

**Disarmament and Conflict
Resolution Project**

**Managing Arms
in Peace Processes:
The Issues**



**UNITED NATIONS
NATIONS UNIES**

UNIDIR

United Nations Institute for Disarmament Research

Institut des Nations Unies pour la recherche sur le désarmement

UNIDIR
United Nations Institute for Disarmament Research
Geneva

**Disarmament and
Conflict Resolution Project**

**Managing Arms in Peace Processes:
The Issues**

Contributors: *Estanislao Angel Zawels, Stephen John Stedman,
Donald C. F. Daniel, David Cox, Jane Boulden,
Fred Tanner, Jakkie Potgieter and Virginia Gamba*

Project funded by: the Ford Foundation, the United States Institute of Peace, the Winston Foundation, the Ploughshares Fund, the John D. and Catherine T. MacArthur Foundation, and the governments of Argentina, Austria, Brazil, Finland, France, Germany, Malta, the Netherlands, Norway, South Africa, Sweden, the United Kingdom, and the United States of America.



UNITED NATIONS
New York and Geneva, 1996

NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

*
* *

The views expressed in this paper are those of the authors and do not necessarily reflect the views of the United Nations Secretariat.

UNIDIR/96/46

UNITED NATIONS PUBLICATION
<i>Sales No.</i> GV.E.96.0.33
ISBN 92-9045-119-X

In memory of David Cox

Table of Contents

	Page
Previous DCR Project Publications	vii
Preface - <i>Sverre Lodgaard</i>	ix
Acknowledgements	xi
Project Introduction - <i>Virginia Gamba</i>	xiii
Editor's Note	xvii
Chapter 1 Specificity in Peacekeeping Operation Mandates: The Evolution of Security Council Methods of Work <i>Estanislao Angel Zawels</i>	1
Chapter 2 Consent, Neutrality, and Impartiality in the Tower of Babel and on the Frontlines: United Nations Peacekeeping in the 1990's <i>Stephen John Stedman</i>	35
Chapter 3 Is There a Middle Option in Peace Support Operations? Implications for Crisis Containment and Disarmament <i>Donald C. F. Daniel</i>	57
Chapter 4 Peacekeeping and Disarmament: Peace Agreements, Security Council Mandates, and the Disarmament Experience <i>David Cox</i>	83
Chapter 5 Rules of Engagement, Force Structure and Composition in United Nations Disarmament Operations <i>Jane Boulden</i>	135
Chapter 6 Consensual Versus Coercive Disarmament <i>Fred Tanner</i>	169
Chapter 7 Concluding Summary: Multinational Peace Operations and the Enforcement of Consensual Disarmament <i>Virginia Gamba and Jakkie Potgieter</i>	205
Biographical Notes	221

Previous DCR Project Publications

Managing Arms in Peace Processes: Somalia

Managing Arms in Peace Processes: Rhodesia/Zimbabwe

Managing Arms in Peace Processes: Croatia and Bosnia-Herzegovina

Managing Arms in Peace Processes: Cambodia

Managing Arms in Peace Processes: Mozambique

Small Arms Management and Peacekeeping in Southern Africa

Managing Arms in Peace Processes: Liberia

Managing Arms in Peace Processes: Psychological Operations and Intelligence

Preface

Under the headline of Collective Security, UNIDIR has conducted a major project on Disarmament and Conflict Resolution (DCR). The project examined the utility and modalities of disarming warring parties as an element of efforts to resolve intra-state conflicts. It collected field experiences regarding the demobilization and disarmament of warring factions; reviewed 11 collective security actions where demobilization and disarmament have been attempted; and examined the role that disarmament of belligerents can play in the management and resolution of internal conflicts. The 11 cases were UNPROFOR (Yugoslavia), UNOSOM and UNITAF (Somalia), UNAVEM (Angola), UNTAC (Cambodia), ONUSAL (Salvador), ONUCA (Central America), UNTAG (Namibia), ONUMOZ (Mozambique), UNOMIL (Liberia), UNMIH (Haiti) and the 1979 Commonwealth operation in Rhodesia.

Demobilization has become a global trend. In 1987, the armed forces of the world numbered 29 million. In 1994 they were down to 24 million. These are the figures for regular, governmental forces: opposition forces have been reduced more rapidly. The background is not only the end of the Cold War: in Africa, demobilization has been undertaken, for a variety of reasons, in Ethiopia, Eritrea, Mali, Mozambique, Namibia and Uganda. It is on-going or foreseen in Angola and South Africa, and there is talk about it in Tanzania. The trend is encouraging and should be sustained. For the settlement of conflicts, demobilization and reintegration is a *sine qua non*. While demobilization is more visible, reintegration is the major, longer-term challenge.

Disarmament of warring parties is mostly a matter of light weapons. In many armed conflicts, these weapons seem to account for as much as 90% of the casualties. In 1995, UNIDIR published a paper on this subject (*Small Arms and Intra-State Conflicts*, UNIDIR Paper No 34). The Secretary-General's appeal for stronger efforts to control small arms -- to promote "micro disarmament"¹ -- is one which UNIDIR will continue to attend to in the context of conflict prevention as well as conflict resolution and post-conflict reconstruction.

Between disarmament and conflict resolution there is no straight and automatic relationship. As a rule, however, both disarmament and demobilization/reintegration would seem to be important elements in the

¹ Document 50/60-S/1995/1, 3 January 1995.

promotion of peace processes. If there are a lot of arms around, easy access to weapons combined with a lack of any effective police force leads many to acquire arms for self-defence and invites violent solutions to problems. The proliferation of arms breeds cultures of violence. Therefore, if peace operations are completed before measures have been taken to control the flow of arms, post-conflict reconstruction may be jeopardized.

Being an autonomous institute charged with the task of undertaking independent, applied research, UNIDIR keeps a certain distance from political actors of all kinds. The impact of our publications is predicated on the independence with which we are seen to conduct our research. At the same time, being a research institute within the framework of the United Nations, UNIDIR naturally relates its work to the needs of the Organization. Inspired by the Secretary-General's report on "New Dimensions of Arms Regulation and Disarmament in the Post-Cold War Era,"² the DCR Project has also related to a great many governments involved in peace operations through the UN or under regional auspices. Last but not least, comprehensive networks of communication and co-operation were developed with UN personnel having field experience.

This Report addresses key issues pertaining to demobilization, disarmament and the control of weapons during peace operations, i.e. issues that are deemed critical for the success or failure of such endeavours. The papers were written by Jane Boulden, David Cox, Donald C. F. Daniel, Stephen John Stedman, Fred Tanner, Estanislao Zawels, Virginia Gamba and Jakkie Potgieter.

I would like to thank the staff at UNIDIR who assisted in the publication process: Virginia Gamba, for leading the DCR project until the end of March 1996; Lara Bernini, Cara Cantarella, Alessandra Fabrello, Mike McKinnon, and Steve Tulliu, for editing this volume; and Anita Blétry, for designing and producing the camera-ready copy.

UNIDIR takes no position on the views or conclusions expressed in the Report. They are the authors'. My final word of thanks goes to them: UNIDIR has been happy to have such resourceful and dedicated collaborators.

Sverre Lodgaard
Director, UNIDIR

² Document A/C.1/47/7, No. 31, 23 October 1992.

Acknowledgements

The DCR Project takes this opportunity to thank the many foundations and governments who have contributed with finance and personnel to the setting up and evolution of the research associated with the Project. Among our contributors the following deserve a special mention and our deep appreciation: the Ford Foundation, the United States Institute of Peace, the Winston Foundation, the Ploughshares Fund, the John D. and Catherine T. MacArthur Foundation, and the governments of Argentina, Austria, Brazil, Finland, France, Germany, Malta, the Netherlands, Norway, South Africa, Sweden, the United Kingdom, and the United States of America.

Project Introduction

Disarmament and Conflict Resolution

The global arena's main preoccupation during the Cold War centered on the maintenance of international peace and stability between states. The vast network of alliances, obligations and agreements which bound nuclear superpowers to the global system, and the memory of the rapid internationalization of disputes into world wars, favored the formulation of national and multinational deterrent policies designed to maintain a stability which was often confused with immobility. In these circumstances, the ability of groups within states to engage in protest and to challenge recognized authority was limited.

The end of the Cold War in 1989, however, led to a relaxing of this pattern, generating profound mobility within the global system. The ensuing break-up of alliances, partnerships, and regional support systems brought new and often weak states into the international arena. Since weak states are susceptible to ethnic tensions, secession, and outright criminality, many regions are now afflicted by violent intra-state conflicts.

Intra-state conflict occurs at immense humanitarian cost. The massive movement of people, their desperate condition, and the direct and indirect tolls on human life have generated pressure for international action, most notably from the UN.

The reputation of the United Nations as being representative of all states and thus as being objective and trustworthy has been especially valued, as indicated by the greater number of peace operations in which it is currently engaged. Before 1991, the UN peace operations enhanced not only peace but also the strengthening of democratic processes, conciliation among population groups, the encouragement of respect for human rights, and the alleviation of humanitarian problems. These achievements are exemplified by the role of the UN in Congo, southern Lebanon, Nicaragua, Namibia, El Salvador, and to a lesser extent in Haiti.

Nevertheless, since 1991 the United Nations has been simultaneously engaged in a number of larger, and more ambitious peace operations, such as those in Angola, Cambodia, Somalia, Mozambique, and the former Yugoslavia. It has been increasingly pressured to act on quick-flaring and horrendously costly explosions of violence such as that in Rwanda. The financial, personnel, and timing pressure on the United Nations to undertake these massive short-term stabilizing actions has

seriously impaired the UN's ability to ensure long-term national and regional stability. The UN has necessarily shifted its focus from a supporting role, in which it could ensure long-term national and international stability, to a role which involves obtaining quick peace and easing humanitarian pressures immediately. But without a focus on peace defined in terms of longer-term stability, the overall success of efforts to mediate and resolve intra-state conflict will remain in question.

This problem has gained some recognition and resulted in belated action by the international community. More and more organizations and governments are linking success to the ability to offer non-violent alternatives to a post-conflict society. These alternatives are mostly of a socio-political/economic nature and are national rather than regional in character. As important as these linkages are to the final resolution of conflict, they tend to overlook a major source of instability: the existence of vast quantities of weapons widely distributed among combatant and non-combatant elements in societies which are emerging from long periods of internal conflict.

The reason why weapons themselves are not the primary focus of attention in the reconstruction of post-conflict societies is because they are viewed from a political perspective. Action which does not award importance to disarmament processes is justified by invoking the political value of a weapon as well as the way the weapon is used by a warring party, rather than its mere existence and availability. For proponents of this action, peace takes away the reason for using the weapon and, therefore, renders it harmless for the post-conflict reconstruction process. And yet, easy availability of weapons can, and does, militarize societies in general. It also destabilizes regions that are affected by unrestricted trade of light weapons across borders.

There are two problems, therefore, with the international community's approach to post-conflict reconstruction processes: on the one hand, the international community, under pressure to react to increasingly violent internal conflict, has put a higher value on peace in the short-term than on development and stability in the long-term; and, on the other hand, those who *do* focus on long-term stability have put a higher value on the societal and economic elements of development than on the management of the primary tools of violence, i.e., weapons and munitions.

Given these considerations, the DCR Project believes that the way to achieve peace, defined in terms of long-term stability, is to focus not just on the sources of violence (such as social and political development issues) but also on the material vehicles for violence (such as weapons and munitions). Likewise, the implementation of peace must take into account *both* the future needs of a society

and the elimination of its excess weapons, *and also* the broader international and regional context in which the society is situated. This is because weapons which are not managed and controlled in the field will invariably flow over into neighboring countries, and become a problem in themselves. Thus, *the establishment of viable stability requires that three primary aspects be included in every approach to intra-state conflict resolution: (1) the implementation of a comprehensive, systematic disarmament program as soon as a peace operation is set-up; (2) the establishment of an arms management program that continues into national post-conflict reconstruction processes; and (3) the encouragement of close cooperation on weapons control and management programs between countries in the region where the peace operation is being conducted.*

In order to fulfill its research mission, the DCR Project has been divided into four phases. These are as follows: (1) the development, distribution, and interpretation of a *Practitioners' Questionnaire on Weapons Control, Disarmament and Demobilization during Peacekeeping Operations*; (2) the development and publication of case studies on peace operations in which disarmament tasks constituted an important aspect of the wider mission; (3) the organization of a series of workshops on policy issues; and (4) the publication of policy papers on substantive issues related to the linkages between the management of arms during peace processes and the settlement of conflict.

This volume consists of six policy papers; an introduction by the Director of UNIDIR, Sverre Lodgaard; and a concluding summary by Virginia Gamba and Lt Col (Ret) Jakkie Potgieter. My special thanks go to the authors of this volume, Jane Boulden, David Cox, Donald C. F. Daniel, Jakkie Potgieter, Stephen John Stedman, Fred Tanner, and Estanislao Zawels.

Virginia Gamba
Project Director
Geneva, March 1996

Editor's Note

The DCR Project's editorial staff would like to draw the reader's attention to the distinction between the two different references to "Peace Operations" found in this volume. Some of the authors refer to peacekeeping in the legal sense, namely as a Chapter VI operation. This reflects the fact that peacekeeping missions usually are deployed with the consent of the parties, hence the mandate originates under Chapter VI of the UN Charter dealing with consensual intervention actions. In other cases, authors may refer to peacekeeping missions in the technical or operational sense. Peacekeeping is not an activity listed in Chapter VI of the Charter and is far more intrusive than those found in that chapter. As a result, it has been often referred to as a "Chapter VI and a half" function performed by the UN; more proactive than Chapter VI, but not as forceful as the provisions granted under Chapter VII.

Chapter 1

Specificity in Peacekeeping Operation Mandates: The Evolution of Security Council Methods of Work

*Estanislao Angel Zawels*¹

Introduction

The present paper lies within the wider framework of UNIDIR's project on disarmament and conflict resolution. It aims at reviewing the manner in which the Security Council and other relevant bodies of the United Nations elaborate the mandates of peacekeeping operations, particularly those established in connection with the disarmament aspects of those operations.²

For such purpose, it will attempt to describe how the work of the Security Council has evolved in the past five years, as well as the changes in its procedures.

This will include a review of the wider use of the instrument of peacekeeping operations by the Security Council and the various interrelationships among the different competent bodies.

This paper will also address the changes in specificity in the mandates established by the Security Council resolutions, with special reference to its disarmament aspects. This perspective will be based on the experiences of the most recent military involvements by the United Nations in several conflicts, all around the world.

¹ The opinions expressed in this paper are the author's and do not necessarily represent the position of the Ministry of Foreign Affairs of Argentina.

² Of the six main bodies of the United Nations, established in Article 7 of the Charter of the United Nations, the Security Council, the General Assembly and the Secretariat are competent, in different ways, in issues related to peacekeeping operations.

Other papers within this project will complement this analysis from an empirical perspective, which include the effects in the field of the mandates of the peacekeeping operations.³

The period reviewed by this analysis runs from August 1990 to June 1995.⁴ It is, undoubtedly, the most intense period in the whole history of the Security Council, and therefore the most active regarding the establishment and use of the instrument of peacekeeping operations.

