Ambassador Mark Palmer began his remarks by stating that the twenty-first century presents two possible scenarios: a world with and a world without dictators. The costs of a world with dictators are clear. During the twentieth century more than one hundred million people died in wars launched by dictators. Dictators have also been the number one cause of refugees, famines, environmental degradation, corruption, and have been the single largest breeder of terrorism. Dictators could make the twenty-first century even bloodier because the tools they have at hand are qualitatively worse, for example, nuclear, biological and chemical weapons. It is therefore important to dramatize the benefits for peace, prosperity and freedom of a world without dictators. A world without dictators would not bring about ‘the end of history’ as conceptualised by Francis Fukuyama, and competition between states would certainly continue. However, empirical evidence suggests that there would be no war in a world that was one hundred percent democratic. A world without dictators would have positive social, economic and security consequences throughout the world – especially in Africa, the Middle East, East Asia and South Asia.

Ambassador Palmer suggested that a conceptual breakthrough is needed with regard to dictators where there is widespread conviction that all dictators can be ousted within one more generation. It is also important to view dictators as a class - similar to the way in which the U.S. once viewed communists. Further, an explicit goal should be set to oust all dictators by 2025. In a world of sound bites, a bumper sticker for U.S. foreign policy is appropriate. The U.S. public should know what the overall objective of U.S. foreign policy is, and that objective should be a one hundred percent democratic world within one generation.

Ambassador Palmer argued that national power and national security need to be redefined. Changes in the international system often have more to do with politics than with military balance. National security/power should therefore be redefined as the spread of democracy and alliances among democracies. To achieve the goal of ousting all dictators by 2025, a new architecture of international power is also necessary. Both the Community of Democracies and NATO could be transformed into global democratic alliances with on-call forces, regional programs and caucuses within existing international organizations. Dictatorship should also be declared a crime against humanity and remaining dictators should be prosecuted before international tribunals. Finally, and most importantly, direct assistance should be given to democrats within dictatorships. These democrats should be recognized as the legitimate voice of their peoples.

Ambassador Palmer explained that the key to ousting dictators is opening up, not walling off, closed societies. Currently, there is no institutional capacity or clear leadership for trying to end the world’s remaining dictatorships. Classic opening programs that have worked in places such as Eastern Europe need to be refocused and new programs created, especially for
Ambassador Palmer stated that a democracy-centered diplomacy would mean transforming embassies into freedom houses and Ambassadors into freedom fighters. The visible support of U.S. ambassadors for democrats can be a powerful engine for change. Such support can be provided through meetings with local democrats, symbolic events, marches, campaign buttons and electronic billboards. In addition, the world’s democratic leaders could engage in regular fireside chats with people via radio, television and Internet, emphasizing the glories of freedom and democracy. Finally, dialogue with dictators as individuals should be pursued to bring about regime transition.

Ambassador Palmer noted that while force is sometimes necessary to oust dictators, it is important to enhance understanding about the power and nature of non-violent conflict. The track record of non-violent conflict throughout history is impressive and there is a definite skill set associated with non-violent conflict that can be learned. Ambassador Palmer described his personal experiences witnessing the impact of peaceful protests in Budapest in bringing about the end of dictatorship in Hungary. Strategy and tactics for non-violent campaigns can be taught – indeed, there is a critical role for outsiders here. In contrast, the use of violence to oust dictators is often counter-productive, simply bringing about a new violent regime.

Ambassador Palmer argued that it is crucial to focus on each of the last forty-three dictators in the world as individuals. These men should not be allowed to hide behind a regime, culture or country. Each dictator is essentially one man who needs to be removed from power and there is nothing inevitable about his presence in any given country. Annual reports for each of these ‘least wanted’ dictators should be written and publicized widely in key languages. Updated criminal indictments should also be developed and pursued for each dictator.

Ambassador Palmer concluded his remarks by stating that a comprehensive action plan for each region and country still under dictatorship must be established. Priority should be given to the largest remaining problem areas - the Greater Middle East and China. A ‘Helsinki process for the Middle East’ is one such action plan currently under discussion. When designing and implementing these action plans the U.S. should work with varying coalitions of willing democratic nations and local democrats. The U.S. should also be careful to focus sanctions on dictators, not peoples.

Nina Bang-Jensen stated that she agreed with Ambassador Palmer’s ideas and aspirations. Lawyers and other practitioners immersed in work at international tribunals or hybrid (domestic/international) tribunals, as well as their advocates, generally tend not to think of prosecutions as a tool for regime change. More typically, they view tribunals as slow, steady,
sometimes plodding but principled tools to achieve long-term peace by: punishing individual perpetrators, acknowledging and vindicating the experiences of the victims and so, eventually breaking cycles of revenge and group versus group violence, often based in hundreds of years of tragic history. The long-term, as yet unproven, aim of these efforts, of course, is eventually to deter other leaders or individuals from committing the same crimes elsewhere.

