

The ANNAPOLIS SUMMIT

Above all else, safeguard the civilians; Never a day goes by when civilians are not killed, maimed or otherwise victimized in the Middle East

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Whatever else Israeli Prime Minister Ehud Olmert and Palestinian Authority president Mahmoud Abbas and all the others at Annapolis seek to achieve, there is one important thing they can do. They can agree to work together to stop the carnage among civilians in the Middle East. Protecting civilians in conflict is legally obligatory under international humanitarian law and morally imperative by the standards of most civilizations and religions. It is also politically smart and strategically sound. Yet, the killing continues. In the First World War, 10 million people died, with a ratio of civilians to soldiers of 1:1. In the Second World War, 60 million people died and the ratio of civilians to soldiers killed rose to 2:1. In more recent conflicts in Iraq, Lebanon and the ongoing Israeli-Palestinian conflict, civilian death tolls have been high.

Fatalists fear that the strong will always do what they can and the weak will always suffer what they must. Cynics criticize international protection efforts as do-good or, worse, feel-good posturing – pious wishes from people comfortably distant from danger. But military practice is not immutable. For example, the ban on the military use of poisonous gas has, with a few unspeakable exceptions, largely been respected. No nuclear weapon has been used since 1945. And, 40 million land mines have been destroyed pursuant to the Ottawa Anti-Personnel Land Mine Treaty. More fundamentally, the UN Charter, the Genocide Convention, the Refugee Convention, the Convention Against Torture and the 1949 Geneva Conventions and subsequent Protocols all codify lessons learned from past conflicts. Humanity is more capable of progress than fatalists realize and cynics admit.

In fact, much is changing and for the better. Nearly 100,000 UN personnel are in the field, with mandates not just to carry out their missions but to protect civilians in conflict. Further, the emerging international criminal justice system has brought to trial two of the great perpetrators of violence against civilians, Serbia's Slobodan Milosevic and Liberia's Charles Taylor, and issued indictments against Uganda's Joseph Kony of the Lord's Resistance Army (of child soldiers), and against war criminals in Darfur. Perhaps most encouraging, military doctrine is evolving, in recognition that protection of civilians is a military necessity. The U.S. Army/Marine Corps Counterinsurgency Field Manual of 2007, puts security for civilians, rather than the destruction of the enemy, as the top priority. Civilian casualties are beginning to be regarded not just as "collateral damage," but as counter-productive to military goals. Killing civilians creates enemies faster than they can be destroyed, alienates local populations, undermines support at home and puts the investment of thousands of soldiers' lives and billions of dollars at risk.

Governments and armed groups that fail to distinguish between civilians and military targets will find themselves increasingly condemned and isolated. States and non-state actors alike will have to confront the reality that humanity regards the targeting of civilians as neither just nor justifiable. Parties to conflicts have a legal obligation to distinguish between civilians and combatants, and neither to target civilians nor subject them to avoidable harm. They must refrain from attacking military objectives if doing so can reasonably be expected to cause loss of civilian life, or damage to essential civilian infrastructure, disproportionate to the specific, tactical military gain anticipated. Those who violate these principles of international humanitarian law must be forthrightly condemned in the UN Security Council and, where appropriate, inscribed on the docket of the International Criminal Court. And those on whose behalf such attacks are purportedly made should denounce them.

The challenge for the international community is twofold: first, to ensure compliance with existing law and avoid backsliding by those who would ignore strategic reality and parse their obligations into oblivion and, second, to develop new international law and practice. The use of non-discriminating weapons of war, such as cluster munitions and unguided rockets, that can be expected to result in extensive and avoidable civilian casualties and suffering, must be outlawed, as must recourse to methods of war, such as forced population displacement, that can be expected to exact heavy tolls on civilians.

This was the heart of the Bosphorus Consensus reached recently by 30 former diplomats and generals, academics, journalists, civil society representatives and international officials from Israel, the Palestinian territories, Egypt, Jordan, Lebanon, Algeria, Morocco, Turkey, Iran, the U.S., Canada and the UN who met in Istanbul in September (www.cigionline.org/newsroom).

Never a day goes by when civilians are not killed, maimed or otherwise victimized in the Middle East. And rarely a day goes by when the day before did not seem a better day to do something about it than the day after. Everyone hopes that Israeli and Arab participants in the Annapolis talks find the courage and the wisdom to end this most destructive of conflicts. But if Mr. Olmert and Mr. Abbas and all the other participants at Annapolis achieve nothing else, let them agree on the imperative of protecting non-combatants and saving civilian lives.

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