Development

As of mid-1995, the United Nations has 16 peacekeeping operations currently deployed, in four different geographical regions: Africa: Angola (UNAVEM III), Western Sahara (MINURSO), Liberia (UNOMIL), Rwanda (UNAMIR); Asia: Middle East (UNTSO), India-Pakistan (UNMOGIP), Syria-Israel (UNDOF), Lebanon-Israel (UNIFIL), Iraq-Kuwait (UNIKOM), Tadjikistan (UNMOT); the Caribbean: Haiti (UNMIH), and Europe: Cyprus (UNFICYP), Georgia (UNOMIG), Croatia (UNCRO), Bosnia and Herzegovina (UNPROFOR), Former Yugoslav Republic of Macedonia (UNPREDEP).

These operations involve some 70,000 military troops, contributed by 84 States. The aggregate annual budget of the peacekeeping operations exceeds 3.5 billion dollars, almost tripling the United Nations' regular budget.

Since the establishment of the first observation mission in the Middle East (UNTSO),⁵ the United Nations has deployed 38 peacekeeping operations, ranging from observation missions to peacekeeping forces.

³ Paulo Wrobel, *Managing Arms in Peace Processes: Nicaragua and El Salvador*, Geneva: United Nations, forthcoming; Jianwei Wang, *Managing Arms in Peace Processes: Cambodia*, Geneva: United Nations, 1996; and Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995.

⁴ Security Council Resolution 660 (1990) was adopted on 2 August 1990, as a consequence of the military invasion of Kuwait by Iraq. This paper was prepared in July 1995. A few weeks before, on 23 June 1995, the Security Council adopted Resolution 1000 (1995) on the situation in Cyprus and attained the mythical figure of 1000 resolutions since 1946.

⁵ Brian Urquhart, *Ralph Bunche, an American Life*, New York: Norton & Company, 1993.

List of the Peacekeeping Operations from 1948 to June 1995:

1. UNTSO, United Nations Truce Supervision Organization, from 1948 to present;
2. UNMOGIP, United Nations Military Observer Group in India and Pakistan, from 1949 to present;
3. UNEF I, First United Nations Emergency Force, from 1956 to 1967;
4. UNOGIL, United Nations Observation Group in Lebanon, 1958;
5. ONUC, United Nations Operation in the Congo, from 1960 to 1964;
6. UNSF, United Nations Security Force in West New Guinea/West Irian, from 1962 to 1963;
7. UNYOM, United Nations Yemen Observation Mission, from 1963 to 1964;
8. UNFICYP, United Nations Peace-keeping Force in Cyprus, from 1964 to present;
9. DOMREP, Mission of the Representative of the Secretary-General in the Dominican Republic, from 1965 to 1966;
10. UNIPOM, United Nations India-Pakistan Observation Mission, from 1965 to 1966;
11. UNEF II, Second United Nations Emergency Force, from 1973 to 1979;
12. UNDOF, United Nations Disengagement Observer Force, from 1974 to present;
13. UNIFIL, United Nations Interim Force in Lebanon, from 1978 to present;
14. UNGOMAP, United Nations Good Offices Mission in Afghanistan and Pakistan, from 1988 to 1990;
15. UNIIMOG, United Nations Iran-Iraq Military Observer Group, from 1988 to 1990;
16. UNAVEM I, First United Nations Angola Verification Mission, from 1989 to 1991;
17. UNTAG, United Nations Transition Assistance Group, from 1989 to 1990;
18. ONUCA, United Nations Observer Group in Central America, from 1989 to 1992;
19. UNIKOM, United Nations Iraq-Kuwait Observation Mission, from 1991 to present;
20. UNAVEM II, Second United Nations Angola Verification Mission, from 1991 to 1995;
21. ONUSAL, United Nations Observer Mission in El Salvador, from 1991 to 1994;
22. MINURSO, United Nations Mission for the Referendum in Western Sahara, from 1991 to present;
23. UNAMIC, United Nations Advance Mission in Cambodia, from 1991 to 1992;
24. UNPROFOR, United Nations Protection Force, from 1992 to present;
25. UNTAC, United Nations Transitional Authority in Cambodia, from 1992 to 1993;
26. UNOSOM I, First United Nations Operation in Somalia, from 1992 to 1993;
27. ONUMOZ, United Nations Operation in Mozambique, 1992 to 1994;
28. UNOSOM II, Second United Nations Operation in Somalia, 1993 to 1994;
29. UNOMUR, United Nations Observer Mission Uganda-Rwanda, from 1993 to 1994;
30. UNOMIG, United Nations Observer Mission in Georgia, from 1993 to present;
31. UNOMIL, United Nations Observer Mission in Liberia, from 1993 to present;
32. UNMIH, United Nations Mission in Haiti, from 1993 to present;
33. UNAMIR, United Nations Assistance Mission for Rwanda, 1993 to present;
34. UNASOG, United Nations Aouzou Strip Observer Group, 1994;
35. UNMOT, United Nations Mission of Observers in Tajikistan, from 1994, to present;
36. UNAVEM III, Third United Nations Angola Verification Mission, from 1995 to present;
37. UNCRO, United Nations Confidence Restoration Operation, from 1995 to present;
38. UNPREDEP; United Nations Preventive Deployment Force, from 1995 to present.

In the last five years alone, 20 new peacekeeping operations were established; several exceeded the dimensions of ONUC (Congo), the largest operation prior to that time. This accelerated evolution, brought about by the circumstances in an extremely dynamic international context, challenged all the direct participants in the process: the United Nations Secretariat, the Security Council, the General Assembly and the troop-contributing countries.

I. The Establishment of Peacekeeping Operations

Before describing, in some detail how the Security Council elaborates the mandates of peacekeeping operations and undertakes the corresponding political follow-up, let us briefly review the specific peacekeeping operations functions of each of the United Nations bodies involved in the process, as well as the sequence of steps in their interaction every time a new peacekeeping operation is established.

1. United Nations Bodies Involved

Three main United Nations bodies take part in the establishment of peacekeeping operations: the Security Council, the General Assembly and the Secretariat.

a) The Security Council is the body that has the primary responsibility for the maintenance of international peace and security.⁶ In the event of a conflict falling within its jurisdiction, it is responsible for establishing peacekeeping operations and their respective mandates.⁷ It is also in charge of the political follow-up of all peacekeeping operations, the conflicts that may cause their establishment, the regular extension of their mandates or the modification thereof, as necessary from time to time.⁸ It also adopts the decision to close down and liquidate a peacekeeping operation.

⁶ Charter of the United Nations, Chapter V, Article 24.

⁷ As an exception to this practice, due to a particular circumstance, the General Assembly has authorized an operation, FENU I, established by General Assembly Resolution 1000.

⁸ Most peacekeeping operations are subject to a regular extension of their mandates — generally every six months. The mandates of certain operations, such as UNTSO and UNIKOM, do not require regular extensions. In recent years, the Council has extended mandates for shorter periods in view of special circumstances.

b) Once the Security Council has adopted a resolution establishing a new peacekeeping operation, the General Assembly is responsible for authorizing its financing. Usually, financing is determined by means of a Special Scale of Assessment, taking into account each country's capacity to pay, and, where appropriate, its permanent membership in the Security Council.⁹ It is also important to point out that contributions for peacekeeping operations, once adopted by the General Assembly, are compulsory. Moreover, through the Special Committee on Peace-keeping Operations, reporting to the Special Political and Decolonization Committee (Fourth Committee), the General Assembly undertakes a theoretical follow-up of operations, issues recommendations to the Secretariat, and seeks to reach a consensus for the establishment of approaches to the management of peacekeeping operations. In its legislative capacity (within the framework of the progressive development of International Law) in 1994, the General Assembly prepared (through a Special Committee established in its forty-eighth session) a "Convention On The Safety of United Nations and Associated Personnel", which was adopted by consensus in its forty-ninth session, by Resolution 49/59.¹⁰

c) The United Nations Secretariat, headed by the Secretary-General, is, in turn, responsible for the operative management of all peacekeeping operations.¹¹ For this purpose, it has an administrative structure, including, in particular, the Department of Peace Keeping Operations, which deals with the political, military and logistics/financial aspects.¹² Each operation requires a military and civil structure on the field, headed by the Military Commander of the Force or by a Special Representative of the Secretary-General, as appropriate.

⁹ In most cases, peacekeeping operations are financed from a special account, although operations such as UNFICYP or UNIKOM are partly financed through voluntary contributions. See Emilio Cardenas, Carlos Sersale Di Cerizano, and Oscar Avalle, "Financing the United Nations Operations," *Futures, the Journal of Forecasting, Planning and Policy* 27.2 (1995): pp. 149-159.

¹⁰ The Special Committee was established by the General Assembly Resolution 48/37. Canada was elected as Chairman; Argentina, the Islamic Republic of Iran and the Ukraine were elected as Vice-Chairmen; and Cameroon was elected as Rapporteur.

¹¹ The Secretary-General is appointed for a five year term by the member States of the United Nations through elections held in the Security Council and the General Assembly.

¹² In the past three years, the Department has undergone substantial changes in size and organization to adjust to the great increase of activities.

2. Establishment of a Peacekeeping Operation: Interaction of the Bodies

Once a particular conflict has been reviewed by the Security Council and its dynamics have led to the establishment of a peacekeeping operation, there follows a sequence of actions and interactions among the different United Nations bodies and other participants involved, which eventually gives rise to the creation of a force.

At a certain point in a given conflict, the parties in the negotiation process or a third party, by the exercise of good offices, consider the possibility of establishing a peacekeeping operation. This possibility is discussed in the Security Council, which may request the Secretariat to carry out a feasibility study. Pursuant to this request, the Secretary-General may send a technical mission into the field. This mission usually involves civil and military staff of the Secretariat. A special report is submitted upon the return from the mission. The Secretariat formally submits its conclusions. They are based on the respective mission's report. It is addressed to the Security Council on behalf of the Secretary-General. The Security Council subsequently reviews such reports.

Based upon the report of the Secretary-General and the discussion among its members, the Security Council prepares a draft resolution, which is negotiated and eventually adopted. Thus a new peacekeeping operation is formally established and its parameters, including its mandate, are precisely defined. The Fifth Committee of the General Assembly reviews and negotiates the budget proposal for the new force and usually adopts a draft resolution which is later adopted by the General Assembly in a plenary meeting. The Secretariat then undertakes all preparations for deployment. Its most critical task is to identify potential troop and equipment contributing countries. Usually, informal contacts with potential contributors precede the formal establishment of the operation. Once a list of potential contributors has been drawn up, the Secretariat consults with the parties in the conflict requesting their consent and only afterwards formally submits the list to the Security Council, for approval.¹³

The Security Council reviews the above mentioned list, generally under the no-objection procedure, and expresses its consent in a letter addressed to the Secretary-General. The Secretary-General then reports to the Security Council on the progress of preparations for deployment. This report may either be written or

¹³ There have been exceptions, such as UNIKOM, in which, due to special circumstances derived from the end of the Gulf War, one of the parties, Iraq, did not have the opportunity to express its consent or lack thereof. It is worth stressing that, extraordinarily, the five permanent members of the Security Council took part in this operation.

oral. After that, he submits a report to the Security Council on the operation, before its mandate expires. In the past few months, the President of the Security Council has been holding informal meetings with the Secretariat and the troop-contributing countries for a joint review of the Secretary-General's report.¹⁴ The Security Council reviews the report of the Secretary-General, taking into account the discussions with the troop-contributing countries. On that basis, it negotiates and adopts a draft resolution extending or modifying the mandate of the operation, as appropriate.

II. The United Nations Security Council

As we said before, according to the Charter of the United Nations, the Security Council is the United Nations body whose primary responsibility is the maintenance of international peace and security. Professor Yoram Dinstein insightfully summarizes the nature of the Security Council:

*It is important to remember that the Council is a political and not a judicial organ. It is composed of Member States, and its decisions are (and have every right to be) linked to political motivations that are not necessarily congruent with legal considerations. As a non-judicial body, the Council is not required to set out reasons for its decisions.*¹⁵

What follows is an illustration of the evolution of the work of the Security Council, of the current changes in work procedures and of the changes in the way the Security Council addresses the mandates of peacekeeping operations.

1. Evolution of the Work of the Security Council in the Last Five Years

In the period under review, the work of the Security Council has undergone an unprecedented increase. The end of the cold war and the cooperation among the permanent members of the Council mark the beginning of this qualitative and quantitative change. The permanent members coordinated their positions for the

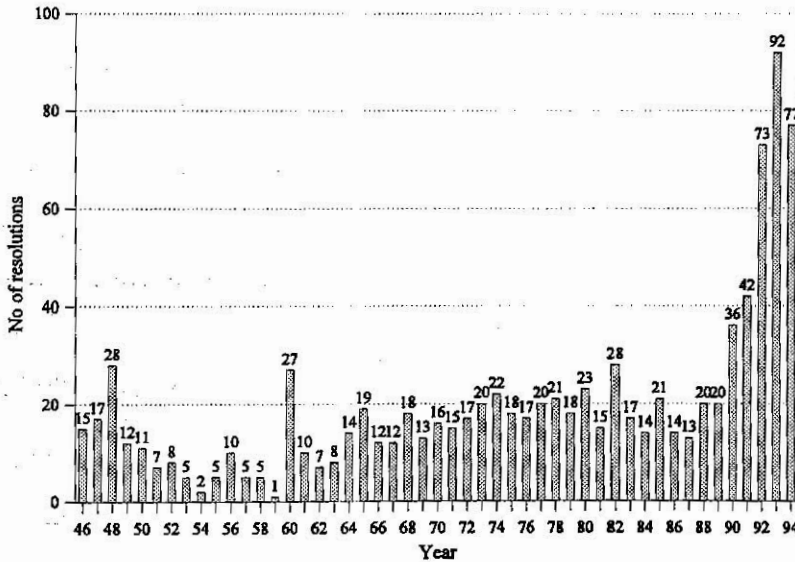
¹⁴ This new mechanism was suggested to the Council by the delegations of Argentina and New Zealand in their letter S/1994/1063. The mechanism was established by the Council in the presidential statement issued as document S/PRST/1994/62 of 4 November 1994.

¹⁵ Yoram Dinstein, "Collective Security," in *War, Aggression and Self-Defence*, Grotius-Cambridge, pp. 282.

first time in 1987, in the context of the conflict between Iraq and Iran.¹⁶ However, it was not until August 1990, during the Gulf War, that this cooperation became consistent and had an impact on the Council's work dynamics.¹⁷

The following statistics may best illustrate this situation. In the last five years, the Security Council has adopted 343 resolutions, which equals more than half of the total number of resolutions adopted in the previous 45 years of existence of the United Nations (Graphic 1).

