

This is a thematic guide to historical documents, both textual and graphical (photography, art, images of artifacts), available on the Internet. These excerpts are intended to acquaint history and library staff with the types and location of documentary material for curricular use. Suggestions for related activities are also included.

 Please send in the Exemplum Survey 2002 !
 Your comments are needed and appreciated.
 A copy of the survey accompanies this issue.

The theme for this issue is ...

EXPECTING ANSWERS - ACCOUNTABILITY IN THE 1990s

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Activity: The authors of this essay argue that workers in a “virtuous spiral” avoid major mistakes by being open and upfront. Compose a persuasive speech or article that encourages a group of workers to form a virtuous spiral.

RESPONSIBILITY - INDIVIDUALS, COMMUNITIES, NATIONS

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MADD Canada

[The State of the Art in Child Abuse Prevention, 1997](#)

Health Canada

[International Demands to End Violence Against Women \(1995\)](#)

Activity: Use word-and-image skills to press home the need for a stop to the abuse. Go beyond progressive and proactive to pushy and provocative; take as your model the anti-smoking messages on cigarette packages.

ACCOUNTABILITY - LEADERS AND CRIMES

[Romeo Dallaire and Rwanda \(2000\)](#)

CBC News interview

[Srebrenica Massacre Report Presentation \(2002\)](#)

Netherlands Institute for War Documentation

Activity: Make an argument that an international police group is what today’s world needs. As a good foundation for your reasoning, adopt from the authors of these documents their emphasis on responsibility and accountability.

[Analysis of Potential Violations of Federal Criminal Law by President Clinton \(2001\)](#)

Office of the Independent Counsel

INTRODUCTION

We expect a lot from each other these days. Increasing law suits, constant media attention to screw-ups and scandals, and a stream of official inquiries and apologies show that people hold their neighbors and their governments to account. We are more aware of misconduct and abuse, and have an unprecedented ability to provide relief and care to anyone. Such knowledge and power produce a heightened sense of responsibility and put greater value on accountability. Governments along with other major bodies in Canadian society were repeatedly scrutinized and called to task in the 1990s (think of Marshall, Milgard and Morin, tainted blood, residential schools, the Airborne Regiment, et al.). Then in 2000, a development drawing the biggest public outcry: the fatal breakdown of the water system in Walkerton, Ontario. Besides the local stories, the resulting inquiry hears of citizens elsewhere who are facing [governments unresponsive](#) (or irresponsible) in dealing with water problems. The ministry widely held answerable for water quality is the subject of [reform proposals](#) from its own employees. Academics offer the inquiry their ideas on the causes of the Walkerton crisis, including an impressive analysis of [why people in organizations knowingly do the wrong thing](#) and what can be done about it.

Vigilance and outspokenness encourage a sense of responsibility in individuals, communities and even nations. A MADD brochure raises [awareness of drunk drivers](#), the consequences they both cause and face, and the need for those close to them to help prevent their crimes. A summary of [child abuse prevention strategies](#) from the '90s includes public education and personal training, safety programs, and intervention. An action list from the 1995 World Conference on Women demands that countries work for the [elimination of violence against women](#).

In a dangerous world, the national level is where people focus their need for accountability and feel most acutely their leaders' failures. Canadian Gen. Romeo Dallaire and a contingent of peacekeepers facing the Rwanda genocide are left powerless by [leadership's lack of will](#) at the UN (and particularly in the U.S.). Dutch forces in Bosnia also are tragically ineffective when [weak policy](#) sends them unprepared to where another mass murder is about to take place. Even in an established, democratic system of justice, the case of [clear wrongdoing](#) by U.S. President Clinton serves to show that circumstances determine how (and how much) accountability will be applied.

MANDATE - SAFE WATER

Local Stories: Citizen Action to Ensure Safe Drinking Water in Ontario

Written by Bryan Davis & Burkhard Mausberg, Canadian Environmental Defence Fund; edited by Tammie Hall
For the Walkerton Inquiry, April 2001

'Executive Summary

Ontario communities face a multitude of potential drinking water concerns, ranging from chemical and microbiological contamination to rusted pipes and overtaxed treatment systems. This study documents the efforts of five groups across the province, four citizens groups and one First Nation, to safeguard their drinking water from such problems. It also reveals how initial limited government response to local concerns has forced citizens to pursue political or legal action to protect community health and their local water supply.

Though drinking water on native reserves falls under federal jurisdiction, the Attawapiskat First Nation was included in this study because First Nations are consistently among the most disadvantaged users of drinking water services in the province.

The groups profiled here have followed several diverse courses of action. They have mounted legal challenges in venues such as the Ontario Municipal Board, the Ontario Divisional Court and the Ontario Superior Court. They have also met with politicians and government officials, and petitioned the Auditor General of Canada. As they have found, however, these types of efforts do not guarantee clean drinking water for affected communities.

Citizens typically encounter numerous obstacles that inhibit prompt and necessary action, including:

- inadequate responses to their concerns from politicians and government officials;
- insufficient legal protection for drinking water sources;

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- limited public participation in decision making;
- significant financial cost of legal challenges;
- limited access to information;
- poor communication between government agencies;
- inadequate communication of health threats to the local community; and
- chemical contamination treated as secondary importance as compared to microbiological contamination.

Clean drinking water is a basic human need and human right. Citizens should not have to fight for it.

[...]

The Local Stories

FORT ERIE WATER ADVOCACY GROUP

Since 1994, residents of the Town of Fort Erie have had aesthetic and bacteriological problems with their drinking water. The initial voicing of their concerns with the physical properties of the town's water brought minimal responses from all levels of government, which led to a class action lawsuit against the Town and Region. Water sample tests commissioned by Fort Erie Water Advocacy Group (WAG) in preparation for the lawsuit, as well as a Freedom of Information request for the town's water sample test results, further revealed bacteriological contamination in the distribution system on numerous occasions. [...] WAG is a grassroots organization [in which a]bout 20 individuals are actively involved, including nurses, lab technologists and high-school teachers. [...] WAG has actively undertaken a number of initiatives to educate the public concerning the state of the water supply in Fort Erie, as well as to improve water quality and water management. [...]

[...]

Between 1994 and 1997, WAG met on several occasions with municipal, regional and provincial officials regarding the concerns of residents over the discolouration of their tap water, the level of iron content in the drinking water, and other water management issues. [...] WAG and other concerned citizens demanded action from the town and region to resolve the problems. All of these requests were ignored.

As a result, Shirley Grace, the president of WAG, agreed to act as the representative plaintiff in a \$30 million class action lawsuit against the Town and Region. The class included everyone owning or occupying property in the Town of Fort Erie whose water was being supplied by the Town and Region. Since the launch of the lawsuit, the Town has expended almost \$10 million on water infrastructure improvements, [...] has more than doubled its testing of the municipal water supply, and has undertaken a comprehensive system of maintenance and regular flushing of the system.

Nonetheless, further water problems have been revealed. In preparation for the lawsuit, WAG retained an environmental consulting firm to test for iron levels in the water and to conduct a background scan for the presence of bacteria. In August 1997, samples taken from 25 sites throughout the municipal water supply area indicated the presence of coliform bacteria in seven samples and E. coli bacteria in one sample. [...] WAG proceeded to notify the Medical Officer of Health of each sample that tested positive for coliform or E. coli, and employees of the Regional Health Department were sent to conduct follow-up tests. However, these retests were typically conducted days after notification, and as a result the region's test results often differed from those conducted by WAG.

In early 1998, WAG accessed the Town's and Region's water testing results for the previous three years using the Municipal Freedom of Information Act. These results revealed positive readings for the presence of coliform bacteria on 39 occasions and for E. coli on 8 occasions between May 1995 and June 1997. That is, Fort Erie's municipal drinking water should have been determined unsafe 16 times in 15 months, pursuant to the definition of 'unsafe water' described in the Ontario Drinking Water Objectives (ODWO). However, affected residents were never notified of any water quality problems. Moreover, [...] the ODWO mandates that 'special sampling' be conducted, which includes resampling at the site of a positive test [...] Yet local authorities never conducted the required special sampling on any occasion.

Alarmed by the potential health threats to local residents as a result of the Town's and Region's deviation from provincial guidelines, WAG proceeded to notify the public of the Town's and Region's testing results, as well as

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their own testing results, through press releases and advertisements in local newspapers. WAG continues to notify the community of testing of water samples that indicate substandard water quality.

