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Constructing an Atrocities Regime: The Politics of War Crimes Tribunals

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ABSTRACT:

The gruesome character of ethnic and identity-centred conflict elicits terror, anger, and a human need for justice, from the infamous "killing fields" of Cambodia to initiatives of "ethnic cleansing" in the former Yugoslavia and Rwanda. Hugo Grotius' writings may be linked to the need to humanize combat, but present attempts to enact an atrocity regime are unmatched in contemporary history. Let's analyse the role political elements norms, power and interests, institutions and legal one's precedent and process play in the creation of an atrocity regime by combining ideas from international relations theory and international law. In Rwanda and the former Yugoslavia, international tribunals have convicted a majority of low-level war criminals; however, they have had much less success in achieving their more expansive goals, such as deterring atrocities and promoting national reconciliation in areas rife with ethnic conflict. This research identifies further institutional changes required to create a more successful regime and emphasizes the significance of integrating this new regime within a broader global conflict management strategy.

KEYWORDS:

Crimes, International, Political, Regime, War.

I. INTRODUCTION

The gruesome nature of ethnic and other identity-based warfare inspires terror, anger, and a human need for justice, from the infamous "killing fields" of Cambodia to current evidence of cruelty in Sierra Leone. The international community formed ad hoc international war crimes courts to look into crimes and try offenders in response to accusations of atrocities in Bosnia, Kosovo, and Rwanda. There have been several attempts to establish the International Criminal Court (ICC) as a permanent body in order to broaden the crimes regime. In addition to holding atrocity offenders responsible, supporters of international courts see them as a tool of achieving peace through establishing justice and fostering reconciliation in areas torn apart by conflict. "In the end, it is extremely difficult to have peace and reconciliation without justice," said former U.S. Secretary of State Madeline Albright. By considering humanitarian principles, the strategic objectives of strong governments, and bureaucratic issues, I want to uncover and examine the many political and procedural barriers to building an effective crimes regime.

I contend that although realpolitik that is, advancing the strategic interests of the most powerful states has dominated the process of dealing with brusqueness in conflict, it has been liberal humanitarian values that have generated the desire for political action. To bridge the gap between idealpolitik and realpolitik, the international community might make institutional modifications in the design and execution of an atrocity regime by comprehending the political interests and procedural challenges involved. In the past, people have believed that conflict is in line with natural laws. Hugo Grotius presents vivid descriptions of military violence commensurate with prevailing standards in his major book De Jure Belli ac Pacis Libri Tres (The Law of War and Peace), using Hellenic, Roman, and Biblical literature. Additionally, while Grotius sets certain restrictions on what was acceptable in battle, they would undoubtedly offend current liberal sensibilities. These standards, for instance, allowed for the death or injury of anybody who was on enemy territory, including women, children, hostages, and those whose surrender had been rejected. Grotius is much more concerned with ideas of the jus ad Bello than he is with the jus in Bello [1], [2].

The prevailing norm in the contemporary era is respect to national sovereignty in topics concerning acts of war and treatment of a nation's citizens. In actuality, "the idea of 'domestic jurisdiction' on matters relating to human rights was more widely revered in practice prior to 1945 than any principle of international law." However, there has been a significant increase in interest since the Holocaust in advancing human rights and establishing stricter

guidelines for international behavior, particularly in times of armed conflict. What accounts for the abrupt shift toward legalization in the 1990s? What motivates the formation and application of the regime in certain cases? "IR helps us describe legal institutions richly, incorporating the political factors that shape the law; the interests, power, and governance structures of states and other actors; the information, ideas, and understandings on which they operate; and the institutions within which they interact," asserts Kenneth Abbott. Although the international community's aim to advance principles of human rights and justice forms the foundation of the effort to construct a universal atrocity regime, it is beset by political roadblocks and divergent viewpoints on how to navigate this challenging normative and strategic landscape [3], [4].

Realists in the field of IR theory often contend that "logics of consequences dominate logics of appropriateness" in a world with an unequal power structure and no international organization to apply pressure. Realists assert that strong governments won't consent to a system that materially impairs their capacity to react to imagined security concerns. Additionally, they would forecast that the interests and relative strength of the states concerned would be reflected in both the shapes that such organizations assume and the application of their jurisdictions in specific situations. Contrary to realists, constructivists disagree with the idea that state objectives are static and only based on material concerns; they contend that neither state action respecting human rights nor humanitarian intervention can be explained by such causes. Constructivists would argue that developing liberal ideologies and concern for human rights explain outcomes and that study should concentrate on these factors in understanding regime development with regard to the establishment of war crimes courts. Ideas and norms create results either via "path dependence" or global socialization and acquire power as they do so. This results in an idealpolitik that supports realpolitik [5], [6].

