

International Advocate for Peace Award 2000



Ambassador Richard C. Holbrooke, Leila Zubi, Tiiu Gennert, and Peg Sweeney at the 2000 IAP Award Ceremony.

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Opening Remarks

Leila Zubi:

I would like to begin my remarks by borrowing an epigraph from Ambassador Holbrooke's best-selling book entitled, "To End A War,"

With other men, perhaps, such things would not have been inducements; but as for me, I am tormented with an everlasting itch for things remote. I love to sail forbidden seas and land on barbarous coasts.

This quotation from Moby Dick was also featured in a recent article about Ambassador Holbrooke in the New York Times Magazine because it truly underscores the heroism and passion of Ambassador Holbrooke, whose achievements in international diplomacy and dispute resolution we are honoring here today.

Ever since his distinguished career in foreign service began 38 years ago, Ambassador Holbrooke has sought to bring a peaceful resolution to seemingly intractable conflicts around the world.

He started his diplomatic career in Vietnam in 1962 following his graduation from Brown University. Instead of requesting an assignment in a tranquil location in Europe or Asia, Ambassador Holbrooke chose to be in Vietnam sustained only by his courage and determination to help negotiate peace in the area. During the height of the Vietnam War and for the next six years, he served in a variety of posts — first in the Mekong Delta and then in the American Embassy in Saigon. In 1966, he was re-assigned to the White House where he continued his work on Vietnam under President Johnson.

Not only did he serve as a member of the American Delegation to the Paris Peace talks on Vietnam but, from 1967 to 1969, he also wrote one volume of the Pentagon Papers, and served as Special Assistant to Under

Secretaries of State Nicholas Katzenbach and Elliot Richardson. By 1969, Ambassador Holbrooke had become an expert in Asian foreign policy and dedicated himself tirelessly to domestic and international dispute resolution.

Ambassador Holbrooke spent the next year as a Fellow at the Woodrow Wilson School at Princeton University. The following year, he went to Morocco where he became Director of the Peace Corps.

After dedicating 7 years to public service and with a long list of accomplishments already behind him, he joined the private sector as Managing Editor of Foreign Policy magazine in 1972, a position he held for 4 years. During this period, he was also a contributing editor to Newsweek International.

In 1976, he entered the political arena and coordinated national security affairs for the Carter-Mondale presidential campaign. Following the campaign, President Carter appointed him Assistant Secretary of State for East Asian and Pacific Affairs, a post he held until 1981.

It was during his tenure in the East Asia Bureau that the United States established full diplomatic relations with China.

Ambassador Holbrooke's negotiation finesse helped bring about this watershed event and the diplomatic dialogue that exists today between these two countries.

Tiiu Gennert:

After Ambassador Holbrooke's service to the Carter administration, he translated his public sector training and skill into private sector business savvy. He co-founded "Public Strategies," a Washington based consulting firm; worked as Managing Director at Lehman Brothers, a New York investment bank; served as a member of the Carnegie Commission on America and a Changing World; chaired and principally authored the November 1992 bipartisan "Memorandum to the President-Elect" of the Commission on Government and Renewal, sponsored by the Carnegie Foundation and the Institute for International Economics; and recently served as a vice chairman of Credit Suisse First Boston, a New York based investment bank.

He could not, however, refuse his calling to serve the public sector. As a result, he served as the United States Ambassador to Germany from 1993 to 1994 until he was appointed by President Clinton to serve as the Assistant Secretary of State for European and Canadian Affairs. Thus, Ambassador Holbrooke holds the unique distinction of working as Assistant Secretary of two regional State Department bureaus. It was during his service as Assistant Secretary of State for European and Canadian Affairs, that Ambassador Holbrooke acted as chief negotiator for the historic 1995 Dayton Peace Accords in Bosnia. The Dayton Peace Accords were modeled after the Camp David Talks in September 1978 where President Carter facilitated the agreement between Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin. These talks served to end the 30 years of hostility and war between the 2 countries. As Carter had successfully used at Camp David, Ambassador Holbrooke and his team utilized "proximity peace talks" at Dayton, — a strategy where the mediator moves between the parties who rarely meet one another face to face. As a result, Ambassador Holbrooke and his team conducted these extraordinary and ambitious negotiations in Belgium, Russia, the Balkans, the United States, and France. This agreement was reached in the midst of enormous adversity and was designed to actively work towards setting aside political and ethnic animosity and putting an end to the mass denigration, rape, and bloodshed in the former Yugoslavia where close to 300,000 people were killed between the years of 1991 and 1995.