[WAG encountered a number of obstacles from government.] Local, regional and provincial officials undertook minimal action to address the water quality concerns of WAG and other citizens until the class action lawsuit was launched against the Town and Region. Local officials, the Medical Officer of Health and the Ministry of the Environment (MOE) were not open to the possibility that different types of problems, aside from total system breakdown that leads to illness and death, were possible. [...] The Town forced WAG to resort to the Municipal Freedom of Information Act in order to obtain test results and other materials produced by the Town concerning local drinking water quality. 'Given that water is such a necessary resource, it's been very unfortunate to see how unresponsive all levels of government have been when "red flags" have appeared,' said Eric Gillespie, counsel for Fort Erie Water Advocacy Group.

[...]

THE ATTAWAPISKAT FIRST NATION

On the western shores of James Bay, residents of a First Nation reserve have been supplied with contaminated drinking water from a communal system for more than a decade. In addition to problems such as discolouration, E. coli and total coliform, the community water plant is incapable of supplying the demands of the growing population. Poor planning and insufficient funding for infrastructure have resulted in chronic problems with water quality. According to Chief Gull of the Attawapiskat First Nation, First Nation reserves in general are among the most disadvantaged users of drinking water systems in the country.

The Attawapiskat First Nation is at the mouth of the Attawapiskat River on the western shore of James Bay. The Cree community has a population of about 1,700 on the reserve and approximately 1,500 living off the reserve. [...] In 1904 the Canadian and Ontario governments approached the Attawapiskat First Nation with a treaty proposal in which non-native governments and people could have shared access to the lands owned by the Attawapiskat Cree in exchange for Cree access to benefits offered by the non-natives, including non-native education and medicare. Settlement in one location (part-time, at least) of the Attawapiskat Cree was a condition of the agreement, for it was the only way in which such benefits could be delivered.

Since the late 1980s, the community water on the Attawapiskat reserve has been discoloured, with a pungent odour and unpleasant taste. Stagnant source water, an overtaxed treatment system, holes in distribution pipes, and occasionally insufficient treatment supplies (e.g., chlorine) have resulted in significant water problems, including the presence of lead and E. coli.

Most community members therefore only use water supplied by the treatment plant for washing and toilets. Drinking water is mainly obtained from four Culligan water filtration units located throughout the reserve, from which water is lugged back to households in large barrels. Individuals without powered vehicles depend on neighbours or carry containers with wheelbarrows or by hand. Some individuals obtain water directly from the river and many people melt snow and ice in large containers in the winter. Those that use the tap water for consumption must boil it first.

[...]

A new treatment facility is expected to be operational in May 2001. It's greater pump capacity will attempt to satisfy the growing demand from the rapidly increasing population on the reserve. However, the same source (i.e., a swampy lake) will be used, and concerns include the possibility the lake will meet demands for only about five or six years before running dry.

From the 1960s through the 1980s, when most Canadians had drinking water piped into their homes, the Attawapiskat Cree obtained their water for drinking, bathing and cooking by hand directly from the Attawapiskat River. In the winter, they would transport large bags stuffed with snow and pieces of ice from the river by snowmobile back to their homes to melt for water.

In 1976 the Department of Indian Affairs and Northern Development (DIAND) installed the first water treatment plant[; h]owever, the treated water was provided only to the local school, hospital and housing for teachers, not to homes. In 1986 the water plant burned down.

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In 1987 water mains were installed and a new treatment plant was built providing access to water for community members at nine watering points throughout the reserve. However, problems with the distribution pipes in the late 1980s resulted in contamination of the water. The residents therefore began obtaining drinking water directly from the river or directly from the main treatment plant itself.

In 1996 DIAND completed a \$16.2 million water and sewer sanitation system that hooked up more than 230 households to potable water and sewage disposal. [...] However, problems persisted due to inadequate planning, such as the use of the same small, shallow, stagnant lake for source water that was used for the initial system, and the use of very low per capita consumption estimates to determine the capacity of the system. [T]hese two factors in conjunction with holes in the distribution pipes and the rapidly growing population of the reserve have resulted in persistent water quality and quantity problems. As a result, Culligan units have been installed by DIAND at select locations throughout the reserve. However, residents still must transport water back to their homes. [...] A new water plant will be built by May 2001 however, again using the same inadequate source for water. [...] About \$8 million will be spent on this system and an expanded sewer system. However, these funds consist of monies originally earmarked for badly needed housing projects to satisfy the existing housing shortage and rapidly growing population on the reserve.

[Attawapiskat encounters inadequate and insufficient government response to its problems.] The distinct constitutional status of First Nations has resulted in inadequate government involvement in native affairs, including community infrastructure needs. Perhaps one reason is that distinct status has made First Nation communities more complicated to deal with, or perhaps it is simply a lack of importance placed on native affairs in general. The federal government has made frequent attempts to minimize spending in First Nation communities, or to postpone funding the types of major infrastructure projects which most Canadians take for granted.

Until recently, DIAND had maintained to the Attawapiskat reserve that it did not have the funds for capital projects despite repeated studies recommending a new water source and a new treatment system for the reserve. Although the government is now spending several million dollars on a new water plant and sewer system expansion, the funds were diverted from other badly needed infrastructure projects.

[...]
'For my people, water used to be the easiest of the necessities of life. I sometimes wonder if we've gone backwards. However, if the lawyers and the bureaucrats can get back to focusing on some basics, I think we can make progress. The starting point has to be that my people should have clean water, no questions asked. I think my government and your governments can make it work,' said Chief Ignace Gull, Attawapiskat First Nation.

[...]
Conclusion

[...] Although Ontario's drinking water generally meets provincial standards, in situations when it does not, government should be reaching out to assist concerned citizens. Instead, government officials often impose barriers that limit prompt and effective action, requiring citizens to spend thousands of dollars and countless hours to secure clean drinking water for their communities. Unfortunately it has taken a tragedy such as Walkerton to reveal the full extent of drinking water issues facing the citizens of Ontario."

<http://walkertoninquiry.com/part2info/partieswithstanding/pdf/CEDFlocalstories.pdf>

Renewing the Ministry of the Environment; Submission by the Ontario Public Service Employees Union (OPSEU) to the Walkerton Inquiry, on behalf of its members employed at the Ministry of the Environment
May 1, 2001

"Executive Summary: OPSEU Recommendations to Renew the Ministry of the Environment

This report is the result of a process in which Ministry of the Environment[...]staff described their vision of how to renew the Ministry in order to prevent a repeat of the tragedy that claimed seven lives in Walkerton, Ontario

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in May 2000 when the town's water supply was contaminated with E. coli. [...]

[...]

Ministry staff understand that the Ministry's role is to protect Ontario's environment. [...] Cutbacks have reduced their numbers by more than 40%, but MOE staff remain committed to the cause of protecting Ontario's environment. [...] Ministry of the Environment staff want the Ontario public to know that the Ministry has been cut past the point where staff can effectively protect the environment. They work hard every day, but every day they know they don't have the resources they need.

[Ministry staff's] Recommendations recognize two fundamentally crucial elements of a system that protects both the natural water resource and the public drinking water supply:

- a) dedicated, knowledgeable people working with adequate resources to protect water resources and to inspect and enforce the proper maintenance and operation of the collection and delivery system; and
- b) adequate funding to maintain water infrastructure itself.

Ministry staff observe that both a) and b) are of equal importance regardless of how they are listed in the recommendations.

[Recommendations:]

- The Ministry of the Environment must hire sufficient staff to fulfill its mandate to protect the environment.
- The Ministry of the Environment must enhance the knowledge and practical expertise of existing staff, and recruit additional skilled professionals.
- The Ministry of the Environment must provide its staff with the necessary practical and legislative tools.
- The Ministry of the Environment must become proactive rather than reactive, and make use of staff expertise in policy and planning.
- The Ministry of the Environment must provide adequately skilled staff and organizational support and ensure funding to build and maintain Ontario's drinking water infrastructure.

[...]

The focus of this report is on ensuring the future safety of drinking water in Ontario as per the mandate of the Walkerton Inquiry. However, Ministry staff have stated consistently that other areas of the natural environment, such as land and air, are equally under threat. The systemic problems at the Ministry highlighted in this report, such as lack of staffing, sufficient tools and information, equally apply to those other areas.

[...]

The Ministry's Core Role in Water Management and Protection in the Province of Ontario

The Ministry's mandate '... is to protect the quality of the natural environment to safeguard the ecosystem and human health...' This is from the Ministry's Statement of Environmental Values under the Environmental Bill of Rights. (For the complete Statement of Environmental Values, see:

http://www.ene.gov.on.ca/envision/env_reg/er/sevs/sa4e0001.htm)

[...]

