Appendices
Appendix-1

1.1. Official Documents


"This house expresses deep anguish and grave concern at the recent developments in East Bengal. A massive attack by armed forces, dispatched from West Pakistan has been unleashed against the entire people of East Bengal with a view to suppressing their urges and aspirations.

Instead of respecting the will of the people so unmistakably expressed through the elections in Pakistan in December 1970, the Government of Pakistan has chosen to flout the mandate of the people.

The Government of Pakistan has not only refused to transfer power to legally elected representatives but has arbitrarily prevented the National Assembly from assuming its rightful and sovereign role. The people of East Bengal are being sought to be suppressed by the naked force, by bayonets, machine guns, tanks, artillery and aircraft.

The Government and people of India have always desired and worked for peaceful, normal and fraternal relations with Pakistan. However, situated as India is and bound as the people of the subcontinent are by centuries old ties of history, culture, and tradition, this House cannot remain indifferent to the macabre tragedy being enacted so close to our border. Throughout the length and breath of our land, our people have condemned, in unmistakable terms, the atrocities now being perpetrated on an unprecedented scale upon an unarmed and innocent people.

This House expresses its profound sympathy for and solidarity with the people of East Bengal in their struggle for the democratic way of life.

Bearing in mind the permanent interests which India has in peace, and commitment as we are to uphold and defend human rights, this House demands immediate cessation of the use of force and the massacre of defenceless people. This House calls upon all peoples and Governments of the world to take urgent and constructive steps to prevail upon the Government of Pakistan to put an end immediately to the systematic decimation of people which amounts to genocide.
This House records its profound conviction that the historic upsurge of the 75 million people of East Bengal will triumph. The House wishes to assure them that their struggle and sacrifices will receive the whole hearted sympathy and support of the people of India.

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1.1.2. United Nations General Assembly, Resolution 2793 (A/Res/2793)

NOTING the reports of the Secretary General on 3rd and 4th December, 1971 and the letter from the President of the Security Council transmitting the text of Council 303 (1971) of 6th December, 1971,

GRAVELY CONCERNED that hostilities has broken out between India and Pakistan which constitutes an immediate threat to international peace and security,

RECOGNISED the need to deal appropriately at a subsequent stage, within the framework of the Charter of the United Nations, with the issues which have given rise to the hostilities,

CONVINCED that an early political solution would be necessary for the restoration of conditions of normalcy in the area of conflict and for the return of the refugees to their homes,

MINDFUL of the provisions of the Charter, in particular of Article 2, paragraph 4,

RECALLING the Declaration on the Strengthening of International Security, particularly paragraphs 4, 5, and 6,

RECOGNISING FURTHER the need to take immediate measures to bring about an immediate cessation of hostilities between India and Pakistan and effect a withdrawal of their armed forces to their own side of the India-Pakistan borders,

MINDFUL of the purposes and principles of the Charter and of the General Assembly's responsibilities under the relevant provisions of the Charter and of the Assembly resolution 377-A (V) of 3rd November, 1950,
1. Calls upon the Government of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India-Pakistan borders;

2. Urges that efforts be intensified in order to bring about, speedily and in accordance with the purposes and principles of the Charter of the United Nations, conditions necessary for the voluntary return of the East Pakistan refugees to their homes;

3. Calls for the full co-operation of all States with the Security General for rendering assistance to and relieving the distress of those refugees;

4. Urges that every effort be made to safeguard the lives and well-being of the civilian population in the area of conflict;

5. Requests the Secretary General to keep the General Assembly and the Security Council promptly and currently informed on the implementation of the present resolution;

6. Decides to follow the question closely and to meet again should the situation so demand;

7. Calls upon the Security Council to take appropriate action in the light of the present resolution.

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THE SECURITY COUNCIL,

HAVING DISCUSSED the grave situation in the sub-continent which remains a threat to international peace and security,

NOTING General Assembly Resolution 2793 (XXVI) of 7th December, 1971,

NOTING the reply of the Government of Pakistan on 9th December, 1971 (document S/10440),

HAVING HEARD the statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

NOTING FURTHER the statements made at the 616th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of cease-fire in the western theatre,

NOTING Pakistan’s agreement to the cease-fire in the western theatre with effect from 17th December 1971,

NOTING that consequently a cease-fire and a cessation of hostilities prevail,

1. Demands that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawal take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan;

2. Calls upon all Member States to refrain from any action which may aggravate the situation in the sub continent or endanger international peace;

3. Calls upon all those concerned to take measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of wounded and sick, prisoners of war and civilian population;

4. Calls for international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes and for full co-operation with the Secretary General to that effect;

5. Authorizes the Secretary General to keep the Council informed without delay on developments relating to the implementation of this resolution;

6. Requests the Secretary General to keep the Council informed without delay on developments relating to the implementation of this resolution;

7. Decides to remain seized of the matter and to keep it under active consideration.

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Adopted by the Security Council at its 3930th meeting on 23 September 1998

The Security Council

Recalling its resolution 1160 (1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to that resolution, and in particular his report of 4 September 1998 (S/1998/834 and Add.1),

Noting with appreciation the statement of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States (the Contact Group) of 12 June 1998 at the conclusion of the Contact Group’s meeting with the Foreign Ministers of Canada and Japan, and the further statement of the Contact Group made in Bonn on 8 July 1998 (S/1998/657),


Noting further the communication by the Prosecutor of the International Tribunal for the former Yugoslavia to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army which have resulted in numerous civilian casualties and, according to the estimate of the Secretary General, the displacement of over 230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia, and Herzegovina and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,
Condemning all acts of violence by any party, as well as terrorism in pursuance of political goals by any group or individual, and the external support for such activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned by the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary General, and emphasizing the need to prevent this from happening,

Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objective of resolution 1160 (1999), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and a meaningful self-administration,

Reaffirming also the commitment of all Members States to the sovereign and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects of a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and Kosovar Albanians and reduce the risks of a humanitarian catastrophe;

2. Demands also that the authorities of the Federal Republic of Yugoslavia and the Kosovar Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

3. Calls upon the authorities in the Federal Republic of Yugoslavia and the Kosovar Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political settlement to the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;
4. *Demands further* that the Federal Republic of Yugoslavia, in addition to the measures called for under Resolution 1160 (1998), implement immediately the following concrete measures towards achieving a political solution to the situation in Kosovo as contained in the Contact Group statement of 12 June 1998:

(a) cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;

(b) enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic mission accredited to the Federal Republic of Yugoslavia, including access and complete freedom of movement of such monitors to, from and within Kosovo unimpeded by government authorities, and expeditions issuance of appropriate travel documents to international personnel contributing to the monitoring;

(c) facilitate, in agreement with the UNHCR and the International Committee of Red Cross (ICRC), the safe return of refugees and displaced persons to their homes and allow free and unimpeded access for humanitarian organization and supplies to Kosovo;

(d) make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 with the Kosovo Albanian community called for in resolution 1160 (1998), with the aim of agreeing confidence-building measures and finding a political solution to the problems in Kosovo;

5. *Notes*, in this connection, the commitments of the President of the Federal Republic of Yugoslavia, in his joint statement with the President of the Russian Federation of 16 June 1998:

(a) to resolve existing problems by political means on the basis of equality for all its citizens and ethnic communities in Kosovo;

(b) not to carry out any repressive actions against the peaceful population;

(c) to provide full freedom of movement for and ensure that there will be no restrictions on representatives of foreign states and international institutions accredited to the Federal Republic of Yugoslavia monitoring the situation in Kosovo;

(d) to ensure full and unimpeded access for humanitarian organization, the ICRC and the UNHCR, and delivery of humanitarian supplies;
(e) to facilitate the impeded return of refugees and displaced persons under programmes agreed with the UNHCR and the ICR, providing State aid for the reconstruction of destroyed homes,

