

## United Nations Peacekeeping

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In *An Agenda for Peace*, the Secretary-General of the United Nations identified a list of tasks for the Organisation in the field of international peace and security. They were:

- to identify potential sources of conflict and to try to deal with them before violence occurred - "*preventive diplomacy*";
- where conflict did arise, to try to resolve the issues which caused it - "*peacemaking*";
- to try to preserve any peace which was made - "*peace-keeping*";
- to assist in the reestablishment of relations between parties to the conflict and to help in the restoration of internal order after civil war - "*peace-building*";
- to address the causes of conflict in their widest sense: "*economic despair, social injustice and political oppression*".<sup>1</sup>

He went on,

*"The foundation-stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common international progress."*<sup>2</sup>

Despite the provisions in the Charter which envisage coercive action in the cause of the preservation and restoration of international peace and security under Chapter VII and Chapter VIII and which appear to give the Organisation the power to override national sovereignty, nowhere does the realism of the Secretary-General's premise have more significance than in this field. The Charter model of a UN force comprised of troops supplied to the Organisation under treaties and under the political control of the Security Council and the military command of the Military Staff Committee has never been realised. Even the action against Iraq after its invasion of Kuwait in August 1990 was, at best, an approximation to the scheme envisaged in the Charter.<sup>3</sup>

There are many aspects to the explanation for this situation but two are of predominant importance. The first is that the Member States show no inclination to enter into agreements with the UN to commit troops to it.<sup>4</sup> The second is that the clear case of an overt attack by one State against another is highly unusual. Most outbreaks of violence happen within States rather than between them. These internal conflicts are as capable of wrecking human values as international wars and are likely to have serious consequences for other States in the region. Because of this, the Security Council has been prepared to characterise some situations within a single State as threatening international peace and security and thus within the Council's competence under Chapter VII of the Charter.

*An Agenda for Peace* is a "*new world order*" document in the sense that it addressed the new political situation within the Security Council which followed the collapse of the communist regime in the Soviet Union and to which the Council Members themselves attested at their special meeting in January 1992. The ending of thorough-going antagonism between the United States and the Soviet Union held out the prospect of more involvement by the UN in the typical situations of instability and violence or, perhaps more exactly, removed one obstacle - the likelihood of veto - to the exercise of the Security Council's powers.<sup>5</sup> The question was, "*what were the powers of the Security Council to act in response to internal wars?*".

The preliminary answer had been given in the bad old days of the Cold War, when the Council had responded to a request from the government of the newly independent State of the Congo (now Zaire) for assistance in maintaining order, especially in the face of a continuing Belgian presence in part of its territory after independence.<sup>6</sup> The force sent there (ONUC) eventually used substantial military power against rebels in Katanga province, arguing that it was necessary in order that ONUC could carry out its

mandate from the Security Council.<sup>7</sup> Although the setting up of ONUC had commanded a consensus in the Council, this agreement broke down once the force was in the Congo. Later, some States refused to pay their shares of the costs of the operation. In its advisory opinion in the *Expenses* case,<sup>8</sup> the International Court of Justice confirmed the legality of the ONUC operation and of an earlier force sent by the General Assembly to Egypt after the Suez invasion (UNEF I). The actions taken by these forces were not enforcement measures as conceived by the drafters of the Charter but were examples of what had become known as “*peace-keeping*” operations. Initially, these were observer missions, set up to monitor international boundaries or cease-fire lines.<sup>9</sup> However, more active functions were discharged under the general umbrella of “*peace-keeping*” as the circumstances in the area of operations differed. Among its other roles, UNEF I was responsible for the clearing of the Suez Canal of wrecks. ONUC, as already indicated, assisted the government in maintaining the territorial integrity of the State against a secessionist rebellion.