The regulatory framework that protects Ontario's water supply must include consideration of the whole complex system. The MOE more than any other agency, body or sector has the mandate, experience and expertise to regulate, study and communicate to protect and conserve our water resources.

There is no body in society other than government charged with and accountable for protection of the public good. The provincial government has a non-transferable responsibility for ensuring the health of Ontario's people and environment. The provincial government is responsible for ensuring the safety of Ontario's drinking water.

Central agencies and major sectoral ministries play key roles in national decision making. [...] It is these agencies, through their policies and budgets, that determine whether the environmental resource base is enhanced or degraded and whether the planet will be able to support human and economic growth and change into the next century.

Ministry staff believe that it's time for the provincial government to fully embrace this leadership role. It must take up this commitment to protect the needs of future generations. Checks and balances must be in place to

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objectively prove drinking water is safe now and will be safe for the future.

[...]

[...] It is crucially important to collaborate and work closely with other participants in the system, but the system must have a robust core and must be able to stand independently. This[...] translates into reality by having sufficient qualified staff, adequate material resources, clear legal authority and the will to effectively deliver the mandate within the Ministry of the Environment.

OPSEU's MOE members contend that a revitalized Ministry of the Environment, sufficiently staffed and equipped, can effectively lead the delivery of safe drinking water and the protection of water resources in Ontario. OPSEU members have produced recommendations and suggestions with this revitalization in mind.

[...]"

<http://walkertoninquiry.com/part2info/partieswithstanding/pdf/OPSEUrenewingMOE.pdf>

OPSEU Submission on Whistleblowing

"October 29, 2001

The Honourable Dennis O'Connor, Commissioner

The Walkerton Inquiry

Dear Mr. Commissioner:

On behalf of OPSEU, I am pleased to make further submissions on [a topic] in which you had expressed some interest: Whether the 'whistleblowing protection' in the Environmental Protection Act and the Environmental Bill of Rights addresses the concerns of front-line public servants about their ability to bring important issues to public attention (our view being that these provisions do not adequately address the issue)[...]

Neither the Environmental Bill of Rights (EBR) nor the Environmental Protection Act (EPA), nor their combined effect, protect public servants when they bring issues to public attention. While [both Acts] prohibit 'reprisals' against employees who advance certain environmental concerns in particular ways, neither Act deals with the interaction of that legislation with the Public Service Act and the confidentiality obligations of public servants. This raises an unresolved concern for public servants contemplating bringing forward environmental concerns through channels other than those acceptable to their employer. If they bring such concerns forward and are disciplined, will the discipline be viewed as taken because they were seeking to advance environmental concerns or because they had violated the oath of secrecy? The Ministry of the Environment could claim that it is disciplining an employee not because he or she was seeking environmental protection, but because he or she violated their oath of secrecy in the process of doing so. It is far from clear how that argument would be dealt with by the Ontario Labour Relations Board in the process of adjudicating those issues.

OPSEU can certainly advise the Inquiry that front-line public servants operating in the environmental area are far from clear that they have any statutorily protected right to bring forward environmental concerns to the public, even where those environmental concerns are of the kind covered by the EPA and the EBR anti-reprisal provisions.

Furthermore, the detailed provisions of the two Acts do not protect the full range of 'whistleblowing.' [...]

Public servants may have a range of questions or concerns that need to be brought to public attention. For example, in respect of safe drinking water, one concern may be the failure of the government to enforce environmental legislation, but other concerns may include insufficient protocols governing needed inspections or other criticism of ministerial management and resourcing. In those circumstances the Environmental Protection Act would not apply. The scope of the Environmental Bill of Rights is somewhat broader but still not broad enough. Individuals are protected from reprisal in respect of a series of actions, but none of those enumerated actions[...] include bringing matters to public attention. [...]

[...]

In sum, it is not clear that the EPA or EBR protects public servants. In any case, the EPA and EBR only protect

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certain ‘whistleblowing’ activities and do not generally protect public servants bringing environmental concerns to public attention.

[...]

Yours truly,

Timothy G.M. Hadwen

General Counsel”

<http://walkertoninquiry.com/part2info/partieswithstanding/pdf/OPSEUWhistleblowing.pdf>

“Why Do People and Organizations Produce the Opposite of What They Intend?”

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This draft paper has been prepared as a background document for the Walkerton Inquiry.

Abstract

This paper poses several critical questions. What causes well-intentioned organizations to make bad decisions and produce poor, even disastrous results? Why do good people in them appear to produce bad things? Why are some of our most difficult lessons so often learned as a result of a catastrophe or crisis where serious harm is done? Why indeed do many people in the wake of catastrophes acknowledge that it was obvious to them that something bad was likely to happen, but did nothing to stop it?

[E]xtensive research suggests that people are universally predisposed to engage in counterproductive behaviour — behaviour that produces outcomes contrary to their hopes and wishes. This counterproductive behaviour is driven by a set of values that are focused on winning, staying in control and avoiding embarrassment. When pushed beyond our comfort levels, we will engage in defensive behaviour aimed at avoiding failure and the resultant embarrassment and loss of control. We will avoid telling the truth or asking questions, especially if it involves challenging the opinions of others in a manner that threatens to produce embarrassment. The result is that we will cover up our mistakes, even if it means making a bad situation worse.

While this universal frailty lurks at all times, [people vary in the amount of defensiveness they show]. The organizations in which these individual actors operate also vary in their impact on the defensiveness of individuals. Organizations have steering mechanisms — formal systems, interpersonal patterns and cultures — that can either [make better or worse] the individual tendency toward defensive behaviour.

Because organizations are populated with individuals possessing the human frailty that makes them prone in varying degrees to defensive behaviour, it is critical that organizations work hard to create a set of formal, interpersonal and cultural steering mechanisms that ameliorate the tendency toward defensive behaviour.

Otherwise it will fall prey to the errors generated by self-protective patterns operating at all levels.

[...]

Conclusion

Organizational steering mechanisms work in a tight, interconnected fashion. [Sometimes] they work together in an entirely self-sealing fashion to produce organizations that generate escalating error. In these organizations, good people end up producing bad outcomes. The errors escalate because the culture features cover-up and mistrust. Members of these organizations acknowledge that unwanted outcomes are produced, but deny personal responsibility for any of them. They protect themselves from personal responsibility with narrow perfectionism [(doing the easier parts of their job perfectly and skipping the harder parts of the work)].

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Members of such organizations tend to be fatalistic about their organizations and the shortcomings thereof, because they can't imagine the organization being any other way or changing at all. [...] Mistrust and cover-up breed more draconian formal fixes, which breed still more mistrust and cover-up and so on.

It is a vicious downward spiral, which eventually produces sufficiently catastrophic outcomes to cause dramatic intervention. However, in such organizations, formal fixes cannot reverse the downward spiral. [Still], formal fixes are the most favoured tool used to attempt transformation.

[Other] organizations are naturally self-correcting. In a virtuous, not vicious, spiral, they continuously detect and correct error. Errors are explored as interesting challenges and corrected. Members of the organization strive to work together collaboratively rather than seek to win against one another. Rather than protect themselves with narrow definitions of responsibility, members of the organization attempt to continuously explore expansion of responsibilities. Members of such organizations also grow to see their world as having this environment and set of features naturally and can't imagine it any other way.

[...]

Appendix: Recommendations

A number of lessons can be drawn from this paper by all concerned with the supply of safe drinking water in Ontario. In order to create an operating culture that minimizes the creation of unintended results, any recommendations made must neither reinforce existing defensive routines nor create new ones. In the wake of the tragedy in which lives were lost, the first instinct is to make a set of formal and strict rules to ensure such a disaster never happens again. That is to say, the focus tends to be on tightening up the formal mechanisms. The inquiry into the NASA Challenger disaster represents an example of this tendency. In his analysis of the Challenger inquiry, [one organizational theorist] suggests that the recommendations called for the necessary changes to the formal structures but failed to address the defensive routines at the interpersonal level. The result was an increase in bureaucracy, which continued to protect those who needed to be held accountable from further embarrassment but did not necessarily decrease the likelihood of future disasters.

In the case of the Ontario water supply, we assert that no matter how thorough or draconian the formal mechanisms, Ontario residents will not enjoy protection against water quality problems unless there are substantial changes in the interpersonal mechanisms as well. Currently the interpersonal mechanisms produce an environment that invites defensive behaviour. [...] Only if the interpersonal mechanisms improve as well, will changes in the formal mechanisms produce a culture conducive to water safety.

