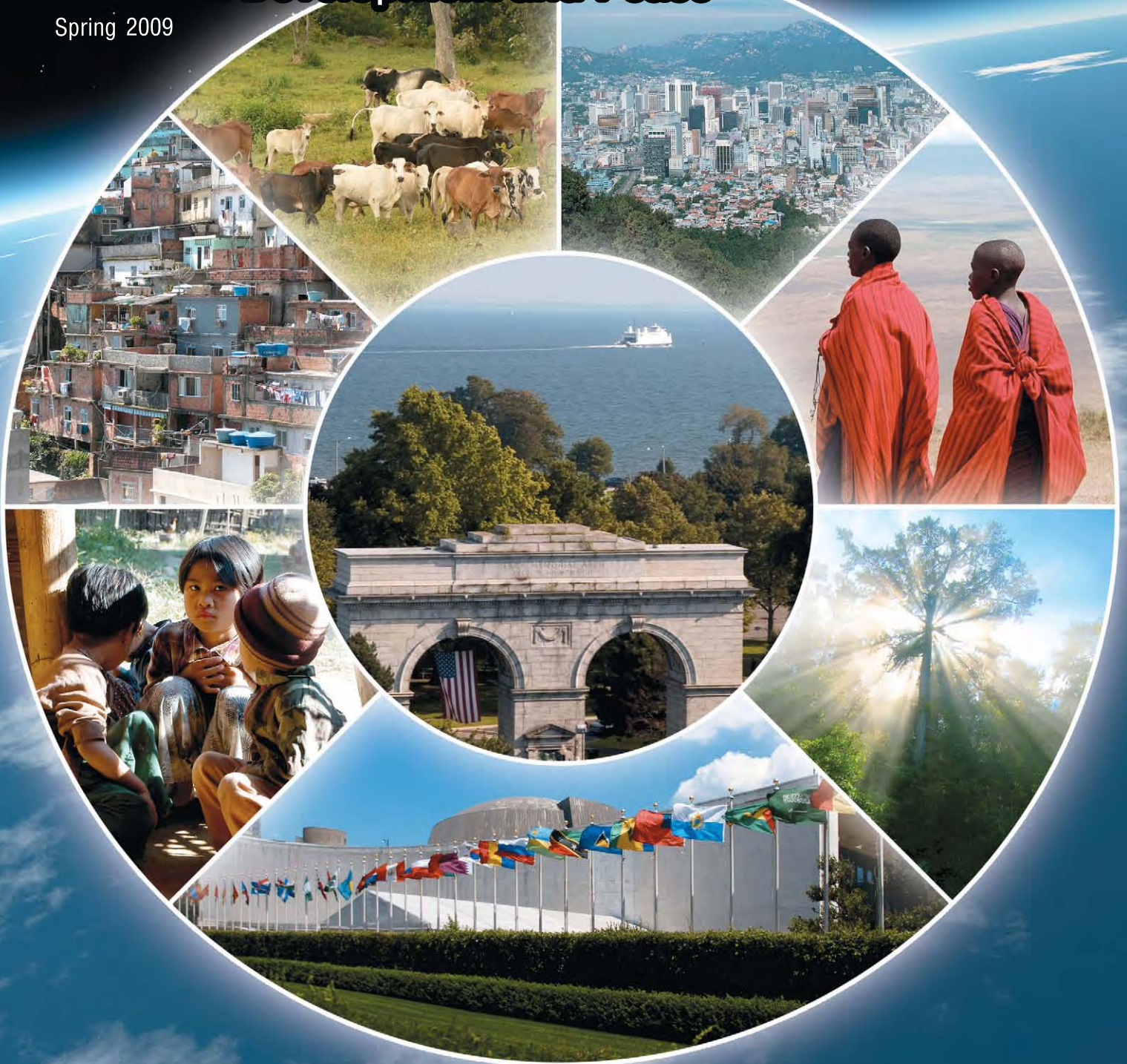


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From Collective to Human Security: Development and Peace in the 21st Century