Graphic 1: Number of Resolutions Adopted by the Security Council between 1946 and 1994



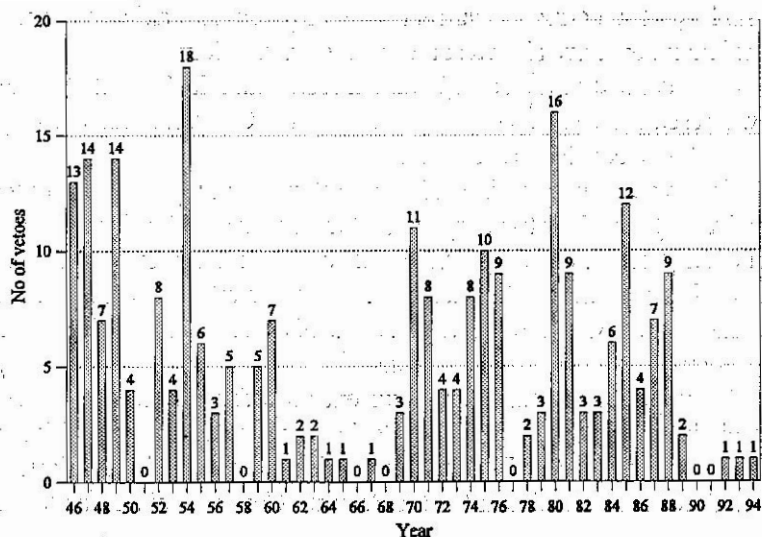
The Security Council, between 1990 and 1994, adopted an average of 64 resolutions per year, as opposed to 13 resolutions per year between 1946 and 1989. If we compare two biennia that are relatively recent and typically representative

¹⁶ Cameron R. Hume, *The United Nations, Iran and Iraq. How Peacemaking Changed*, Indiana University Press, 1994.

¹⁷ Pablo A. Tettamanti, "Uso de la fuerza en los conflictos internacionales, un análisis al final del bipolarismo", Capítulo III, A. *Actuación por consenso de los miembros permanentes del Consejo de Seguridad*, Buenos Aires: Editorial Universidad, 1995.

of the two different periods of the Council's work, we will see that, in 1987-88, 49 and 55 formal meetings were held, respectively, as opposed to 171 and 160 in 1993-94. As for informal meetings, 43 and 62 were respectively held in 1987-88, as opposed to 253 and 273 in 1993-94. In 1987-88, the Council had three subsidiary organs, as opposed to 14 in 1993-94, 7 of which were sanctions committees.¹⁸ Veto power was exercised on average six times per year from 1946 to July 1990¹⁹ and three times only since August 1990 (Graphic 2).²⁰

**Graphic 2: Number of Vetoes in the Security Council
between 1946 and 1994**



¹⁸ Sanctions committees against South Africa, Iraq, Libya, the Former Yugoslavia, Rwanda, Angola, Somalia, Haiti and Liberia. The sanctions committee against South Africa was dissolved in May 1994 by Security Council Resolution 919 (1994) and the one against Haiti was dissolved in September 1994 by Security Council Resolution 944 (1994). In April 1995, the sanctions committee against Liberia was established.

¹⁹ Anjali V. Patil, "The UN Veto in World Affairs 1946-1990. A Complete Record and Case Histories of the Security Council's Veto," Oxford: Unifo-Mansell, 1993.

²⁰ The first two vetoes were exercised by the Russian Federation on the question of Cyprus (1993) and the situation in the former Yugoslavia (1994). The third one was used by the United States on the question of the occupied Arab territories (1995).

The Secretary-General submitted 34 and 44 written reports to the Security Council in 1987-88, respectively, as opposed to 123 and 142 in 1993-94, respectively.

2. Procedure and Working Methods of the Security Council²¹

The Security Council establishes its own procedure, as clearly stated in Article 30 of the United Nations' Charter.²²

The Security Council follows the provisional rules of procedure adopted on 21 December 1982.²³ The procedure has continued to evolve since then, especially in the light of the substantially increased level of activity mentioned above.²⁴ For the time being the members of the Council have not reached a consensus on the desirability of updating the current rules of procedure, although in recent years several members have shown some interest in its reform.

In the context of the considerable increase that the Security Council's work has witnessed in recent years, the flexibility of the Council in matters of procedure can actually be considered beneficial.

However, this flexibility allows certain members of the Council to use procedure at their discretion, especially the Permanent Members which are in the privileged position of being able to pursue in the long term their own goals or agendas. In the future, the Council might consider whether this is harmful insofar as it may alter the way in which the other members and public opinion perceive the legitimacy of its decisions and actions.²⁵

An important feature of the current procedures followed by the Security Council is its increasing tendency to hold informal meetings. This particular practice, used since the 1970's, involves holding meetings in an informal context, in a conference room adjacent to the Security Council Hall. This room features a horse-shoe shaped table for the fifteen members, simultaneous interpretation into

²¹ Richard Hiscocks, *The Security Council: A Study in Adolescence*, New York: The Freed Press, 1973.

²² Article 30 of the Charter states: "The Security Council shall adopt its own rules of procedure, including the method of selecting its President."

²³ Provisional rules of procedure of the Security Council, Security Council Document S/96/Rev.7.

²⁴ Anthony Aust, "The Procedure and Practice of the Security Council," in *Le Développement du rôle du Conseil de Sécurité, Peace-Keeping and Peace-Building*, prepared by René-Jean Dupuy, Dordrecht: Martinus Nijhoff Publishers, 1993.

²⁵ Jose E. Alvarez, "The Once and Future Security Council," *The Washington Quarterly* 18.2, Spring 1995.

the six official languages of the United Nations and the services provided by the Council's secretariat, duly recognized for its efficiency, in spite of its still very limited resources. As opposed to the formal meetings, no records are kept of actions or statements and attendance is not allowed to non-members, and not even parties to a conflict under review by the Council, let alone members of the press.²⁶

In these informal consultations, the Secretariat and the Council maintain a dialogue through the usual monthly visit by the Secretary-General²⁷ or on a daily basis through his representative.²⁸ Agenda items under consideration by the Council are discussed, draft decisions²⁹ (resolutions or presidential statements³⁰) are drafted and negotiated and a series of decisions by the Council are adopted,³¹

²⁶ This may be found to be in contradiction to the provisions of Article 31 of the Charter of the United Nations, as noted by Argentina in its letter S/1995/456 of 2 June 1995.

²⁷ The dialogue of the Secretary-General with the Security Council is not limited to the monthly visits. Once a month, there is also a working lunch with the members of the Security Council organized by the current president of the month. If the situation requires the dialogue can be more frequent. In the past, when the Security Council used to meet less frequently, the Secretary-General used to attend all the meetings of the Council, including the informal consultations.

²⁸ The Secretary-General designates one of his advisors as his representative to the Council in these informal consultations. Currently, the Secretary-General's representative is Ambassador Gharekhan, distinguished Indian Diplomat. This representative usually briefs the Security Council on a daily basis as to the situation in the field and answers questions from the members or the President of the Council.

²⁹ Renata Sonnenfeld, "The Names of Resolutions and Resolution-Making Procedure in the Security Council," *Resolutions of the United Nations Security Council*, Dordrecht: Martinus Nijhoff Publishers, 1988.

³⁰ Presidential statements are a more recent and growing practice of the Council. There are several types of presidential statements, although the differences among them, their nature or legal implications have not been defined: 1) statements to the press after an informal meeting, in which the President draws the consensus reached at the meeting and summarizes some of its relevant points for the press, which waits outside the consultation room; 2) presidential statements to the press resulting from informal consultations, circulated as consecutively numbered official documents of the Council; these statements are drafted, negotiated and adopted by consensus; 3) presidential statements resulting from informal consultations circulated only as consecutively numbered official documents of the Council; these statements are drafted, negotiated and adopted by consensus; and 4) presidential statements resulting from informal consultations where they were drafted, negotiated and adopted by consensus; these statements are read in formal meetings and circulated as consecutively numbered official documents of the Council.

³¹ Currently, there is a controversy among the Council's members regarding the status of informal consultations and the decisions adopted in them or derived from them. For some members, particularly some permanent members, informal consultations cannot be considered Security Council as meetings and any decision adopted by them must be considered a decision

regarding, *inter alia*, the letters that the President will address, the missions that the Council will dispatch,³² the presidential statements to the press and those circulated as official documents.

However, the Security Council adopts its resolutions in formal meetings. According to the current practice, the Council adopts formally what has already been decided in informal consultations, many times without a debate or explanations of vote by the members. Presidential statements adopted in formal meetings, since they have been previously agreed upon, are not subject to vote and are also adopted without a debate or explanations of vote by the members.³³

Moreover, greater efforts are more and more made to reach consensus, although most resolutions are adopted by a formal vote.³⁴

The fifteen members of the Security Council take part in the negotiation process. As in every negotiation, there are different coalitions resulting from converging interests, which may be circumstantial or permanent. They may take any shape, and have taken many different structures over time. There is today a great diversity of coalitions; among others, the “groups of friends” of a particular country in conflict, whose members change, depending on the conflict; the permanent members, also known as the P5; the western permanent members, known as the P3; the non-aligned members, known as the non-aligned caucus; and the non-permanent, non-aligned members, known as the non-non.

of the members of the Council and not a decision of the Council. For others, there is no clear-cut difference between a decision adopted by the Council and one adopted by its members, especially regarding presidential statements or the dispatch of missions by the Council. For the time being, and perhaps for the sake of “constructive ambiguity”, there have been no serious attempts at resolving this controversy, with the possible exception of the letter submitted by the Argentine delegation on 2 June 1995 (S/1995/456).

³² In Security Council missions, a variable number of representatives of the Council (between 5 and 9) are sent to a region affected by a particular conflict. Usually, the Council agrees on the terms of the mission in informal consultations. Upon its return, the mission submits a report to the Council. As of 1994, the Council has sent missions to Rwanda, Burundi, Somalia and Western Sahara.

³³ The French delegation was critical of this fact in its letter of 9 November 1994 (S/1994/1279-A/49/667). In the same context, the Council held a formal discussion where all its members expressed their views (record of the 3483rd meeting) and presidential statement S/PRST/1994/81 was adopted.

³⁴ Voting requirements for the adoption of a Security Council decision are contained in Article 27 of the Charter of the United Nations. Nowadays, resolutions on the admission of new members and the procedures for election of members of the International Court of Justice are adopted without a vote.

In general, when a draft resolution does not originate in the Presidency, it is sponsored by the members of a coalition. In many cases, draft resolutions are prepared by coalitions, which then submit them to the other members. The size of a coalition may prove important due to the requirements having to do with the number of votes, although recent experience shows that this is rarely a limiting factor.³⁵

Though seldom exercised, as we have seen, the veto power has considerable effects on negotiations, for obvious reasons. In the case of presidential statements, which require the Council's unanimous support, it may be said that every member has thus, a veto power.

In recent years, perhaps since the conflict between Iraq and Kuwait, the Council's work is followed more closely by its non-members, i.e., the other United Nations members.

Consequently, there have been many demands for greater transparency in the methodology and accountability in the work of the Council.³⁶ This is due largely to the fact that the Security Council adopts a great number of measures — including the possible imposition of economic sanctions upon States and the establishment of multiple peacekeeping operations — which may affect a great number of States, one way or another.

This situation has led the General Assembly to express with increasing frequency its views on the procedure and working methods of the Council,³⁷ but it has also made the Security Council begin to review its own work, establishing for that purpose an informal working group on Security Council documentation

³⁵ Article 24 of the Charter of the United Nations, paragraphs 2 and 3.

³⁶ This demand for greater transparency and accountability emanates from paragraph 1 of Article 24 of the Charter of the United Nations, which states: "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

³⁷ Three items in the agenda of the General Assembly are the framework for the discussion of this subject: "Report of the Secretary-General on the work of the Organization," "Report of the Security Council" and "Question of equitable representation on and increase in the membership of the Security Council." The Assembly is actively reviewing this last item through its Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council, established pursuant to General Assembly Resolution 48/26.

and procedure³⁸ which usually meets on a monthly basis and has, so far, made a positive contribution to the improvement of the working methods, procedures and even documentation of the Council.

3. Security Council's Procedure in the Management of Peacekeeping Operations, Including the Establishment of Mandates

For the particular purposes of this paper, we shall focus on the current practices of the Security Council leading towards the establishment of mandates, including its procedures. We shall further point out all new modalities *vis-à-vis* a more efficient and effective management of peacekeeping operations by the Security Council.

a) *Relevant issues and peacekeeping operations in the current work of the Security Council:*

If we take 1994 as a benchmark, 51 out of the 77 resolutions adopted by the Council were directly related to peacekeeping operations³⁹ and 44 out of 82 presidential statements contained general or specific references to them. These figures reflect the relative significance of peacekeeping operations in the work of the Council, focused mainly on the establishment and extension of their mandates and the supervision of the respective political situation in which the operations are carried out, as well on their development and implementation.⁴⁰

b) *The establishment of a peacekeeping operation by the Security Council:*

As we have seen, at some point, the Security Council requests the Secretariat to undertake a feasibility assessment and the Secretary-General, after sending a technical mission, is ready to make specific recommendations in a "*ad hoc*" report addressed to the Council.

³⁸ This working group is composed of the 15 members of the Security Council and submits to the Council, after each month it meets, a report that the Council reviews and adopts in informal consultations.

³⁹ Only resolutions with operative paragraphs containing specific references to peacekeeping operations were considered.

⁴⁰ Steven R. Ratner, "The New Peace-keepers: UN Organs and Supporting Participants," in *The new UN Peace-keeping*, New York: St. Martin's Press, 1995.

The Council reviews this report after its inclusion, by the President, in the agenda of informal consultations, in order for an exchange of views or discussion to take place. In this early discussion, each delegation expresses its general views on the recommendations contained in the report and adds its own suggested elements, as appropriate. The President then usually summarizes the main points and suggests a specific course of action.

The course of action to be followed by the Council depends on whether a particular “group of friends”, coalition or delegation commits to preparing a preliminary draft resolution. Should this not be the case, the task is undertaken by the President.

When a preliminary draft resolution is available, the Council has two alternatives: it may review, negotiate and continue preparing the draft in informal consultations or turn the text over to an *ad hoc* working group established for its completion.⁴¹ If the members of the Council feel that they are approaching consensus on the preliminary draft, this step is generally omitted. Some conflicts of particular interest for some or all permanent members are rarely dealt with by working groups.

After the working group has concluded its work, the text becomes the object of additional informal consultations, where it is reviewed and finalized by the permanent representatives. If no consensus is reached on a particular issue, consultations continue until the co-sponsors decide to submit it to a vote.

If consensus is reached, the text is made official on behalf of the President, although it may also be submitted by co-sponsors.⁴²

The President of the Council suggests holding an official meeting to adopt the draft resolution and circulates among the members of the Council a draft agenda, for its approval.

Before the formal adoption of the resolution and in the negotiating process that has been described, the parties in a conflict consult with some or all members of the Council. On some special occasions, an informal meeting is held; the practice is known as the “Arria Formula”, created in 1992 by the Venezuelan Permanent Representative of the same name. In this type of meeting, held outside of the informal consultations room (for the purpose of distinguishing it from informal consultations) the members of the Council ask questions and listen to one

⁴¹ Working groups usually meet at the level of experts or delegates rather than permanent representatives. This practice has been adopted recently in order to decentralize the work of the Council and especially that of permanent representatives.

⁴² In the Council’s jargon, making a text official is called “issuing the blueprint”, making reference to the blue ink used in the first print of the draft resolution.

or all of the parties. The parties sometimes make written proposals, which are submitted for discussion to participants in informal consultations by one of the delegations.

Another element that contributes to a better understanding of the technical-military aspects involved in the establishment of a peacekeeping operation or its management is the advice received by most delegations to the Council from their own military advisors.