FORMAL STEERING MECHANISMS

[...]

1. Clear Decision Rights Allocation and Accountabilities

Support managers to engage in conversations with their employees that produce clarity in the assignment of decision rights and accountabilities. Responsibility for tasks should be closely matched with employee capabilities and aligned with allocation of resources (staff and budget). The decisions on allocation should be bilateral, not unilateral, with employees having the capacity to influence the assignment of decision rights to them. If the employee is uncomfortable with the desired allocation of decision rights, a development plan should be created to enable the employee to achieve a comfort level in taking on the accountabilities associated with the decision rights.

2. Active and Robust Performance Measurement System

Employees at all levels, including senior executives, should be engaged in the performance measurement process[, including]:

- joint planning (between manager and employee) at the beginning of each fiscal year, with clearly defined and measurable targets;
- 'soft' targets such as collaboration, teamwork, open communication;
- regular interim reviews where progress towards the achievement of plans and targets are evaluated and individual development plans established as needed;
- multiple feedback sources to ensure that evaluation is accurate, e.g., peers, customers — those who interact

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with the employee on a day-to-day basis

- annual performance evaluation that takes into account individual choices and behaviours (what people directly influence) as well as outcomes (business performance).

3. Transparent Reward and Consequence System

All employees must understand how and why people are or are not rewarded. The system would be founded on consultation and dialogue, and features of the system would include:

- incentives aligned to performance targets at individual and organizational levels;
- non-financial compensation for superior achievement, e.g., secondments, alternative job assignments, achievement awards;
- careful monitoring and coaching of under-performance;
- incentives for innovation, risk-taking (including delivering 'bad news'), collaboration and teamwork;
- consistency between what is demanded and what is rewarded.

INTERPERSONAL STEERING MECHANISMS

All of the above formal mechanisms require performance in the interpersonal domain in order to be effective.

For example, if a supervisor assigns decision rights and accountability to a subordinate and then ignores or suppresses the concerns of the subordinate about being able to take on the responsibility, the subordinate will be likely to cover up his/her inadequacies rather than raise those concerns and find a way to overcome them. The key then is to improve the ability to hold conversations about potentially scary or difficult subjects, such as performance problems or personal inadequacies, without triggering defensiveness and cover-up.

4. Leadership Development

Improving the ability to hold conversations about scary or difficult subjects starts with the development of those in leadership positions. There should be support for those in leadership positions to develop the tools to engage in conversations that result in commitment rather than defensiveness and cover-up. This requires:

- working with leaders to become aware of the potential negative impacts of their values and actions on their colleagues and subordinates;
- facilitating their ability to challenge their own thinking, suspend their assumptions and judgments, hold their ideas out for testing and inquire into others' reasoning
- coaching them in how to engage in conversations about performance challenges that are empathetic, measured and constructive. In so doing, they will foster an environment in which employees will be less likely to cover up mistakes and under-performance, and more willing to acknowledge their own shortcomings.

5. Creating Opportunities for Dialogue

In addition to the conversations with their managers, employees can benefit from additional forums in which they can engage in conversations about difficult issues. These can be embedded into project and functional team meetings and day-to-day interactions with peers and other business partners. Productive business conversations will create shared understanding and aligned actions, which will ultimately increase the likelihood of client/consumer satisfaction.

One strategy for working together across internal and external boundaries is to gather people from the entire system for collective inquiry, especially inquiry into how they, together, create outcomes that nobody wants. Such fora may help individuals challenge their own assumptions and integrate other points of view. [...]

6. Development of Knowledge Networks

A further way to help employees avoid defensiveness and get help in making the decisions for which they are accountable is to facilitate the development of knowledge networks. This would include the development of a knowledge management strategy and learning networks for capturing and sharing data, and for sharing innovative thinking across departments and organizations, customer and stakeholder feedback and best practices. In addition, infrastructures (on-line and human) could be designed with two-way feedback loops for disseminating information. [...]

Such knowledge networks can lead to the development of valuable communities of practice that can help individuals across organizational departments and company boundaries communicate with one another on

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difficult problems and share solutions. While knowledge networks alone will not ameliorate people's tendencies to behave defensively, they may result in employees feeling less isolated and unsupported by others in the organization."

<http://walkertoninquiry.com/part2info/commissuepapers/11martin/martin.pdf>

ACTIVITY

The authors of this essay argue that workers in a "virtuous spiral" avoid major mistakes by being open and upfront. They work together rather than try to win against one another, and treat errors as interesting challenges. They make things better for everyone (themselves, their organization, their clients or customers) by feeling free to be honest about what's going on in their workplace. They're allowed to discuss their criticisms of the work, their comfort level with decisions they're asked to make, the rewards and consequences workers receive, and generally any "scary or difficult subjects."

Compose a persuasive speech or article that encourages a group of people to form a virtuous spiral. Write it for the members of a team you're part of (like where you work or play sports), or of an organization under scrutiny (e.g., workers in the MOE), or of a fictional unit with the problems and potentials you want to cover. Express ideals, including openness, trust and tolerance, in a way that will make people think about how to support each other. Avoid writing a company cheer or a boring sermon.

RESPONSIBILITY - INDIVIDUALS, COMMUNITIES, NATIONS

Your Loved One Drinks and Drives (1998)

Stephanie Froggee, MTS; Canadian revisions by Joanne Jarvis, MSW
MADD Canada (with special permission from MADD U.S.)

"[...]

The Traffic Injury Research Foundation (TIRF) reports that on average 4.5 Canadians are killed each day in alcohol-related crashes. Many impaired drivers kill themselves in single vehicle crashes. Impaired drivers hit people in cars, on motorcycles, on bikes, standing, walking or playing by a street. [...] In addition to the number of deaths, TIRF reports that each day an average of 125 Canadians are injured in alcohol-related crashes.

[...]

At what point is someone intoxicated? Intoxication is a legal term that establishes a certain level of alcohol in the blood as the point of impairment severe enough that criminal sanctions are enforced for driving. Most people are severely impaired before they become legally intoxicated. The level of legal intoxication is .08 in most provinces and territories. [...] The blood alcohol content (BAC) measures the number of grams of alcohol in 100 millimeters of blood. BAC can be measured in blood, urine or breath. In many provinces a BAC below the legal limit may still lead to criminal sanctions. Regardless of whether or not the drinker believes he or she can drive, the law in most provinces says that a person is intoxicated and must not operate a motor vehicle when their BAC reaches .08. [...]

Ultimately the decision to drink and drive or not rests with each individual. That isn't very optimistic, but it's the bottom line. Sometimes thinking about the consequences of drinking and driving motivates a person to change his or her behavior. You should try to not feel guilty, however, if in spite of everything you do your loved one continues to drink and drive. You must then focus on protecting others on the roads and highways.

Driving while legally intoxicated is a crime in every province and territory in Canada. It is listed as a criminal offence in the Criminal Code of Canada. The Federal government enacts the criminal laws. The provinces and territories enforce and administer the law and also have established some of their own additional penalties (e.g., increased licence suspension).

EXPECTING ANSWERS - ACCOUNTABILITY IN THE 1990s

Most provinces and territories have mandatory minimum jail terms for people convicted of impaired driving. Even first time offenders can be sentenced to jail. Many of those provinces or territories also have a mandatory minimum fine plus standard court costs and fees. In addition, some provinces revoke the offender's driver's licence at the scene of a positive breath test, suspending the licence for a period of time. Although individuals can choose to continue driving without a driver's licence or insurance, they are likely to be charged with the additional offenses of driving without licence or driving without insurance if they are stopped by law enforcement. In most provinces or territories, after a certain number of offenses, a person can suffer severe consequences which carry additional criminal penalties.

If the drunk driver is charged with a criminal offense, attorney fees typically range from \$50-150 per hour. If bail is required for release from jail, someone will have to come up with cash in the amount of 10-30% of the bail set.

Judges have a great deal of discretion when sentencing impaired driving offenders, and most are eager to develop creative sentencing options. A judge or magistrate may require your loved one to pay for and attend an alcohol treatment program, perform a certain number of hours of community service, or pay for and attend a Victim Impact Panel program. In some jurisdictions a judge or magistrate may even require the offender to watch an autopsy or work at a rehabilitation centre.