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Abstract

*The post-Cold War era has seen transformation in the concept of sovereignty and collective security. The start of the twenty-first century has seen great emphasis being placed on human security and a responsibility to protect. Governments have a responsibility to their peoples to ensure improvement in the material conditions for all, while the international community has a responsibility to protect the vulnerable when the state either cannot or will not protect them. Consequently, Human Security and the Responsibility to Protect have presented challenges to authoritarian regimes to be accountable to the international community if they won't be responsible to and for their own peoples. The international community has, meanwhile, reserved a right to intervene based on a Responsibility to Protect, enshrined in the adoption by the United Nations General Assembly of the **World Summit Outcome** in 2005. Human Security has, in a sense, become the imperative intended to prevent intervention in the sovereign state.*



Biography

Dr. Dave Benjamin holds a Ph.D. and M.Phil. from the University of Cambridge, UK. He was previously on the faculty of St. George's University where he was instrumental in setting up the Liberal Studies programme at the School of Arts and Sciences. He has held a Visiting Professorship at the Political Science Department of University of Connecticut.

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Introduction

The end of the Cold War prompted an awareness in the international community that the Fukuyama vision of global prosperity and liberal democracy was not going to be realized in current conditions. The world had been fractured, divided between the wealthy powerful states and the poor weak quasi-states in an international system dominated by competition for strategically valuable resources and markets. Many of the world's producers of raw material, especially those in Africa, had been reduced to proxies of both superpowers, whether fighting civil wars, or hosting three decade old dictatorships, or as bastions of underdevelopment and poverty. The international economic architecture, designed by the elite in the International Monetary Fund, the World Bank, and the US Treasury, sought to foist the fiscal, monetary, and trade standards of the North on the South with a view to designing a new international economic architecture that more accurately reflected their priorities.

In the mean time, civil wars and wars of secession were erupting in volatile regions. Conflict broke out in the Balkans the leaders of Serbia and Croatia sought to carve mini-empires in the former Yugoslavia. A coup was attempted in Papua New Guinea over access to diamond mines, while a succession of incursions in the Comoros ensured continued access to diamonds by mercenaries supported tacitly if not obviously by France to the detriment of the indigenous population. Civil wars continued in Angola and Mozambique, while Apartheid was on its last legs in South Africa. Somalia



Truman looks on as Secretary of State Edward R. Stettinius, Jr., signs the United Nations Charter at San Francisco in 1945. (National Archives.)
www.nps.gov/.../presidents/images/bio33c.jpg

collapsed into civil war with warlords competing for political power and control over resources. From Sierra Leone to Equatorial Guinea and Liberia, civil wars broke out with valuable minerals being used as currency to acquire arms for the military/political effort.

In all these cases, the civilian population existed at the mercy of warlords and their agents, untrained or ill-trained militias bearing arms, demonstrating a level of violence against the innocent and vulnerable that was hitherto unimaginable, and wreaking carnage wherever they marauded. Rwanda erupted in 1994 in a scale and pace of genocide unrivalled by preceding events, even the genocide in Cambodia in the 1970s and 1980s, with 800,000 innocent Tutsi civilians and moderate Hutu being slaughtered in 100 days.

Through these episodes the United Nations generally looked on. The Security

Council adopted resolutions but there was a manifest absence of political will to act, to intervene or sponsor intervention, to embargo warlords, to fulfill the Charter of the United Nations – to prevent future wars and protect the innocent. Sovereignty was debated with continued reliance on the Westphalia model and the Montevideo Convention 1933, seemingly oblivious to the harsh reality that inaction among the Permanent Members of the Security Council ensured the continued slaughter of civilians who had been dehumanized by their tormentors. Rwanda made a powerful statement about the full extent of inaction by the Permanent Members of the United Nations Security Council and the Office of the Secretary-General. Years later, words of contrition were expressed by some who had the power to do something but failed to act pleading ignorance or an inability to transform senior bureaucratic office into some meaningful attempt to save the lives of those who were the subject of genocide. The United Nations was in danger of making itself irrelevant to the realities of the time and consigning itself to the status of a dinosaur – mere fossil.