6. **Insists** that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

7. **Recalls** the obligations of all States to implement fully the prohibitions imposed by resolution 1160 (1998);

8. **Endorses** the steps taken to establish effective international monitoring of the situation in Kosovo, and in this connection welcomes the establishment of the Kosovo Diplomatic Observer Mission;

9. **Urges** States and international organization represented in the Federal Republic of Yugoslavia to make available personnel to fulfill the responsibilities of carrying out effective and continuous international monitoring in Kosovo until the objectives of this resolution and those of resolution 1160 (1998) are achieved;

10. **Reminds** the Federal Republic of Yugoslavia that it has the primary responsibility for the security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia as well as the safety and security of all the international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia to take all appropriate steps to ensure that monitoring personnel performing functions under this resolution are not subject to the threat or use of force or interference of any kind;

11. **Requests** States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998);

12. **Calls upon** Members States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo crisis;

13. **Calls upon** the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate with the Prosecutor
of the International Tribunal for the former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal;

14. *Underlines* also the need for the authorities of the Federal Republic of Yugoslavia to bring justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property;

15. *Requests* the Secretary General to provide regular reports to the Council as necessary on his assessment of compliance with this resolution by the Kosovo Albanian community, including through his regular reports on compliance with resolution 1160 (1998);

16. *Decides*, should the concrete measures demanded in this resolution and resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region;

17. *Decides* to remain seized of the matter.


*Adopted by the Security Council at its 3937th meeting, on 24 October 1998*

*The Security Council,*


*Having considered* the reports of the Secretary General pursuant to those resolutions, in particular his report of 5 October 1998 (S/1198/912),


*Welcoming also* the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied
Commander, Europe, of the North Atlantic Treaty Organization (NATO) providing for the establishment of air verification mission over Kosovo (S/1998/991, annex), complementing the OSCE Verification Mission,

Welcoming also the decision of the Permanent Council of the OSCE of 15 October 1998 (S/1998/959, annex),

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling that objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorists activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Members States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,
Acting under Chapter VII of the Charter of the United Nations,

1. **Endorses** and supports the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998), and **demands** the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia,

2. **Notes** the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy (S/1998/953, annex), and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;

3. **Demands** that the Federal Republic of Yugoslavia comply fully and swiftly with Resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo and the NATO Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraphs 1 above;

4. **Demands also** that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo;

5. **Stresses** the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with the international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo,

6. **Demands** that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the OSCE Verification Mission and other international personnel;

7. **Urges** States and international organizations to make available personnel to the OSCE Verification Mission in Kosovo;

8. **Reminds** the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the OSCE Verification Mission, as well as the safety...
and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugoslavia including the Kosovo Albanians leadership, to take all appropriate steps to ensure the personnel performing functions under this resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind; 9. Welcomes in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Mission as contained in the agreements referred to in paragraph 1 above, notes that to this end, the OSCE is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement, as envisaged in the agreement referred to in paragraph 1 above; 10. Insists that the Kosovo Albanian leadership condemn all terrorist actions, demands that such action cease immediately and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only; 11. Demands immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe; 12. Reaffirms the right of all refugees and displaced persons to return to their homes for in safety, and underlines the responsibilities of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so; 13. Urges Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo crisis; 14. Calls for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with the International Tribunal for the former Yugoslavia, including compliance with its orders, requests for information and investigations;
15. **Decides** that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;

16. **Requests** the Secretary General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of this resolution;

17. **Decides** to remain seized of the matter

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1.1.6. **NATO Statement Setting Forth Demands on Kosovo, Statement on Kosovo by the North Atlantic Council, 23 April 1999.**

1. The crisis in Kosovo represents a fundamental challenge to the values for which NATO has stood since its foundations: democracy, human rights and the rule of law. It is the culmination of a deliberate policy of oppression, ethnic cleansing and violence pursued by the Belgrade regime under the direction of President Milosevic. We will not allow this campaign of terror to succeed. NATO is determined to prevail.

2. NATO’s military action against the Federal Republic of Yugoslavia (FRY) supports political aims of the international community, which were reaffirmed in recent statements by the UN Secretary General and the European Union: a peaceful, multi-ethnic and democratic Kosovo where all its people can live in security and enjoy universal human rights and freedom on an equal basis.

3. Our military actions are directed not at the Serb people but at the political regimes in Belgrade, which has repeatedly rejected all efforts to solve the crisis peacefully.

---Ensure a verifiable stop to all military action and the immediate ending of violence and repression in Kosovo,

---Withdraw from Kosovo his military, police and para-military forces;

---Agree to the stationing in Kosovo of an international military presence;

---Agree to the unconditional and safe return of all refugees and displaced persons, and the unhindered access to them by humanitarian aid organizations; and

---Provide credible assurances of his willingness to work for the establishment of a political framework agreement based on the Rambouillet accords.

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4. There can be no compromise on these conditions. As long as Belgrade fails to meet the legitimate demands of the international community and continues to inflict immense human suffering. Alliance air operations against the Yugoslav war machine will continue. We hold President Milosevic and the Belgrade leadership responsible for the safety of all Kosovar citizens. We will fulfill our promise to the Kosovar people that they can return to their homes and live in peace and security.

5. We are intensifying NATO’s military actions to increase the pressure on Belgrade. Allied governments are putting in place additional measures to tighten the constraints on the Belgrade regime. These include intensified implementation of economic sanctions, and an embargo on petroleum products which we welcome the EU lead. We have directed our Defence Ministers to determine ways that NATO can contribute to halting the delivery of war material including by launching maritime operations, taking into account the possible consequences on Montenegro.

6. NATO is prepared to suspend its air strikes once Belgrade has unequivocally accepted the above mentioned conditions and demonstrably begun to withdraw its forces from Kosovo according to a precise and rapid time table. This could follow the passage of a United Nations Security Council resolution, which we will seek, requiring the withdrawal of Serb forces and the demilitarization of Kosovo and encompassing the deployment of an international military force to safeguard the swift return of all refugees and displaced persons as well as the establishment of an international provisional administration of Kosovo under which its people can enjoy substantial autonomy within the FRY. NATO remains ready to form the core of such an international military force. It would be multinational in character with contributions from non-NATO countries.

7. Russia has a particular responsibility in the United Nations and an important role to play in the search for a solution to the conflict in Kosovo. Such a solution must be based on the conditions of the international community as laid out above. President Milosevic’s offer to date does not meet this test. We want to work constructively with Russia, in the spirit of the Founding Act.

8. The long planned, unrestrained and continuing assault by Yugoslav military, police and paramilitary forces on Kosovars and the repression directed against other minorities
of the FRY are aggravating the already massive humanitarian catastrophe. This threatens to destabilize the surrounding region.

9. NATO, its members and its Partners have responded to the humanitarian emergency and are intensifying their refugee and humanitarian relief operations in close cooperation with the UNHCR, the lead agency in this field, and with other relevant organizations. We will continue our assistance as along as necessary. NATO forces are making a major contribution to this task.

10. We pay tribute to the servicemen and woman of NATO whose courage and dedication are ensuring success of our military and humanitarian operations.

11. Atrocities against the people of Kosovo by FRY military, police and paramilitary forces represent a flagrant violation of international law. Our governments will cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) to support investigation of all those, including at the highest levels, responsible for war crimes and crimes against humanity. NATO will support the ICTY in its efforts to secure relevant information. There can be no lasting peace without justice.

12. We acknowledge and welcome the courageous support that states in the region are providing to our efforts in Kosovo. The former Yugoslavia Republic of Macedonia and Albania have played a particularly important role, not least in accepting hundreds of thousands of refugees from Kosovo. The states in the region are bearing substantial economic and social burdens stemming from the current conflict.

13. We will not tolerate threats by the Belgrade regime to the security of its neighbours. We will respond to such challenges by Belgrade to its neighbours resulting from the presence of NATO forces or their activities on their territory during this crisis.