From 1996 to 1999, Ambassador Holbrooke served on a pro-bono basis as the Special Presidential Envoy for Cyprus, and a Special Envoy on Bosnia and Kosovo. Ambassador Holbrooke negotiated the October 1998 agreement, and, after it was violated, delivered the final ultimatum to Belgrade on March 23rd, 1999, prior to the NATO bombing campaign.

Ambassador Holbrooke continues his work in the public sector serving as the Permanent Representative to the United Nations. His most recent work includes negotiation efforts in Kosovo, East Timor, and the Congo – as well as in the United States. Ambassador Holbrooke played an active role in persuading Congress to finally approve back payment to the United Nations – keeping the United States from losing its vote in the General Assembly — and he continues to further relations between the American public and politics and the United Nations.

Always forging ahead, Ambassador Holbrooke assumed an activist role and successfully promoted an open and international dialogue on Africa while serving as president of the Security Council for the month of January.

His books, *Counsel to the President* and *To End a War*, record his historical contributions to international peace and motivate others to work toward a common good. He has made a difference in the lives of those he ardently serves and in the lives of those who are inspired to serve the public interest.

Ambassador Holbrooke has dedicated his career in public service to the areas of international mediation and conflict resolution. We respect him for his diplomacy, his prudence and his tenacity.

He has also advocated for refugees and for displaced persons for a great portion of his life — serving as chairman of Refugees International from 1996 to 1999 and as a member of the board of the International Rescue Committee. It is only fitting that the man who is driven to resolve international conflict also strives to help those individuals who have been the victims of the oppression and violent conflict he has tried so passionately to prevent. He shows us that a successful resolution to conflict doesn't just end with the signing of an agreement. There's implementation of the agreement and a healing process that needs to occur if future conflict is to be averted, and that healing process includes restoring human dignity, self-reliance and a sense of normalcy. Ambassador Holbrooke works tirelessly to nurture such empowerment and long-lasting resolution.

We are honored to have Ambassador Holbrooke with us today — not only to accept the International Advocate for Peace Award, but to share with us one of his lifelong passions — The need for the international community to recognize and assist the internally displaced.

And now — without further ado — Ambassador Holbrooke...

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Ambassador Richard C. Holbrooke's Acceptance Speech

Thank you for your kind introduction. It's truly a pleasure to be here at Cardozo, an institution for which I have great respect, and a great honor to be the first recipient of this magnificent award.

I want to talk today about a problem that is directly related to the issues this award recognizes (international law and conflict resolution), and one that is also personal to me — the plight of innocents uprooted by conflict. This has been an issue of intense interest to me for the last 24 years.

Of course, I have in recent years come to feel that my interest and continued involvement in refugee issues is more than an accident – or, perhaps, an accident of birth. You see, my parents were both refugees, and I am married to one. Like many others with Jewish blood, my mother's family fled Nazi Germany in the 1930s. My father's family fled Russia earlier, when the Bolsheviks took over. My parents met here in New York in the late 1930s. My wife, Kati, and her family fled communist oppression in Hungary in 1957, part of the exodus that followed the 1956 revolution. As a young foreign service officer in Vietnam in the early 1960s, I encountered my first victims of war. But it was only as Assistant Secretary for East Asian Affairs in the late 1970s that I saw the full dimensions of the refugee issue, when, in the aftermath of our involvement in Vietnam, a million refugees, including the boat people, fled into Thailand and other parts of Southeast Asia. I

visited many camps, and began an involvement in these issues that continues to this day. As a private citizen, I have been honored to serve on the Board of the International Rescue Committee and as Chairman of Refugees International.