In the past few years, the countries that have contributed most frequently to United Nations peacekeeping operations by providing troops have incorporated military advisors to the permanent staff of their missions.⁴³ These advisors interact with their diplomatic colleagues and maintain frequent contacts with their military counterparts from other countries and with the military staff of the Secretariat. They even hold a monthly meeting for the general exchange of information.

c) Recent changes in the procedure and working methods of the Security Council regarding peacekeeping operations:

In this section we will review some developments, documents, and decisions of the Security Council which, in our view, are significant in reflecting the efforts which have been made by the Security Council to try to adjust to a new international context and, at the same time, to manage peacekeeping operations in a more effective manner.

This process is evolving in a better interaction between the General Assembly, the Secretariat and the troop-contributing countries.

The process began on 31 January 1992, when the Security Council, meeting for the first time at the level of Heads of State or Government, issued a presidential statement⁴⁴ requesting the Secretary-General to report to it on the subjects of preventive diplomacy, peacemaking and peacekeeping.⁴⁵ This meeting of the Security Council, and the Secretary-General's report entitled "An Agenda for Peace", mark the beginning of a process of reflection on the part of the

⁴³ In the past, only permanent members had military staff in their permanent missions to the United Nations, due to their participation in the Military Staff Committee. The Military Staff Committee, in spite of the high level of military activities carried out in the framework of the United Nations, is mostly dead letter.

⁴⁴ Presidential statement of 31 January 1992 and record of the meeting of the Security Council.

⁴⁵ United Nations document S/24111-A/47/27, "An Agenda for Peace".

Organization as a whole on its role in the maintenance of international peace and security. Three years later, this process is more relevant than ever.

The efforts of reflection by the Organization has taken place mainly within the three bodies responsible for those fields. We shall list the main documents that summarize the process and analyze more carefully some of the recent and relevant aspects.

The General Assembly after long and difficult negotiations, reflecting the complexity of the issue and the lack of a universal consensus on a new and controversial subject, adopted, without a vote, Resolution 47/120, regarding the Secretary-General's report entitled "An Agenda for Peace". This resolution addressed specifically the issues of peaceful settlement of disputes, early warning, collection of information and analysis, fact-finding and confidence-building measures. Whether it be for lack of consensus or lack of an adequate analysis, perhaps the most relevant issues contained in the report, such as the chapters on peacemaking, peacekeeping or financing, were not addressed in the resolution. In turn, the Security Council adopted the following series of presidential statements on the Secretary-General's report:

- Security Council presidential statement of 30 June 1992, by which the Security Council takes note of the Secretary-General's report "An Agenda for Peace" (document S/24210).
- Security Council presidential statement of 29 October 1992, regarding the readiness of Member States to provide the United Nations with forces or capacities, the upgrading of the military staff of the Secretariat and the special impact of sanctions on the countries that impose them (Article 50 of the Charter) (Document S/24728).
- Security Council presidential statement of 30 November 1992, on the aspects related to "fact-finding" and the greater capacity of the United Nations to obtain and process information (Document S/24111).
- Security Council presidential statement of 30 December 1992, regarding economic sanctions and Article 50 of the Charter (Document S/25036).
- Security Council presidential statement of 28 January 1993, regarding the relationship between the United Nations and the regional organizations (Document S/25184).
- Security Council presidential statement of 26 February 1993, regarding the problems related to humanitarian assistance (Document S/25344).
- Security Council presidential statement of 31 March 1993, reviewing the activities related to the safety of the personnel of peacekeeping operations

and the possibility of strengthening the relevant multilateral instruments (Document S/25696).

- Security Council presidential statement of 28 May 1993, regarding activities related to the operational budgets of peacekeeping operations, their financial aspects, humanitarian assistance and cooperation with regional organizations (Document S/25859).

More recently, the Security Council adopted three presidential statements on the subject, two of them in 1994⁴⁶ and one in 1995.⁴⁷ Considering their particular relevance to this study, we shall review them more closely.

The Presidential Statement, 3 March 1994 (Document S/PRST/1994/22), was also issued in the framework of “An Agenda for Peace”. It was negotiated in an *ad hoc* informal working group⁴⁸ of the Council after consideration of the Secretary-General’s report entitled “Improving the capacity of the United Nations for peacekeeping”, of 14 March 1994.⁴⁹ The first important fact is that in this statement, the Council recognizes the need for the establishment of clear and precise political goals, mandate, cost, and, whenever possible, estimated time frame for the United Nations operations. With the caveat that “*the Council will respond to situations on a case-by-case basis*” the statement points out the following factors which should be taken into account when the establishment of new peacekeeping operations is under consideration:

...whether a situation exists the continuation of which is likely to endanger or constitute a threat to international peace and security;
whether regional or subregional organizations and arrangements exist and are ready and able to assist in resolving the situation;
whether a cease fire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement;

⁴⁶ In 1994, Security Council Presidential statements S/PRST/1994/22 and S/PRST/1994/62 were adopted. It is worth stressing that as of the beginning of that year, presidential statements are coded in a different way, following a recommendation by the working group on Security Council procedure and documentation.

⁴⁷ In 1995, Security Council Presidential statement S/PRST/1995/9 was adopted.

⁴⁸ At the end of the discussions of the working group, some members of the Council, including Argentina, Brazil, New Zealand and Spain, proposed informally to establish a standing working group of the Council on peacekeeping issues, like the one on procedures and documentation. The proposal was not accepted.

⁴⁹ Document S/26450. This report, requested by the Council, failed to meet its expectations.

whether a clear political goal exists and whether it can be reflected in the mandate;
whether a precise mandate for a United Nations operation can be formulated;
whether the safety and security of United Nations personnel can be reasonably ensured, including in particular whether reasonable guarantees can be obtained from the principal parties or factions regarding the safety and security of United Nations personnel....

This statement also included a number of views of the Council on the ongoing review of Operations, stating that it “*may require measures to improve the quality and speed of the flow of information available to support Council decision-making*”. The Council also “*welcomes efforts made by the Secretariat to provide information to the Council and underlines the importance of further improving the briefing for Council members on matters of special concern*”.

The statement also considered issues like communication with non-members of the Security Council (including troop contributors); stand-by arrangements; as well as civilian personnel, command and control, and financial and administrative issues.

As a follow-up of the previous statement and as a response to the Argentine-New Zealand⁵⁰ proposal set out in the letter S/1994/1063 of 15 September 1994, the Council agreed, after extensive and difficult negotiations,⁵¹ on a Presidential Statement regarding “Meetings between members of Security Council, troop-contributing countries and the Secretariat”, read by the President of the Council on 4 November 1994 and issued as document S/PRST/1994/62. The statement established the following procedure:

Meetings should be held as a matter of course between members of the Council, troop-contributing countries and the Secretariat, to facilitate the exchange of information and views in good time before the Council takes decisions on the extension or termination of, or significant changes in, the mandate of a particular peace-keeping operation;
Such meetings should be chaired jointly by the Presidency of the Council and a representative of the Secretariat nominated by the Secretary-General;

⁵⁰ It is worth noting that the composition of the Council in 1994 included, apart from some permanent members actively involved in peacekeeping, such as France, the Russian Federation and United Kingdom, relevant troop-contributing countries such as Argentina, the Czech Republic, Nigeria, Pakistan and Spain.

⁵¹ The European permanent members of the Council held strong views on this initiative, one of them also reflecting concerns informally expressed by the Secretary-General and his staff.

The monthly tentative forecast of work of the Council made available to Member States will in the future include an indication of the expected schedule of such meetings for the month;

In the context of their review of the tentative forecast, the members of the Council will examine this schedule and communicate any suggested changes or proposals as to the timing of meetings to the Secretariat;

Ad-hoc meetings chaired jointly by the Presidency of the Security Council and a representative of the Secretariat nominated by the Secretary-General may be convened in the event of unforeseen developments in a particular peace-keeping operation which could require action by the Council;

Such meetings will be in addition to those convened and chaired solely by the Secretariat for troop contributors to meet with special representatives of the Secretary-General or force commanders or to discuss operational matters concerning peace-keeping operations, to which members of the Security Council will also be invited;

An informal paper, including topics to be covered and drawing attention to relevant background documentation, will be circulated by the Secretariat to the participants well in advance of each of the various meetings referred to above;

The time and venue of each meeting with members of the Council and troop contributors to a peace-keeping operation should, where possible, appear in advance in the Journal of the United Nations;

The President of the Council will, in the course of informal consultations of members of the Council, summarize the views expressed by participants at each meeting with troop contributors.

This procedure represents the first formal and practical acknowledgment by the Security Council of the fact that troop-contributing countries are important and valid participants in the decision-making processes of the Council on issues regarding peacekeeping operations.⁵² Similarly, the initial reluctance of certain members of the Security Council and the Secretariat itself reflect a preliminary conservative attitude in adapting to new circumstances, and even a certain tension resulting from the lack of definition of certain roles.

These tripartite meetings, currently held on a regular basis, are proving increasingly useful in the process of information and reflection of the Security Council on the review and establishment of the mandates of peacekeeping operations. Likewise, they contribute to the strengthening of the legitimacy of the increasing use of national contingents by the United Nations or in the perception of the governments of troop-contributing countries and therefore their respective public opinions.

⁵² In a somewhat different, yet strongly analogous context, Article 44 of the Charter of the United Nations upholds the principle that troop-contributing countries must participate in the Council's decisions regarding the employment of contingents of that Member's armed forces.

On 22 February 1995, the President of the Security Council made the Statement S/PRST/1995/9, as a response to the Secretary-General's report "Supplement to an Agenda for Peace".⁵³

The Secretary-General's report is an in-depth reflection by the Secretariat — interpreted by some as self-criticism — on the developments that have taken place since "An Agenda for Peace" was presented. It incorporates the rich experience of recent years in the field of the maintenance of international peace and security, in particular on the issues of peacekeeping, disarmament, the use of force, sanctions, preventive diplomacy and peace-building. For the purposes of this paper, we shall stress only the aspects related to the mandates of peacekeeping operations and disarmament.

In his report, the Secretary-General points out that we are still in a time of transition and that since the end of the cold war there has been a dramatic increase in the number of, as well as qualitative changes in, United Nations peacekeeping activities. He also stressed that recent experience confirmed the basic principles of peacekeeping, i.e., the consent of the parties, impartiality and the non-use of force except in self-defense.

On the subject of peacekeeping, he distinguished three levels of authority: overall political direction, which belongs to the Security Council; executive direction and command, for which the Secretary-General is responsible; and command in the field, which is entrusted by the Secretary-General to the chief of the mission.

He also stated that these three levels must be kept constantly in mind in order to avoid any confusion of functions and responsibilities. Furthermore, the Secretary-General said that it is as inappropriate for the chief of a mission to take upon himself the formulation of his/her mission's overall political objectives as it is for the Security Council or the Secretary-General in New York to decide on matters that require a detailed understanding of operational conditions in the field. He also pronounced "*There has been an increasing tendency in recent years for the Security Council to micro-manage peace-keeping operations*". At the same time, he recognized, "*Given the importance of the issues at stake and the volume of resources provided for peace-keeping operations, it is right and proper that the Council should wish to be closely consulted and informed.*"

With regard to troop-contributing governments, he said, "*[They] are responsible to their parliaments and electorates for the safety of their troops, and are also understandably anxious to be kept fully informed, especially when the*

⁵³ Document S/1995/1-A/50/60.

operation concerned is in difficulty.” With reference to the meetings formalized by the Council with troop-contributing countries, he stated, *“It is important that this should not lead to any blurring of the distinct levels of authority referred....”*

Regarding peacekeeping operations, the Secretary-General stressed in his report the distinctive roles of the different participants, including troop-contributing countries. His analysis revealed that there was a certain tension on this subject in the Secretariat with respect to Member States, including both members of the Security Council and troop-contributing countries, as to the distinction of respective roles. However, those roles were not further defined in the report.

Regarding disarmament, the Secretary-General’s report focused on what he calls *“micro-disarmament.”* He defined two categories of light weapons: small arms and mines. He recalled, *“The assembly, control, and disposal of weapons has been a central feature of most of the comprehensive peace settlements in which the United Nations has played a peace-keeping role”* and *“as a result, the Organization has an unrivalled experience in this field.”* Finally, with regard to the destruction of conventional arms, he stated, *“I believe strongly that the search should begin now, and I intend to play my full part in this effort.”*

The mention of disarmament in the context of peacekeeping operations in a report such as this is important for two main reasons. First, an effort is made to review an essentially relevant aspect of the particular problems in conflicts that later become the object of peacekeeping operations, such as the disarmament of factions or parties. Second, the Security Council is thus enabled to undertake a more systematic study of an aspect which has been dealt with in a more operative manner.

Turning to the statement of the Council on the report of the Secretary-General, it is interesting to note that, on the subject of peacekeeping, the President of the Security Council recalls its Presidential Statement S/PRST/1994/22, which listed, *inter alia*, the factors that should be taken into account in establishing peacekeeping operations. It also *“underlines the need to conduct peace-keeping operations with a clearly defined mandate, command structure, timeframe and secure financing, in support of efforts to achieve a peaceful solution to a conflict”*: it stresses the importance of the consistent application of these principles to the establishment and conduct of all peacekeeping operations.

In the statement, the Council did not refer nor respond to the critical aspects alluded to regarding the so-called tendency of the Council towards micro-management. Overall, the statement is generally positive and supportive of some of the specific proposals made by the Secretary-General.

On the issue of “micro-disarmament”, the President of the Security Council acknowledged the importance placed on the issue by the Secretary-General and claimed that:

It shares the concern of the Secretary-General at the negative consequences for international peace and security which often arise from the illicit traffic in conventional weapons, including small arms, and takes note of his view that the search for effective solutions to this problem should begin now.... In this context, the Council stressed the vital importance of the strict implementation of existing arms embargo regimes.

Regarding anti-personnel land-mines, the Council was more explicit:

[It] welcomes and supports efforts with regard to international measures to curb the spread of anti-personnel land mines and to deal with the land mines already laid. [Further, the Council] reaffirms its deep concern over tremendous humanitarian problems caused by the presence of the mines and other unexploded devices to the populations of mine-infested countries and emphasizes the need for an increase in mine-clearing efforts by the countries concerned and with the assistance of the international community.

It is evident that the Security Council addresses the issue of light weapons with caution. This is undoubtedly due to the fact that there are few precedents of a multilateral review of the issue based on consensus, except for the Register of Conventional Weapons, owing to the political challenge involved, as a great number of States produce and export this type of weapon. However, the fact that the statement devotes a paragraph to this problem is a recognition of its significance. Let us hope that the Council shall build upon this precedent.

On the other hand, on the subject of anti-personnel mines, the statement reflects recent developments both in the General Assembly and other international fora; furthermore, the Security Council is aware of this problem, which has emerged in various recent conflicts.⁵⁴

⁵⁴ Particularly in Cambodia, Mozambique and Angola.

III. Practical Cases:

Evolution of the Security Council's Procedure Regarding the Mandates of Peacekeeping Operations, Especially Regarding Disarmament

As we have seen, in recent times, the Security Council has taken specific steps to further define the mandates of peacekeeping operations. In order to see how these intentions have been translated into practice, we shall review the mandates of a series of peacekeeping operations covering the whole time frame that we have selected.