The Charter

Lost in the mechanics of Security Council and General Assembly decision-making is the reality that the *Charter* of the United Nations was written in the names of the *Peoples* of the world. A sort of Constitution, the *Charter* placed on states the onus of representing and protecting the populations that were citizens. It also made the organization responsible for protecting the innocent of the world with the

mission to protect and promote international peace and security, and prevent future wars. Chapter VII in particular, gave the Security Council special responsibility to declare any event a threat to international security by declaring it a threat to the collective security of the membership of the United Nations. The Security Council was duty-bound to take action in event of the emergence of a threat to international peace and security. Although ambiguous in the detail, the broad implication of the *Charter* and of Chapter VII in particular, was to prevent inter-state conflict.

The new reality of secessionist and civil wars posed a challenge to the United Nations and to the Security Council in particular. Legally the United Nations could not intervene in conflict within the state because of the legal language and implications of Article 2(4) and 2(7) of the *Charter*. Although Article 2 forbade interference in the internal affairs of the state, and article 51 recognized the right of the state to self-defence, reliance on 2(4)(7) to justify non-intervention has long been suspect. The United Nations has, in long been suspect. The United Nations has, in fact, intervened or authorized intervention in sovereign states under the guise of humanitarian intervention. This was the substance of 'Uniting for Peace' (1950), which saw the General Assembly adopting a resolution mandating the Security Council to take action in Korea where the Security Council had reached a stalemate. 'Uniting for Peace' was invoked in 1960 to justify intervention in Congo, although this time the mission was far more ideologically and strategically motivated with

the United States and the old European colonial powers wanting to overthrow Patrice Lumumba in Congo. 'Uniting for Peace' afforded the Security Council a legal instrument with which it could intervene in Congo, overthrow and execute Lumumba, and replace him with Captain Joseph Mobutu who has gone down in history as one of the most corrupt dictators of the Cold War era (Hancock 1989; De Witte 2001; Wrong 2001).

There has long been a fundamental flaw in the *Charter* of the United Nations. On the one hand it is written in the names of the Peoples of the world and recognizes states as guarantors of the security of their peoples. In a sense, the *Charter* assumes universal application of liberal democratic principles in which the branches of government function with a common mission to protect the rights and liberties of the individual against abuse by other individuals, non-state entities, or the state. The *Charter* assumes institutions of governance that guarantee that the most basic rights, freedoms, and liberties of the sovereign people, and recognition by the state of its fundamental responsibility to assure protection of such rights and liberties. Conversely, the *Charter* assumes that the state will not flagrantly violate the rights, freedoms and liberties of the sovereign people, especially the vulnerable. In a sense, the Charter is therefore a utopian construct of advocates of liberal democracy and liberal values who assumed that the *Charter* could protect the innocent by entrusting that responsibility to their states.

The *Charter* overlooked one essential fact

of twentieth century history. The holocaust was perpetrated by agents of the state, utilizing the apparatus of the state, against the most vulnerable in society – people who had been dehumanized and demonized because of their ethnicities, or

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medical conditions. Eugenics was transformed from mere pseudo-scientific construct to state policy authorizing the apparatus of the state to actively and aggressively pursue genocide and other crimes against humanity. Whereas the people of another state – Poland – could be viewed as sub-humans who could be civilized, minorities in Germany were classified as subjects who could not be, and so were condemned to death with the intent to destroy their populations in whole (Fein, 1993: 61-67). With awareness of what the state can do to its own population, the architects of the United Nations and authors of the *Charter* chose to ignore the harsh reality that even the highly civilized Europeans were guilty of having used the apparatus and institutions of the state against their own people during the twentieth century and were willing to entrust to the uncontrolled state the responsibility to protect vulnerable populations.