It was not so much *what* the peace-keeping forces did as *how* they did it which distinguished them. The characteristics of peace-keeping were that it required consent, consent of the territorial sovereign to operate there and consent of the troop-contributing States to the service of their personnel, that the force was under the political and military control of the UN to carry out the mandate given to it, and that its right to use force was confined to self-defence.<sup>10</sup> So low-key were the early operations that a book describing them was called *Soldiers without Enemies*.<sup>11</sup>

The conditions established in practice were the legal parameters within which peace-keeping forces operated. However, experience was to show that there were practical constraints upon the powers of peace-keepers, which it was prudent for them to respect, whatever their legal authority. The first was that they maintain a stance of impartiality between hostile forces and the second was that the *de facto* consent of any significant force in the area of peace-keeping operations was a pre-condition for the effective deployment of a force. The absence of either criterion could lead to the peace-keeping force being drawn into a conflict for which its equipment and manpower did not fit it. The forces were unequivocally UN

Forces, under UN command and in UN uniform: they were the “Blue Helmets”. In the “*old world order*” UN forces were deployed on 15 occasions, many of them in the Middle East.

As the political environment in the Security Council changed in the late 1980's, so the opportunities arose to take advantage of the possibilities demonstrated by the earlier practice. Furthermore, one feature of that practice, that contingents were, in general, not drawn from the forces of the permanent members, began to be abandoned, which opened up operational capacities not previously available. The UN involved itself successfully in a variety of missions in Namibia, UNTAG (arranging and supervising elections),<sup>12</sup> in Afghanistan, UNGOMAP (monitoring the peace agreements),<sup>13</sup> in Angola, UNAVEM (verifying the withdrawal of Cuban troops);<sup>14</sup> in central America, ONUCA (supervising the Nicaraguan elections and the demobilisation of guerilla fighters),<sup>15</sup> in El Salvador, ONUSAL (supervising, first a cease-fire and then elections),<sup>16</sup> in Cambodia, UNTAC (assisting in the administration of Cambodia following peace agreements over a wide range of political, military and administrative fields),<sup>17</sup> in South Africa, UNOMSA (assisting in the transition to democracy)<sup>18</sup> and in Mozambique, ONUMOZ (supervising cease-fire accords and monitoring elections).<sup>19</sup> One can add the Iran-Iraq Military Observer Group (UNIIMOG)<sup>20</sup> and certain aspects of the post-cessate-fire operations after the liberation of Kuwait (such as the demarcation of the Iraq-Kuwait border (UNIKOM),<sup>21</sup> although these concern inter-State relations rather than internal affairs. It is worth listing these operations to underline that recent peace-keeping has enjoyed some measure of success, lest the prominence given to its difficulties and failures suggests too pessimistic a conclusion about its value.

Certainly, the successes that there had been and the degree of political euphoria which followed the ejection of Iraq from Kuwait encouraged the Security Council to intervene in situations which have severely tested the peace-keeping model, eventually to breaking point in Somalia. To return to *An Agenda for Peace*: there, the Secretary-General set out four kinds of activity which the organisation could undertake. He noted that they were “*integrally related*” rather than discrete categories. The impossibility of

demarcating the functions clearly, with the risk that a force sent and equipped for one purpose would find itself asked to discharge another, has been one of the factors which has contributed to disillusionment with peace-keeping in some quarters.

His list was preventive diplomacy, peacemaking, which he saw mainly as helping hostile parties to reach agreement through peaceful means, peace-keeping, which involved the dispatch of forces to maintain the peace which had been made, and peace-building, which had long-term objectives of creating the conditions of stability.<sup>22</sup> The Secretary-General acknowledged that some phases of some operations would involve the use of coercive measures against recalcitrant parties and he looked to the establishment of a UN Force for "peace-enforcement" comprised of units from member States which would have been put at his disposal.