Besides the criminal consequences of impaired driving, there is also the possibility of civil lawsuits in cases where property damage, injury or death resulted from the impaired driving crash. Win or lose, attorney's fees for civil suits are enormous. If a judgment is found against the impaired driver, transferring assets does not always protect the impaired driver. Declaring bankruptcy does not necessarily relieve the offender from financial obligations. Even if your loved one does not currently have assets or income, civil judgments may be charged to future assets endangering future earnings or inheritances. In addition, if you are the spouse or legal guardian of the person being sued, or if you provided the car or the alcohol involved in the drinking and driving offense, your assets are also at risk.

In addition to criminal and civil penalties, some convicted impaired driving offenders have found themselves without a job due to the policies and procedures in their work place or profession. Convicted impaired drivers who are separated or divorced may also find visitation rights with their children curtailed if this information becomes known to the family court.

Many impaired drivers are surprised to learn that their insurance rates increase or their policy is cancelled outright, requiring the purchase of new insurance at an even higher rate. Keep in mind that if you are insured under the same policy as the drunk driver and it gets cancelled, you will have the same difficulty obtaining new insurance as if it had been you who committed the impaired driving offense. This is true even if you are separated from the offender.

[...]

The legal drinking age in most provinces is 19. No provincial laws allow for under-age drinking. If your under-age child drinks and drives, you may be legally liable for any damage, injury or death caused by your child. This is especially true if you purchased or provided the alcohol.

Although most provinces recognize the right of parents to serve their own under-age child while in the home, you may not legally serve other children or provide them alcohol to be consumed somewhere else. Their consumption or possession of alcohol is all the evidence needed for you to be criminally prosecuted or civilly sued. Legislators are becoming increasingly intolerant of adults who serve alcohol to minors. Adult-supervised parties in which alcohol is served to minors is neither legal nor responsible.

[...]

If your loved one continues to drink and drive in spite of your efforts, call the police immediately after he or she leaves the house and give them a description of the car, the driver and the direction of travel. Be aware that law enforcement agencies vary widely in their interest and ability to respond to such calls, but many law enforcement agencies will make an effort to locate the vehicle, as you are reporting a crime in progress. [...] Some provinces and territories have a toll-free hotline for reporting suspected drunk drivers. Your local or provincial or

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territorial police can tell you if such a number is available in your area.

If your loved one has already been charged with an alcohol-related crime and was released on bond or bail you can call the crown attorney's office and inform them about the ongoing problem. Ask for the attorney who has been assigned to the case and inform him or her that either your loved one has a previous impaired driving record or is again drinking and driving. The crown attorney may be able to recommend an appropriate course of action. Your loved one's defense attorney should have strongly advised him or her to stay out of further trouble with the law. You may want to inform the defense attorney that your loved one continues to drink and drive.

[...]

A person who violates one or more of the required elements of probation or parole runs the risk of having their probation or parole revoked and going to jail or prison to serve the remainder of the sentence. If your loved one is on probation or parole, even for a non-alcohol-related offense, and continues to drink and drive, you can contact their probation or parole officer to report this illegal activity. This is especially important if your loved one has recently been ticketed or arrested for an alcohol-related offense.

Reporting your loved one to the authorities can be a very painful step. In the long run, however, it may be more loving than taking no action and implying by your silence that you support the drinking and driving.

Some impaired drivers are affected when brought face-to-face with victims of drunk driving crashes and the survivors of those killed. Although few studies have been completed to determine the success of these programs, anecdotal evidence suggests that some people make a commitment to go into treatment when they are exposed to the personal tragedy of drunk driving. For this reason, MADD Canada conducts Victim Impact Panels in some areas. Panels include four or five victims of drunk driving who simply tell their stories. Audiences are made up primarily of convicted impaired driving offenders who are required to attend as an element of their sentence. However, most panels are open to the public. If there is a panel in your community, you may want to encourage your loved one to attend. [...]

[...]"

http://madd.ca/support/your_loved_one.pdf

The State of the Art in Child Abuse Prevention, 1997

Prepared by Andy Wachtel for the Family Violence Prevention Unit, Health Canada

“[...]

PUBLIC EDUCATION CAMPAIGNS

Public education campaigns, especially those using the mass media, are meant to increase awareness and influence attitudes. [...] A major public education initiative in Canada resulted from a partnership between various federal government departments and the Canadian Association of Broadcasters. In 1994-95, the Speak Out Against Violence campaign was launched, with the slogan Violence: You Can Make a Difference. Public service announcements ran on hundreds of private television and radio stations across the country. They were also translated into other languages for use on multicultural stations and were made available on TV with closed-captioning.

In 1996, the second stage of this campaign focused more specifically on violence against women and against children. Each TV and radio spot featured a tip for action against violence. Government departments developed the materials, which included background fact sheets. Broadcasters broadened the use of these materials by including aspects of family violence as topics for talk shows, news broadcasts and magazine-format shows. Stations also offered the materials for use by local schools, service clubs and community groups.

[...]

COMMUNITY SAFETY PROGRAMS

One approach that both sensitizes and mobilizes community members is the community safety program. In

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Canada the two main programs supported by police forces are Community Watch and Block Parents. The first encourages neighbours to be more vigilant and the second creates a community-based network of safe places where a child can find refuge.

PERSONAL SAFETY PROGRAMS, ANTI-VIOLENCE CURRICULA AND LIFE SKILLS TRAINING

Another very important stream of initiatives has entailed the development of curricula and teaching materials for children and youth. Some focus on child abuse prevention directly; others are more diffuse, stressing general safety skills (e.g., street-proofing approaches for young children) or problem-solving skills.

Personal safety programs have been designed for preschoolers and on through childhood. Curricula based in the elementary school have been especially prominent. For example, the most widely used child sexual abuse prevention curriculum in Canada — Feeling Yes, Feeling No — was piloted in the mid-1980s by Green Thumb Children's Theatre in Vancouver and turned into a video by the National Film Board.

Curricula for teens often stress issues that arise as youth enter relationships. Thus there are many materials on relationship violence and date rape. Another issue taken up with adolescents is the lure of street life and recruitment of youth into the sex trade.

[...]

MARRIAGE PREPARATION COURSES

Marriage preparation courses aimed at young adults take up some of the same educational goals at another important transition point in people's lives. These courses provide scope for people to discuss communication, conflict resolution, life goals, expectations about children, child-rearing approaches etc.

[...]

PARENT EDUCATION

Parent education potentially touches a greater population (e.g., single parents, common law couples) than do marriage preparation courses. These curricula also key into a transition point in a person's life: new parenthood. The whole range of child abuse and neglect issues can be included. More than that, the entire scope of parent-child relations, child development, community resources and supports all become newly meaningful topics.

Like many other primary prevention approaches, parent education can also be specially targeted at high-risk populations. Thus for example, Health Canada in cooperation with the provinces and territories developed Nobody's Perfect in 1994, a support and educational program for parents of children from birth to age 5, aimed at young single parents with limited resources. Developed in Nova Scotia in the mid-1980s, this program is now in widespread use across Canada.

[...]

SUPPORT GROUPS AT TRANSITION POINTS

People [can abuse children] because of a number of life circumstances that act as stressors. [...] Among the best examples of [...] self-help and support programs are those specifically for parents who see themselves as at risk of being abusive. One of the most venerable of these programs is B.C. Parents in Crisis, founded in 1974. This society operates a province-wide network of self-help groups for parents. These Parent Support Circles are facilitated by trained volunteers and promote healthy parent-child relationships for the prevention of child abuse. Currently, 43 groups are active. As well, in Vancouver there are relatively new groups for parents from the Latin American, Filipino, Chinese and Indo-Canadian communities.

[...]

Tertiary [(i.e., the most intensive)] prevention programs include intervention, support, treatment and rehabilitation services for victims and survivors of child abuse and neglect, caregivers and abusers. The range and complexity of these programs is enormous[....] For example, there [are] hospital-based services including risk assessment and screening programs in maternity wards, SCAN programs in the emergency department to try to identify suspected child abuse and neglect, forensic examination services to help in case investigation, and often referral services to arrange for ongoing treatment or counselling.

[...]

FAMILY PRESERVATION PROJECTS

[...]

Family preservation programs represent the highest level of intensity in family support services. A worker (coach, homemaker, advocate etc.) is placed right in the home from several hours a day to virtually around the clock, depending on the level of family crisis and the specific program model. The services they offer [build] on whatever strengths there are in families, teaching practical skills and problem-solving techniques, and working step by step on small measurable successes.

[...]"