14. We reaffirm our support for the territorial integrity and sovereignty of all countries in the region.

15. We reaffirm our strong support for the democratically elected government of Montenegro. Any move by Belgrade to undermine the government of President Djukanovic will have grave consequences. FRY forces should leave the demilitarized zone of Prevlaka immediately.

16. The objective of a free, prosperous, open and economically integrated Southeast Europe cannot be fully assured until the FRY embarks upon the transition to democracy.
Accordingly, we express our support for the objective of a democratic FRY which protects the rights of all minorities, including those in Vojvodina and Sandjak, and promise to work for such change through and beyond the current conflict.

17. It is our aim to make stability in Southeast Europe a priority of our transatlantic agenda. Our governments will co-operate urgently through NATO as well as through the OSCE, and for those of us which are members, the European Union, to support the nations of Southeast Europe in forging a better future for their region---one based upon democracy, justice, economic integration, and security co-operation.


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Adopted by the Security Council at its 4011th meeting, on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,


Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,
Recalling the jurisdiction and the mandate of the International Tribunal for the former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia’s agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other states of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-determination for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete a verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;
5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil society and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary General to instruct his Special Representative to coordinate closely with the international security presence operate towards the same goals and in a mutually supportive manner;

7. Authorizes Member States and relevant international organization to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means tom fulfill its responsibilities under paragraph 9 below;

8. Affirms the need for the rapid early deployment of effective international civil and security presences in Kosovo, and demands that the parties cooperate fully in their deployment;

9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuing a withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the words of the international civil presence;
(g) Conducting border monitoring duties as required;
(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary General, with the assistance of relevant international organization, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:
(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and the Rambouillet accords (S/1999/648);
(b) Performing basic civilian administration functions where and as long as required;
(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace building activities;
(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648).
(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;
(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;
(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;
(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. **Emphasizes** the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations as to ensure the fast and effective delivery of international aid;

13. **Encourages** all Member States and international organizations to contribute to economic and social reconstruction as well as the safe return of refugees and displaced persons, and **emphasizes** in this context the importance of convening an international donors’ conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. **Demands** full cooperation by all concerned, including the international security presence, with the International Tribunal for the former Yugoslavia;

15. **Demands** that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representatives of the Secretary General;

16. **Decides** that the prohibition imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related material for the use of the international civil and security presence;

17. **Welcomes** the work in hand in the European Union and other international organizations and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. **Demands** that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. **Decides** that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;
20. Request the Secretary General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leadership of the international and civil presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

Annex 1. Statement by the Chairman on the Conclusion of the Meeting of the G-8 Foreign Ministers held at the Petersburg Centre, 6 May 1999.

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

--- Immediate and verifiable end of violence and repression in Kosovo;
--- Withdrawal from Kosovo of military, police, and paramilitary forces;
--- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
--- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life of all inhabitants in Kosovo;
--- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
--- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and other countries of the region, and the demilitarization of the KLA;
--- Comprehensive approach to the economic development and stabilization of the crisis region.

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Appendix II
2.1. Interviews
2.1.1. Interview I.
Respondent: Prof. Michael Walzer, Institute of Advanced Studies, Princeton, USA.
Theme: Just War Theory.
Date:
Venue:
Questionnaire:
1. What, in your words, is the idea of a Just War?
Answer:
2. Is the concept of Just War as you describe it, relevant in today’s context, given the high sophistication in methods of war, dominated by air warfare?
Answer:
3. Can one safely say that the principle of Just War, that reconciles order with justice, informs humanitarian intervention decisions on the ground?
Answer:
4. Do you think that the Just War concept of ‘force as last resort’ is problematic? To elaborate, do you agree with me when I would say that using force is very ‘context specific’ and decisions pertaining to use force, especially in humanitarian interventions must be taken, keeping in mind the situation on the ground?
Answer:
5. Is the ‘proportionality’ maxim mathematically calculable?
Answer:
6. You have written in your book Just and Unjust Wars that in cases of supreme humanitarian emergency, the Just War criteria of jus as bellum supersedes jus in bello (conduct in war). Why is that so?
Answer:
7. Why have you put the threshold for humanitarian interventions high, say a million death in a given country, whereas, in cases of self defence, the threshold is low?
Answer:
8. In your book, *Just and Unjust Wars*, you make an argument for counter-intervention stating that such interventions are warranted when they re-establish the status quo. But, then, if it is within an existing state of affairs that human rights were violated, wouldn’t it be so that re-establishing the status quo as you suggest, bring about human rights violations again?

Answer:

9. In your judgment, did the Indian intervention in East Pakistan in 1971 qualify as a just intervention, and if so, why?

Answer:

10. Did NATO’s intervention in Kosovo in 1999 meet the criteria of Just War?

Answer:

11. Did NATO’s use of force in Kosovo qualify within the *jus in bello* criteria of the Just War theory?

Answer:

12. What would you say of an intervention that only used air power, without fielding ground troops, to save lives? Is it just?

Answer:

13. Situated in a comparative framework, which in your view is a just case of humanitarian intervention, the Indian intervention in East Pakistan or NATO’s intervention in Kosovo?

Answer:

14. What in your view is the most excellent strategy for an intervention in the *post bellum* scenario (post conflict situation)?

Answer:

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2.1.2. Interview II.

Respondent: Rounaq Jahan, Professor of South Asia in Columbia University, New York, USA.

Subject: East Pakistan.

Date:

Venue:
Questionnaire:

1. Could you recapture the scenario in East Pakistan in 1970-1971 before the Pakistan army's repression started in March, 1971?
Answer:

2. Why did Mr. Yahya Khan engage Mujibur Rahman in a dialogue in that first week of March, 1971, if he had already decided to use force?
Answer:

3. Is it true that Zulfikar Ali Bhutto deliberately manipulated the process of engagement between Yahya Khan and Mujib, in order to seize power, by any means?
Answer:

4. Did the Pakistani establishment in 1971 take into consideration international responses to the use of force by the Pakistan army in East Pakistan?
Answer:

5. How many, in your opinion, were killed inside East Pakistan? Did India give refuge to the fleeing population against Pakistan army action?
Answer:

6. Many in India and abroad believe that India seized the East Pakistan crisis to undermine Pakistan's status in South Asia. What would you say to that?
Answer:

7. You would say that India had mixed motives, when it intervened in East Pakistan in 1971? Could you elaborate on that particular point?
Answer:

8. What was the US's stand in the crisis? It is noted by none other than Henry Kissinger, US National Security Advisor in 1971 that the US looked upon Pakistan as a gateway to China. Given that, did Pakistan miscalculate that the US would militarily back them, in the event of a war with India, over East Pakistan's status?
Answer:

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2.1.3. Interview III.
Respondent: Deyan Vuruna, former Captain of the Yugoslav division force for Kosovo and an UNMIK Legal Officer, 2001.
Subject: Kosovo
Date:
Venue:
Questionnaire:
1. Historically, how would you place Kosovo in the Serbian mindset?
   Answer:
2. Could you encapsulate the history of Kosovo, with reference to the relationship between the Serbs and Albanians?
   Answer:
3. You are saying that the Serbs were the original inhabitants of Kosovo? Then, what about the Illyrian civilization, from whom the Kosovo Albanians draw their ancestry? According to historical accounts, they were supposed to settle in Kosovo much before the Serbs?
   Answer:
4. What is the significance of the Battle of Kosovo in 1389 A.D. in formulating the present Serbian/Albanian psyche?
   Answer:
5. Were the relationships between the Serbs and Albanians continuously antagonistic after the Battle of Kosovo? That happened hundreds of years ago, you see?
   Answer:
6. How would you grade the Communist rule in Yugoslavia after the Second World War in creating harmony between the various ethnic races?
   Answer:
7. Could you tell me about the benefits of Marshal Tito’s long rule in Yugoslavia?
   Answer:
8. He gave autonomy to Kosovo. Did that help in removing the grievances of the Kosovar Albanians, especially with regard to political discrimination in a largely Serb inhabited state?
9. You say that the Kosovar Albanian politicians used the discrimination criterion for their own benefit? Could you elaborate?

