates to instigate aggressive war and engage in genocide. In his 1994 book, Death By Government, Professor Rudy Rummel uses the term *democide* to describe the phenomenon of a government that is engaged in genocide and mass murder of its own people.

War is not the most deadly form of violence. Indeed, I have found that while about 37,000,000 people have been killed in battle by all foreign and domestic wars in our century, government *democide* [genocide and mass murder] have killed over 148,074,000 million more. Plus, I am still counting. Over 85% percent of these people were killed by totalitarian governments.

So, the new paradigm for stopping war and genocide is a very simplistic model: If democracies make better neighbors, then it is certainly in the best interests of the U.S. and the world to do all it can to foster emerging democracies and to pressure non-

democratic States to respect the rule of law in international relations. According to Bruce Russett, “[D]emocracies have almost never fought each other ... By this reasoning, the more democracies there are in the world, the fewer potential adversaries we and other democracies will have and the wider the zone of peace.”

The simplicity of Russett’s argument can be understood by all. Moore believes that it “represents a new and more accurate paradigm about war, peace, and democide.” It replaces the old thinking that peace is achieved solely through disarmament regimens and points the way for reducing the potential threat of war and halting genocide.

If democracies are better neighbors, *a fortiori*, the United States must join with the world community of democracies and expend the necessary time, effort, and money to adequately promote human rights concepts to all parts of the world. In this context, the U.S. must rapidly assess the ramifications of this important responsibility and offer assistance before the window of opportunity has closed. The most significant danger in the post-Cold War era is that the global movement toward democratic reform will fail, signalling a return to totalitarianism, a more dangerous world, or even a third World War.

From a strategic viewpoint, the Bush administration continues to ask the U.S. military to be prepared to fight two near simultaneous major regional contingencies (MRC) and to take on demanding “peace operations” and War on Terror campaigns (Iraq and Afghanistan) throughout the world. In tandem with this strategic view, the basic foreign policy strategy of the United States has moved from Cold War “containment” to post-Cold War “active engagement.” Under the policy of containment, the general strategy of the U.S. was set out in the negative—to contain the spread and ideology of communism, both in Western Europe and throughout the world. Since 1991, the U.S. strategy is now one of active engagement or deterrence through power projection. At least on paper, active engagement also has a positive aim of promoting democracy, regional stability, and economic prosperity.

Since regional conflicts may vary and are far less monolithic than the old Soviet threat, *ad hoc* coalitions have replaced formal alliances. This was seen in the Gulf War of 1991 as well as in Somalia, Haiti, Bosnia, Kosovo, Afghanistan, and Iraq 2003. To support the active engagement theory, force generation has also changed from forward deployment to forward presence—no longer are large numbers of U.S. forces permanently stationed in foreign countries to ensure the peace. This shift in strategy does not mean that the status of the U.S. in the world has diminished, only that the U.S. is attempting to become less the protector and dominator, and more the coalition builder and partner. The stark reality of the War on Terror, however, is that the U.S. military is finding itself projecting large numbers of its military in Iraq and Afghanistan.

For better or worse, the U.S. is entering a period of profound changes in its military capabilities to meet the new circumstances of the post-Cold War period. Despite the current situation in Iraq, the use of overt military force as a tool of national security will, sooner or later, sharply decrease. To what degree this will adversely impact the struggle towards a more peaceful world remains to be seen. What is apparent is that such attitudes have already led to a rethinking of military roles and missions with a search for force multipliers.

In step with the new paradigm about aggressive war and genocide avoidance, one of the greatest force multipliers imaginable would be to develop a methodology to encourage the growth of democracies throughout the community of nations.

Furthermore, since the militaries of the emerging democracies exist as the main power brokers, the immediate target for reform must reside in the creation of a solid, democratically based military establishment that respects human rights. More than any other aspect of promoting democracy, the ethos of the military must be reformed. While desires for freedom will destroy a totalitarian system, freedom and human rights are not self-perpetuating and can only be sustained through the creation of concrete law-based institutions. With the new paradigm in mind, the U.S. military is now being called upon to engage in new missions—missions that would have been unthinkable just four short years ago. It is important to note that these new missions are not the harbinger of some form of American imperialism. It is, rather, the response to a world hungry for the establishment of institutions that can guarantee the full range of human rights that has given birth too many of the U.S. military's new missions.

While assistance to the new democracies is needed at every possible level, of utmost concern in the transition from totalitarianism to democracy is the definition of appropriate roles for the military; this is as true in Russia as in the other emerging democracies of Latin America. Keenly aware of their former place as the major power institution in the totalitarian system, the militaries of the new democracies often remain a decisive factor in who governs.