Over that period of time, I've seen many refugee efforts on four continents. I have seen noble, and brave refugee workers – many volunteers for NGOs – working around the world to help homeless people. I salute them; they deserve our profound gratitude, and far more recognition. Despite their efforts, the problems and challenges continue — indeed, increase. So today I want you to join me in an examination of a family of new and deeply troubling phenomena, one for which the current refugee system is ill-prepared. Standing here today, I don't claim to have all the answers, and this speech is not intended to provide them. But I do want to give you a sense of this urgent challenge and, hopefully, establish a direction for action. I have discussed this with Secretary Albright, herself a refugee from Communism, who is committed to these issues and agrees that we have to improve the system.

Let us begin by explaining the issue. Imagine that you and your family are forced at gunpoint to flee your home; or that your house is burned to the ground and you have to go elsewhere for food, water and shelter. You wouldn't care where you ended up, as long as it was safe.

But there is a catch. If in your flight you crossed an international border into a neighboring state, you're considered a refugee, eligible for assistance from the UN's High Commissioner for Refugees (UNHCR), the world's preeminent international humanitarian organization.

But if you did not get across an international border, if you had to flee but remained in your own country, you would not have the same structure of international support. Your fate would be left in the hands of your government – even if that government's oppression and terror was the very reason you fled in the first place, or if the government is unwilling or powerless to help. In short, your safety and the well-being of you and your family could turn on the geographic accident of whether you had crossed a border. The international community would classify you as an internally displaced person – an "IDP." This sterile and bureaucratic term puts innocent victims in a category that differentiates them from refugees eligible for UNHCR help.

Yet there is no real difference between a refugee and an internally displaced person. Both have been uprooted from their homes. Both seek shelter and safety elsewhere. The term "IDP" has been enshrined in UN and international legal documents, but it makes a legal and bureaucratic distinction where there is none. So sterile is the phrase "IDP" that I and my colleagues at the U.S. Mission to the UN will try not to use the phrase "IDP" in the future. Let us call them what they are: "internal refugees" or perhaps "in-country refugees." Let's not let bureaucratic euphemisms and acronyms allow us to ignore these people.

Fact: today there are twice as many internal refugees as there are those who come under the care of the UNHCR. In Sudan, nearly 4 million people have been displaced as a result of three decades of conflict; in Sri Lanka, there are over 600,000 displaced people; there are over half-a-million in Azerbaijan, many of whom live in railroad cars; there are over 300,000 in Burundi; over a quarter-million in Russia due to the fighting in Chechnya; and according to most recent estimates, 500,000 in eastern Congo alone. And then there is Angola, to which I shall return in a moment.

All told, there are over 20 million internal refugees worldwide – officially "IDPs." Because of poor reporting standards, the figure could be much higher. The number of refugees, on the other hand, has declined steadily since 1992 and now numbers around 11 million. While both figures are disturbing, the trends have clearly reversed. The number of reported internal refugees has doubled during the past two decades. However – let me say it again — because they have not crossed a border, the great majority of the world's displaced people do not fall under the official mandate of UNHCR. They have no single bureaucratic champion at the UN, or anywhere else. And they suffer enormously.

Angola, a country that I visited last December. It exemplifies the tragedy. We visited a refugee camp outside Luanda, just thirty short miles from the government's presidential palace, but light years away from presidential luxury. It had rained shortly before we arrived, and our cars could barely get through the mud

that surrounded the camp. Huge mounds of garbage lined the streets. The people lived in shelters made of mud and cardboard boxes left over from the UN's World Food Program, which struggled to provide limited assistance. In some ways, however, this camp was impressive and moving. There was a school — without books, paper or pencils, to be sure, but a school nonetheless — and people were desperately trying to cultivate small plants in the mud between the shelters.

There are 1.3 million people in these Angolan camps, divided into distinct communities of refugees for each phase of that tragic nation's long and bloody conflict. With inadequate financial aid from the donor community, the international assistance network in Angola is ill-organized and unable to provide adequate support. There is no clear lead agency with overall responsibility for every aspect of this complicated problem, particularly regarding protection, and there is inadequate coordination. And there are real consequences: innocent people, without support, are left as the debris of conflict and government neglect.