Answer:

10. You say that the entire process of discrimination in Kosovo was engineered by the Kosovar Albanians themselves, in order to get international support for their independence movement. Are you suggesting that there was no discrimination, meted out to the Albanians on the ground?

Answer:

11. In that case, how would you explain the revocation of Kosovo’s autonomy by Slobodan Milosevic in 1989?

Answer:

12. You have said that the entire Kosovo crisis was a ‘manufacturing of dissent’ by the Albanians to get the Serbs out of Kosovo, by using international pressure. Could you give me specific instances of such occurrences on the ground?

Answer:

13. You paint the Racak Massacre as a deliberate ploy by the Albanians to pressurize NATO to use force? How?

Answer:

14. Could you portray the existing state of affairs inside Serbia during the NATO bombing?

Answer:

15. Were the damage to civilian infrastructure on a large scale, effecting civilian life?

Answer:

16. Why did Milosevic surrender?

Answer:

17. When did you join UNMIK as a legal officer?

Answer:

18. You were posted in Kosovo after the intervention ended in June, 1999? What was the state of affairs then, in Kosovo, in the immediate aftermath of the intervention?

Answer:
19. There occurred a reverse ethnic cleansing in Kosovo, with the Albanian population targeting the Serbs. Could I have your thoughts on that aspect of the post conflict situation?
Answer:
20. Have you been to Kosovo recently? If so, what does the existing political and social state of affairs reflect?
Answer: *****
Appendix III

3.1. Speeches


The following is a text of President Yahya Khan’s statement

“Today, Pakistan faces her gravest political crisis, I therefore consider it necessary to appraise you of the situation and the action that I propose to take to resolve our present difficulties.

But before I do that let me recount to you the steps that I took, from the day that the responsibility for the administration of this country devolved to me, to transfer power to the elected representatives of the people.

In my very first address to the nation I had indicated the need for the smooth transfer of power. Since then we have moved forward step by step towards power to the elected representatives of the people.

In spite of there being Martial Law in the country I did not ban the political parties and in fact permitted full political activity with effect from the first of January 1970.

Later in March 1970 the Legal Framework Order under which elections were to be held, was duly notified. All other work, including delimitation of constituencies and preparation of electoral rolls, was completed with speed.

The election campaign which was long and arduous, ended up in, what we may all claim with pride one of the most peaceful and well-organized general elections on the basis of adult franchise.

As you know, the elections were completed on 17th January 1971.

Just prior to the elections in my address of the 3rd of December, 1970, I had suggested to the leaders of the political parties that it would be useful for them to employ the period between the elections and the first session of the National Assembly in meeting each other and arriving at a consensus on the main provisions of our future constitution.

I had, at the time, indicated that to be successful these meetings would call for spirit of give and take, trust in each other and realization of the extreme importance of this particular juncture in our history. Appreciating the great significance of such exchanges
of views between political leaders I tried to facilitate the process by giving them enough
time to do so.

I therefore, decided to fix the third of March as the date of the inaugural session of our National Assembly.

In the past few weeks certain meetings between our political leaders have indeed taken place. But I regret to say that instead of arriving at a conclusion some of our leaders have taken hard attitudes. This is most unfortunate. The political confrontation between the leaders of East Pakistan and those of the West is a most regrettable situation. This has cast a shadow of gloom over the entire region.

The position briefly is that the majority party of West Pakistan, namely, the Pakistan People's Party, as well as certain other political parties, have declared their intention not to attend the National Assembly session on the third of March, 1971. In addition, the general situation of tension created by India has further complicated the whole position. I have, therefore, decided to postpone the summoning of the National Assembly to a later date.

I have repeatedly stated that a constitution is not an ordinary piece of legislation but it is an agreement to live together. For a healthy and viable constitution, therefore, it is necessary that both East and West Pakistan have an adequate sense of participation in the process of constitution making.

Needless to say I took this decision to postpone the date of the National Assembly with a heavy heart. One has, however, to look at the practical aspects of such problems. I had realized that with so many representatives of the people of West Pakistan keeping away from the Assembly if we were to go ahead with the inaugural session on the 3rd of March the Assembly itself could have disintegrated and the entire effort made for the smooth transfer of power that has been outlined earlier would have been wasted.

It was, however, imperative to give more time to the political leaders to arrive at a reasonable understanding on the issue of Constitution making. Having been given this time I have every hope that they will rise to the occasion and resolve the problem. I wish to make a solemn promise to the people of Pakistan that as soon as the environment enumerated earlier would become conducive to Constitution making I will have no hesitation in calling the session of the Assembly, immediately. As for myself, I would
like to assure my countrymen that I shall do everything in my power to help the political leaders in achieving our common goal with even handed justice which I have all along been doing.

"In the end, I pray to Almighty Allah to guide us in acting according to the dictum of the Father of the Nation, namely, faith, unity and discipline. I appeal to the political leaders and all my countrymen to exercise the utmost restraint at this grave hour of our lives". (Bangladesh Documents, Ministry of External Affairs, New Delhi, India: 1971) pp. 188-89.

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3.1.2. Text of Yahya Khan’s Speech on 26 March 1971.

Following is text of the broadcast to the nation by President Yahya Khan:

My Dear Countrymen
Assalam-o-Alaikum

On the 6th of this month I announced the 25th of March as the new date for the inaugural session of the National Assembly hoping that conditions would permit the holding of the session on the appointed date. Events, however, have not justified that hope. The nation continued to face a grave crisis.

In East Pakistan a non cooperation and civil disobedience movement was launched by the Awami League and matters took a very serious turn. Events were moving very fast and it became absolutely imperative that the situation was brought under control as soon as possible. With this aim in view, I had a series of discussions with political leaders in West Pakistan and subsequently on the 15th of March I went to Dacca.

As you are aware I had a number of meetings with Sheikh Mujibur Rahman in order to resolve the political impasse. Having consulted West Pakistani leaders it was necessary for me to do the same over there so that areas of agreement could be identified and an amicable settlement arrived at.

As has been reported in the Press and other news media from time to time, my talks with Sheikh Mujibur Rahman sowed some progress. Having reached a certain stage in
my negotiations with Sheikh Mujibur Rahman I considered it necessary to have another round of talks with West Pakistani leaders in Dacca.

Mr. Z.A. Bhutto reached there on 21st March and I had a number of meetings with him.

As you are aware, the leader of the Awami League had asked for the withdrawal of Martial Law and transfer of power prior to the meeting of the National Assembly. In our discussions he proposed that this interim period could be covered by a proclamation by me whereby Martial Law would be withdrawn, Provincial Governments set up and the National Assembly would *ab initio*, sit in two committees—one composed of members from East Pakistan and the other composed of members from West Pakistan.

**One Condition**

Despite some serious flaws in the scheme in its legal as well as other aspects, I was prepared to agree in principle to his plan in the interest of peaceful transfer of power but on one condition. The condition which I clearly explained to Sheikh Mujibur Rahman was that I must first have unequivocal agreement of all political leaders to the scheme.

I thereupon discussed the proposal with other political leaders. I found them unanimously of the view that the proposed proclamation by me would have no legal sanction. It will neither have the cover of Martial Law nor could it claim to be based on the will of the people. Thus a vacuum would be created and chaotic conditions will ensue. They also considered that splitting of the National Assembly into two parts through a proclamation would encourage divisive tendencies that may exist. They therefore expressed the opinion that if it is intended to lift Martial Law and transfer power in the interim period, the National Assembly should meet, pass an appropriate interim constitution Bill and present it for my assent. I entirely agreed with their view and requested them to tell Sheikh Mujibur Rahman to take a reasonable attitude on this issue.