Liberal institutionalism bridges the gap between these two points of view by arguing that well-crafted institutions with a focus on global cooperation may reduce the tendency for conflict in the anarchic international order. States participate in international regimes and uphold international agreements in order to earn benefits based on collaboration, and they may forego short-term profits in order to achieve long-term goals. These objectives are obviously intended to reduce political and identity-based conflict and to encourage compliance (i.e., deterrence) in the case of the growing crimes regime. This viewpoint contends that the effectiveness of war crimes courts depends on the structure of the regime and the consequent institution. "Hard" and "soft" legislation are the main source of conflict in this situation. Hard law proponents contend that through expressing serious commitments, limiting self-serving auto-interpretation of norms, and boosting "compliance pull" via greater legitimacy, hard law improves deterrence and enforcement. Soft law proponents argue that it encourages compromise, lowers the cost of contracts, and allows for learning and change throughout institutional growth. A well-designed atrocities regime, according to institutionalists, will not only bring those responsible for genocide and crimes against humanity accountable, but it will also work to prevent future atrocities and ease tensions in vulnerable areas vulnerable to heinous acts of violence [7], [8].

I start my research by looking at Bosnia, Rwanda, and Kosovo, three instances when tribunals were effectively formed. These incidents demonstrate the close connection between legal (and procedural) issues and political issues, particularly when the strategic interests of powerful powers are not at risk. The cases of Rwanda and Kosovo demonstrate the dynamic process of legalization and the results of institutional learning, respectively. They also highlight the limited deterrent capability of the atrocities regime - at least in its early stages of development. The case of Bosnia reveals the political obstacles to initially establishing an international legal regime. I next look at Cambodia and East Timor, two instances where tribunals were unsuccessfully formed. I also look at the ICC case, which is still having trouble winning backing from large powers. These challenges highlight the dominance of political and strategic interests in regime creation and highlight the need of "softening" the legalizing procedure in order to effectively overcome political challenges.

II. DISCUSSION

THE ICTY IN BOSNIA

The International Criminal Tribunal for the former Yugoslavia (ICTY) case serves as an example of the political challenges involved in creating an international judicial system when the strategic interests of strong governments are not directly at risk. Given that international lawyers initially sought to establish a system of hard law i.e., one that could transcend realpolitik by eradicating distinctions between powerful and weak states equality under the law and could pose a threat to ingrained ideas of sovereignty this case is especially relevant. An organization based on internationalism and aiming to bring together governments with vastly different legal systems has legal challenges when attempting to create hard law. The ICTY case demonstrates the value of realism in understanding court proceedings and the institutionalization process. Although standards and notions of human

rights spur demands for state intervention in instances of genocide and war crimes, the ICTY case demonstrates how the institutionalization process and its application are shaped by the strategic objectives of strong nations (via the UN Security Council).

Early on in the conflict in Yugoslavia (1990–1991), the international community seemed committed to upholding the nation's sovereignty and resisted becoming involved in the unrest that had sparked World War I. The revelation of crimes in the Omarska prison camp near Prijedor was one of the first incidents that spurred significant international response. The killing of Bosnian Muslims confined in the camp by their Serbian guards was reported by New York Newsday on August 2, 1992. In addition, later accounts compared the camp's circumstances to those of Nazi concentration camps. Another camp in Trnopolje allegedly had same circumstances. Men with protruding rib cages were featured in startling television coverage throughout the globe, which reminded viewers of prisoners liberated from concentration camps at the end of globe War II. The parallels between what happened in Nazi Germany and what is happening in Bosnia now helped to foster strong ties to World War II and its lessons. The "Munich analogy" considerations required some kind of action [9], [10].