which was always a recipe for disaster. The veto guaranteed the Permanent Members of the Security Council the power to reject draft resolutions simply because of their power. An arbitrary provision, the veto in theory was a safeguard to ensure consensus decision-making. However, the veto was the principal obstacle to decision-making in Korea in 1950, Biafra in the 1960s, Cambodia in the 1970s, and Apartheid South Africa in the 1960s through the 1980s. The negative power of the veto was again evident in July 2008 when the Russian Federation and the People's Republic of China together prevented the Security Council from authorizing the issue of a warrant for the arrest of the President of Sudan for trial by the International Criminal Court for crimes against humanity including genocide, and war crimes.

Beyond the veto has always been political will. The clear absence of political will was the single obstacle to United Nations Security Council action in Rwanda in 1994. Political will was absent in Korea and Biafra, as it was in the early 1990s when the government of Nigeria engaged in the massacre of Ogoni people. Political will was manifestly absent during the killing fields in Cambodia in the 1970s. It was absent during appeals from the developing world for comprehensive mandatory sanctions against Apartheid South Africa in the 1970s and 1980s. The combination of the veto and the absence of political will was the catalyst for the adoption of 'Uniting for Peace' in 1950.

In real terms then, the *Charter* addresses a very different set of issues from the mod-

-ern reality. The *Charter* is designed to lay a foundation for collective action by all member states of the organization against any member state(s) that opts for the use of force against any other state(s).

The *Charter* sees the actual or potential use of force by one state against another as the central cause of international insecurity, and does not address conflict within the state. The *Charter* is therefore, an anachronism when faced with the reality of contemporary conflict in the international system.

Human Insecurity

The post-Cold War era has seen an explosion in intra-state conflict. The absence of reference to intra-state conflict in the *Charter* is indicative of two considerations:



that the founders of the United Nations did not foresee systematic state fracture and civil wars; and that there was a near obsession with protecting the legal standard of sovereignty as agreed at Westphalia and enshrined in the *Montevideo Convention* 1933. Although sovereignty has been abridged by United Nations interventions in internal affairs, either exacerbating domestic conflicts, or provoking

has remained intact, if an abstraction. Two notable departures from the norm are noteworthy; one appears in the scholarship rather than in United Nations discourse, and the other appears outside the realm of the United Nations but postulated by a senior official thereof. In his seminal work, Robert Jackson (1990: 52, 69) notes that there was a duality in the legal standard of sovereignty that necessarily made it culturally biased: on one hand it was empirical; on the other hand it sought to apply a unique European phenomenon to the African colonies where there was no relevance. The latter dimension is particularly germane. Quoting Bozeman (1976: 131-133) Jackson (1990: 69) notes that 'One cannot speak convincingly of an African system of states on the analogy of, for example, the modern European states-system, or the city states-systems of ancient Mesopotamia and classical Greece ... African states were fluid and *ad hoc* creations that did not require a fixed human or territorial

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base'. Thus, the notion that the decolonized African territories were states because they, at least in theory, fulfilled the empirical standard that applied to European states, was at best erroneous. There

was, moreover, a fallacy that the great European powers having patched together these territories, the Eurocentric concept of sovereignty would be accepted by Africans without challenge.

The combination of economic decline and increasing poverty, the ravages of the absence of institutions and modalities of governance during the Cold War, the colonial legacy that left a vacuum of political leadership and institutional government, corruption among oligarchies led by dynastic neo-imperial nationalists, and a measure of ambivalence among the former European colonial powers were catalysts for decades of civil war that destroyed human life, infrastructure, economic institutions, and the most rudimentary institutions of state, government, and governance. The arbitrarily drawn borders of African states, combined with the vast largely rural territories to be governed made near impossible the building of institutions of governance that afforded the sovereign people meaningful participatory democracy and a collective sense of investment in sovereignty of their states.