I told the leaders to explain their views to him that a scheme whereby, on the one hand, you extinguish all source of power namely Martial Law and on the other fail to replace it by the will of the people through a proper session of the National Assembly, will merely result in chaos. They agreed to meet Sheikh Mujibur Rahman, explain the position and try to obtain his agreement to the interim agreement for transfer of power to emanate from the National Assembly.
The political leaders were also very much perturbed over Sheikh Mujibur's idea of dividing the National Assembly into two parts right from the start. Such a move, they felt, would be totally against the interest of Pakistan's integrity.

The Chairman of the Pakistan People's Party, during the meeting between myself, Sheikh Mujibur Rahman and him, had also expressed similar views to Mujib.

On the evening of the 23rd of March the political leaders, who had gone to talk to Mujib on this issue, called on me and informed me that he was not agreeable to any changes in his scheme. All he really wanted was for me to make a proclamation, whereby I should withdraw Martial Law and transfer power.

*Sheikh Mujibur Rahman's action of starting his non-co-operation is an act of treason. He and his party have defied lawful authority for over three weeks. They have insulted Pakistan's flag and defiled the photograph of the Father of the Nation. They have tried to run a parallel government. They have created turmoil, terror and insecurity.*

A number of murders have been committed in the name of movement. Millions of our Bengali brethren and those who have settled in East Pakistan are living in a state of panic, and very large number had to leave that Wing out of fear for their lives.

The Armed Forces, located in East Pakistan, have been subjected to taunts and insults of all kinds. I wish to complement them on the tremendous restraint that they have shown in the face of grave provocation. Their sense of discipline is indeed praiseworthy. I am proud of them.

I should have taken action against Sheikh Mujibur Rahman and his collaborators weeks ago but I had to try my utmost to handle the situation. In such a manner as not to jeopardize my plan of peaceful transfer of power. In my keenness to achieve this aim I kept on tolerating one illegal act after another. And at the same time I explored every possible avenue for arriving at some reasonable solution. I have already mentioned the efforts made by me and by various political leaders in getting Sheikh Mujibur Rahman to see reason. We have left no stone unturned. But he has failed to respond in any constructive manner; on the other hand, he and his followers kept on flouting the authority of the Government even during my presence in Dacca. The proclamation that he proposed was nothing but a trap. He knew that it would have been worth the paper it was written on and in the vacuum created by the lifting of Martial Law he could have done
anything with impunity. His obstinacy, obduracy, and absolute refusal to talk sense can lead to but one conclusion—the man and his party are enemies of Pakistan and they want East Pakistan to break away completely from the country. He has attacked the solidarity and integrity of this country—this crime will not go unpunished.

We will not allow some power hungry and unpatriotic people to destroy this country and play with the destiny of 120 million people.

In my address to the nation on 6th May I had told you that it is the duty of the Pakistan Armed Forces to ensure the integrity, solidarity and security of Pakistan. I have ordered them to do their duty and fully restore the authority of the Government.

In view of the grave situation that exists in the country today I have decided to ban all political parties throughout the country. As for the Awami League it is completely banned as a political party. I have also decided to impose complete Press censorship. Martial Law regulations will very shortly be issued in pursuance of these decisions.

**Aims Remain the Same**

In the end let me assure you that my main aim remains the same, namely, transfer of power to the elected representatives of the people. As soon as situation permits I will take fresh steps towards achievement of this objective.

It is my hope that the law and order situation will soon return to normal in East Pakistan and we can again move forward towards our cherished goal.

I appeal to my countrymen to appreciate the gravity of the situation for which the blame rests entirely on the anti-Pakistan and secessionist elements and to act as reasonable citizens of the country because therein lies the security and salvation of Pakistan

God be with you. God bless you.

Pakistan Paindabad

(Bangladesh Documents, Ministry of External Affairs, New Delhi, India, 1972).

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3.1.3. Text of speech by Prof. Michael Walzer, Institute of Advanced Studies, Princeton, on 20 December 2002 at Shankar Lal Hall, Delhi University, New Delhi.

The Triumph of the Just War Theory (and the Dangers of its success).

I

Some political theories die and go to heaven; some, I hope, die and go to hell. But some have a long life in this world, a history most often of service to the powers-that-be, but also, sometimes, an oppositionist history. The Theory of just war began in the service of the powers. At least, that is how I interpret Augustine’s achievement: he replaced the radical refusal of Christian soldier. Now pious Christians could fight on behalf of the worldly city, for the sake of imperial peace (in this case, literally, pax Romana); but they had to fight justly, only for the sake of peace, and always, Augustine insisted, with the downcast demeanor, without anger or lust. (1) Seen from the perspective of primitive Christianity, this account of just war was simply an excuse, a way of making war morally and religiously possible. And that was indeed the function of the theory. But its defenders would have said, and I am inclined to agree, that it made war possible in a world where war was, sometimes, necessary.

From the beginning, the theory had a critical edge: soldiers (or, at least, their officers) were supposed to refuse to fight in wars of conquest and to oppose or abstain from the standard military practices of rape and pillage after the battle was won. But just war was a worldly theory, in every sense of the term, and it continued to serve worldly interests against Christian radicalism. It is important to note, though, that Christian radicalism had more than one version, it could be expressed in war itself, in the religiously driven crusades, Augustine opposed the first of these, the medieval scholastics, following in Aquinas’s footsteps, set themselves against the second. The classic statement is Victoria’s: “Differences of religion cannot be a cause of a just war.” For centuries, from the time of the crusades to the religious wars of the Reformation years, many of the priests and preachers of Christian Europe, many lords and barons, (and even a few kings), had been committed to the legitimacy of using military force against unbelievers: they had their own version of jihad. Victoria claimed, by contrast, that “the sole and only just cause for waging war is when harm has been inflicted”. (2) Just war was an argument of
the religious centre against the Pacifists, on the one side, and holy warriors, on the other, and because of its enemies, (and even though its proponents were theologians), it took shape as a secular theory—-which is simply another way of describing its worldliness. So the rules of this world embraced the theory, and did not fight a single war without describing it, or hiring intellectuals to describe it, as a war for peace and justice. Most often, of course, this description was hypocritical: the tribute that vice pays to virtue. But the need to pay the tribute opens those who pay it to the criticism of the virtuous. I mean, of the brave and virtuous, of whom there have only been only a few (but one could also say: at least a few). I will cite one heroic moment, from the history of the academic world: sometimes around 1520, the faculty of the University of Salamanca met in a solemn assembly and voted that the Spanish conquest of Central America was a violation of natural law and an unjust war. (3) I haven’t been able to find out anything about the subsequent fate of the good professors. Certainly, there were not many moments like that one, but what happened a Salamanca suggest that just war never loses its critical edge. The theory provided worldly reasons for going to war, but the reasons were limited—-and they had to be worldly. Converting the Aztecs to Christianity was not a just cause; nor was seizing gold of the Americas or enslaving its inhabitants.

Writers like Grotius and Pufendorf incorporated just war theory into international law, but the rise of the modern state and the legal (and philosophical) acceptance of state sovereignty, pushes the theory into the background. Now the political foreground was occupied by people we can think of as Machiavellian princes, hard men and sometimes women, driven by ‘reason of state’, who did what (they said) they had to do. Worldly prudence triumphed worldly justice, realism over what was increasingly disparaged as naïve idealism. The princes of the world continued to defend their wars, using the language of international law, which was also, at least in part, the language of just war. But the defenses were marginal to the enterprise, and I suspect that it was the least important of the state’s intellectuals who put them forward. States claimed a right to fight whenever their rulers deemed it necessary, and the rulers took sovereignty to mean that no-one could judge their decisions. They not only fought when they wanted, they fought how they wanted, returning to the old Roman maxim that held war to be a lawless
activity: inter arma silent ledges—which, again, was taken to mean that there was no law above or beyond the decrees of the state; conventional restraints on the conduct of war could always be overridden for the sake of victory. (4) Arguments about justice were treated as a kind of moralizing, inappropriate to the anarchic conditions of international society. For this world, just war wasn’t enough.