Chapter VII of the Charter does allow the Security Council to take decisions which are binding on States and it is envisaged that the Council may institute coercive measures, diplomatic, economic or military to discharge its function of maintaining or restoring international peace and security.<sup>23</sup> Since 1991, it has frequently characterised internal situations as threatening international peace - the break-up of Yugoslavia,<sup>24</sup> the break down of internal order in Somalia,<sup>25</sup> the exclusion of the elected government in Haiti, are examples.<sup>26</sup>

Resort to Chapter VII is necessary if the Council wishes, as it has often done, to impose mandatory arms embargoes or wider economic sanctions on a State or territory.<sup>27</sup> Chapter VII allows the Council to go further and enforce a blockade or sanctions which it has imposed. When it does this, rather than creating a UN Force to which national States would contribute men and resources, the Council authorises national forces to take action. So, ships from NATO and the WEU have comprised the naval blockade of the territory of Yugoslavia as a whole and of Serbia-Montenegro<sup>28</sup> and the United States was principally responsible for the blockade of Haiti.<sup>29</sup>

This model, which goes back to the Beira blockade of 1966 during the Rhodesian crisis,<sup>30</sup> has been used whenever the Council has deemed

coercive measures necessary in preparation for or in support of peace-keeping operations. Even though the peace-keeping forces will be 'Blue Helmets', the ground will sometimes have been prepared by units under national command, acting under Council authorisation. A predominantly US force went into Somalia<sup>31</sup> and into Haiti<sup>32</sup> in advance of the deployment of the UN peace-keeping forces there. Also, where the protection of peace-keepers in place or the fulfilment of their mandate requires the use of more force than they have available, the practice has been to call on support from national units. American airborne force was available to the UN Force in Somalia after US ground troops had left.<sup>33</sup> NATO air-power is used to protect the troops in UNPROFOR in Bosnia.<sup>34</sup>

This may suggest that UN activity has not expanded much since 1991. The case is to the contrary because the kinds of missions undertaken under the broad peace-keeping head have developed beyond the original narrow conception of interposition forces or observer groups following cease-fire agreements between hostile parties.

In Bosnia, the mandate of UNPROFOR is to protect the delivery of humanitarian assistance to the civilian population deprived of food and medicine by the conflict there.<sup>35</sup> It has been expanded to include the protection of "safe areas".<sup>36</sup> In Somalia, UNOSOM I also had a humanitarian objective<sup>37</sup> but the functions of UNOSOM II went beyond that to include measures to disarm the various factions fighting there.<sup>38</sup> When the discharge of this duty encountered opposition, UNOSOM II used and called for the use of armed force against the clans and its authority was extended by the Council to provide a very specific enforcement function against particular individuals.<sup>39</sup>

The justification for these measures was that they were necessary to allow the process of re-establishing internal order in Somalia. The mandate of the force in Haiti is to re-instate the elected government of President Aristide and to consolidate the democratic institutions of the State.<sup>40</sup>

In some ways, the most involved of the operations have been those undertaken in response to the events in Rwanda. While one force, UNOMUR,

is stationed in Uganda to monitor the ban on military assistance to parties in Rwanda because the Rwandan authorities have not permitted its entry into Rwanda,<sup>41</sup> a force with an expanding mandate, UNAMIR, is present in Rwanda. Its initial mandate was to monitor the cease-fire agreement and associated details of the Arusha peace agreement between the (Hutu) government and the (Tutsi) rebels.<sup>42</sup> The force did not have the authority to intervene nor the means to do so, when genocide was committed there in 1994. Much of the force was withdrawn. The remainder could play no part in moderating the effects of the civil war which followed. As the agreement of contributing States was obtained, the mandate of UNAMIR was extended to meet the deteriorating situation.<sup>43</sup>