For many, a legacy from a non-democratic past is the absence of guiding principles for embedding human rights preservation within law. In addition, governments with a history of ruling elite in a totalitarian State maintained power by using *special units* of the armed forces as a primary instrument of repression against the people, and often with the military was viewed as the chief abuser of human rights. Simply put, the totalitarian State - like the PRC - relies on components of the military establishment to maintain power and to suppress any threat, internal or external. Human rights, the rule of law, and civilian control were often alien concepts to the totalitarian system. Thus, if the new democracies are to stabilize and flourish, subordinating the military to civilian control befitting a democratic system in which the soldier can carry out his mission in accordance with human rights principles is absolutely essential. In short, a major hallmark of a successful democracy is the military's full acceptance of fundamental human rights principles.

In a democracy, the military cannot be an independent actor, it must take directions from the government and be accountable to society for the way it carries out those directions. The central question, then, is how best to quickly instil solid human rights values in the new armed forces, or in the case of the PRC in a military that still operates under a non-democratic ruling elite. Most certainly, since human rights values become solid and irreversible only through the development of institutions designed to promote them, institutionalization must be the criterion.

In fact, the concern for human rights in general mirrors the overall U.S. national security policy of peacetime engagement by maintaining contacts with allies and friendly governments for the purpose of imparting human rights values. The term peace operations is defined in U.S. military doctrine to capture the full range of possible activities associated with maintaining or restoring peace. Per the U.S. Army's Center for Strategy and Force Evaluation:

The umbrella term encompassing observers and monitors, traditional peacekeeping, preventive deployment, internal conflict resolution, security

assistance to a civil authority, protection and delivery of humanitarian relief, guaranteeing and denial of movement, imposing sanctions, peace enforcement, high intensity operations, and any other military, paramilitary or non-military action taken in support of a diplomatic peacemaking process.

In this context, one would like to see a Chinese military that is apolitical, respectful of human rights, personally accountable, responsive to the civilian leadership in a democratic process and adheres to democratic principles. In a true democracy the military cannot be an abuser of human rights; it must respect human rights and be held accountable to civilian authority under a rule of law for the way it carries out its missions. The military must understand that soldiers are not just people who have technical and fighting skills, but citizens who understand their role as a member of an organization with rights and responsibilities.

This goal can only be achieved through a systemic program designed to institutionalize these concepts. In the past, the U.S. has not recognized the importance of institutional reform. Instead, U.S. programs relied on a variety of disjointed military security assistance initiatives to try to instill human rights values compatible with democratic principles in individual foreign soldiers. Since U.S. efforts were geared only at exposing the individual foreign soldier to human rights ideals, institutional reform within the host nation military never occurred. Essentially, the promotion of human rights and democracy was an indirect “hoped for” benefit at best rather than an explicit goal. Now, with the collapse of Soviet communism and the emergence of the U.S. as the world leader, numerous nations—even the long standing ones of Latin America—are eager to allow direct U.S. military influence regarding the establishment of proper law-based institutions in their military establishments.

By their very nature, the promotion of human rights and democratization in the new democracies involve matters that cannot be assigned to the jurisdiction of any single department of the U.S. government. Still, because of the nature of the problem—reforming the foreign military’s human rights program—the matter is best spearheaded by the U.S. military’s uniformed lawyers. In designing a coherent strategy to promote law-based institutions in the foreign military establishment, the U.S. military legal department should take the lead in exposing the host nation militaries to the 200-year old U.S. success story of how a professional military can maintain a superb combat record while operating under civilian control and in accordance with human rights concerns. Indeed, because the U.S. military is universally recognized and respected as the most efficient, professional, and humanitarian armed force in the world, foreign nations are open to U.S. assistance and training.

A successful strategy to achieve these democratization goals must be based on three clearly focused themes directed to the host nation military (and appropriate civilian government officials; Foreign Assistance Act, 1961; Public Law No. 87-195, 75 Stat. 424): (1) instilling a greater respect for internationally recognized standards for human rights; (2) fostering greater respect for and an understanding of the principle of civilian control of the military; and (3) improving military justice systems and procedures to comport with internationally recognized standards of human rights.

With the emergence of the nascent democracies in the post-Cold War era winds of reform have also blown across the PRC. While changes are slow and progress hard to gauge, one program that the United States has quietly been pursuing over the past few

years is the opening of military to military contacts between the military of the United States and the military of the PRC. The unspoken goal of these contacts is to expose the PRC military to how the United States military operates under the constraints of human rights concepts so that human rights are fully institutionalized and appropriately reflected in the soldier's performance of duty. In fact, the U.S. Army Judge Advocate General's Corps has conducted contacts in the PRC to open the doors to such discussions with the ultimate goal of assisting the PRC to recognize the validity of human rights concerns. Since it is the totalitarian military that is the chief abuser of human rights, it makes sense to target this group for reform.

In conclusion, in addressing the issue of promoting democratic reform in host nation militaries, the U.S. must focus on the case studies that have demonstrated the murderous behavior of totalitarian governments. As Rummel stated: "The way to end war and virtually eliminate *democide* appears to be through restricting and checking Power. This means to *foster democratic freedom*." If the U.S. is going to offer realistic assistance that can make a difference, there is no alternative—U.S. policy makers promote human rights concepts at every opportunity.