In the 1950s and early ‘60s, when I was in graduate school, realism was the reigning doctrine in the field of “international relations”. The standard reference was not to justice but to interest. Moral argument was against the rules of the discipline as it was commonly practiced, though a few writers defended interest as the new morality. (5) There were many political scientists in those years who preened themselves as modern Machiavellis and dreamed of whispering in the ears of princes; and a certain number of them, enough to stimulate ambition of the others, actually got to whisper. They practiced being cool and tough-minded; they taught the princes, who didn’t always need to be taught, how to get results through the calculated application of force. Results were understood in term of ‘national interest’, which was the objectively determined sum of power and wealth here and now plus the probability of future power and wealth. More of both was almost always taken to be better, only a few writers argued for the acceptance of prudential limits; moral limits were, I remember those years, never discussed. Just War Theory was relegated to religious departments, theological seminaries, and a few Catholic universities. And even in those places, isolated though they were from the political world, the theory was pressed towards realist positions, perhaps for the sake of self preservation, its advocates surrendered of its critical edge.

Vietnam changed all this, although it took a while for the change to register at the theoretical level. What happened first happened in the realm of practice. The war became a subject of political debate; it was widely opposed, mostly by people on the left. These were people heavily influenced by Marxism; they also spoke a language of interest; they shared with the princes and professors of American politics a disdain for moralizing. And yet the experience pressed them towards moral argument. Of course, the war in their eyes was radically imprudent, it couldn’t be won; its costs, even if Americans thought only of
themselves were much too high, it was an imperialist adventure unwise even for the imperialists; it set the US against the cause of national liberation which could alienate us from the Third World (and significant parts of the First). But these claims failed utterly to express the feelings of most of the war's opponents, feelings that had to do with the systematic exposure of Vietnamese civilians to the violence of American war making. Almost against its will, the left fell into morality. All of us in the anti-war camp suddenly begun talking the language of just war—though we didn't know that that was what we were doing.

It may seem odd to recall the '60s' in this way, since today the left seems all-too-quick to make moral arguments, even absolutist moral arguments. But this description of the contemporary left seems to me mistaken. A certain kind of politicized, instrumental, and highly selective moralizing is indeed increasingly common among leftist writers, but this is not serious moral argument. It is not what we learned, or ought to have learned, from the Vietnam years. What happened then was that people on the left, and many others too, looked for a common moral language. And what was most available was the language of just war. We were, all of us, a bit rusty, unaccustomed to speaking in public about morality. The realist ascendency had robbed us of the very words that we needed, which we slowly reclaimed: aggression, intervention, just cause, self defense, non-combatant immunity, proportionality, prisoners of war, civilians, double effect, terrorism, war crimes, and so on. And we came to understand these words had meanings, of course, they could be used instrumentally, that's always true of political and moral terms; but if we attended to their meanings, we found ourselves involved in a discussion that had its own structure. Like characters in a novel, concepts in a theory shape the narrative or the argument in which they figure.

Once the war was over, just war became an academic subject; now political scientists and philosophers discovered the theory, it was written about in the journals and taught in the universities— and also in the (American) military academics and colleges. A small group of Vietnam veterans played a major role in making the discipline of morality central to the military curriculum. (6) They had bad memories. They welcomed just war theory
precisely because it was in their eyes a critical theory. It is, in fact, doubly critical—of war's occasions and its conduct. I suspect that the veterans were most concerned with the second of these. It isn't only that they wanted to avoid anything like the My Lai massacre in future wars; they wanted, like professional soldier everywhere, to distinguish their profession from mere butchery. And because of their Vietnam experience, they believed that this had to be done systematically; it required not only a code but also a theory. Once upon a time, I suppose, aristocratic honor had grounded the military code; in a more democratic and egalitarian age, the code had to be defended with arguments.

And so we argued. The discussions and debates were wide ranging even if, once the war was over, they were mostly academic. It is easy to forget how large the academic world is in the United States: there are millions of students and tens of thousands of professors. So a lot of people were involved, future citizens and army officers, and the theory was mostly presented, though this presentation was also disputed as a manual for wartime criticism. Our cases and examples were drawn from Vietnam and were framed as to invite criticism (the debate over nuclear deterrence was also carried on, in part, in the language of just war, but this was a highly technical debate and engaged far fewer people than did Vietnam). Here was a war that we should never have fought, and that we fought badly, brutally, as if there were no moral limits. So it became, retrospectively, an occasion for drawing a line—and for committing ourselves to the moral casuistry necessary to determine the precise location of the line. Ever since Pascal's brilliant denunciation, casuistry has had a bad name among moral philosophers; it is commonly taken to be excessively permissive, not so much an application as a relaxation of the moral rules. When we looked back at the Vietnamese cases, however, we were more likely to deny permission than to grant it, insisting again and again that what had been done should not have been done. But there was another feature of Vietnam that gave the moral critique of the war special force: it was that we lost, and the brutality with which we fought the war almost certainly contributed to our defeat. In a war for 'hearts and minds' rather than for land and resources, justice turns out to be the key to victory. So just war theory looked once again like the worldly doctrine that it is. And here; I think, it
is the deepest cause of the theory's contemporary triumph: these are now reasons of state for fighting justly. One might almost say that justice has become a military necessity.

There were probably earlier wars in which the deliberate killing of civilians, and also the common military carelessness about killing civilians proved to be counterproductive. The Boer War is a likely example. But for us, Vietnam was the first war in which the practical value of jus in bello became apparent. To be sure, the 'Vietnam syndrome' is generally taken to reflect a different lesson: that we should not fight wars that are unpopular at home and to which we are unwilling to commit resources necessary for victory. But there was in fact another lesson, connected to but not the same as the 'syndrome': that we should not fight wars about whose justice we are doubtful, and that once we are engaged we have to fight justly so as not to antagonize the civilian population, whose political support is necessary to a military victory. In Vietnam, the relevant civilians were the Vietnamese themselves; we lost the war when we lost their 'hearts and minds'. But this idea about the need for civilian support has turned out to be both variable an expansive; modern warfare requires the support of different civilian populations, extending beyond the population immediately at risk. Still, a moral regard for civilians at risk is critically important in wielding wider support for the war----for any modern war. I will call this the usefulness of morality. Its wide acknowledgement is something radically new in military history.

Hence the odd spectacle of George Bush (the elder), during the Gulf war, talking like a just war theorists. (7) Well, not quite: for Bush’s speeches and press conference displayed an old American tendency, which his son had inherited, to confuse just wars and crusades, as if a war can only be just when the forces of gods are arrayed against the forces of evil. But Bush also seemed to understand—and this was a constant theme of American military spokesmen—that war is properly a war of armies, a combat between combatants, from which the civilian population should be shielded. I don’t believe that the bombing of Iraq in 1991 met just war standards; shielding civilians would certainly have excluded the destruction of electricity networks and water purification plants. Urban infrastructure, even if it is necessary to modern war making, is also necessary to civilian
infrastructure, even if it is necessary to modern war making, is also necessary to civilian existence in a modern city, and it is morally defined by this second feature. (8) Still, American strategy in the Gulf war was the result of a compromise between what justice would have required and the unrestrained bombing of previous wars; taken overall, targeting was far more limited and selective than it had been, for example, in Korea or Vietnam. The reasons for the limits were complicated: in part, they reflected a commitment to the Iraqi people (which turned out not to be very strong), in the hope that the Iraqis would repudiate the war and overthrow the regime that begun it; in part, they reflected the political necessities of the coalition that made the war possible. Those necessities were shaped in turn by the media coverage of the war—that is, by the immediate access of the media to the battle and of the people the world over to the media. Bush and his generals believed that these people would not tolerate a slaughter of civilians, and they were probably right (though what it might mean for them not to tolerate something was and is fairly unclear). Hence, though many countries whose support was crucial to the war's success were not democracies, bombing policy was dictated in important ways by the demos. This will continue to be true: the media are omnipresent, and the whole world is watching. War has to be different in these circumstances. But does this mean that it has to be more just or only that it has to look more just, that it has to be described a little more persuasively than in the past, in the language of justice? The triumph of the just war theory is clear enough; it is amazing how readily military spokesmen during the Kosovo and Afghanistan wars used its categories, telling a casual story that justified the war and providing accounts of the battles that emphasized the restraints with which they were being fought. The arguments (and rationalization) of the past were very different; they commonly came from outside the armed forces—from clerics, lawyers, and professors, not from generals—and they commonly lacked specificity and detail. But what does the use of these categories, these just and moral words, signify?