The peacekeeping operations selected are: ONUCA (1989), UNIKOM (1991), ONUSAL (1991), UNPROFOR (1992), UNTAC (1992), ONUMOZ (1992), UNOSOM II (1993), UNOMIG (1993), UNOMIL (1993), UNAMIR (1994),⁵⁵ UNMIH (1994), UNMOT (1994) and UNAVEM III (1995).

It is possible to find the mandates of peacekeeping operations in three different types of document: the Security Council Resolutions, the Secretary-General's reports, and the peace agreement signed by the parties. We will deal with the two first types of documents.

1. Security Council Resolutions which Establish Mandates

a) *Type of elements in a mandate which appear in Security Council resolutions:*

- Documents where one can find the mandate. Most of the time, Security Council resolutions make reference to the peace agreements signed by the parties and the Secretary-General's reports. With respect to these reference could be total or partial, depending if the Security Council agrees totally or not with the Secretary-General's recommendations.
- Specific references related to the mandate. We have seen that the Security Council has expressed its will to make more specific references to elements of the mandates in its resolutions.

⁵⁵ UNAMIR is considered after the changes in its mandate occurred after the tragic events of 1994 in Rwanda.

- Type of forces. Sometimes resolutions give the precise total number of troops or type of units that must be deployed; however, this information is normally based in the Secretary-General's reports.
- Duration of peacekeeping operations. The Security Council sometimes imposes conditions on the establishment or duration of a peacekeeping operation. In most of the cases the Council decides on the timing for the renewal of the Force.
- Cost of Peacekeeping operations. With the increasing number of new operations there was, at one moment, a tendency to reflect the cost concerns in the resolutions.
- Concept of Operation. Lately, in some of resolutions which establish the mandates, the Security Council has provided the outline or general goals of the operation.⁵⁶
- Other matters. It is possible to identify other elements which appear irregularly in the resolutions of the Security Council such as: the reference of the security of troops; the need for the parties to agree to a "Status of Force Agreement" (SOFA) with the United Nations; specific reference to a geographic location;⁵⁷ and timing for presentation of the Secretary-General's reports related to the peacekeeping operation.

b) *Other relevant characteristics of peacekeeping operations which are related to their mandates:*

- Arms embargoes. It is interesting to note that many of these peacekeeping operations have been established in countries which are subject to United Nations sanctions, more precisely to arms embargoes.
- Chapter VII. In two cases peacekeeping operations were established under Chapter VII of the United Nations Charter. UNIKOM was imposed on Iraq after the Gulf War in Resolution 687 (1991), and UNOSOM II required some elements of enforcement. More recently UNPROFOR was subject of some changes in its mandate which needed

⁵⁶ The New Zealand Delegation was particularly active on promoting in the Security Council, during 1993 and 1994, the need to include the concept of operations.

⁵⁷ UNIKOM, which can be considered a special case in many ways, was given, as a consequence of the war initiated by Iraq, specific geographic limits for its deployment and scope, which were related with the core of the dispute between Iraq and Kuwait.

a reference on Chapter VII.⁵⁸ In all of these cases, it would be a mistake to associate these facts with peace enforcement.

- Operations related to Chapter VIII. In the case of UNPROFOR, there was a specific reference to Chapter VIII linked with the efforts undertaken by the European Community and the States which participated in the Conference for Security and Cooperation in Europe (CSCE). Three other cases, UNOMIG, UNOMIL and UNMOT, all observer missions, were established in crises already covered by some regional peacekeeping mechanisms established by a regional organization: the Collective Peace-keeping Force of the Commonwealth of Independent States (CIS) in Tajikistan and Georgia and the Cease Fire Monitoring Group (ECOMOG) established by the Economic Community of West African States (ECOWAS).

c) *The following table summarizes the information found:*

⁵⁸ In this study we will consider the initial mandate of UNPROFOR which was not established under Chapter VII of the Charter.

2. The Secretary-General's Reports which Recommend Mandates of Peacekeeping Operations

In this section we will briefly review the Secretary-General's reports which recommend mandates for Peacekeeping operations. Those reports are found in documents S/29895 (ONUCA); S/22031 (ONUSAL); S/23280-S/23592 (UNPROFOR); S/23613 (UNTAC); S/24893 (ONUMOZ); S/25354 (UNOSOM II); S/26646 (UNAMIG); S/26422 (UNOMIL); S/1994/565 (UNAMIR); S/26352-S/1994/828 (UNMIH);⁵⁹ S/1994/1363 (UNMOT); S/1995/97 (UNAVEM III).

a) *Common elements in all reports:*

The agreements between parties remains a common element in all reports, which could be either a peace plan or a cease-fire agreement. The only exception is UNIKOM for the reason stated above. The concept of operation is present in most of the cases, sometimes it is called operational plan or framework of the mandate. Finally, regarding the structure and size of the mandate, the Secretary-General's reports are usually very precise in covering this aspect of the mandate, including the logistical aspects of the operation. Sometimes the Secretary-General submits different choices or alternatives, as it was the case with UNMIH and UNAMIR.

b) *Elements not common to all reports:*

The rules of engagement are sometimes explicitly contained in the reports, such as the UNOSOM II and UNAMIR Secretary-General's report. Relations with other forces, however, appear in the report. When a United Nations peacekeeping operation coincides with a regional peacekeeping operation like UNOMIL-UNOMIG-UNMOT, elements of the relation with this other force appear in the report. This is also the case when there is a relation with a military coalition of States as it was the case with UNOSOM II and UNMIH. Furthermore, with reference to public information activities, only the reports on UNOSOM II and ONUSAL mentioned this important aspect of the establishment and normal activity of a peacekeeping operation.

⁵⁹ The two reports on UNMIH are complementary, and they have been presented, due to political circumstances, with a one-year interval.

c) Specificity in the mandates recommended:

In general terms the reports of the Secretary-General are always more specific than the resolutions of the Security Council. The recommended mandates for the observer missions are, logically, less precise than the mandates for the peacekeeping forces. It is worthwhile to emphasize that there was an effort to make more precise or specific the mandates of UNOSOM II and UNTAC. To a lesser degree, the reports on UNPROFOR, ONUMOZ and UNOMIL, were also more specific regarding some aspects of the mandate.

d) Reference on disarmament:

As stated above, it is possible to conclude that there was a greater precision in the aspects related to disarmament in the mandates recommended in the Secretary-General's reports for UNOSOM II and UNTAC. It is also possible to find specific reference to disarmament in the reports on UNAMIR, UNMIH and ONUMOZ.

Conclusions

We have seen all along in this paper that the United Nations, since 1990, is undergoing a dynamic process of adaptation to a new international situation which continues to evolve rapidly, particularly regarding the maintenance of international peace and security.

This process is particularly relevant to the United Nations organs which have specific responsibilities on peacekeeping operations, as well as to troop-contributing countries. In this process, the Security Council plays a basic role when it comes to establishing the mandates of peacekeeping operations, including the related disarmament aspects.

1. Possibilities and Limitations of the Security Council in its Management of Peacekeeping Operations

To understand the possibilities and limitations of the Security Council in managing peacekeeping operations, it is important to remember the political nature of this body and also its particular decision-making process.

Security Council's decisions are the result of a negotiation process between its members, including coalitions and alliances. The role of the Permanent Members are particularly relevant although there are other important factors.

When drafting the mandate of a new peacekeeping force, the Security Council is influenced by a series of factors which are important to acknowledge in order to understand the process.

The five Permanent Members of the Security Council share global interests, and each has its own opinion and interests on every conflict that conditions its actions. Since 1990 the Council has witnessed increased cooperation among its Permanent Members, and this cooperation has had a positive effect in the work of the Security Council. However, the national interests of the Permanent Members are not always compatible with what could be called the “collective interest.” When this is the case, the Security Council actions have a tendency to weaken. This is particularly worrisome when the United Nations has troops deployed in the field.⁶⁰

To minimize this fact, a continued dialogue between the different participants of this process is needed. The various members of the Security Council, the members of the United Nations, the troop-contributing countries and the Secretariat need to seek consensus in the political utilization and management of peacekeeping operations.

The increasing financial cost of peacekeeping operations is also an important restriction on the Organization, as well as for the countries contributing troops and equipment to these operations. This fact is reflected in the decision making process of the Security Council, particularly regarding the Permanent Members of the Council which bear a special responsibility to finance those operations.

It is a fact that wars or unilateral interventions by one or a coalition of member states are far more costly than peacekeeping operations.⁶¹ The United Nations membership is now actively involved in finding a new consensus on the manner in which the financial cost must be distributed among the members. By the same token, the United Nations Secretariat is being encouraged to continue its search for a more sound and rational utilization of the resources given to it.

Public opinion perceptions in peacekeeping are an increasing factor which influence the political decision making process of member states. The mass media, particularly the audiovisual media, are playing an increasingly important role. We have recently seen how some media images have decisively influenced concrete decisions to deploy or withdraw peacekeeping operations forces.

⁶⁰ In many respects, this could be applied to the handling of the crisis in the former Yugoslavia by the Security Council.

⁶¹ As in Iraq and Kuwait, Somalia, Rwanda or Haiti.

The interest of mass media in United Nations peacekeeping is essentially a positive factor. However, it is important that member states, and also the Secretariat, significantly increase their efforts to explain, on a continuous basis, the nature, potential and evolution of peacekeeping operations. This is particularly relevant for troop-contributing countries which require the active support of their respective publics.

We have seen how the methods of work of the Security Council are evolving, notwithstanding the remaining conservative tendencies developed after 45 years of relative inactivity of some of its permanent members. Possibly the most important restriction that the Security Council faces today is its bulky⁶² agenda which negatively conditions the management and following of the increasing number of conflicts where the United Nations is involved with a peacekeeping operation, a mission of good offices, or a sanctions regime.

As a result, the Security Council is making progress in increasing the efficiency of its work and employing greater transparency and accountability, factors which will result, in the end, in the strengthening of the legitimacy of its actions. It is important to emphasize, in this context, the increasing convergence of views between permanent and non-permanent members. The debates in the General Assembly are also contributing significantly to this end.

2. Specificity of Mandates, Particularly of those Related to Disarmament

In the last few years, the Security Council has modified the manner in which it drafts its peacekeeping operations mandates, in an attempt to increase specificity.

We have seen that the elements of a mandate could appear in three different documents: the peace agreements, the Secretary-General's reports, and the Security Council's resolutions.

The peace agreements are the ideal framework for bringing specificity to the mandates because they are negotiated with care and at length between its parties to ensure consensus during implementation.

This fact is particularly relevant to the disarmament. The disarmament of a party or faction is one of the most delicate aspects in any peace agreement because it implies, for any party, the impossibility of continuing or returning to armed confrontation. For this particular reason, it is imperative to have the explicit consent of the parties on the goals and modalities of disarmament. It can be argued

⁶² In 1994, the Security Council was seized with 33 active items in its agenda.

that for the reasons stated above peace agreements are the best tool for achieving the objective of disarmament.

The Secretary-General's reports to the Security Council inform its members on the concept of operation which plans to implement or the different possibilities related to it. For this reason, the report must contain enough technical information, as well as precisions on some special topics which require a decision by the Council or a particular evaluation by its members or potential troop-contributing countries.

It is important that the Secretary-General's reports reflect the United Nations accumulated experience, particularly in the last few years. This matter is more relevant regarding disarmament, where experience has been particularly rich and varied.

The Security Council's resolutions related to the mandates of peacekeeping operations, not only constitute the legal basis required for their establishment but also must channel a clear message to the conflicting parties, the international community and the Secretariat who is the one which has to implement this mandate. To fulfill this task the resolution does not need to detail the concept of the operation, but must give the overall objectives of it and, as necessary, shall stress some particular aspects relevant to each case. In that connection, the objectives stated in the Presidential Statement S/PRST/1994/22 are always relevant.

Regarding disarmament the Security Council has many possibilities. The establishment and effective enforcement of the arms embargo could be an important factor. However, in most cases, the United Nations participation in a conflict begins at a stage when there are on the ground enough stocks of light and other categories of weapons to pursue the confrontation almost indefinitely. For this reason it is important that the Security Council, in spite of the sensitiveness of the arms dealers and manufacturers, start to evaluate the possibility of establishing preventive measures related to the trade of weapons, as it was suggested in the Secretary-General's report "Supplement to an Agenda for Peace."

In the last few years, the Security Council has been aware of anti-personnel mines. The recent experiences in peacekeeping have been, in the best of the cases, mixed. This was possibly due to problems of field implementation. The Security Council has the ability to send a message to the people responsible to execute those tasks and, at the same time, to provide the necessary resources to it.

The Security Council can, through its resolutions and other decisions, also bring guarantees to the parties to facilitate their consent to light and heavy weapons disarmament tasks. The generation of trust by the parties is an essential factor for

disarmament. It is important to take into account the recent experience in past and present conflicts.

The international context is undergoing a fast evolution. The Security Council will have to evolve accordingly. For that reason it will have to take the initiative in outlining a collective security system based on the United Nations Charter principles. At the same time, peacekeeping operations have known an unprecedented expansion in a very limited time frame. This fact is the subject nowadays of a systematic process of thinking and analysis by the governments, the United Nations Secretariat, and the academic world. Those peacekeeping operations have their own and unique characteristic which makes somehow more complex and difficult (but not impossible) its theoretic study and therefore the drawing of common lessons.⁶³

The Security Council, together with the Secretariat, have the responsibility to establish, run and close-down, peacekeeping operations. To this end, it is important that, together, they draft clear and feasible mandates for these operations. But it is also necessary that they jointly interact to govern and administer them, once they are deployed. In addition, when the time comes, they should both work together in closing down, a step which — very frequently — is a particular complex one.

⁶³ A. B. Fetherston, *Towards a Theory of Peacekeeping*, New York: St. Martin's Press, 1994.

Chapter 2

Consent, Neutrality, and Impartiality in the Tower of Babel and on the Frontlines: United Nations Peacekeeping in the 1990's

Stephen John Stedman

Consent, neutrality, impartiality and minimal force used only in self-defense have long been the defining aspects of peacekeeping.¹ Since 1989, however, peacekeeping has fundamentally changed. The tasks of peacekeeping are no longer confined to the interposition of troops between warring parties in order to verify and stabilize a cease-fire. Moreover, the member states who contribute to peacekeeping have changed, with France and the United States playing a new assertive role in UN peace operations. These changes have had major implications for such time-honoured concepts as consent, neutrality and impartiality; they no longer possess a universally accepted meaning, nor is it clear that they should hold the same reverence as before.

The proliferation of challenges to which peacekeepers must respond combined with the introduction of new peacekeeping participants has led to the creation of various, new national peacekeeping doctrines. When different armies speak of consent, neutrality, and impartiality, they now mean different things. And in the absence of a joint combined peacekeeping doctrine within the United Nations, different nations place different emphases on these concepts. The challenge to multilateral peacekeeping is obvious. It is impossible to have a debate about priorities among concepts, when countries interpret those concepts differently. More importantly, it is impossible to have a coherent peacekeeping mission when troop contributors fail to agree on the purpose, strategy, and conduct of an operation.