<http://www.hc-sc.gc.ca/hppb/familyviolence/html/1state-e.htm>

Violence Against Women - Women's Rights Fact Sheet

Women's Human Rights Resources

“...violence against women constitutes a violation of the rights and fundamental freedoms of women...”

Preamble to the UN Declaration on the Elimination of Violence against Women (1993)

The Declaration on the Elimination of Violence against Women is the first international human rights instrument to exclusively and explicitly address the issue of violence against women. It affirms that violence against women violates, impairs or nullifies women's human rights and their exercise of fundamental freedoms.

Article 1 of the Declaration on the Elimination of Violence against Women and the Platform for Action from the Fourth World Conference on Women (the 1995 Beijing Platform for Action) both define violence against women as:

‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’

The Beijing Platform for Action commits governments around the world to take action to address violence against women. Among other demands, the Platform calls on governments to:

- Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;
- Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies including compensation and indemnification and healing of victims, and rehabilitation of perpetrators;
- Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment free from the fear of penalties or retaliation, and file charges;
- Allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels.”

<http://www.law-lib.utoronto.ca/diana/vawfactsheet.htm>

SEE:

Beijing Platform for Action - Women and Violence

<http://www.un.org/womanwatch/daw/beijing/platform/violence.htm>

ACTIVITY

Some people who have committed criminal acts — for instance, abuse against children and/or women, or driving drunk — have seen the seriousness of what they've done and straightened themselves out. Others unfortunately don't take responsibility and go on to repeat the crimes. Especially in the last decade or two, society has gotten pretty impatient with these hardcore types and begun to go after child neglecters, pedophiles, spouse abusers and the like, not only directly but through news coverage and public education. Authorities (like the police) and organizations (such as MADD) are known to act and advocate constantly against this sort of behavior. How would you contribute to the campaign?

Use word-and-image skills to press home the need for a stop to the abuse. Go beyond progressive and proactive to pushy and provocative; take as your model the anti-smoking messages on cigarette packages. Think of the "First He Hit the Bottle..." drunk-driving ads of recent years, and learn about the "Speak Out Against Violence" series mentioned above, then punch up their impact even more. Consider placements where the message can't be missed, like on packaging for children's products and alcohol, and in bars, cinemas and sports venues. Don't be heavy-handed — just weighty and forceful enough so no one can ignore their responsibility to interrupt, report and prevent these crimes.

ACCOUNTABILITY - LEADERS AND CRIMES

Romeo Dallaire and Rwanda

CBC-TV "The Magazine" Feature Interview

Brian Stewart

"It was the worst genocide of the late 20th century: the 1994 mass murder of perhaps 800,000 people in Rwanda. Caught in the middle, Canada's Gen. Romeo Dallaire, commander of the UN mission in Rwanda. He tried to warn his UN superiors of the impending horror, but was prevented from intervening. Six years later, he's still tortured by the memories of what he saw and what he could not do. On April 12, 2000 he announced he was retiring early from the army for health reasons, his nerves still shaken by Rwanda. That afternoon The Magazine's Brian Stewart met with Gen. Dallaire[...]

Dallaire's career began in the late '60s. He graduated from Royal Military College Kingston at a time when few of the young still believed passionately in the service of arms. But his own roots flowed from one of the most celebrated annals of our history — the Canadian army's liberation of Holland in 1945. That's when his career soldier father, a francophone, met his Dutch mother. Dallaire grew up in the shadow of Canada's great military humanitarian triumph.

[...]

There was a warm greeting in Rwanda when Dallaire arrived in '93 to head a new UN force. [...] Barely 2,000 strong, it was to monitor a fragile truce between a Hutu government and Tutsi-led rebels — the most deadly ethnic fault-line in Africa. But Dallaire was never shown UN internal reports warning of a risk of genocide there. [...] And when Dallaire picked up his own evidence of approaching well-planned Hutu massacres, he [asked in January 1994] for permission to launch a pre-emptive strike against the killers, adding a personal plea in French to Canadian Gen. Maurice Baril, top military advisor at UN headquarters: 'Where there's a will, there's a way. Let's go.'

Dallaire was denied permission. Even the armed reinforcements he begged for never came before a genocide began that April. [...]

STEWART: You were warned and you passed on warnings. Most famously, you passed on a telex to New York on January the 11th, asking to pre-empt a plan of violence. Are you still bitter that the peacekeeping office, the UN, did not give you the go-ahead; people like Kofi Annan, Gen. Baril, our own Gen. Baril did not give you the go-ahead to intervene when it might have counted.

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DALLAIRE: I will remain frustrated at the result of the non-intervention. I cannot say I'm bitter, but at the time it was very difficult to accept because[...]there was the risk of, if these things, weapons and so on, are allowed to be distributed and this militia coalescing, that we could potentially be victims[, the same] as those that we're trying to protect[....] And the other frustration, I think — I think I maybe wasn't convincing enough. I think maybe I wasn't able to truly get my point across. Maybe I should have gone to New York and, you know, argued right there on the ground, early on. [But] it was their assessment of the situation versus my assessment of the situation.

STEWART: [A]t the time you were asked by the United Nations to warn other countries, specifically the embassies of the United States, France and Belgium. There was some effort in later years for these countries to deny they had full warning and knowledge of genocide. What's the truth? The truth is you did tell them.

DALLAIRE: Yes[, the] powers of the world and countries who knew the terrain and so on did have extensive information. [...] But the real crux of it is when it actually happened. The reactions during those three to nearly four months, that's where the heart of the, the — or the cold heart of lack of humanism actually came to the fore in spades.

STEWART: A stunningly cold heart, because they'd been warned of genocide. Genocide takes place, and they won't even lend equipment or vehicles or back any force.

[...]

DALLAIRE: [T]here was a lot of powerful talking going around, and not just necessarily in Security Council and not certainly in the staff, the [UN] Secretariat, as much as outside of that, where the real game was. I mean the UN has got nothing; it's got a budget and it's dividing it up and it has its flaws, like any government has. However you can't — you can't crucify the UN when ultimately people wanted it to be ineffective. [...] So when I'm asked, you know, why did you stay, why didn't you pack it in? I said if we can save one Rwandan, at least morally we've attempted to stymie the debacle that was going on. [I]f the political will is not there, of course the military side of the house can only act within the parameters of the political desires.

[...]

STEWART: Some Rwandans we have talked to will say that Gen. Dallaire showed extraordinary physical courage throughout this whole affair, but that they wish that if he had listened to his own heart rather than his head, he might even have saved more civilians than he was able to save. What's it like to hear that kind of comment?

DALLAIRE: Makes no sense — if I had listened to my real heart, that is to say to an emotional reaction versus an attempt of a moral reaction, responsible reaction. I had no mandate by the evening of the seventh of April [(the first day of the genocide)]. I could have ordered all of my troops into their barracks — don't move, dig in. Don't open the gates, and wait for the first evacuation plane to come in, because we don't have a job. And if they wanted to go at each other, then that's their problem. We are not here for that.

Morally, we were still committed to trying to solve this particular situation and avoid the catastrophic failure that ultimately did come. So there were prices to be paid there. And I would — I'll take any criticism like you just described any day of the week. But I would have never been able to handle the criticism [if] I was morally corrupt and simply hunkered down and saved my butt and got out as fast as I could.

[...]"

ALSO SEE:

Electronic Briefing Book: Rwanda
National Security Archive

Documents showing restrained U.S. response to the crisis, including Dallaire's January/94 fax ("telex") to UN
<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB53/press.html>

Bystanders to Genocide; Why the United States Let the Rwandan Tragedy Happen
The Atlantic Monthly, September 2001

Extensive article with quotes from numerous documents, and a follow-up on Dallaire's experience
<http://www.theatlantic.com/issues/2001/09/power.htm>

Srebrenica Massacre Report Presentation
Netherlands Institute for War Documentation, 10 April 2002

"Ladies and Gentlemen,

At least seven-and-a-half thousand Bosnian Muslims went missing; it is virtually certain that all of them were killed. Around six thousand of these people were slaughtered in mass executions. This is the sad balance of the events of July 1995 that followed the Bosnian-Serbian army's capture of Srebrenica, which had been declared a United Nations 'Safe Area' in 1993. These atrocities have evoked deep emotions from the moment that they became known in the outside world.