Perhaps, naively, I am inclined to say that justice has become, in all Western countries, one of the tests that any proposed military strategy or tactic has to meet—only one of the tests that any proposed military strategy or tactic has to meet—only one of the tests and
not the most important one, but this still gives just war theory a place and standing that it
never had before. It is easier now than ever before to imagine a general saying, “No, we
can’t do that, it would cause too many civilian deaths; we have to find another way”. I am
not sure that there are many generals who talk like that, but imagine for a moment that
there are; imagine that strategies are evaluated morally as well as militarily; that civilian
deaths are minimized; that new technologies are designed to avoid or limit collateral
damage, and that these technologies are actually effective in achieving their intended
purpose. Moral theory has been incorporated into war making as real constraint on when
and how wars are fought. This picture is, remember, imaginary, but it is also partly true;
and it makes for a far more interesting argument than the more standard claim that the
triumph of just war is pure hypocrisy. The triumph is real: what then is left for theorists
and philosophers to do?

The question is sufficiently present in our conscience so that one can watch people trying
to respond. There are two responses that I want to describe and criticize. The first comes
from what might be called the postmodern left, which doesn’t claim that affirmations of
justice are hypocritical, since hypocrisy implies standards, but rather that there are no
standards, no possible objective use of the categories of just war theory. (9) Politicians
and generals who adopt the categories are deluding themselves---though no more so than
the theorists who developed the categories in the first place. Maybe new technologies kill
fewer people, but there is no point in arguing about who those people are and whether or
not killing them is justified. No agreement about justice, or about guilt or innocence, is
possible. This view is summed up in a line that speaks to our immediate situation: ‘One
man’s terrorist is another man’s freedom fighter’. On this view, there is nothing for
theorists and philosophers to do but choose sides, and there is no theory or principle that
can guide their choice. But this is an impossible position, for it holds that we can’t
recognize, condemn, and actively oppose the murder of innocent people. A second
response is to take the moral need to recognize, condemn and oppose very seriously and
then to raise the theoretical ante---that is an obvious and understandable response. For
many years, we have used the theory of just war to criticize American military actions,
and now it has been taken over by the generals and is being used to explain and justify
those actions. Obviously, we must resist. The easiest way to resist is to make noncombatant immunity into a stronger and stronger rule, until it is something like an absolute rule: all killing of civilians is (something close to) murder; therefore any war that leads to killing of civilians is unjust; therefore every war is unjust. So pacifism reemerges from the very heart of the theory that was originally meant to replace it. This is the strategy adopted, most recently, by many opponents of the Afghanistan war. The protest marches on American campuses featured banners proclaiming, “Stop the Bombing!” and the argument for stopping was very simple (and obviously true): bombing endangers and kills civilians. The marchers didn’t seem to feel that anything more had to be said.

Since I believe that war is still, sometimes, necessary, this seems to me a bad argument and, more generally, a bad response to the triumph of the just war theory. It sustains the critical role of the theory, vis-à-vis war generally, but it denies the theory the critical role it has always claimed, which is internal to the business of war and which requires critics to attend closely to what soldiers try to do and what they try not to do. The refusal to make distinctions of this kind, to pay attention to strategic and tactical choices, suggest a doctrine of radical suspicion. This is the radicalism of people who do not expect to exercise or use force, ever, and who are not prepared to make the judgment that this exercise and use requires. By contrast, just war theory, even when it demands a strong critique of particular acts of war, is the doctrine of people who expect power and use force. We might think of it as a doctrine of radical responsibility, because it holds political and military leaders responsible, first of all, for the well being of their own people, but also for the well being of innocent men and women on the other side. Its proponents set themselves against those who won’t think realistically about the defense of the country they live in and also against those who refuse to recognize the humanity of their opponents. They insist that there are things that it is morally impermissible to do even to the enemy. They also insist, however, that fighting itself can’t be morally impermissible. A just war is meant to be, and has to be, a war that it is possible to fight. But there is another danger posed by the triumph of just war theory—not the radical relativism and the near absolutism that I have described, but rather a certain softening of
the mind, a truce between theorists and soldiers. If intellectuals are often awed and silenced by political leaders who invite them to dinner, how much more so by generals who talk their language? And if the generals are actually fighting just wars, if inter arma the law speaks, what point is there in anything we can say? In fact, however, our role hasn't changed all that much. We still have to insist that war is morally dubious and difficult activity. Even if we (in the west) have fought just wars in the Gulf, in Kosovo, in Afghanistan, that is no guarantee, not even a useful indication, that our next step will be just. And even if the recognition of noncombatant immunity has become military necessity, it still comes into conflict with others, more pressing, necessities. Justice still needs to be defended; decisions about when and how to fight require constant scrutiny, exactly as they always have.

At the same time, we have to extend our account of “when and how” to cover the new strategies, the new technologies, and the new politics of a global age. Old ideas may not fit the emerging reality: the “war against terrorism”, to take the most current example, requires a kind of international cooperation that is as radically undeveloped in theory as it is in practice. We should welcome military officers into the theoretical argument; they will make it a better argument than it would be if no one but professors took an interest. But we can't leave the arguments to them. As the old saying goes, war is too important to be left to the generals; just war even more so. The ongoing critique of war making is a centrally important democratic activity.

II
Let me, then, suggest two issues, raised by our most recent wars, that require the critical edge of justice.

First, risk free warmaking. I have heard it said that this is necessary feature of humanitarian interventions like the Kosovo war: soldiers defending humanity, in contrast to soldiers defending their own country and their fellow citizens, will not risk their lives, or, their political leaders will not dare to ask them to risk their lives. Hence the rescue of people in desperate trouble, the object of massacre or ethnic cleansing, is only possible if risk free war is possible. (10) But, obviously, it is possible: wars can be fought from
greater distance with bombs and missiles aimed very precisely (compared with the radical imprecision of such weapons only a few decades ago) technicians/soldiers aiming these weapons are, in all the recent cases, largely invulnerable to counter attack. There is no principle of just war theory that bars this kind of warfare. So long as they can aim accurately at military targets, soldiers have every right to fight from a safe distance. And what commander, committed to his own soldiers, would not choose to fight in this way whenever he could? In his reflections on rebellion, Albert Camus argues that one cannot kill unless one is prepared to die. (11) But that argument doesn’t seem to apply to soldiers in battle, where the whole point is to kill while avoiding getting killed. And yet there is a wider sense in which Camus is right. Just war theorists have not, to my knowledge, discussed this question, but we obviously need to do so. Massacre and ethnic cleansing commonly take place on the ground. The awful work might be done with bombs and poison gas delivered from the air, but in Bosnia, Kosovo, Rwanda, East Timor, and Sierra Leone, the weapons were rifles, machetes and clubs; the killing and terrorizing of the population was carried out from close up. And a risk-free intervention undertaken from far away especially if it promises to be effective in the long run is likely to cause an immediate speed up on the ground, and this shift seems to me morally necessary. The aim of the intervention, after all, is to rescue people in trouble, and the fighting on the ground, in the case as I have described it, is what rescue requires. But then it is no longer risk free. Why would anyone undertake it?