UNOSOM withdrew from Somalia with the bulk of its tasks unfulfilled.<sup>44</sup> UNPROFOR in Bosnia is subject to constant criticism that it did not do and does not do enough to prevent attacks on civilians in the implementation of programmes of ethnic cleansing or during unrestrained methods of fighting.<sup>45</sup> The force in Rwanda is accused of being ineffective in protecting the aid agencies in the delivery of humanitarian assistance and in establishing conditions inside Rwanda which will give those who have fled the country the confidence to return. In Haiti, all is going according to plan but there have been set-backs before and it is recognised that the most difficult part is still to come as UNMIH<sup>46</sup> takes over from the US forces. While all this has been going on, the UN has not been able to take action in Afghanistan or Sudan. It is involved only to a limited degree in the conflicts in States which were once part of the Soviet Union<sup>47</sup> and to an even more limited degree in Liberia.<sup>48</sup> There is no sign of preventive measures to meet the worsening conditions in Sierra Leone. Doubtless, other omissions could be added to the list.

The Secretary-General has had occasion to reflect on recent peace-keeping in a supplement to *An Agenda for Peace* prepared for the Fiftieth Anniversary of the UN<sup>49</sup> and in a speech to the International Peace Academy in Vienna.<sup>50</sup> One of his concerns is that the UN cannot take action in all cases when it would be desirable to do so. Although he does not address directly all the criticisms which have been levelled against UN peace-keeping, he does indicate why some of the difficulties have arisen.

The most obvious point, which is of particular relevance to the operations in Bosnia, is that peace-keepers are restricted by their mandates and those mandates do not allow them to become parties to conflicts which are taking place in the areas where they are stationed. Forces which find themselves in territories where civil wars are being fought<sup>51</sup> or where government has disappeared may not and cannot impose order themselves, even when the disorder interferes with the execution of their mandates. To intervene, albeit in a small way, may be characterised by one of the factions as an abandonment of the UN Force's neutrality and lead to it targeting troops and equipment of the Force.<sup>52</sup>

One answer, to provide more substantial force through the medium of authorised national units in support of the UN operations, has had its limitations. In Bosnia, the UN has been cautious about taking advantage of NATO air support for fear that its men will become dangerously exposed, beyond any effective protection from the air. Equally, if the risks to peace-keepers become too high, then the UN faces the possibility that national contingents will be withdrawn - as some States have threatened to do if the arms embargo on Bosnia is lifted - or, where national forces are used to do the fighting and suffer losses, they too will be removed, as happened in Somalia after US troops had been killed in conflict there.

These prospects are intensified if there is "mandate drift", when the Security Council agrees on further and more ambitious functions for a force already in place without making the consequential changes in the size and armament of the force. This is, perhaps, the most crucial lesson to have been learnt in the recent peace-keeping experiences. In addition, where the Security Council approves the intervention of UN forces in internal situations, it emphasises the ultimate responsibility of the people of the state to reach a solution to the crisis which prompted the UN action and it invariably makes intervention subject to time-limits. As the exit from Somalia shows, the Council is prepared to stick to its decision, even if the mandate of the force has not been discharged.

Of course, one response to the manpower and equipment limitations of a UN force would be to give it the men and weapons that it needs but here

the UN comes up against the fundamental premise on which *An Agenda for Peace* was written. The UN is an organisation of sovereign States, whose co-operation is needed to provide the men, the equipment and the money for peace-keeping operations. Despite the Secretary-General's reiterated requests for the establishment of some force on which he can rely, the States show no inclination to respond positively. Even with the *ad hoc* provision of forces, States are reluctant. It took a long time to reinforce UNAMIR in Rwanda because of the unwillingness of States to offer troops to the Secretary-General. While the Security Council has established the legal basis for it to take or authorise action in an increasingly wide range of circumstances, the willingness of States to co-operate in taking advantage of this capacity has not kept pace; indeed, it might be said that there was less enthusiasm for such action than there was only a few years ago.

The risks and costs of peace-keeping have become only too apparent. So much so is this the case, that the Secretary-General noted a new problem for the UN - how to manage the withdrawal of UN forces, even though the purpose for which they were deployed has not been achieved. The UN has left Somalia and has prepared contingency plans for evacuation from Bosnia because or in case the Council and the contributing States decide that the force should leave. Furthermore, if the local government rescinds its consent to the emplacement of the UN Force on its territory, the UN will make plans to depart, as it has been doing while negotiations continue about the presence of UNPROFOR in Croatia.