This war of words comes at a time when the Tower of Babel is on fire. Operationally, consent, neutrality, and impartiality have proven anything but straightforward in the 1990's. For example, consent has proven to be strong or

¹ The author wishes to thank UNIDIR for its support for this research and acknowledge the following individuals for their editorial and substantive suggestions: Cara Cantarella, Virginia Gamba, Sverre Lodgaard, Tonya Putnam, and Ilka Tiihonen.

weak, durable or fragile; indeed, in civil wars it may be unclear as to who's consent is necessary.² In Cambodia, Angola, and Rwanda, the United Nations deployed troops and administrators to help implement peace accords, only to have one or more of the parties subsequently withdraw their consent. Consent at the theater level has not always coincided with consent at the operational level, as UN forces meet local commanders who drag their heels at fulfilling their supposed obligations. Consent in the larger sense of mission acceptance has not necessarily translated into consent in carrying out the individual components of a peace accord, especially in the sensitive area of disarmament. Finally, in cases like Bosnia and Somalia, where consent at the theater level was lacking, UN units on the ground were sometimes able to gain sporadic consent among local authorities, often to the detriment of the mission's unity.

This paper seeks to cut through the confusion, lack of clarity, and ambiguity that currently surround the concepts of consent, neutrality and impartiality. It offers an interpretive guide to competing meanings of these terms, and explores the policy implications of these competing meanings. The paper then uses evidence from recent UN peace operations to illustrate two major consequences of doctrinal confusion: 1) the incapability of concerted strategic action and 2) the ill effects of applying traditional peacekeeping concepts to situations where the requisites of peacekeeping are absent. The paper concludes by arguing that the challenges of peacekeeping in the 1990's require a new doctrine of peace operations that takes into account the hazards of implementing peace in civil wars.

I. Peacekeeping: Before and After 1989

The development of United Nations peacekeeping should be seen in two stages: before and after 1989. Before 1989 one sees a gradual evolution of peacekeeping concepts, demands, and techniques, as well as a continuity of participating countries that trained their troops in the tasks of peacekeeping. The net result of the evolution, learning, and continuity of participants is that one can speak of an explicit UN joint peacekeeping approach; the major troop-contributing countries before 1989 formed a remarkable consensus about what peacekeeping is and when it should be used.

United Nations peacekeeping was born of necessity; it was an *ad hoc* response to international crises, where it was believed that the interposition of a

² Steven R. Ratner, *The New UN Peacekeeping: Building Peace in Lands of Conflict After the Cold War*, New York: St. Martin's Press, 1995, esp. pp. 25-54.

military force could create a buffer between warring parties and lessen the military insecurities of both sides. To reduce conflict and enhance security, the force had to be seen as legitimate, neutral and impartial. Legitimacy came from the consent of the warring parties; neutrality and impartiality were insured by the multinational composition of the force, the fact that it was lightly armed, and by its rules of engagement that strictly limited the use of force to self-defense.³ Only in the Congo in 1964 did the United Nations stray from these concepts, and both supporters and detractors of that mission agreed on one basic appraisal: “never again a Congo.”⁴

A fundamental change came in 1989 when the United Nations was asked to assist the implementation of a peace agreement to end Namibia’s civil war and bring that country to independence. By accepting, UNTAG (United Nations Transition Assistance Group) interjected peacekeeping troops into a civil conflict and took on unprecedented tasks such as the cantonment and demobilization of soldiers, voter registration and education, and election assistance and monitoring. Later that year the United Nations became involved in the Nicaraguan peace process, when it established ONUCA (United Nations Observer Group in Central America) to supervise the external supply of weapons to internal factions, help disarm one faction, and observe elections.

Since UNTAG and ONUCA, the United Nations has been asked to implement civil war settlements in Angola, Western Sahara, Cambodia, Rwanda, Mozambique and El Salvador. United Nations peacekeeping has also been used in the former Yugoslavia, Haiti, and Somalia in humanitarian and peace enforcement operations.

³ Overviews of the genesis of UN peacekeeping can be found in Paul Diehl, *International Peacekeeping*, Baltimore: Johns Hopkins University Press, 1993; The United Nations, *The Blue Helmets: A Review of United Nations Peacekeeping*, 2nd ed., New York: United Nations, 1990; and William J. Durch (ed.), *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis*, New York: St. Martin’s Press and the Henry L. Stimson Center, 1993.

⁴ Bo Hultdt, “Working Multilaterally: The Old Peacekeepers’ Viewpoint,” in *Beyond Traditional Peacekeeping*, Donald C. F. Daniel and Bradd C. Hayes (eds), New York: St. Martin’s Press, 1995, p. 103.

1. The Nature of Post-1989 Missions

The challenges and risks of these missions differ dramatically from prior ones. These missions take place in civil wars, which are much more difficult to resolve than interstate wars, and have multiple unprecedented political, humanitarian, and military components. These factors produce an unusual degree of complexity, volatility, and vulnerability for the peacekeeping of the 1990's.

Difficulties Posed By Civil Wars

Civil wars are volatile situations for peacekeepers for three reasons. First, if a civil war is to end with the creation of one integral state, then the parties must overcome a daunting security dilemma.⁵ They must disarm, establish a new government and army, and no longer pursue their security unilaterally. But “in the short term, the arrangements that lead to an end of hostilities are fraught with risks and dangers. If poorly organized and supervised, the integration of armed forces, the cantonment and disarming of soldiers, and the initiation and maintenance of ceasefires can provide opportunities for one side to take advantage of the settlement and seek complete victory.”⁶ There are incentives for the parties to cheat during implementation out of fear and out of the hope of gaining an advantage at the end of the settlement.

Second, many parties in civil wars sign peace agreements for tactical reasons without intending to live up to their obligations. Movements and leaders may define the stakes in all or nothing terms. They may be willing to sign and implement an agreement if it suits their immediate interest, but will defect if the agreement will not bring them complete power. Alternatively, leaders may feel pressured to sign an agreement, but suffer from various decision-making pathologies that prevent them from implementing it.

Third, parties in civil wars tend to be much more organizationally weak than in interstate wars. There is much more potential for factions to splinter. Some of

⁵ Barbara Walter, “The Resolution of Civil Wars: Why Negotiations Fail,” Ph.D. dissertation, University of Chicago, December 1994. This work provides the fullest elaboration of the security dilemma in civil war.

⁶ Stephen John Stedman, “Negotiation and Mediation in Internal Conflicts”, in *International Dimensions of Internal Conflicts*, Michael E. Brown (ed.), Cambridge: MIT Press, forthcoming 1996. The next three paragraphs draw insights from that article. For other analyses of negotiation in civil war see Walter, “The Resolution of Civil Wars”, and Stephen John Stedman, *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980*, Boulder, Colo.: Lynne Rienner, 1991, chapter 1.

them may stay committed to peace, but others may decide to rebel against the peace process. Alternatively, command and control may be weak: national rebel and government leaders may agree on peace conditions, but not command the compliance of some of their lower commands.

These factors - the intense fear that parties bring to implementation, the possibility that signatories may be insincere in their commitment to peace, and the potential for warring parties to divide and split - create multiple dangers and dilemmas for UN missions that have to implement peace agreements in civil wars.

Nonmilitary Aspects of Post-1989 Missions

Compared to early peacekeeping missions, those after 1989 often have “a substantial or predominantly nonmilitary mandate and composition.”⁷ The implementation of detailed peace agreements requires a much larger and complex agenda for operations, including such nonmilitary functions as: “verification, supervision, and conduct of elections; supervision of civil administration; promotion and protection of human rights; supervision of law and order and police activities; economic rehabilitation; repatriation of refugees; humanitarian relief, demining assistance; public information activities, and training and advice to governmental officials.”⁸ The growth in such civilian tasks implies that the post-1989 missions face greater problems in staffing, logistics, and coordination among tasks. Indeed, sometimes conflicts arise between the tasks.

Military Aspects of the Post-1989 Missions

Not only have the political requirements of post-1989 missions added to the complexity of peacekeeping, but also the military mandates are often more complicated than earlier peacekeeping missions.⁹ Assisting parties to demobilize and disarm, enforcing sanctions and no-fly zones, protecting safe areas, delivering humanitarian aid, are often combined under the umbrella of a single peace operation. Such tasks call for different expertise, therefore multiplying force requirements and placing greater demands on command, control, coordination, and communications.

⁷ Ratner, *The New UN Peacekeeping*, pp. 22-23.

⁸ *Ibid.*

⁹ Donald C. F. Daniel, “Issues and Considerations in UN Grey Area and Enforcement Operations”, Background paper for the United Nations Institute for Disarmament Research (UNIDIR), Workshop on Differing National Perspectives on UN Peace Operations, Helsinki, Finland, July 6-8, 1995, pp. 2-3.

If such complex operations were framed by explicit mandates, then their fulfilment would be easier. But almost all of the post-1989 missions have been marred by ambiguous mandates implying that forceful action can be taken to enforce a settlement, without an explicit command or appropriate troops and material to use a forceful approach.¹⁰

2. New Contributors to Peacekeeping

Not only have the tasks of peacekeeping changed, the participants in peacekeeping have also changed. Until 1988 United Nations peacekeeping had a regular pool of contributing nations, formed by the core states of Canada, Ireland, Italy, Australia and the Nordic countries (Finland, Norway, Sweden, and Denmark). Canada is the only member state to participate in all 13 peacekeeping operations between 1948 and 1987; the Nordic countries participated in approximately two-third of the operations.¹¹ During that time, the United States and Argentina took part in three operations, France contributed troops to two missions, the Soviet Union and United Kingdom to one mission, and Austria none.

In the 13 missions between 1989 and October 1993, the cast changes. Canada remains the only country to participate in every UN peacekeeping mission and the participation of the Nordic countries, Ireland, Australia, and Italy remains high. What is different is the participation of Argentina (9 operations), France (8 operations and the largest troop contributor during that time), the United States and Austria (7 operations), Russia (6 operations), and the United Kingdom (4 operations and the second largest troop contributor).

These new contributing states bring little experience in past peacekeeping missions, idiosyncratic definitions of key terms, and competing ideas of what peacekeeping is and how it should be executed. It should be of little surprise, therefore, that as a rule the countries with the most experience of pre-1989 peacekeeping — Finland, Sweden, and Norway, for example — maintain an approach to peacekeeping today that mostly echoes the concerns, concepts and lessons of pre-1989. Likewise, the two countries with the most idiosyncratic doctrines — the United States and France— had little pre-1989 peacekeeping experience. Nor has a lack of experience contributed to the humility of these new contributors. The title of a working group sponsored by the United States Institute

¹⁰ *Ibid.*

¹¹ Data in this paragraph on member state participation in peacekeeping missions is drawn from Huldt, “Working Multilaterally”, pp. 106-107.

of Peace in 1992 - "The Professionalization of Peacekeeping" - piqued several UN participants with decades of peacekeeping experience. And one analyst writes that on the basis of its recent commitments to peacekeeping, "France firmly rejects any challenge to her authority in peacekeeping matters."¹²

II. The Tower of Babel

The infusion of new states into peace operations and the changed tasks of peacekeeping has led to a proliferation of national peacekeeping doctrines. But to understand how such doctrines deviate from traditional notions of United Nations peacekeeping, it is useful to discuss the peacekeeping approach of the Nordic countries as it embodies what is known as traditional peacekeeping.

1. The Nordic Approach to Peacekeeping

The Nordic countries do not have an explicit joint peacekeeping doctrine, a fact that indicates that until the 1990's there was little international controversy about the definition of peacekeeping. After all, if everyone knows what something is, then there is no need to define it. One can, however, speak of a Nordic approach to peacekeeping, which can be discerned through various documents, including, most importantly the *Nordic UN Tactical Manual*.¹³

The Nordic approach to peacekeeping is defined by the consent of the parties, neutrality and impartiality, and the defensive use of weapons. Peacekeepers are neutral observers; they do not act as combatants, and they do not take part in hostilities.¹⁴ Neutrality refers to not taking sides regarding the issues in conflict and the merit of each side's position. The consent of the warring parties is crucial to the success of peacekeepers, because it signals the parties willingness to reduce their hostilities and it protects the peacekeepers, who are lightly armed with restricted rules of engagement. To keep the consent of the warring parties, the peacekeepers must strive to keep their neutrality and impartiality. If one of the warring parties perceives that the peacekeepers are partial, then consent may be withdrawn, hostilities may erupt again, and the peacekeepers may come under attack. The fear

¹² Angela Kane, "Other Selected States: Motivations and Factors in National Choices", in Daniel and Hayes (eds), *Beyond Traditional Peacekeeping*, p. 125.

¹³ Joint Nordic Committee for Military UN Matters (NORDSAMFN), *Nordic UN Tactical Manual*, Volumes 1 and 2.

¹⁴ *Nordic UN Tactical Manual*, vol. 1, p. 25.

of loss of impartiality, however, should not paralyze the peacekeepers from promptly and honestly reporting violations by the belligerent parties.¹⁵ The proper response to violations, however, is one of negotiation and mediation to gain compliance.¹⁶

The Nordic approach to peacekeeping is based on a theory of conflict escalation, whereby the use of force tends to beget the use of force.¹⁷ One expert puts it even more strongly: “Anything beyond the defensive use of weapons ... automatically leads to an enforcement action.”¹⁸ The fear of conflict escalation is so high, that even the allowance of use of weapons in self-defense is proscribed “until all other means of protection have been employed.”¹⁹ The Nordic approach does not object to shows of force, defined as “the use of impressive-looking equipment, vehicles, weapons and well-disciplined units with smart appearance,” but insists that the goal of such display should be to “show the force so that you do not need to use it.”²⁰

The Nordic countries have expressly rejected the notion that there is a grey area between peacekeeping and peace enforcement. The two operations are distinctly divided by the absence or presence of consent by the warring parties and the limited use of force in self-defense. There is little indication by proponents of the Nordic approach that it may be inappropriate for the tasks of post-1989 operations. Indeed, one Nordic practitioner with early peacekeeping experience goes so far as to deny that the tasks or dangers of peacekeeping have changed.²¹

¹⁵ *Ibid.*, p. 26.

¹⁶ *Ibid.*, pp. 29-31.

¹⁷ *Ibid.*, p. 29: “if force is to be used, the extent and range will be confined to what is strictly necessary. This advice is based on the experience of many UN operations and the principle that force generates force.”

¹⁸ Ilkka Tiihonen, “Differing National Perspectives on UN Peace Operations”, Background paper for the UNIDIR Workshop on Differing National Perspectives on UN Peace Operations, pp. 8-9. The author was for many years director of the Finnish Peacekeeping Academy.

¹⁹ *Nordic UN Tactical Manual*, vol. 1, p. 31.

²⁰ Tiihonen, “Differing National Perspectives”, p. 9.

²¹ Holdt, “Working Multilaterally”, pp. 103-104.

2. British “Wider Peacekeeping”

British doctrine acknowledges that the peace operations of the 1990's are different than earlier ones. The key difference concerns the volatility of the environment in which peace operations take place. Such factors as “the absence of law and order,” the presence of “numerous parties” and “undisciplined factions” in a conflict, the “ineffectiveness of ceasefires,” “the risk of local armed opposition to UN forces,” “the collapse of infrastructure,” “large numbers of displaced persons,” and “an undefined area of operations” create “an environment that may be highly volatile.”²² Despite the volatility of such environments, as long as the operation is based on the consent of the warring parties, then it should still be considered a sub-species of peacekeeping, hence the name of these new operations — “wider peacekeeping.”