Dutch troops ([Dutch battalions, or] Dutchbat) were present at the fall of Srebrenica as a part of UNPROFOR, the UN peacekeeping force. Therefore the ensuing debate was particularly heated in the Netherlands and generated a powerful undercurrent. There were numerous uncertainties about exactly what had occurred. It was against this background that the Dutch government asked the Netherlands Institute for War Documentation in 1996 to set up independent, historical research into the events that took place before, during and after the enclave's fall. [...] The research took a long time to complete. This was necessary not only to encompass the enormous quantity of information about the different kinds of complicated, interwoven processes, but also to meet the academic requirements of depth and precision.

The report is extremely extensive too because this was the only way of fulfilling the original request: to create a reconstruction of the events that is as accurate and complete as possible, and to provide an explanatory historical analysis. [T]he central question concerns the involvement and responsibility of both institutions and individuals at every relevant level.

The 'Srebrenica tragedy' can only be understood in the context of former Yugoslavia's violent disintegration. The fact that conflict broke out there at the beginning of the 1990s is due to the nationalist leaders who seemed willing to achieve their objectives by brute force, and to the population's sense of insecurity and fear that led to the acceptance of violence as the only means of defence.

Yugoslavia's collapse was the result of a multifaceted process where President Milosevic of Serbia played a decisive role by embracing nationalism in an attempt to sustain his position of power. However, the nationalism of leaders elsewhere in Yugoslavia was also influential, and particularly that of President Tudjman of Croatia. [...]

The war in Bosnia that broke out in April 1992[...]was generated by the parties within the region itself. On the whole, the West could only exert a limited influence on the chain of events[, especially] as long as there was no preparedness to intervene on a massive scale. Cease-fire agreements, which the West viewed as being diplomatic successes, were simply consciously chosen breathing spaces for the warring factions that allowed them to prepare for the next phase of conflict. The West's peace plans[...]frequently intensified hostilities. The West mainly attempted to limit the conflict and to provide humanitarian aid.

But negotiations and humanitarian aid also limited the possibility for actual intervention: armed action could

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thwart peace talks and could result in a suspension of aid. The West became the hostage of its own approach and ended up in a scenario of 'muddling through.' The UN's attempts at impartiality meant that the peacekeeping troops were hated by all sides in the conflict.

It was in this context that the French General Morillon was taken hostage by the people of Srebrenica when he visited the eastern Bosnian enclave in March 1993. He was only able to leave once he had promised the enclave's residents that they were under UN protection. Shortly afterwards not only Srebrenica but also five other Muslim enclaves were declared Safe Areas.

However, these areas were in no way safe because they were not demilitarized, the surrounding Serbian troops had not withdrawn to a safe distance and the peacekeeping force that was stationed in these enclaves was too small for either protection or defence. In addition, the Safe Areas had less to do with the reality of Bosnia-Herzegovina than with the need to achieve a compromise in the Security Council and with the wish to diminish the tensions that had arisen between the United States and Europe concerning the right approach.

The [outlying enclave of] Srebrenica was the unwanted child amongst these Safe Areas. At the end of 1993, no country was prepared to station its troops there after the Canadian government had announced its intention of withdrawing its forces. The Dutch government, which had been at the forefront of the international call for more decisive intervention, felt that it had no choice but to fill this vacancy in the UN's plans.

Being at the forefront was the result of the government's previous interest in alleviating humanitarian suffering in Bosnia. Its strongly worded statements meant that the Dutch government was ultimately forced to practise what it preached through a military contribution in the form of combat troops. [Yet several problems restricted the effectiveness of Dutch forces.] In practice, Dutchbat was sent:

- on a mission with an unclear mandate;
- to a location described as a Safe Area but where there was no clear definition of what that actually meant;
- to keep the peace where no peace existed;
- without obtaining in-depth information from its Canadian predecessors in the enclave;
- without adequate training for this specific task in these specific circumstances;
- effectively deprived of the means and capacity for obtaining intelligence so as to gauge the warring factions' political and military intentions;
- with an unfounded trust in the willingness of the higher echelons of the UN leadership to deploy air power in the event of difficulties;
- without a clear exit strategy of its own.

This was gambling [that] relations in the region would stabilize. Naturally no one could predict just how serious the problems for the UN mission would have become by 1995. But the broad circle of those involved with this policy, and particularly its advocates, must bear a considerable responsibility for disregarding the difficulties once the behaviour of the warring factions got out of hand.

Although Dutch politics sent Dutchbat to Srebrenica with a mixture of compassion and ambition, it naturally ended up in the UN's scenario of 'muddling through.' This inevitably led to great disappointment and made it increasingly difficult for Dutchbat to function over the course of time. [...] The successive battalions had to perform their work under circumstances that were both frustrating and ultimately demotivating. [...]

This mission was considerably complicated by the fact that the agreed demilitarization had scarcely been implemented. Moreover, new weapons had actually been smuggled into the enclave. Right from the beginning, Dutchbat was stuck between the warring factions.

The Bosnian-Serbian army (the VRS) intensified the siege in the course of time by increasingly obstructing supply convoys. This was a part of its strategy for creating a situation that would be untenable in humanitarian terms, so that the enclave would fall into the hands of the Serbs. For its part, the Bosnian government army (the ABiH) focused on limited actions that would tie up a relatively high percentage of the VRS manpower. This involved attacks on villages outside of the enclave, which could include looting and acts of vengeance, and firing on the VRS from positions that purposely included the vicinity of the Dutchbat troops, who were then at risk of being caught up in crossfire.

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In particular, Dutchbat III came under immense pressure when hostilities again intensified in May 1995. The VRS isolation strategy resulted in the battalion becoming understrength [and being forced onto] emergency rations and restricted movement. [A VRS attack toward Srebrenica] began on 6 July. It was so successful and met with so little resistance that the VRS decided on 9 July to push on and to see whether it was possible to conquer the entire enclave. A triumphant General Mladic of the VRS entered Srebrenica on 11 July. The Safe Area had fallen.

The ABiH's[...]28th Division was already in a poor state before the attack and fled with a part of the male civilian population. The remaining population moved in desperation to the Dutchbat compound in Potocari, a small village just outside Srebrenica. Although it was not one of the warring factions, Dutchbat had effectively become a defeated battalion in the power of the VRS.

The story of both the attack and the fall is described and analysed in detail in this report. Here, a central question is why the UN troops did not attempt to stop the VRS by deploying powerful military resources. The answer can be summed up in a number of points:

- the enclave's active defence would not have been in accordance with the mandate and the UN's chosen line;
- this in turn meant that the instructions specified that there should be no military response;
- directed fire could only be permitted when the UN troops' safety was endangered; however, the VRS carefully moved around all the established blocking positions;
- the military balance of power meant that Dutchbat never stood a chance in any situation of combat;
- there was considerable hesitation at the Zagreb [UN] headquarters about whether to deploy air power; massive air strikes were certainly excluded.

[...]

The low point of all the events described in this report is the mass murder of thousands of Muslim men. Most of them had tried to escape to Tuzla during and after the fall of Srebrenica. Many soldiers and civilians perished during that journey. Thousands of prisoners were murdered.

It is unlikely that mass murder of this form and magnitude had been planned much in advance. The attempted escape came as an unpleasant surprise to the VRS. [...] The VRS's fury was mixed with old feelings of hatred and vengeance along with the desire for ethnic cleansing.

All this led to the decision to execute the prisoners on a massive scale. The events cannot be described as an act of vengeance that got out of hand. Although they occurred rapidly and in an improvised way, the scale and course of the murders clearly indicate that they were organized. Places of execution were sought, transport was arranged and troops were ordered to carry out the executions. The fact that the operation was spread out over several days and the VRS worked at solving logistical problems once again underlines the sense of intention.

Although no written order has been found, there is no doubt that responsibility mainly lies with General Mladic and that the circle of officers around him must share that responsibility. As the supreme commander, [Bosnian-Serbian leader] Karadzic formally ordered[...]the capture of the entire enclave. However, it is unclear whether he was informed in advance about the mass murders. Karadzic's relations with Mladic were poor and they did not communicate effectively. No evidence has been found that suggests the involvement of the Serbian authorities in Belgrade.

Could these murders have been prevented and could Dutchbat have played a role here? In terms of answering this question, it is important to establish that during those days the UN, the Bosnian government and most of the media had no idea that mass murder was about to take place. The image that has been created of thousands of men being killed 'right under Dutchbat's nose' is untrue. The murders took place elsewhere.

[...]