In Angola and elsewhere, it must be said that UN organizations and NGOs like the World Food Program (WFP), UNICEF and UNHCR do help people where they can. I greatly admire and respect the brave field staffs of all these organizations, who toil under hellish and often very dangerous conditions — sometimes even giving their lives — to help people. To see their efforts in such situations is to be reminded again of the fact that, as Ghandi once said, "in the midst of death, life persists; in the midst of darkness, light persists." I salute all of those who, like my mother and sons, have given themselves to these efforts.

But the noble efforts of brave individuals should not be confused with the failures and evasions of institutions and governments. The support the international community provides is inadequate given the scale of the crisis. Sadako Ogata, the head of the UNHCR and a dear friend, recently issued a new, more forward-leaning policy on internal refugees, which acknowledges that the international community's response to this crisis has been, in her report's words, "selective, uneven, and in many cases inadequate." For various reasons, humanitarian aid donors make fewer resources available to respond to internal refugees; those resources are delivered less efficiently; there is less emphasis on the protection needs; there is less focused advocacy on the situation; and, there is no single international organization (like UNHCR) which routinely holds governments accountable for protecting their own internal refugees.

Other international organizations and private groups definitely help. The International Committee of the Red Cross (ICRC) plays an invaluable role. ICRC has operations in over 30 countries that protect and assist over 5 million people displaced by conflict. It has a recognized mandate in conflict situations. The United States is a leading supporter of the ICRC, financially and politically, and I am pleased to announce today a contribution of \$73.8 million to the ICRC, which brings our total contribution for FY 2000 up to \$83.2 million. This will help support ICRC operations in places such as Chechnya, East Timor, Sierra Leone, Democratic Republic of the Congo — where ICRC plays a key role in protecting and assisting the displaced.

NGOs play an indispensable role in getting assistance to internal refugees. However, even with their considerable skills, the ICRC and NGOs cannot handle the situation alone. The work of governments, NGOs and the ICRC must be reinforced by the UN system. And that system, which currently relies upon what's called "coordinated" response, is inadequate. All too often, "coordination" turns out to be a euphemism for ineffectiveness; it means that victims fall through the cracks.

So what began as a well-intentioned effort to draw on the best resources of each UN agency to help the internally displaced ends up as a tangled mess. What's decided in New York or Geneva does not translate into real follow-up in the field, or vice versa. And the Office for the Coordinator of Humanitarian Affairs, or OCHA, the organization entrusted with overall coordination responsibility, has neither the authority nor the resources to drive the system. Agencies are supposed to act together as "co-heads." In practice, however, "co-heads" means "no-heads."

Overall, the "coordination" system does not provide sufficient accountability, predictability, or advocacy for internal refugees at the same level as the international community does for refugees. It was for this reason that I previously suggested that perhaps the mandate for internal refugees should be given to a single agency, presumably the UNHCR. This suggestion has been criticized by some officials in the international

community, even by some in my own government. I welcome the criticisms as contributions to a debate that we are trying to stimulate. In fact, I am not wedded to any specific formula, only to an effort to erase bureaucratic and semantic distinctions between refugees that cross borders and those who don't. Once we get our thinking right, I believe we will better be able to figure out how to solve the problem. In recent weeks, I have received phone calls and visits from representatives of various humanitarian agencies defending their own organizations. I told them all that I was not criticizing them or their field staffs personally – on the contrary. Rather, I asked them – and ask them again today – to stop acting defensively and join in a search for a solution to a problem that everyone agrees exists and is growing.

In the days ahead, we will be pushing the international community to do more. Julia Taft, the State Department's most senior official on humanitarian issues, and Hugh Parmer, head of USAID's Bureau for Humanitarian Response, will be working with their counterparts; they and I will continue to press the UN and the international community. We'll work closely with the Congress. Our goal is to establish a system to support internal refugees that is predictable, accountable, universal, and equipped to meet this immense humanitarian crisis. Predictable in that there is a clear mechanism for support when such emergencies occur; accountable in that there is a responsible agency that, along with governments, will have to answer for their actions; universal in that internal refugees receive assistance and protection regardless of location or specific circumstances; and equipped in that support networks have the necessary resources and infrastructure to tackle the problem.