The campaign of "ethnic cleansing" being carried out in Bosnia further prompted comparisons to crimes against humanity committed during the Nazi period. For instance, the Prijedor municipality in northwest Bosnia had a population of 112,470 at the start of this program, of whom 44 percent were Muslims, 42.5 percent were Serbian, 5.6 percent were Croats, 5.7 percent were of mixed ethnicity, and 2.2 percent were "other." In Prijedor, the number of Muslims had decreased from 49,454 to 6,124 by June 1993, while the number of Croats had decreased from 6,300 to 3,169. However, the number of Serbs had climbed from 47,745 to 53,637. Serbs were widely believed to have been the main perpetrators of atrocities throughout the conflict, but those who later looked into the matter discovered that it was more complicated than it had first seemed to be. "All three parties were accountable for horrific events in Bosnia," Cedric Thornberry said. The barbaric acts of certain Croats in western Herzegovina were comparable to those of Serb chieftains in eastern Bosnia, and the treatment of Muslims in Mostar by Croats may have been even worse than the Serb bombardment of Sarajevo's mostly Muslim neighborhoods. The world community was faced with an unpleasant situation despite the fact that recorded crimes required humanitarian assistance on a global scale. Some commentators compared Bosnia to the Vietnam War, and pundits saw the Balkan crisis as a war that provided a "slippery slope" for anybody who dared to become involved.

The establishment of a UN tribunal was an agreeable balance between the moral need to advance human rights and the practical and political difficulties of action. It was a means to address Bosnia without incurring any political costs at home, as one analyst put it. The Security Council adopted the resolution to establish the ICTY using its power under Chapter VII of the UN Charter in order to prosecute four groups of crimes: grave violations of the 1949 Geneva Conventions (Art. 2), violations of the laws or customs of war (Art. 3), genocide (Art. 4), and crimes against humanity (Art. 5). The ICTY's initial task was to establish fairness standards within its institutional framework, which foreign attorneys saw as a crucial element of the tribunal's credibility. "If the tribunal is necessary to bring a sense of justice to the victims, and thereby undercut the hopeless cycle of revenge, then it is imperative that everything the tribunal does be fair to the accused and conducted according to the highest standards of due process," one ICTY prosecutor remarked. There has thus been a significant effort to make the organization really "international," despite the fact that the UN Security Council's influence is pervasive. The UN Security Council must first approve the list of nominations before the judges may be nominated and elected by the UN General Assembly. In addition, unlike judges who are nominated by the General Assembly, the chief prosecutor, a crucial player in the adjudication process, is selected only by the Security Council on the Secretary General's proposal.

Another issue is the tribunal's legal authority. War crimes are only permitted in circumstances of a global armed conflict, according to recognised principles of international humanitarian law. Furthermore, the ICTY's authority is restricted to "grave breaches," even though it may pursue violations of the 1949 Geneva Convention. A "grave breach" may only be committed against a person covered by the Convention, or, more specifically, only against a person whose nationality is different from the perpetrator's. Therefore, the grave violation provision does not apply to, say, a Bosnian Serb killing or raping a Bosnian Muslim. While Croatia was awarded international legal sovereignty, which facilitated adjudication by making the domestic/international border more distinct, situations involving Kosovo and Rwanda are less obvious since the conflict included different ethnic groups and no such sovereignty has been conferred. In the instance of Dusko Tadic, a former employee of the Omarska prison camp, the defense raised these fundamental jurisdictional problems. The court added that "the distinction between interstate wars and civil wars is losing its value as far as human beings" even though Article 2 of the Geneva Convention only applies to international conflicts, Article 3 applies to war crimes whether or not combatants are from different countries.

The ICTY's most urgent concern is locating and remanding defendants. At Nuremberg, the Allies captured and imprisoned the majority of the surviving architects of Hitler's "final solution." No defendants were being held at the outset of the ICTY. This raises an obvious issue: "The ad hoc tribunal for the former Yugoslavia has to organize the capture of those it is to try." It will entirely rely on the cooperation of hostile and third nations for this key step in the process. The tribunal's ban on absentee trials, which is part of the institutional framework meant to improve the fairness of the processes, makes this task much more difficult. However, as Theodor Meron highlighted, "without in absentia trials, the tribunal is left with few options." The tribunal has received a lot of verbal support from the international community, but little practical assistance. As a result, the tribunal began by trying people with little political influence or importance since those responsible for wartime crimes were more likely to escape capture. As a result, "the securing of the attendance of the accused war criminal may be random, ineffective, and arbitrary," as one analyst put it.