Using two recent examples of the UN tribunal for the former Yugoslavia and the Special Court for Sierra Leone as examples, Ms. Bang-Jensen argued that independent prosecutions by independent judiciaries are very compatible with other non-violent tools to enact regime change and achieve peace. While those engaged in such prosecutions should properly be focused on facts and law in making investigatory or prosecutorial decisions, it’s not inappropriate for an international prosecutor, when choosing among the many within his or her jurisdiction who might potentially be targets, to first go after those “spoilers” who continue to threaten the peace. At the same time, she noted, in the diplomatic community, there needs to be a more forthright acknowledgement that settlements involving grants of immunity to dictators or other spoilers of the peace that are intended to achieve peace are unlikely to succeed. Peace agreements focused only on achieving a cessation of war or removal of a dictator without addressing accountability issues can be disastrous. Indeed, such peace agreements can quickly become deeply corrosive, as appeasement of dictators and immoral ratification of their atrocities will only lead to even greater long-term instability.

Unfortunately, Ms. Bang-Jensen contended, the State Department and the typical foreign ministry appear not well suited or, at minimum, uncomfortable dealing with the issues of accountability when negotiating peace agreements. Typically and understandably, they are often more interested in immediate results and process—that is, in forcing opposing sides to conclude peace agreements rather than addressing sensitive accountability issues. But, while those agreements may achieve a temporary cessation in fighting and thus the appearance of peace, they often contain the seeds of their own demise.

Ms. Bang-Jensen described two recent examples of international justice serving as a tool for peace by de-legitimizing wartime leaders and removing them from the scene. In 1993, the United Nations (UN) Security Council established the first truly international war crimes tribunal for the former Yugoslavia. At first, it seemed that the International Criminal Tribunal for the former Yugoslavia (ICTY) would amount to no more than a ‘band-aid’ for the conflict. During the early stages of the ICTY only a handful of war criminals were arrested and placed in custody. However, when the ICTY’s first Prosecutor, Richard Goldstone, did indict Karadzic and Mladic, he chose to use a special public hearing procedure laying out some of the evidence behind the indictments. While Karadzic and Mladic were not arrested—and still have not been arrested—these indictments drew attention to them as individuals by setting forth, in a very public way, the character and extent of the crimes they were alleged to have committed.

At the time, some diplomats and realists expressed concern that the issuance of these very public indictments would make crafting a peace agreement difficult if not impossible. Their concern was that if the two of the main actors in the conflict, Karadzic and Mladic, were indicted war criminals, it would be very difficult to conclude any peace agreement. In retrospect, however, there is a consensus of opinion now that the Dayton agreement was reached because
Karadzic was removed as chief negotiator following the indictments, rather than in spite of, the indictments. (Karadzic had been the Bosnian Serb representative to the UN-sponsored peace conferences, which he cynically manipulated to undermine the momentum for military intervention by NATO.).

Similarly, up and until the time Slobodan Milosevic was actually transferred to the tribunal in 2000, there was fear among policymakers, Ms. Bang-Jensen contended, that his indictment and removal from power would doom the chances for peace in the region. Had Milosevic been indicted earlier and thus theoretically also become unavailable as a guarantor of peace, it might have delayed the Dayton talks. But, Ms. Bang-Jensen contended, it also might have resulted in NATO forces decisively defeating the Bosnian Serbs militarily rather than the West accepting the Dayton Agreement’s effective ratification of territorial and political gains through ethnic cleansing. That in turn might well have prevented the Kosovo war.

Ms. Bang-Jensen noted that many diplomats were furious when then-Prosecutor Louise Arbour finally issued the Milosevic indictment on May 22, 1999 when negotiations might still bring peace. As a prosecutor entrusted by the Security Council with the responsibility of indicting those most responsible for “violations of international humanitarian law in the territory of the former Yugoslavia since 1991”, she was right, however, to issue the indictment when she concluded she had sufficient evidence to do so. The practical effect of her decision in terms of securing long-term peace was dramatic, Ms. Bang-Jensen contended, if not anticipated or perhaps intended by the prosecutor. Indeed the indictment appeared just at the time when political support for the NATO bombardment in Serbia was waning. The Milosevic indictment galvanized Western support for military action, added to the de-legitimization of Milosevic as a “peace broker” and eventually aided internal opposition to his regime.