Therefore, today we call upon our partners in the UN system and the wider humanitarian community to consider proposals to meet the following objectives:

First, we have to clarify how the UN responds to a crisis of internal displacement. At the very least, the UN should designate a lead agency for each specific internal refugee emergency, and define much more clearly lead agency responsibilities. I still believe that in many, indeed most cases where protection is the main issue, UNHCR would be the most effective lead agency. But the system could be flexible if the circumstances dictate.

Second, in order to facilitate cooperation throughout the UN system, we must encourage all UN humanitarian agencies to designate a point of contact on internal refugees. Although nearly all UN humanitarian agencies claim a role in responding to such crises, not all have a senior person who work exclusively on internally displaced issues. Nor do these senior staff meet regularly to discuss these issues in depth and at length.

Third, we must improve our understanding and monitoring of internal refugee emergencies. One possibility would be for the Secretary General to provide regular, comprehensive reports to the UN General Assembly and the Economic and Social Council on the state of the world's displaced and the nature of the UN's response on a country-by-country basis. We also propose that all UN field coordinators provide regular reporting on the status of displaced persons.

Fourth, we must be as clear as we are for refugees, that protection and advocacy are essential elements of assisting internal refugees. Some humanitarian and development agencies still do not see that as part of their mandate, or do not implement it sufficiently in the field. This major gap in the response to internal refugee situations must be rectified.

Fifth, we need to do more to support the efforts of Francis Deng, the Secretary-General's special representative on internal refugees. Mr. Deng has played a seminal and visionary advocacy role, but his institutional capabilities are inadequate given the scale of this crisis. Mr. Deng is a part-time, voluntary employee who receives budgetary support for only a few trips a year, and who is dependent upon other UN agencies for staff support. We urge a more predictable funding base for Mr. Deng's efforts. The United States is prepared to do its part, and this year we will be providing for the first time supplementary financial support to the Special Representative.

We also need to work harder to implement the Guiding Principles on Internal Displacement. [E/CN.4/1998/53/Add.2]. These Guidelines, which were developed by a team of international legal experts

under the direction of Francis Deng in 1998, pull together the legal obligations of States under international humanitarian, human rights and refugee law. The operational agencies of the UN system have in turn agreed to use these Principles to guide field operations, and have developed handbooks based on them for use by field staff. Last January, the Security Council referenced them in a presidential statement on refugees in Africa and a resolution on the conflict in Burundi; and it should continue to do so in every subsequent resolution where relevant. And we should explore ways to strengthen the legal basis for preventing displacement. I look forward to the day when the behavior of states reflects the fact that the concepts underlying the Guiding Principles are in fact embodied in existing law.

These steps are necessary to improve our humanitarian response to displacement emergencies. But we also need to acknowledge that for any real solution to be lasting, political leadership is required. In far too many cases, the basic problem with getting humanitarian relief to internal refugees is the lack of access, because the government precludes it or because the security situation makes it impossible for humanitarian agencies to work.

Sometimes the obstacle can be summed up in one word: sovereignty. This is a very complicated issue, one that raises the most basic questions of statehood. I cannot solve it here. But sovereignty is not a license for irresponsibility. States cannot be allowed to use sovereignty to justify abuse of their people. If the international community can act together to forge a political consensus behind this simple concept, it will remove a major impediment to tackling the problem.

Our great Secretary-General, Kofi Annan, understands this issue and cares deeply about it. We have discussed it in detail many times, and are committed to work together. With the support of the UN's members, the Secretary-General and heads of UN agencies should be prepared to intervene personally when states deliberately obstruct access or deny it outright. And the Security Council should do more. In this regard, I was encouraged by a session of the Security Council under the Presidency of Bangladesh a few weeks ago on the humanitarian aspects of security issues. The Council statement rejected the old argument that international humanitarian situations are not relevant to international peace and security. It recognized that humanitarian crises can be both causes and consequences of conflicts, reiterated concern for the security of relief workers and called on all combatants to permit humanitarian access and relief.