Although initially intimidating, such challenges have not proved insurmountable. In the ICTY prison facility as of 1 March 2001, 35 defendants were awaiting trial, and 12 cases had reached the appeals stage. Slobodan Milosevic was apprehended by Yugoslav police on April 1, 2001, and was subsequently extradited to The Hague on June 28, 2001. These events undoubtedly mark a turning point for the judicial system. The tribunal's first head of state to go on trial is Milosevic. The ICTY's experience in the Balkans highlights both the impact of strong governments throughout the institutionalization process as well as the legal and procedural challenges in creating a system to address crimes. Powerful regimes utilized the ICTY as a method to politically cheaply react to such requests for action while vivid photos from Balkan prison camps evoked memories of the Holocaust and sparked popular calls for action. Additionally, the UN Security Council's influence was palpable in crucial areas of the design of the ad hoc tribunal after the international community chose to create one, particularly with regard to its jurisdiction, the selection of judges, and the appointment of the chief prosecutor. The horrors regime in Rwanda is applied with these same elements clearly in mind.

Mass murder in Rwanda

Rwanda was included to the crimes regime in 1994. This case is instructive for two reasons: first, it shows how the interests of the great powers influence the process of regime formation; second, and perhaps more significantly, it shows that navigating the political landscape between "hard" and "soft" law is a dynamic process involving different levels of institutional learning. This case demonstrates the necessity for institutional flexibility given the scale and severity of the crimes committed in Rwanda as well as the procedural, administrative, and financial challenges involved in creating a successful tribunal. Additionally, since the tribunal in Rwanda followed the example established by the ICTY, this case enables us to evaluate the regime's overarching objectives, which included national reconciliation and deterrent. The majority of the late 1980s and early 1990s saw violence in Rwanda, and on April 6, 1994, an aircraft carrying the presidents of Burundi and Rwanda, Cyprien Ntaryamira and Juve'nal Habyarimana, was shot down over Kigali, Rwanda. As soon as the incident occurred, ethnic Hutus instantly accused Tutsi rebels from the Rwandan Patriotic Front. Minutes thereafter, troops from the presidential guard started hunting down Tutsis and murdering everybody they came across. As many as 500,000 Tutsis were reportedly slain in the month after the killing, according to aid workers.

According to estimates, more than 75 percent of Rwanda's Tutsi people perished. According to another estimate, more over half of Rwanda's 7.5 million inhabitants was either murdered or displaced in the months of April, May, and June 1994. Western governments were hesitant to engage because they feared losses, as was the case in the early phases of the ethnic war in the former Yugoslavia. After the events of April and May 1994, military intervention did not occur; rather, on November 8, 1994, the UN Security Council established the International Criminal Tribunal for Rwanda (ICTR). Its scope is restricted to those events that occurred during a certain time frame after the killing of President Habyarimana, or from 1 January 1994 to 31 December 1994. Article 12 of the legislation states that the appeals chamber of the ICTY will also act as the appeals chamber for matters presented before the ICTR in order to foster uniformity between the two ad hoc courts, which is seen to be essential to creating a clear precedent and consistent legal standards. Additionally, Article 15 states that the top prosecutor of the ICTY will also act as the chief prosecutor of the ICTR in order to promote uniformity in investigations and prosecuting strategy. Its ability to be accepted as a viable alternative for policy in situations where egregious human rights abuses have occurred is shown by the fact that the ICTY's core organizational structure was adopted in another atrocity scenario. Fourty-four individuals were being detained at the UN detention facility in Arusha, Tanzania, as of February 22, 2001. In the beginning, the ICTR was more effective than the ICTY in obtaining the detention of prominent defendants, such as former military commanders and political figures. However, there are numerous political and procedural issues that the ICTR shares with the ICTY.

It might be claimed that the wars in Bosnia and Croatia resulted from the international legal legitimacy given to the separatist republics, but it is obvious that this was not the case in Rwanda. However, the ICTY opened the door to the international adjudication of internal wars, like the one in Rwanda, by holding that Article 3 of the Geneva Convention applies to both interstate and intrastate conflict. It is impossible to overestimate the normative significance of this decision since it demonstrates a clear expansion of the tribunal's authority and the application of international law to situations where it has historically been customary to defer to national sovereignty. Although this precedent undoubtedly helps the ICTR prosecute suspected war criminals in Rwanda, powerful states have expressed concern about an international court that seeks to broaden its jurisdiction, so this expansion of jurisdiction may become a significant barrier to a functioning international criminal court. Another issue that at first endangered collaboration between the tribunal and the Rwandan government is the ICTR's restricted temporal jurisdiction. In spite of its original request for the Security Council's action, the Rwandan government really opposed the tribunal's creation as stated in the resolution.