In much of Africa therefore, sovereignty became an abstraction, an observation by Annan (1999). The legal standard as consolidated in the *Montevideo Convention* 1933: defined territory, permanent population, central authority, and external recognition, has largely been replaced by the fourth criterion – external recognition. The state today exists chiefly because it is recognized by other states, whether the universal international community through the United Nations or by some

minority of states. Thus, the Republic of China on Taiwan may be classified by the United Nations and the Bretton Woods institutions as a province of the People's Republic of China, but it enjoys sovereignty because a number of states recognize it as such. Conversely, the Palestinian territories do not enjoy de facto sovereignty because they are not recognized as an independent state. Iraq continued to be a state despite being invaded and occupied by the United States because the international community generally recognizes the sovereignty of that country. On the other hand, Kurdistan in Northern Iraq is not claiming sovereignty despite having its own currency, because its leadership perceives that it will not be recognized by the international community. Sovereignty is, therefore, conditional and to some degree arbitrary, rather than an objective reality based on an empirical or legal standard being met.

The vacuum of political and economic leadership at decolonization led to an absence of development policies and strategies that fostered economic, social and political stability in much of the former colonial world. This has been especially the case in Sub-Saharan Africa. Political dynasties relied on grace and favor and a culture of intimidation to survive, while corruption was vital to ensuring political longevity. Accountability and transparency never took root in many African

countries negating the Western liberal democratic norms of nation-building and sovereignty. Many quickly collapsed into civil war, chaos, or anarchy with warlords fighting each other for control over territory,

people and access to resources to finance their military campaigns. Ill trained and undisciplined paramilitaries systematized human rights violations manifest in crimes against humanity and even genocide. Ultimately, sovereign statehood made the civilian terribly unsafe in his or her country of citizenship, and served the narrow political and economic interests of those who

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Rwanda represented a crucial turning point in the debate about human security. The state fell apart in 1994 as one subset within the dominant ethnic group of Hutu implemented its plan to exterminate the population of the minority Tutsi. To achieve its objective, the Interhamwe determined that it would systematically murder politically moderate Hutu as well as any Hutu who offered protection or comfort to Tutsi. The broader picture saw a civil war in which the Rwanda Patriotic Front, comprising Tutsi primarily, sought to overthrow the Hutu dominated Government. The result was the Rwanda genocide that lasted 100 days in which approximately 800,000 Tutsi, 75 percent of the population of Tutsi, were slaughtered by the radical Interhamwe. The

United Nations Security Council, far from strengthening its monitoring force in Rwanda, instead reduced the monitoring and peacekeeping force by roughly 90 percent in the early days of the genocide, while the Permanent Members of the Security Council refused to term the event *genocide* (Ghosts of Rwanda). Rwanda brought to the forefront the consequences of inaction by the United Nations and the self-appointed Permanent Members of the Security Council in particular. In graphic and dramatic form, Rwanda epitomized human insecurity – the utter vulnerability of a minority population to the application of the apparatus of the state with impunity, and with the clear intent to destroy in whole a population on the basis of ethnicity. The seeming paralysis with which the United Nations Security Council and General As-



sembly responded (or did not respond) was indicative of the combination of the power of adherence to the irrelevance of sovereignty, and a manifest absence of political will to strengthen and empower the monitoring force in Rwanda. Moreover, often lost in the discourse on the Rwanda genocide is the cataloguing of atrocities by agents of the government of

Rwanda against civilians by B.W. Ndiaye, United Nations Special Rapporteur in April 1993, a year before the genocide (Ndiaye 1993).

Today, the United Nations is faced with a similar state of affairs in Sudan. Although there is a force of 26,000 peacekeeping personnel, it is of dubious effect because of the complexities of the application the principles of sovereignty, non-intervention and non-interference, the challenge of political will and the veto in the Security Council, and protecting civilians who are being targeted by the central political authority and its state and non-state agents. The challenge remains how to undertake the transition in policy and operational terms from collective security to human insecurity to human security.