The dimension of consent is crucial to British doctrine; it is the single differentiating characteristic between peacekeeping and wider peacekeeping on the one hand, and peace enforcement on the other.²³ The either/or nature of consent implies that peacekeeping, wider peacekeeping, and peace enforcement should not be conceptualized in a linear relationship on the basis of degrees of danger, risk, or volatility. This reflects the British desire to keep the world of peacekeeping and the world of peace enforcement black and white; those operations where consent is present, regardless of the volatility of the situation and the nature of the tasks, should be approached differently than operations where consent is absent. As long as consent is present, then the well-worn rules of neutrality, impartiality, and minimal use of force are the only ones appropriate.

The rigid differentiation between wider peacekeeping and peace enforcement is based on the fear that an inappropriate use of force could endanger a mission's neutrality and impartiality, trigger the withdrawal of consent, and transform the mission to one of peace enforcement, albeit without the will or force structure necessary to succeed. British doctrine assumes that force has little role to play in wider peacekeeping, because the conflicts seen by peacekeepers in the 1990's “require resolution by conciliation rather than termination by force.”²⁴ Indeed, British doctrine suggests a sharp division between force and diplomacy, given that the task of wider peacekeeping (driven by the constant negotiation and renegotiation of consent, and committed to using force only in limited self-defense)

²² *Wider Peacekeeping*, British Army Field Manual, 4th Draft, pp. I-8-9.

²³ *Ibid.*, pp. I-8-9.

²⁴ *Ibid.*, p. I-9.

is “to create or support the conditions in which political and diplomatic activities may proceed.”²⁵

British doctrine recognizes that although it may define consent as present or absent, in the real world consent can be ambiguous, something “that the peacekeepers can expect to have bits of, from certain people, in certain places, for certain things, for certain periods of time.”²⁶ Moreover, at the tactical level, consent “will be subject to frequent change and its boundary will therefore be mobile and poorly defined.”²⁷ Nonetheless, even in situations where consent is ambiguous, it remains “the only effective vehicle for carrying peacekeeping operations forward.”²⁸ In dealing with violations of agreements or cheating or intransigence of warring factions, “the role of consent must be a determining criterion of the operational methods employed.”²⁹ There are several ways in which the actions of peacekeepers can endanger consent: they can take sides, use too much force, lose legitimacy and credibility, prompt disrespect, and cause misunderstanding.

3. American Peacekeeping and the Grey Area

American peacekeeping doctrine also sharply differentiates peacekeeping and peace enforcement.³⁰ Peacekeeping depends on the consent of the warring parties and is “designed to monitor and facilitate implementation of an agreement and support diplomatic efforts to reach a long term settlement.”³¹ The American view of peacekeeping upholds the importance of neutrality, impartiality, and minimal, constrained use of force. The roles of peacekeepers in facilitating implementation of agreements include observing, monitoring, verifying, reporting, and

²⁵ *Ibid.*, p. I-10.

²⁶ *Ibid.*, p. II-7.

²⁷ *Ibid.*

²⁸ *Ibid.*, p. II-6.

²⁹ *Ibid.*, p. II-15.

³⁰ American joint doctrine on peace operations is still in the drafting process, whereas US Army doctrine has been published. I have made use of the draft joint doctrine and the Army doctrine, as well as a memo written in mid-1995. I have been careful to check for any inconsistencies between the draft joint doctrine and the Army doctrine. This section draws from *Joint Chiefs of Staff, Joint Pub 3-07.3 Draft: Joint Tactics, Techniques, and Procedures for Peace Operations* (9 January 1995); *Field Manual 100-23: Peace Operations*, Washington D.C.: Headquarters, Department of the Army, December 1994; US Mission to NATO, “Consent - The Grey Area”, Memorandum (6 June 1995).

³¹ *Joint Pub 3-07.3 Draft*, pp. 1-5.

investigating. When faced with violations by warring parties, peacekeepers can “mediate agreements to remedy situations.”³² The bottom line is to keep the peace “through persuasion rather than by intimidation.”³³

Peace enforcement, on the other hand, is the “application of military force, or the threat of its use, normally pursuant to international authorization, to compel compliance with resolutions or sanctions designed to maintain or restore peace and order.”³⁴ So stated, the definition clearly prohibits any peacekeeping operation from using even the threat of force to gain compliance; if it does so, then the operation becomes one of peace enforcement. No consideration is given in peace enforcement to cases where parties consent to a peacekeeping operation and then withdraw their consent. Rather, peace enforcement encompasses such missions as “enforcement of sanctions and exclusion zones,” “protection of humanitarian assistance,” “operations to restore order,” and “forced separation of belligerent parties.”³⁵

Although the doctrine maintains that the two operations have different implications for rules of engagement, equipment, and staffing, and warns that “peacekeepers should not transition to peace enforcement operations or vice versa,” it states that such a transition may be unavoidable and therefore should be planned for.³⁶ While the doctrine does not state why such planning should be undertaken, a more recent document suggests that American policy makers recognize that the environment of many peacekeeping operations today is dynamic and that “a ‘grey area’ can develop in which cease-fires break down, factions withdraw their consent, and new political entities emerge that had no part in the original granting of consent to the peacekeeping operation.”³⁷ The existence of a possible grey area means “that a force operating in the grey area should be configured to be able to operate as a peace-enforcer even when its mandate is more limited.”³⁸

American doctrine holds that peacekeeping and peace enforcement are subspecies of the larger genus - peace operations. One of their commonalties therefore is that “settlement, not victory, is the key measure of success.... It is preferable to

³² *Ibid.*, pp. II-5.

³³ *Ibid.*, pp. II-15.

³⁴ *Ibid.*, pp. 1-5.

³⁵ *Ibid.*, pp. III-2-3.

³⁶ *Ibid.*, pp. 1-8.

³⁷ “Consent - The Grey Area”, p. 2.

³⁸ *Ibid.*, p. 1.

reach a resolution by conciliation among the disputing parties rather than termination by force.... The concept of traditional military victory or defeat is not an appropriate measure of success in peace operations.”³⁹ As the US Army’s doctrine states, “every soldier must be aware that the goal is to produce conditions that are conducive to peace and not to the destruction of an enemy. The enemy is the conflict (sic).”⁴⁰

4. French Peacekeeping and Active Impartiality

If British peacekeeping doctrine is an attempt to mould traditional peacekeeping concepts to new realities, French peacekeeping doctrine is an attempt to revolutionize the world of peacekeeping. Where the British doctrine shows a clear lineage to the traditional, the French demonstrate few qualms in discovering the world anew. As one French document says quite unabashedly, the French military concept for peacekeeping “is very different from what has been put into practice the last 40 years.”⁴¹ French doctrine refers to France’s colonial heritage and suggests that its experience in policing its colonies is applicable to the challenges of peacekeeping today.⁴²

Like the British, the French divide the world of missions into three: peacekeeping, peace-restoring, and peace enforcement. Peacekeeping is intervention with the consent of the parties to maintain peace where hostilities have stopped, carried out under Chapter VI auspices. The major tasks are to supervise and enforce a cease-fire. Both peace-restoring and peace enforcement occur where war is still being waged, but differ in one respect. In peace enforcement a party is designated to be the aggressor in the conflict and must be defeated with force.⁴³

French doctrine is startling in its rejection of the basic premise of traditional peacekeeping concerning armaments and self-defense, even in peacekeeping operations. The doctrine notes that normally in supervising a cease-fire, there is little need for heavy armaments or anything greater than self-defense. But it notes

³⁹ *Joint Pub 3-07.3 Draft*, pp. 1-15.

⁴⁰ *Field Manual*, 100-23, p. 17.

⁴¹ French Ministry of Defense, “Presentation of a Talk Concerning the Concept of the Use of French Troops in Peace-keeping Operations”, mimeo presented at the UNIDIR Conference on Differing National Perspectives on UN Peace Operations.

⁴² *Ibid.*, pp. 13, 26.

⁴³ French Ministry of Defense, “Principles For the Employment of the Armed Forces Under UN Hospices”, mimeo (March 1995), presented at the UNIDIR conference on Differing National Perspectives on UN Peace Operations, section 2.1.

that if the need arises to use greater force, then the force faces a dilemma. The shift from “a traditional peace keeping operation to another type of operation implying the use of military force” can be difficult; it is risky to use troops outfitted for self-defense for anything but self-defense. The dilemma then is whether to put peacekeepers in harm’s way or withdraw them. To overcome the dilemma, the doctrine states that French troops in peacekeeping missions should have the capability to “take a tactical disposition,” allowing it to react against provocations, harassment, and if need be, to “intervene in order to stop violence against populations.” Thus, “it seems necessary to systematically equip the forces with real self-defense and even combat assets ... whatever their initial mission’s environment may be.”⁴⁴

In peace restoration, there is neither the consent of the belligerents or a cessation of violence. Although the mandate precludes going to war with a particular faction, force can be used “to stop actions that put the local population in danger or that stop our troops from fulfilling their mission (escorting convoys, protection of a security zone or show of force).”⁴⁵

Unlike Nordic or British doctrines that require soldiers to have specific peacekeeping training, the French doctrine envisions that “fighting instruction and training is the major part of the necessary instruction for troops.” However, peacekeepers should show a special “savoir-faire” for UN operations, including self-control, a knowledge of negotiations, a total impartiality towards the parties, but without being “totally neutral which could have an effect on the force’s credibility.” Whereas Nordic and British doctrine stress the needs to train soldiers in how to master the art of self-defense, French doctrine asks its soldiers to consider “the consequences of non-use of force.”⁴⁶

The French label for the principle that should guide their peacekeeping operations is “active impartiality.” Impartiality for the French is to be determined in relationship to the warring parties’ compliance with the mandate of an operation. The French consider the mandate a law and believe that it is the military’s role to act as judge and police in assuring that all parties live up to the law.⁴⁷

The French draw a clear distinction between impartiality and neutrality. While a peacekeeping force must be impartial, it “must not be neutral to some of the actions of the parties present.” Impartiality, as a commitment to make parties

⁴⁴ *Ibid.*, section 2.2.1.

⁴⁵ *Ibid.*, section 2.2.2.

⁴⁶ *Ibid.*, section 3.2.

⁴⁷ French Ministry of Defense, “Presentation of a Talk”, p. 18.

live up to the mandate, means that “some of the behavior and actions of the parties present must be either stopped or changed.” Moreover, the monitoring, judging, and policing of the mandate must be active, “if it wants to be credible.”⁴⁸

In actively upholding the mandate, the peacekeeping force may have to use force. Citing the United Nations peacekeeping manual, the French believe that force should be used not only in self-defense, but to stop parties who seek to hinder a peacemaking operation carrying out its mission. While the French assert that peacekeepers should try to negotiate to resolve conflicts of non-implementation, they believe that if negotiations fail, then force should be used. The danger of not using force is that the peacekeepers lose their credibility: “negotiation is not all and must not remain the only technique used.”⁴⁹ One of the crucial qualities of the new peacekeeper is “the controlled and mastered use of force.” In explicit difference to other countries’ doctrines, France holds that “the use of arms has no effect on the transformation” of peacekeeping into peace enforcement. The purpose of a mission remains “a conscious political choice.”⁵⁰

French peace doctrine contains an aggressive activist component. It states “it is important not to place the men in intolerable situation, like those which place them as witness of violence against populations, without being able to react, and having to wait for the end of the fights to bring the victims relief.”⁵¹

⁴⁸ *Ibid.*, pp. 18-19.

⁴⁹ *Ibid.*, p. 19.

⁵⁰ *Ibid.*, p. 20.

⁵¹ *Ibid.*

III. Comparison of Doctrines and Approaches

Five major dimensions of comparison among the doctrines and approaches stand out: 1) definition of peacekeeping; 2) appropriate peacekeeping responses to parties that do not comply with their agreements; 3) implicit theory of force in peacekeeping; 4) applicability of peacekeeping to post-1989 missions; and 5) definition of peace enforcement.

1. Definition of Peacekeeping

The British and American doctrines agree with the Nordic approach about what constitutes peacekeeping: the dividing line between peacekeeping and some other peace operation is the consent of the parties, the importance of neutrality and impartiality, and the limited use of force in self-defense. Only the American doctrine deviates slightly from this last aspect, for it recognizes that force can be used with restraint “in defense of the mandate from interference.” The French doctrine states that impartiality should be defined in terms of the mandate, not the warring parties, and that force can be used to compel compliance when negotiation fails. It acknowledges that the use of force may endanger the perceived neutrality of the force, but defines it as an acceptable risk.

2. Response to Non-Compliance

The American and British doctrines together with the Nordic approach also agree on how peacekeeping should deal with non-compliance by parties who have signed agreements. If one has defined the mission as peacekeeping, then the only appropriate response to non-compliance by the parties is to observe, report, and mediate among the parties. One does not attempt to compel compliance, either through the use or threat of force, for that is the line that separates peacekeeping from peace enforcement. Impartiality and neutrality do not imply tentativeness in calling attention to violations or cheating by parties; but they do mean that one cannot try to compel compliance.

The French doctrine defines impartiality in terms of the mandate, not the parties. Peacekeeping not only involves observing and reporting violations and mediating between the parties when violations occur, but using or threatening force to compel the parties to meet their obligations to the mandate when negotiating fails. The French acknowledge that in holding the parties to their obligations, their neutrality may be jeopardized (especially in those cases where only one of the parties is cheating).

The difference between the two views of peacekeeping can be established through an analogy with the referee's role in football. In the British, Nordic, and American doctrines, the peacekeeping force referees by blowing a whistle when a foul is perceived, then bringing the teams together to discuss whether a foul has really occurred, and if so, what should be done and whether the parties want to continue to play the game. In the French doctrine, the peacekeeping force blows a whistle when a foul is perceived, asks the offending team whether it will play fairly, and if it will not, the referee imposes a penalty to compel them to play by the rules.

3. Implicit Theory of Force

The third main difference between the doctrines and approaches concerns whether in a peacekeeping situation the use or threat of force is likely to gain compliance, establish the reputation and credibility of the peacekeeping mission, and encourage the parties to fulfill their obligations to the mandate. The British and Nordic view is categorical: the use of force, if for anything other than self-defense, will likely escalate violence and discourage compliance with the mandate because the mission loses its neutrality and legitimacy. The American view leans to that position: it warns of the escalatory potential of the use of force. The French doctrine begins from the exact opposite position and warns of the potential adverse effects "of the decision not to use violence." The French position is that failure of parties to implement their agreements is as likely to result from the unwillingness of the peacekeepers to use or threaten force to compel commitment as it is from their own use or threat of force.

4. Applicability of Traditional Peacekeeping to Post 1989 Situations

A fourth difference is whether one should take into account the fluid nature of consent in the peacekeeping operations of today and plan accordingly. The Americans and French, unlike the Nordic and British, believe that even if it is a peacekeeping mission, commanders should plan for other contingencies (American version) and companies should be equipped for other contingencies (French version).