Dangerous, expensive, of limited effectiveness - the real and alleged deficiencies of some recent UN peace-keeping operations are easy to rehearse. The Secretary-General appears remarkably sanguine in the face of the critical onslaught. He wrote:

*"There is no reason for frustration or pessimism. More progress has been made in the past few years towards using the United Nations as it was designed to be used than many could ever have predicted. The call to decision should be answered with confidence and courage."*<sup>53</sup>

Such an answer will have to come most of all from the United States and to be endorsed by the Congress. It will have to be made in the light of the pragmatic assessment of the possibilities of peace-keeping identified by the Secretary-General, which are sometimes less dramatic than the ones imagined by those who call the loudest for action. But it will have to be made, too, against the fact that there are still more requests made for the UN to act than the Organisation has the capacity to discharge. It is as well not to forget the Secretary-General's final task for the UN set out in *An Agenda for Peace* - to address the causes of conflict and instability.

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### Notes

- <sup>1</sup> Boutros-Ghali (1992) *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-keeping*, (New York), pp7-8
- <sup>2</sup> Id, p9.
- <sup>3</sup> Greenwood C. (1992) 'New World Order or Old? The Invasion of Kuwait and the Rule of Law', 55 *Modern Law Review*, 55: 153.
- <sup>4</sup> See UN Charter, Article 43.
- <sup>5</sup> Quite apart from any deterioration in the relations between the US and Russia since 1991, China has always maintained a degree of scepticism about the legitimacy and the desirability of UN involvement in domestic situations. The possibility of a Chinese veto is a factor which must be taken into account when action by the Security Council is being proposed.
- <sup>6</sup> SC Res 143 (1960).
- <sup>7</sup> SC Res 146 (1960).
- <sup>8</sup> Certain Expenses A.O. ICJ Rep.(1962) 151.
- <sup>9</sup> See White N. D. (1993) *Keeping the Peace* Manchester: pp215-223, 230-247.
- <sup>10</sup> See James A. (1994) 'The Principle of Cooperation: United Nations Peacekeeping', in V. Lowe and C. Warbrick (eds), *The United Nations and the principles of International Law* London: pp120-136.
- <sup>11</sup> Fabian
- <sup>12</sup> SC Res 628, 629, 640, 643 (1989).
- <sup>13</sup> SC Res 622 (1988).
- <sup>14</sup> SC Res 626 (1988), 696 (1991), 747 (1992).
- <sup>15</sup> SC Res 644 (1989), 650 (1990).
- <sup>16</sup> SC Res 693 (1991), 729 (1992), 784 (1992), 832 (1993).
- <sup>17</sup> SC Res 718 (1991), 745 (1992)
- <sup>18</sup> SC Res 772 (1992).
- <sup>19</sup> SC Res 797 (1992), 818 (1993).
- <sup>20</sup> SC Res 619 (1988).
- <sup>21</sup> SC Res 687, 689 (1991).
- <sup>22</sup> Above n.1, pp11-12
- <sup>23</sup> UN Charter, Articles 41 and 42.