Human Security

The Commission on Human Security (2003) sought to lay the foundation for future action in defence of the vulnerable, in defining and outlining the parameters for the emerging concept of the security of the person. The Commission defined the traditional concept of sovereignty as the ability of the state to counter external threats, shaped in part by the Cold War, but noted that the challenge of sovereignty was also the challenge of threats to international peace and security, in that a threat within a state is also a threat to international peace and security. The Commission noted that Chapter VII of the *Charter* of the United Nations was premised on the conventional definition of sovereignty. Human security, the

Commission contended, was not a challenge to state sovereignty and security; human security 'complements state security, enhances human rights and strengthens human development. It seeks to protect people against a broad range of threats to individuals and communities and, further, to empower them to act on their own behalf' (Commission on Human Security 2003: 2). Thus, human security complemented state security and sovereignty in four respects: a) human security was concerned with the security of the person and community rather than the state; b) threats to the security of the person include conditions that are not always regarded as threats to the security of the state such as pandemics; c) there is a wide range of actors beyond the state including non-state actors including non-governmental organizations and others representing civil society; and d) protecting and empowering individuals and communities to be self-reliant, especially in rebuilding after crises (Commission on Human Security 2003: 4).

The Commission noted a dual concept of security that is a function of culture, history and geography. Security to the industrial world is a function of inter-state conflict, whereas it is a function of the colonial intrusion and compounded by the cold war in the developing world. The persistent marginalization of Africa in the international system has served merely to exacerbate this dispensation. Thus the imperative of human security is concerned with violent conflict including genocide and terrorism, and deprivation of people including poverty, pollution, ill-

health, illiteracy and so on (Commission on Human Security 2003: 6-10).

At the core of human security, therefore, was the notion that the security of the individual and community is imperative for peace to be realized and, in turn, for the development process to take root. The Commission defined human security as follows:

To protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms— freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity (Commission on Human Security 2003: 4).

In quoting Kofi Annan, the Commission expanded the scope of its definition of human security to include 'human rights, good governance, access to education and health care, and ensuring that each individual has opportunities and choices to fulfill his or her own

potential' (Commission on Human Security 2003: 4; Annan 2000: 13).

Peace and Development

Human security is not intrinsically important. It is imperative for peace to take root as a pre-condition to development. Without the security of the individual being guaranteed, there is little prospect of peace, and lofty objectives of development strategy do not take root. In short, development as process and goals requires that the security and safety of the individual and community be realized. Beyond this, for development to occur the concept of sovereignty must shift from the central authority and seat of power to the people. Evans (2008: 32-43) notes that, even in recent times, there have been substantial contributions to the discourse about sovereignty, all of which have offered variations on the same theme – sovereignty of the individual. From Kouchner's notion of the right to intervene, to Deng's sovereignty as responsibility of the state to its citizenry, to Annan's postulate that sovereignty lies in the individual who has a right to be protected by the state and those who purport to represent the sovereign people. By extension, national self-determination as espoused during the wars of national liberation was predicated on the will of the people to be independent and to form a sovereign state of their own. By extension, sovereignty of the



individual and community is the central prerequisite to state development.

The notion that development can occur in an authoritarian state in which the rights and liberties of the sovereign people can be defined and restricted by a

powerful centre is self-defeating. Development requires popular participation, criticism of the functioning of the central authority, empowerment of the people to seek solutions to their challenges, and the redefining of the role of the central authority as a set of institutions that enable development by facilitating the needs and demands of the people. Without this reciprocal arrangement in which the central authority is responsive to the people and asserts authority and sovereignty on behalf of the people, any vision of development becomes futile as the centre becomes non-responsive, self-satisfying, corrupt, and autocratic. Thus, as the Commission on Human Security asserts, 'It is no longer viable for any state to assert unrestricted national sovereignty while acting in its own interests, especially where others are affected by its actions' (Commission on Human Security 2003: 12).