Questions also concern the dramatic events around the Dutchbat compound in Potocari. Commander Karremans tried in vain to negotiate with Mladic and to keep the initiative for transporting the population. However, he was no match for Mladic and received insufficient support from the UN. Hence he was forced to accept Mladic's demand to screen the men for war criminals. Mladic broke his promise by accelerating the transportation. From then on, Dutchbat was overtaken by events.

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Here the battalion's leaders felt that the only choice was to cooperate; otherwise there was the risk of a major humanitarian disaster that would be caused by extremely poor hygiene and a lack of food and water. Armed resistance was not an option because the VRS would have probably slaughtered the refugees. Some of the Dutchbat troops, including Deputy Commander Franken, were concerned about the fate of the men. However, Franken never expected mass murder. He felt that the interests of the thousands of women and children should come before the uncertain fate of the male minority. There had to be no delay in transportation. This led to painful but conscious decisions.

[...]"

http://www.srebrenica.nl/en/content_aanbiedingstoepspraak.htm

ALSO SEE:

Announcement of International Commission of Intervention and State Sovereignty
Canadian Department of Foreign Affairs press release, September 14, 2000

Minister Lloyd Axworthy: "In his Millennium report, the UN Secretary-General challenged the international community to address the highly complex problem of state sovereignty and international responsibility. Canada's human security agenda is all about putting people first. We are establishing this Commission to respond to the Secretary-General's challenge to ensure that the indifference and inaction of the international community in the face of such situations as occurred in Rwanda and Srebernica are no longer an option."

<http://www.iciss-ciise.gc.ca/press1-e.asp>

The International Criminal Court

http://209.217.98.79/english/00_index_e.htm

ACTIVITY

Getting answers and ensuring accountability is never harder than at the level of armies and nations. Though we detest what they do, leaders who commit crimes are seldom punished for their actions, and selfish governments are rarely indicted in any meaningful way. Our need for explanations is met somewhat by journalists and researchers such as those quoted above; from our need for justice, we hope bodies like the new International Criminal Court support a growing determination to prevent future atrocities. Still, "putting people first" means somehow bringing security down from the institutional level, right into people's lives.

That might mean creating a force that will take action the way peacekeepers did not in Rwanda and Bosnia. Perhaps there should be a permanent military group, one that can be the International Criminal Court's "police force," in the way that courts in Canada work with police to fulfill the law-and-order role of the judicial system. Then international laws, such as war-crime laws, could be enforced before or while the crimes were being committed, not just afterward.

This would be a highly contentious proposal, and very unpopular with nations that want to maintain their sense of sovereignty and their freedom to act on their own. Nevertheless, make an argument that an international police group is what today's world needs. As a good foundation for your reasoning, adopt from the authors of the above documents their emphasis on responsibility and accountability. Search the documents for quotes to adapt to your argument; consider, for example, that:

- security "is a basic human need and human right. Citizens should not have to fight for it."
- the international community should provide "intervention, support, treatment and rehabilitation services for victims"
- large-scale "violence[...]violates, impairs or nullifies[...]human rights and[...]fundamental freedoms"
- the world must overcome "the cold heart of lack of humanism" when whole populations are in peril
- "the central question concerns the involvement and responsibility of both institutions and individuals"

Try to address both the desire to do something and the ability to take action.

EXPECTING ANSWERS - ACCOUNTABILITY IN THE 1990s

Analysis of Potential Violations of Federal Criminal Law by President Clinton (2001)

Office of the Independent Counsel

“The Independent Counsel is required to follow the ‘written or other established policies’ of the Department of Justice[, including] guidance, articulated in the Principles of Federal Prosecution, designed to assist a federal prosecutor in determining whether or not federal criminal charges should be presented to a grand jury for consideration. [...] In deciding whether to present charges relating to President Clinton’s conduct to a grand jury,[...]the Independent Counsel concluded that sufficient evidence existed to prosecute and that such evidence would ‘probably be sufficient to obtain and sustain a conviction...by an unbiased trier of fact.’

That conclusion does not, however, end a federal prosecutor’s inquiry. Under the Principles, even when a prosecutor believes a provable case has been developed, he or she must also consider whether other reasons exist for[...]declining federal prosecution in the matter. The Principles provide that a government attorney should commence federal prosecution if he or she believes the conduct constitutes a federal offense and the admissible evidence will be sufficient to obtain and sustain a conviction unless, in the prosecutor’s judgment, prosecution should be declined because: 1) no substantial federal interest exists, or 2) there are adequate non-criminal alternatives to prosecution. [...]

[...]

The Independent Counsel’s judgment that sufficient evidence existed to prosecute President Clinton was confirmed by President Clinton’s admissions and by evidence showing that he engaged in conduct prejudicial to the administration of justice. [...] In his January 19, 2001 statement, President Clinton admitted ‘certain of my responses to questions about Ms Lewinsky were false.’

[...]

This case involved the exercise of the full law enforcement authority of the Attorney General vested in the Independent Counsel by statute to address allegations of criminal conduct by high ranking government officials. The subject of those allegations in this case was the President of the United States, the highest ranking public official under the Constitution, whose constitutional obligations include ‘tak(ing) Care that the Laws be faithfully executed.’

[...]

[...] The Independent Counsel concluded that the nature and seriousness of the offenses investigated and the deterrent effect of prosecution were substantial federal interests which would have been served by prosecution of President Clinton. [...] In the Independent Counsel’s view, President Clinton’s offenses had a significant adverse impact on the community, substantially affecting the public’s view of the integrity of our legal system.

[...] The Independent Counsel recognized President Clinton’s conduct might be viewed as the result of embarrassment over an extramarital sexual affair. He was nevertheless of the view that President Clinton’s conduct, ‘if commonly committed,’ would severely undermine our system of justice. [...] The Independent Counsel concurred with Judge Wright’s view that President Clinton’s conduct, ‘coming as it did from a member of the bar and the chief law enforcement officer of this Nation, was without justification and undermined the integrity of the judicial system.’ Thus the Independent Counsel concluded that a substantial federal interest would be served by the presentation of criminal charges relating to President Clinton’s conduct.

The Independent Counsel also considered whether there were adequate non-criminal alternatives to prosecution. The[...]Principles of Federal Prosecution note:

When a person has committed a federal offense, it is important that the law respond promptly, fairly and effectively. This does not mean, however, that a criminal prosecution must be initiated. In recognition of the fact that resort to the criminal process is not necessarily the only appropriate response to serious forms of antisocial activity, Congress and state legislatures have provided civil and administrative remedies for many types of conduct that may also be subject to criminal sanction. ... Although on some occasions they should be pursued in addition to the criminal law procedures, on other occasions they can be expected to provide an effective substitute for criminal prosecution. In weighing the adequacy of such an alternative in a particular

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case, the prosecutor should consider the nature and severity of the sanctions that could be imposed, the likelihood that an adequate sanction would in fact be imposed, and the effect of such a non-criminal disposition on federal law enforcement interests.

[...]

[...] The Independent Counsel considered seven non-criminal alternative sanctions that were imposed in making his decision to decline prosecution: (1) President Clinton's admission of providing false testimony that was knowingly misleading, evasive and prejudicial to the administration of justice[...]; (2) his acknowledgement that his conduct violated the Rules of Professional Conduct of the Arkansas Supreme Court; (3) the five-year suspension of his license to practice law and \$25,000 fine imposed on him by the Circuit Court of Pulaski County, Arkansas; (4) the civil contempt penalty of more than \$90,000 imposed on President Clinton by the federal court for violating its orders; (5) the payment of more than \$850,000 in settlement to Paula Jones; (6) the express finding by the federal court that President Clinton had engaged in contemptuous conduct; and (7) the substantial public condemnation of President Clinton arising from his impeachment. President Clinton's conduct was indeed serious, but President Clinton already suffered serious and, in the Independent Counsel's view, sufficient sanctions.

[...]

Thus the Independent Counsel ultimately determined the nature and severity of these alternative sanctions were adequate substitutes for criminal prosecution. The Agreed Order of Discipline, the written statement of President Clinton and the contempt citation issued by Judge Wright adequately addressed the substantial federal law enforcement interests of promoting truthfulness and honesty before judicial tribunals. President Clinton's payment of fees, fines and a significant civil settlement effectively addressed the monetary harms visited on the plaintiff in the civil suit and the damages suffered by the federal and state courts. Based upon a consideration of all of these factors, the Independent Counsel determined he would exercise his discretion to decline criminal prosecution of President Clinton, with prejudice. This investigation, begun more than three years ago, is now closed."

<http://icreport.access.gpo.gov/lewinsky/sec4.pdf>

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