For those in the academic community, here at Cardozo and elsewhere, who benefit from being outside the turf wars that characterize UN agencies – focus your energy on finding a solution. Thus far, the work of academics and advocates like Francis Deng and Roberta Cohen of the Brookings Institution have been absolutely indispensable in drawing attention to this crisis and possible solutions. Their book, *Masses In Flight*, published by Brookings, is a landmark study and an excellent place to start. We now know the problems and weaknesses in the system. So I challenge all of you: propose a better solution based on the principles of predictability and accountability. Propose a solution that clarifies the system; not muddies it further.

We all must remember the bottom-line: as we speak, innocent people are suffering. From the jungles of the Congo to the mountains of the Caucasus, from East Timor to Colombia to the Balkans, they are struggling to survive in makeshift camps. They are working to regain their livelihood. They are fighting to keep their dignity. I'm confident that, acting together, we can help these people forge a way ahead. If we successfully draw the world's attention to their plight; if we pressure governments to protect these innocent victims and secure access for aid groups; and if we design assistance programs around the principles of predictability, accountability and universality – we'll have taken a major step in alleviating this horrible problem.

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Ambassador Richard C. Holbrooke's Biography

The Cardozo Online Journal of Conflict Resolution (COJCR) and the International Law Students Association (ILSA) proudly announce the inauguration of the International Advocate for Peace award. Ambassador Richard C. Holbrooke, Permanent Representative of the United States to the United Nations will be the

premier recipient of the 2000 International Advocate for Peace (IAP) award. Ambassador Holbrooke will be honored for his numerous successes in the area of international dispute resolution, including, most recently, his peace efforts in Kosovo.

With the financial and promotional support of Cardozo's Center for Professional Development and a generous donation from the New York State Bar Association (NYSBA), COJCR and ILSA will host the award ceremony, including a presentation by Ambassador Holbrooke, a question and answer session, and a reception in late March (date and time to be announced) to honor Ambassador Holbrooke's distinguished career in the area of international diplomacy and dispute resolution.

Ambassador Holbrooke's exceptional credentials include the following:

He is an expert on Asia having worked in the U.S. Embassy in Vietnam in the 1960s during the height of the war.

He was Assistant Secretary of State for East Asian and Pacific Affairs from 1977 to 1981 under the Carter Administration. It was during his tenure that the United States established full diplomatic relations with China.

He was American Ambassador to Germany from 1993-94 before being appointed by President Clinton as Assistant Secretary of State for European and Canadian Affairs in 1994.

He was the chief negotiator for the historic 1995 Dayton Peace Accords.

He was later named Special Envoy in Bosnia and Kosovo where he negotiated the October 1998 agreement and, after it was violated, delivered the final ultimatum to Belgrade prior to the NATO bombing campaign.

Ambassador Holbrooke has and continues to play a crucial role in history. Growing nationalism and discontent among displaced and oppressed peoples around the world, in particular the former Communist states of Eastern Europe, the Commonwealth of Independent States, and Asia, urgently call upon the skills of Ambassador Holbrooke to promote humanitarian conditions and peaceful resolution to war. His intelligence, negotiation finesse and personal elegance are surpassed only by his diplomatic successes.

The IAP award ceremony and reception is an event planned jointly by ILSA and COJCR. The cooperation of ILSA and COJCR in creating and planning this event reflects the increasing academic and political link between international law and alternative dispute resolution (ADR). ILSA was founded in 1962 to promote awareness, study and understanding of international law and related issues. ILSA has a worldwide membership of 10,000 students. Cardozo's ILSA chapter is one of the Northeast members of the national organization. Its mission includes focusing students on current challenges facing the international law community as presented by the individuals who help to shape these issues, providing students with opportunities to learn more about prospective careers and interests, and connecting students to careers and issues in international law to assist their preparation for work in the field.

Established in 1998, COJCR is an academic journal devoted to the theory and practice of all methods of conflict resolution outside of litigation. It complements the existing array of course offerings in ADR and the various activities and offerings of the Kukin Program for Conflict Resolution. COJCR hosts cutting edge symposia each year, addressing important topics in the ADR community. Papers or edited transcripts from these symposia will be posted to the Journal with hypertext links provided to cited and other pertinent material. COJCR also publishes papers and student notes, similar in format to traditional print journals. COJCR's website maximizes the exposure of the Journal's symposia and publications to the academic community and interested public, further solidifying Cardozo as a leader in ADR studies.