In fact, risks of this sort are common feature of the *jus in bello*, while there are many examples of soldiers unwilling to accept them; there are also many examples of their acceptance. The principle is this: when it is our action that puts innocent people at risk, even if the action is justified, we are bound to do what we can to reduce those risks, even if this involves risks to our own soldiers. If we are bombing military targets in a just war, and there are civilians living near these targets, we have to adjust our bombing policy-by flying at lower altitudes, say so as to minimize the risks we impose on civilians. Of course, it is legitimate to balance the risks; we can’t require our pilots to fly suicidal missions. They have to be, as Camus suggests, prepared to die, but that is consistent with taking measures to safeguard their lives. How the balance gets worked out is something
that has to be debated in each case. But what isn’t permissible, it seems to me, is what NATO did in the Kosovo war, where its leaders declared in advance that they would not send ground forces into battle, whatever happened inside Kosovo once the air war began. Responsibility for the intensified Serbian campaign against Kosovar civilians, which was the immediate consequence of the air war, belongs no doubt to the Serbian government and army. They were to blame. But this was at the same time a foreseeable result of our action, and insofar as we did nothing to prepare for this result, or to deal with it, we were blameworthy too. We imposed risks on others and refused to accept them for ourselves, even when that acceptance was necessary to help others. (12).

The second issue has to do with war’s endings. On the standard view, a just war (precisely because it is not a crusade) should end with the restoration of the status quo ante. The paradigm case is a war of aggression, which ends justly when the aggressor has been defeated, his attack repulsed, the old boundaries restored. Perhaps this is not quite enough for a just conclusion: the victim state might deserve reparations from the aggressor state, so that the damage the aggressor’s forces inflicted can be repaired --- a more extensive understanding of restoration, but restoration still. And perhaps the peace treaty should include new security arrangements, of a sort that didn’t exist before the war, so that the status quo will be more stable in the future. But that is as far as the extend to any radical reconstruction of the enemy state, and international law, with its assumptions about sovereignty, would have regarded any imposed change of regime as a new act of aggression. What happened after World War II in both Germany and Japan was something quite new in the history of war, and the legitimacy of occupation and political reconstruction is still debated, even by theorists and lawyers who regard the treatment of the Nazi regime, at least, as justified. Thus, as the Gulf war drew to a close in 1991, there was little readiness to march on Baghdad and replace the government of Saddam Hussein, despite the denunciation of that government in the lead up to the war as Nazi-like in character. There were, of course, both military and geopolitical arguments against continuing the war once the attack on Kuwait had been repulsed, but there was also an argument for justice: that even if Iraq “needed” a new government, that need could only
be met by the Iraqi people themselves. A government imposed by foreign armies would never be accepted as the product of, or the agent of, self determination. (13)

The World Was II examples, however, argue against this last claim. If the imposed government is democratic and moves quickly to open up the political arena and to organize elections, it may erase the memory of its own imposition (hence the difference between the western and eastern regimes in post war Germany). In any case, humanitarian intervention radically shifts the argument about endings, because now the war is from the beginning an effort to change the regime that is responsible for the inhumanity. This can be done by supporting secession, as the Indians did in what is now Bangladesh; or by expelling a dictator, as the Tanzanians did to Uganda’s Idi Amin; or by creating a new government, as the Vietnamese did in Cambodia. In East Timor, more recently, the UN organized a referendum on secession and then worked to set up a new government. Had there been, as there should have been, an intervention in Rwanda, it would certainly have aimed at replacing the Hutu Power regime. Justice would have required the replacement. But what kind of justice is this? Who are its agents, and what rules govern their action?

As the Rwandan example suggest, most states don’t want to take responsibility, and when they do take it on, for whatever political reasons, they don’t want to submit themselves to a set of moral rules. In Cambodia, the Vietnamese shut down the killing fields, which was certainly a good thing to do, but they then went on to set up a satellite government keyed to their own interests, which never won legitimacy either within or outside of Cambodia and brought no closure to the country’s internal conflicts. Legitimacy and closure are the two criteria against which we can test war’s endings. Both of them are likely to require, in almost all the humanitarian intervention cases, something more than the restoration of the status quo ante---which gave rise, after all, to the crisis that prompted the intervention. Legitimacy and closure, however, are hard tests to meet. The problems have to do in part with strategic interests, as in the Vietnam/Cambodian case. But material interests also figure in a major way: remaking a government is an expensive business, it requires a significant commitment to resources---and the benefits are largely speculative
and non material. In fact, we can still point to the usefulness of morality in cases like these. A successful and extended intervention brings benefits of an important kind: not only gratitude and friendship, but an increment of peace and stability in a world where the insufficiency of both is costly---and not only to its immediate victims. Still, any particular country will always have good reasons to refuse to bear the costs of these benefits; or it will take on the burden, and then find reasons to perform badly. So we still need justice's critical edge.

The argument about endings is similar to the arguments about risk: once we have acted in ways that have significant negative consequences for other people (even if there are positive consequences), we can't just walk away. Imagine a humanitarian intervention that ends with the massacre stopped and the murderous regime overthrown; but the country is devastated, the economy in ruins, the people hungry and afraid; there is neither law nor order nor any effective authority. The forces that intervened did well, but they are not finished. It doesn't seem fair. But in the real world, not only of international politics, but also of ordinary morality, this is a ways things work (though virtue, of course, is never so uncomplicated). Consider the Afghan/Russian war: the conviction that the Afghan struggle was a war of national liberation against a repressive regime may have played a part in motivating people who carried it out, but the allies they found in Afghanistan had a very restricted idea of liberation. (14) When the war was over, Afghanistan was left in a state of anarchy and ruin. At that point, the Americans walked away and were certainly wrong, politically and morally wrong, to do so; the Russians withdrew and were right to do so. We had acted (relatively) well, that is, in support of what was probably the vast majority of the Afghan people, an yet we were bound to continue acting well; the Russians had acted badly and were off the hook; even if they owed the Afghan people material aid (reparations), no one wanted them engaged again in Afghan affairs. This sounds anomalous, and yet I think it is an accurate account of the distribution of responsibility. But we need a better understanding of how this works and why it works the way it does, a theory of justice-in-endings that engages the actual experience of humanitarian (and other) interventions so that countries fighting in wars like these know their responsibilities and will be if they win. It would also help if there
was, what there isn't yet, an international agency that could stipulate and even enforce these responsibilities.

This theory of justice-in-endings will have to include a description of legitimate occupations, regime changes, and protectorates— and also, obviously a description of illegitimate and immoral activity in all these areas. This combination of what just war has always been about: it makes actions and operations that are morally problematic possible by constraining their occasion and regulating their conduct. When the constraints are accepted, the actions and operations are justified, and the theorist of just war has to say that, even if he sounds like an apologist for the power-that-be. When they are not accepted, when the brutalities of war or its aftermath are unconstrained, he has to say that, even if he is called a traitor and an enemy of the people. It is important not to get stuck in either mode—defense or critique. Indeed, just war theory requires that we maintain our commitment to both at the same time. In this sense, just war is like good government: there is a deep and permanent tension between the adjective and the noun, but no necessary contradiction between them. When reformers come to power and make government better (less corrupt, say), we have to be able to acknowledge the improvement. And when we hold on to power for too long, and imitate their predecessors, we have to be ready to criticize their behavior. Just war theory isn't an apology for any particular war, and it isn't a renunciation of war itself. We still need that, even when generals sound like theorists, and I am sure that we always will.

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