"The government of Rwanda regarded the dates set for the ratione temporis competence of the international tribunal for Rwanda as inadequate," the Rwandan ambassador to the United States said. The genocide that the world watched in April 1994 was the product of extensive preparation, during which time elimination pilot programs had already been successfully tested before this time. Several organizations, notably the Special Rapporteur of the UN (May 1993), provided documentation of reports of killings and ethnic violence that occurred between 1991 and 1993. Due to this, the Rwandan government requested that the tribunal's jurisdiction be extended back to October 1, 1990; however, the Security Council eventually denied this request. Rwandan representatives have argued that the Security Council's decision will significantly hinder their country's ability to achieve domestic reconciliation: "An international tribunal which refused to consider the causes of the genocide cannot be of any use to Rwanda because it will not contribute to eradicating the culture of impunity or creating a climate conducive to national reconciliation." Here, there is a stark political clash between the demand for swift adjudication and the necessity for domestic collaboration and all-encompassing attempts to address the root causes of the conflict.

The ICTR may request that national courts defer to it at any point during ongoing proceedings since, in accordance with the tribunal legislation, the ICTR's jurisdiction has priority over that of national courts. It is obvious that collaboration with state authorities is essential for such transfers to occur. Additionally, Article 9 of the law complies with the non bis in idem concept. When national court procedures are ongoing or have ended, these two concepts are obviously at tension with one another. Jurisdiction is to be transferred to the ICTR in circumstances when a current national trial is not impartial or independent; however, the ICTR's rules of procedure and evidence do not provide any clear instructions for doing so or identify who is to make such determinations. A factor that may be vital to the tribunal's purpose of fostering national reconciliation and reducing ethnic tensions is the fact that the ICTR's jurisdiction takes precedence over that of the national courts, which pays little attention to cultural aspects of local legal standards. The Rwandan national courts have the authority to inflict the death penalty for anyone found guilty of capital offences, but the ICTR is only permitted to impose a maximum term of life imprisonment. In accordance with statements made by Rwandan officials, individuals found guilty by the tribunal "would get off more lightly than ordinary Rwandans who faced the death penalty in local courts." When the tribunal's rulings are seen to be unfair, the prohibitions against double jeopardy prevent the national courts from taking any action.

The ICTR does not provide a suitable variety of sentence choices to differentiate between top-level strategists and those who carried out the plans, in accordance with Rwandan legal sensibilities. Such discrepancies may not promote national reconciliation in Rwanda since it is conceivable for those who planned and orchestrated the genocide to avoid execution (if convicted by the tribunal) but not for those who just carried out the instructions (if tried by domestic courts). Rwanda instead established the Organic Law on the Organization of Prosecutions for Offenses Constituting the Crime of Genocide or Crimes against Humanity Committed Since October 1, 1990, citing this perceived incongruity as the reason they could not support the tribunal. According to the degree of culpability, these new national laws, which will be decided by national courts, divide suspects into four categories. Leaders and organizers are subject to the death penalty, whereas those accused of less serious crimes may be eligible for lesser sentences in exchange for a full confession, a guilty plea, and an apology to the victims.

The ICTR's lack of relevance to the Rwandan populace further impedes its capacity to promote national reconciliation. Despite the fact that the legislation lists neutrality and independence as institutional imperatives, neutrality may actually operate against reconciliation. This is partly because Security Council members thought the tribunal's impartiality was vital for reconciliation. It is highly difficult for the ICTR's work to be relevant and even less probable that its work will address the core causes of the genocide because of the structural distance it has from the social process in Rwanda. The "social distance" exists on a number of levels. Instead of Rwanda, the

tribunal meets in Arusha, Tanzania. Despite being designed to encourage impartiality; this venue actually divides the procedures from the individuals they were meant to assist. Additionally, "there is disconnect between the ICTR proceedings and the internal social process. In addition to being geographically remote, the ICTR has not effectively engaged the populace via its operations or public relations initiatives. Only a small portion of judicial hearings are covered by the government-run radio station, there are no broadcasts on television outside of the capital city, and only a small portion of Rwandans are familiar with the legal system and its processes.