Ms. Bang-Jensen turned next to the example of Sierra Leone. The special war crimes court in Sierra Leone was created by treaty between the UN and the government of Sierra Leone, and was given a specific mandate to investigate and prosecute those who bear the greatest responsibility for horrendous war crimes committed on the territory of Sierra Leone. When the court began to do just that by indicting Charles Taylor, Liberia’s then sitting president, and others, reaction was mixed. The court was accused of complicating and possibly undermining the peace process in Liberia by making it less likely that Taylor would leave. Yet Taylor’s own behaviour since international negotiators and the government of Nigeria granted him de facto amnesty in exchange for his departure, demonstrates the folly of making “amnesty for peace deals” with dictators who have a history of not keeping agreements. Charles Taylor has taken tens of millions of dollars with him to Nigeria and continues to wreak havoc in Liberia by cell phone.

Ms. Bang-Jensen concluded by stating that old style peace agreements that don’t address accountability issues or grant amnesty to high level figures (like the failed Lome Accord for Sierra Leone in 1999) simply don’t work over the long run. There may be little point in negotiating a peace with dictators who have no intention of keeping it. Indictments from the international community generally involve lengthy procedures and take many years to produce. Thus, any leader indicted by the international community is likely to have been in power for a long time and is an unlikely candidate to honour a peace agreement. Nevertheless, there may be
rare cases where a negotiator may be able to justify offering leniency or exile to a leader who has been in power for a short time, does not have a history of broken agreements and is suspected of having committed lesser international crimes, if in doing so, war may be avoided and many lives saved. That should, however, be the exception among solutions, rather than the first instinct of negotiators, as it too often the case today.

Finally, Ms. Bang-Jensen noted her appreciation of Ambassador Palmer’s activist approach to dealing with dictators, stating that there has been far too much accommodation of dictators in the past. Failure to deal with dictators is to dishonour their victims and to create long-term instability. An activist approach to ousting all dictators is also important because dictators so often rely on one another, financially, militarily and politically.

**Thomas Hill** began by noting that he would focus on the case of Iraq, and specifically the case of the Kurds in Northern Iraq. Mr Hill opened with the story of a man working for a human rights organization who arrived in northern Iraq to find that he was welcomed far more warmly than he had anticipated. The man inquired about his warm welcome and was informed that the local people were aware of his work and research conducted elsewhere, and that they ‘knew’ that soon after he arrived in the country there would be a military attack. There was a widespread perception that the arrival of the human rights community in a country, and particularly this man, was a portent of a military attack.

Mr. Hill explained that the weight of oppression on people living inside of dictatorships might prevent them from having many of the creative thoughts and ideas raised by Ambassador Palmer. In the case of Iraq, there were a variety of non-violent movements to try and remove Saddam Hussein from power, but they proved ineffectual. These movements were generally viewed as weak and they simply did not provide the people of Iraq with sufficient hope that a peaceful regime change could take place. Indeed, many Iraqis simply couldn’t envision a post-Saddam world.

Mr. Hill described the experiences of the Kurds at the end of the first Gulf War, which resulted in an experiment in self-government for those Kurds living in the ‘no-fly zone’ in northern Iraq. While this was not the original intention behind the ‘no-fly zone,’ a framework began to emerge that addressed the needs and interests of people living in the region. There was significant collaboration among groups, creating a great growth in universities, schools and other institutions, including a Kurdish parliament. Kurdish leaders were therefore initially hesitant about supporting U.S. military action to oust Saddam Hussein’s regime, for fear that they would lose this source of power and influence in a post-regime change world. At the same time, there was a conflicting sense that the Kurds were losing more and more every day that Saddam remained in power.

Mr. Hill noted that Kurdish leaders ultimately proved supportive of U.S. military action, but that their conflicting feelings point to a paradox and tension. On the eve of U.S. military action in Iraq, the Kurds had begun to believe in certain ideas and institutions that could have supported a peaceful movement for regime change; however, these ideas and institutions had not grown sufficiently enough for the Kurds to trust them to launch a peaceful movement for regime
change. Interestingly, the draft constitution drawn up by Kurdish leaders for a post-Saddam Iraq states that the people of Kurdistan have always supported a peaceful solution to their problem. The document goes on however, to say that international guarantees are essential to achieving this peaceful solution.

Mr. Hill concluded that the path to ending dictatorships is not yet clear. The case of the Kurds in Iraq suggests that patience is necessary for institutions and ideas to grow to the point that people feel confident in them. Only then will people feel capable of launching a peaceful movement for regime change. It is impossible to rush or put a deadline on this process.