The responsibility of the state to its population, as an expression of sovereignty, has been noted by the High Level Panel on Threats, Challenges and Change, which commented that:

Whatever perceptions may have prevailed when the Westphalian system first gave rise to the notion of State sovereignty, today it clearly carries with it the obligation of a State to protect the welfare of its own peoples and meet its obligations to the wider international community. But history teaches us all too clearly that it cannot be assumed that every State will always be able, or willing, to meet its responsibilities to protect its own people and avoid harming its neighbours. And in those circumstances, the principles of collective security mean that some portion of those responsibilities should be taken up by the international community, acting in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, to help build the necessary capacity or supply the necessary protection, as the case may be (High Level Panel on Threats, Challenge and Change 2004: 17).

Thus, reciprocity between the central authority and people includes respect for the human rights of the population, political, economic and social inclusion, accountability and transparency, and carefully recognizing the responsibilities of the institutions of power and authority to the sovereign people. When the state fails to live up to its obligations and responsibilities to its people, the international community is obligated to intervene in support of the vulnerable, and based on the Charter of the United Na-

-tions and the Universal Declaration of Human Rights as instruments conveying legal authority.

Security of the individual and community, therefore, is a prerequisite to the attainment of peace and the rigorous pursuit of development as process and objectives. The evidence lies not only in the experiences of developing countries today; one can refer to the positive impact on the economy and society of France when Henry IV promulgated the *Edict de Nantes* in April 1598 that decreed that Catholicism was no longer the official religion of France, that protestants were entitled to the same freedoms and liberties as Catholics (Encyclopedia Britannica. This lent confidence to the economy and cottage industries took off. On the other hand, revocation of the Edict by Louis XIV in 1685 had the principal effect of restoring persecution of protestants and other non-Catholics resulting in an exodus from France to the new colonies. The European experience is instructive in cultural and economic terms.

Beyond this, human security lays the foundation for a new international architecture in which the international community and the state have dual if not complementary responsibilities to the individual. An inability or unwillingness of the state to protect the individual and community from gross violations of human rights may trigger a responsibility that the international community has to protect; however, this is the ultimate fall-back position from a responsibility to prevent catastrophe. The failure of development strategy and the prevalence of autocratic regimes that systematically vio-

-late human rights on the basis of ethnicity including religion, gender, poverty, sexual orientation and other such identity markers has led the membership of the United Nations to the conclusion that two vital instruments are imperative to achieve development processes and goals: a responsibility to prevent disaster by emphasizing human security, and a responsibility to protect should that fail. Diametrically opposed is the reality of failure, anarchy, chaos, environmental degradation, genocide, crimes against humanity, poverty, malnutrition, resource wars, and so on.

Conclusions

The notion of sovereignty and collective security has been transformed during the life of the United Nations. It has especially taken on new meaning in the period since the end of the Cold War. The notion that the sovereign state is the central authority that cannot be challenged by its own people or by the international community has been revolutionized by human security and the responsibility to protect.

Moreover, there is increasingly recognition that development cannot occur where there is authoritarian rule and where the state is able to exercise arbitrary power against its own people, including the use of crimes against humanity and genocide. The Machiavellian construct of the state and its power in the exercise of sovereignty is no longer deemed acceptable, nor is it regarded as consistent with the pursuit of development as process and achievement of development goals. Increasingly therefore,

the international community is holding states to a standard by which sovereignty is a function of external recognition contingent on the guarantee of basic human rights to the citizenry, including material benefits, access to education and health care, and institutions of governance that protect the people from excesses of government and afford the people representation in decision-making that affects their daily lives.

Human security is, at the same time, a natural prerequisite to the responsibility to protect. At the outset the state has a responsibility to protect its population in material terms. It has a duty to guarantee the people protection from the excesses of the state in as much as the potential for attack by a hostile state or non-state actor(s). However, the state as a central authority has a dual responsibility to its people and the international community, and failure to protect the population or any significant part thereof from crimes against humanity, including genocide, is indeed cause for intervention by the international community in defense of the defenseless.

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