- <sup>24</sup> SC Res 713 (1991).  
<sup>25</sup> SC Res 733 (1992).  
<sup>26</sup> SC Res 841 (1993).  
<sup>27</sup> Eg SC Res 918 (1994 Rwanda), which expands the mandates for UNAMIR and authorises it to use force to carry out its mandate, makes an explicit finding that the situation in Rwanda constitutes a threat to international peace for the purpose of imposing a mandatory arms embargo on Rwanda.  
<sup>28</sup> SC Res 787 para 12 (1992).  
<sup>29</sup> SC Res 875 (1993).  
<sup>30</sup> SC Res 221 (1966).  
<sup>31</sup> SC Res 794 (1992).  
<sup>32</sup> SC Res 940, para 4 (1994); see Res 975 (1995) for the transfer of authority from the multinational force to UNMIH.  
<sup>33</sup> SC Res 814 (1992).  
<sup>34</sup> SC Res 836.  
<sup>35</sup> There are really three different UNPROFOR missions in Yugoslavia - in Croatia, beginning with SC Res 743 (1992), in Bosnia, SC Res 761, 764, 770 (1992) and in Macedonia SC Res 795 (1992), where the force is regarded as a unique example of preventive peace-keeping.  
<sup>36</sup> SC Res 824 (1993).  
<sup>37</sup> SC Res 794 para 7 (1992).  
<sup>38</sup> SC Res 814, paras 5, 7 (1993).  
<sup>39</sup> SC Res 837 para 5 (1993).  
<sup>40</sup> SC Res 940 (1994).  
<sup>41</sup> SC Res 846 (1993).  
<sup>42</sup> SC Res 872 (1993).  
<sup>43</sup> SC Res 912, 918, 925, 929, 965 (1994).  
<sup>44</sup> SC Res 954 (1994).  
<sup>45</sup> See the leader in *The Times*, 1 Nov 1994 and the reply of General Rose, the Commander of UNPROFOR in Bosnia, 2 Nov 1994.  
<sup>46</sup> SC Res 975 (1995).  
<sup>47</sup> E.g. UNOMIG (Observer Mission in Georgia), SC Res 858 (1993) and UNMOT (Observer Mission in Tajikistan), SC Res 968 (1994).  
<sup>48</sup> UNOMIL, SC Res 856 (1993). The bulk of the troops are from the regional organisation, ECOWAS, under Security Council authorisation, SC Res 813 (1992).  
<sup>49</sup> A/50/60, S/1995/1, 3 Jan 1995.  
<sup>50</sup> SG/SM/5572, 3 Mar 1995.  
<sup>51</sup> For some indications of the practical difficulties faced by troops, see Mackenzie L. (1993) *Peacekeeper: The Road to Sarajevo*, Vancouver: chs 15-19; Duncan A. (1994) 'Operating in Bosnia', 2, 3 *Boundary and Security Bulletin*, p47 October 1994, Durham: IBRU.  
<sup>52</sup> For the argument that the neutrality of the Secretary-General needs preserving also by keeping him out of the management of the use of coercive force, see Picco G. (1994) *The UN and the Use of Force: Leave the Secretary-General Out of It*, *Foreign Affairs* 14.

- <sup>53</sup> Supplement to *An Agenda for Peace*, above n.00, para 105.

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### ***The Peaceful Management of Transboundary Resources***

Edited by Gerald Blake, William Hildesley, Martin Pratt, Rebecca Ridley and Clive Schofield

International Environment & Policy Series, London: Graham & Trotman/Martinus Nijhoff, 1995, £80.

The apparently inexorable demand for natural resources in an increasingly overcrowded world is widely recognised as among the most serious threats to the ecological and political stability of our planet. A large part of the problem stems from the fact that distribution of resources rarely coincides with the world's political boundaries, creating great tension between the need for effective management of resources as natural units and the desire of individual states to take full advantage of resources within their jurisdiction.

The papers in this volume represent an important contribution to the debate about how natural resources which cross international boundaries can be managed as effectively and peacefully as possible. Four types of resource are considered: hydrocarbons and minerals, fisheries, shared water resources and the natural environment. Contributions from legal, diplomatic and technical experts covering a wide range of case studies from around the world examine the problems faced by governments and institutions and suggest ways in which progress can be made in this critical area.

This collection represents the proceedings of the International Boundaries Research Unit's Third International Conference, *The Peaceful Management of Transboundary Resources*, which was held in Durham on 14-17 April 1994 and was attended by over 130 participants from 33 countries.

ISBN: 1-85966-173-4