According to one commentator, the relationship between the mostly Tutsi government of Rwanda and the ICTR has been "frosty" from the beginning. While simple logistical considerations provide the ICTR with a strong incentive to limit the scope of its legal jurisdiction—in August 1999, Rwandan detention facilities housed over 124,000 prisoners this restriction may have a significant impact on the tribunal's ability to promote peace among the Rwandan people. According to some researchers, other factors are at work: "Those temporal limits were the result of a highly political process within the Security Council and reflect diplomatic concerns." A broader scope of authority for the ICTR may have resulted in investigations that would have humiliated the UN as a whole or certain permanent members of the Security Council. But tackling a war crimes scenario as broad as the ICTR's often presents a conundrum: The tribunal's ability to bring about reconciliation in Rwanda (and elsewhere) may be hindered by limiting the scope of the investigation and trials; however, taking on a more expansive role would burden an already overburdened institution and could have a significant impact on how quickly cases are resolved.

The ICTY in Kosovo

In 1999, ethnic Albanian nationalist groups and the Serbian army engaged in ethno-nationalist combat, necessitating further use of the judicial system. Although the initial toll of around 2,500 was low by international standards, allegations of further "ethnic cleansing" by Serbian troops emerged after the collapse of the Rambouillet negotiations and subsequent NATO airstrikes. As rapidly as the tens of thousands of refugees who were forced to flee their homes streamed out of Kosovo, reports of mass graves, torture, rape, and murders of ethnic Albanians appeared; demands for war crimes probes appeared almost simultaneously with NATO operations. The ICTY's original statute's jurisdiction over Kosovo was reported to be expanded on September 29, 1999. This case clarifies whether the tribunal's activities in Bosnia had any impact on deterrence and national healing, similar to the Rwanda case. It not only resolves a dispute that arose after tribunal action elsewhere, but it also enables us to determine if political and military leaders' choices are influenced by their fear of judgment. In this instance, a large number of persons accused of committing crimes had previously been identified as war criminals in Bosnia. The public's opinion on tribunal action, namely whether de collectivization of guilt may foster national reconciliation and peace, is further brought to light by the reapplication of the crimes regime to the unstable situation in the Balkans. The ICTY's intervention in Kosovo is not promising on any front.

During the Bosnia investigations, the ICTY vigorously pursued investigations against suspects at various degrees of guilt in order to establish "institutional momentum." The majority of the defendants and prisoners in the Bosnian tribunals were at lower levels of command and control, but they were nevertheless valued for setting precedent and procedural rules. The tribunal has chosen to pursue exceptionalism, concentrating its investigations on the successful prosecution of the key participants, according to practical concerns. "As far as I'm concerned, [the tribunal] just can't try every Tom, Dick, and Harry," said one court official. "It is clear that the OTP [Office of the Prosecutor] ICTY has neither the mandate nor the resources to function as the primary investigative and prosecutorial agency for all criminal acts committed on the territory of Kosovo," the tribunal's prosecutor said. Even if there are tactical advantages to going after low-level offenders, most commentators have emphasized that the ICTY's deterrent efficacy ultimately depends on its capacity to go after those at the highest levels.

III. CONCLUSION

What conclusions may be made from the Nazi regime's earliest developments? The politics of war crimes adjudication have been controlled by realist elements, but the regime against atrocities is still young. It would be premature to discount the effectiveness of the crimes regime at this point, and the available data indicates that it is developing quickly. From an institutionalist angle, we may inquire about the regime's potential for improvement and what can be taken away from the current ad hoc tribunal system. IL experts think that consistency (precedent) and legitimacy, or "hard law," are the foundations of a legal system's strength. In contrast, regime analysts contend that flexibility, as opposed to rigidity, boosts regime strength, particularly in the area of international political economy. According to Robert Keohane, "institutions founded on substantive norms have shown to be unstable entities," therefore "flexibility and openness... may boost the utility of an international institution. When an institution's long-term effects are unclear, particularly when state sovereignty and/or national

security are at stake, flexibility is also crucial. The secret to constructing a successful regime is to strike a balance between political flexibility and rigid legalization, as well as to situate the regime within a broader program of ethnic conflict management. Regarding the first issue, considering the instances in the context of a fluid political development shows that efforts are being made to "soften" the legalizing process, at least temporarily, in order to achieve flexibility and allay worries about sovereignty and security. Regarding the second point, the regime must be combined with other anti-ethnic violence policy instruments, such as social education initiatives, foreign assistance, international involvement, geographical segregation, and political space restructuring.

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