5. Definition of Peace Enforcement

The British, Nordic, and American approaches define peace enforcement in terms of military compellence. In the Nordic formulation, there is no difference between the use of military force to compel behavior and war. Although the British doctrine on this question is still being formulated, the Americans distinguish peace

enforcement from war. The dividing line for the Americans is that peace enforcement, as a sub-category of “operations other than war,” does not involve the defeat of an enemy force. In peace enforcement, offensive use of force may be employed, but it must be restrained and directed towards causing the warring factions to make peace. The French concept of peace restoration is thus closer to the American notion of peace enforcement, since there is no politically identified enemy. The French notion of peace enforcement, on the other hand, is essentially war.

The French notion of peacekeeping, ironically, is the closest of the doctrines to the original intended meaning of peace enforcement as the enforcing of “compliance with any agreement reached between the principal military leaders.”⁵² In James Sutterlin’s formulation, peace enforcement “is a provisional measure taken without prejudice to the position of any of the parties” and is therefore a mission other than going to war to defeat an enemy, as in an Article 42 operation.⁵³

IV. Evaluating the Doctrines

The various doctrines that have been put forward demand scrutiny for two reasons. First, the examples of Somalia and Bosnia confirm the potential deleterious effects of competing doctrines in peacekeeping missions. When key contributing states differ on such issues as the importance of consent, the efficacy of force, and the need for impartiality and neutrality the result is likely to be an incoherent and ineffective peace operation. A critical analysis of existing doctrines can assist those mandated with creating a unified UN peacekeeping doctrine. Second, it is clear that the misapplication of traditional concepts of peacekeeping to situations that do not meet the classical requisites for peacekeeping has had dire consequences in situations such as Bosnia, Somalia, and Rwanda. These examples cast doubt on whether the traditional interpretation of such concepts are relevant in today’s volatile peacekeeping situations. This raises the vexing question, however, whether the UN and its member states have the will to redefine these concepts in ways that put peacekeeping troops in greater danger, yet provide greater chance for operational success.

⁵² *Ibid.*, p. 26. Sutterlin elaborates further on this concept of peace enforcement in *The United Nations and the Maintenance of International Security: A Challenge To Be Met*, Westport, Conn.: Praeger, 1995, pp. 54-65.

⁵³ James S. Sutterlin, *Military Force in the Service of Peace*, Aurora Papers 18, Ottawa: Canadian Centre for Global Security, 1993, pp. 23-24, 27.

1. Detrimental Effects of Competing Doctrines

In the volatile peacekeeping environment of the 1990's doctrinal unity of troop-contributing countries is a *sine qua non* for mission success. Where the United Nations met success as in El Salvador and Mozambique, or partial success as in Cambodia, it was due in part to the ability of the UN special representatives, field commanders, and commanders of national units to agree on the proper rules of conduct of their mission. When, as in Somalia and Bosnia, these individuals differed on key doctrinal components and proved unable to resolve their differences, disaster ensued and effectiveness and legitimacy of the operation was compromised.

In Cambodia, UN Special Representative Yasushi Akashi was criticized by his deputy force commander, General Phillipe Loridon, for not using military force to compel compliance by the Khmer Rouge. Akashi's determination to insist on a peacekeeping mission as opposed to a peace enforcement mission led to the removal of Loridon and a consistent approach to implementing the Paris Peace Accords. Akashi's reasoning, supported and influenced by the overall force commander, General John Sanderson, was that the use of force would lead some troop contributors to withdraw from the mission, create disunity among members of the Security Council, and undermine the political objectives of the mission, including most importantly, holding elections.⁵⁴ Although the Cambodian operation did not end that country's civil war, it achieved partial success by holding elections and creating a more broadly-based coalition government.

In Somalia, on the other hand, UNOSOM II (the second United Nations Operation in Somalia) responded to an attack by militia of Mohammed Farah Aideed against Pakistani peacekeepers by identifying him as an enemy of the peace, who would be held accountable for his actions. To do so demanded that the UN use military force to compel Aideed's forces to desist from attacks on peacekeepers. For such a strategy to succeed, however, would demand that all of the troop-contributing states agree that the consent of Aideed was no longer relevant and that the UN need not remain impartial to attacks against it. This was not to be however: the attempt to enforce peace through the use of force was

⁵⁴ Jianwei Wang, *Managing Arms in Peace Processes: Cambodia*, Geneva: United Nations, 1996.

compromised by the Italian contingent in Somalia, which believed that they had not committed to the operation on a peace enforcement basis.⁵⁵

The public disagreement by Italian General Bruno Loi of UNOSOM's peace enforcement strategy emboldened Aideed's resistance. Indeed, several rumors circulated that the Italian contingent supplied information directly to Aideed supporters to enable Aideed to evade capture.⁵⁶ If this were true, it would have been a crippling blow to UN effectiveness. The fact that such rumors existed at all speaks of the lack of trust between the various UN national contingents in Somalia.

Ironically, while pundits have castigated the UN for excessive force in Somalia, they have railed on the UN for its lack of muscle in Bosnia. In fact, however, like UNOSOM II, UNPROFOR suffered from political and military disunity towards the appropriate response to the warring parties. In Bosnia, confusion between NATO, UNPROFOR and the Security Council on whether the mission was peacekeeping or peace enforcement led to the worst of both worlds. Forceful action to compel compliance by the Bosnian Serbs was compromised for fears of retaliation against lightly armed peacekeepers. Conversely, several instances of force by NATO resulted in hostage-taking of UN peacekeepers and the diminution of their legitimacy and reputation.

2. The Detrimental Effects of Misapplied Doctrines

Bosnia illustrates the harmful consequences of applying traditional peacekeeping concepts to a situation that lacks the criteria for traditional peacekeeping deployment. Unlike recent operations in Namibia, Cambodia, Mozambique and elsewhere where the United Nations sent peacekeepers to implement peace agreements between parties who had recognized each other's legitimacy, there was no negotiated settlement between the warring parties in Bosnia between 1992 and 1995. Indeed, the very legitimacy of the warring parties was an integral aspect of the conflict. As Susan Woodward points out, at one level the Security Council recognized the government of Bosnia as the victim of external aggression. At the operational level, the UNPROFOR insisted on neutrality between the warring parties, thus implying an equality of legitimacy. The Bosnian

⁵⁵ Gary Anderson, "UNOSOM II: Not Failure, Not Success", in Daniel and Hayes (eds), *Beyond Traditional Peacekeeping*, p. 274. This belief, expressed by an Italian officer in Mogadishu, was incredible given the clear Security Council Chapter VII mandate for the operation.

⁵⁶ Confidential Interview, US Marine Officer who was stationed in Mogadishu in 1993.

government felt “the principle of neutrality was totally inappropriate because it assumed a legal, military, and moral equality between them and the Bosnian Serbs that they did not accept. Simple logic told them that the UN’s neutrality meant it was in fact siding with the Serbs.”⁵⁷

The adherence of the United Nations to traditional interpretations of consent, neutrality, and impartiality had repeated unintended negative consequences in the Balkans. All of these consequences stemmed from the fact that there was no theater-level consent based on a peace agreement, thus the peacekeepers felt compelled to seek consent on the ground, to treat the warring parties in an impartial manner and to show neutrality toward the conflict. Yet, “these principles were irresistible resources for nationalist leaders aiming to create a state and gain international recognition. In implementing these principles, the UN organizations on the ground became vehicles of their statemaking, in effect not observers but integral parts of the political struggles that included war. This in turn constantly interfered in the ability to implement the UN mandate.”⁵⁸ For example, “the obligation (and prudence) to request consent of a warring party for passage of relief convoys through the territory it controlled left the relief forces little choice but to accept the terms of passage, such as what they could and could not transport and when. Seen as concessions to their opponent, however, this then risked compromising their appearance of neutrality to the other side.”⁵⁹

Similarly, the adherence of UNPROFOR to principles of neutrality and impartiality in the face of massive war crimes destroyed international support for the mission. By insisting on traditional peacekeeping values when faced with atrocities, and by attempting to negotiate with perpetrators of war crimes, the UN was rightly accused of appeasement. A particularly brutal joke about the gap between UNPROFOR’s commitment to values of neutrality and impartiality and the gross violations of international norms in Bosnia and Croatia stated, “that if the United Nations was around in 1939, we would all be speaking German.”

3. Towards a New Doctrine

A new doctrine for peace operations in the 1990’s should begin by acknowledging that these operations take place in environments where consent can disappear overnight, may decay over the course of a mission, may be present at the theater level but not at the operational level. Therefore, the question of doctrine is

⁵⁷ Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, Washington, D.C.: Brookings Institution, 1995, p. 320.

⁵⁸ *Ibid.*, p. 318.

⁵⁹ *Ibid.*, p. 319.

how best to plan, equip, and behave in such situations. The key issue is whether it is prudential or prejudicial to go into implementation of civil war agreements with an understanding of the ambiguities and ephemeral nature of consent.

The British doctrine of wider peacekeeping attempts to craft the assumptions and methods of traditional peacekeeping to the challenges of peace operations in the 1990's. It has a number of weaknesses. First, although it admits that consent can be ambiguous, it asserts that the tasks of wider peacekeeping and peace enforcement are entirely different and "should not be muddled." In fact, if one thing is clear in the various operations of the 1990's, part of the volatility of missions in Cambodia, Angola, Mozambique, and Rwanda, among others, is the very volatility of consent itself at the theater level. If repeatedly, in implementing peace settlements in civil war, the United Nations finds that parties withdraw their consent, then should its peacekeepers operate under rules meant for stable consent?

Second, the various doctrines and approaches have turned an empirical question — whether force in situations of fluid consent is likely to bolster or weaken consent — into a foundational assumption. The British, Nordic, and American doctrines presume the adverse effects of too much force and ignore the possible adverse effects of too little force. In essence the doctrine tacitly assumes that appeasement is the only approach to confronting warring parties that do not meet their obligations. There is no consideration that the unwillingness to use force can create a perception of weakness towards the UN that might encourage further violations and contribute to parties withdrawing their consent. In this regard, the French contribution of establishing the peacekeeper as the referee with punishing power is a useful addition. It focuses the key question on when force should be used to compel compliance in peace implementation.

On the other hand, there is a naïveté in the French doctrine about how controllable the use of violence is in volatile situations. Moreover, the Cambodia, Somalia, and Bosnia cases provide a checklist for the successful use of force in a peace mission. The use of force in the implementation of civil war agreements should be based on the likely effects on the targeted faction - will it back down or counterattack; on the effects on achieving other aspects of the mission's mandate, such as the delivery of humanitarian assistance or carrying out an election; on the effects on troop-contributing countries - will they agree and form a unified front against the targeted faction; on the effect on the political consensus of interested countries - will they support the sustained use of violence, if necessary to compel a faction; and finally, on the judgment that if an escalation of violence results, the international community will have the will to gain escalation dominance.

This last issue is absolutely critical and is relevant to evaluating the French doctrine of peacekeeping and emerging American ideas about the grey zone

between peacekeeping and peace enforcement. In both approaches, the grey zone or peacekeeping compellence is defined by the willingness of the targeted faction to comply after it suffers limited violence or receives threats of force. If the target is not cowered and escalates the violence, then the grey zone becomes war in the American case and peacekeeping becomes peace enforcement in the French case. The fact remains, however, that between 1990 and 1995 few troop-contributing nations have shown any willingness to fight a war to make peace in the world's civil wars. This implies that the use of force by a peace operation can be overcome by any faction determined to test the will of the United Nations. In other words, for anything more than traditional peacekeeping to succeed requires an international will to prevail in armed combat if need be. If troop-contributing countries lack this will, then this whole debate about doctrines should be moot: the only alternative is the Nordic approach. The paradox is that the application of the Nordic peacekeeping approach to situations where there is no consent, as happened in Bosnia and Somalia, produces moral bankruptcy, not peace.

Chapter 3

Is There a Middle Option in Peace Support Operations?

Implications for Crisis Containment and Disarmament

Donald C. F. Daniel

In May 1995 Boutros Boutros-Ghali issued a report on the progress of the United Nations Protection Force (UNPROFOR) in securing compliance with UN resolutions in Bosnia and Herzegovina. He pointed out that even though it had been granted the authority to initiate military operations under specified circumstances, the fact remained that UNPROFOR was “not, as many of its critics seem to believe, deployed to end the war.... [Its] aim [was] to produce conditions that [would] enable the peacemakers to negotiate an overall solution.”¹ Boutros-Ghali’s description illustrates that military forces in a peace support operation are primarily facilitators. They are there to help contain a crisis, to keep it from getting worse, so that relief officials and peace-builders as well as peacemakers can strive to make things better.

Writing about Somalia, Chester Crocker underscores the value for crisis containment of trying to limit the possession or use of weapons by the parties to a conflict. Expressing a view broadly held by many peace support practitioners, Crocker writes: “Once men with guns seize the initiative it becomes even more complex to accommodate the interests of their peculiar hierarchies in addition to those of the broader society and political systems, and it becomes more costly for external peacemakers to apply their will.”² Indeed, applying the will of

¹ United Nations, Security Council, “Report of the Secretary-General Pursuant to Security Council Resolutions 982 (1995) and 987 (1995),” S/1995/444, 30 May 1995, para. 66.

² Chester Crocker, “The Lessons of Somalia,” *Foreign Affairs* 74.3 (May-June 1995): p. 6. See also United Nations Institute for Disarmament Research (UNIDIR), “Analysis Report of Practitioners’ Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Somalia,” in Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, p. 226. See as well Barbara Ekwall-Uebelhart and Andrei Raevsky, *Managing Arms in Peace Processes: Croatia and Bosnia-*

peacemakers underlies the most critical issues to surface since the upsurge in peace support activities over the last seven years. Specifically, just how far should forces operating under international mandate go to contain a crisis in the face of local resistance, and more particularly, what should they do to control the weapons of indigenous parties inclined to resist the full implementation of mandates?

For the most part the UN's experience on both counts in the former Yugoslavia, Somalia, Angola and elsewhere (including Cambodia, whose successful outcome was a close-run thing) has ranged from sobering to disastrous. A major reason has been lack of agreement among the Security Council, the Secretariat, and the forces in the field as to what the UN is really about and how it should conduct itself. The Secretary-General provides concrete reference to this when he writes in his May 1995 report: "The question of whether UNPROFOR is about peace-keeping or enforcement is not one that can be avoided."³

Some argue that the Secretary-General's formulation is part of the problem. They contend that there are not only two categories,⁴ but rather three, the third constituting a middle ground between peacekeeping and enforcement. The Secretary-General himself had at one time suggested a middle option for UN-controlled operations, which he termed "peace enforcement" (to be described below), but he moved away from that position because of the unhappy experiences in Somalia and Bosnia. Writing, however, of what they refer to as the "flawed and uncontrollable experiment in Somalia", three co-authors contend,

It was not to be a genuine test of the "third option" or of anything that could be labelled "peace enforcement." Rather, in the absence of a "peace enforcement" doctrine, operations shifted between the black and white options of no force or too much force. Yet the wrong lessons have been taken away about the middle ground on the pretext that the use of force has failed the test.⁵

Others carry the argument farther yet; as they see it, problems in Bosnia, Somalia or elsewhere did not arise from the flawed application of a new concept in need of proper doctrinal development, but rather from flawed belief in a middle

Herzegovina, Geneva: United Nations, 1996.

³ S/1995/444, *op. cit.* at note 1, para. 62. See also para. 56.

⁴ The question of what the Secretary-General means by "peacekeeping" and "enforcement" is important and will be dealt with below.

⁵ Jarat Chopra, Age Eknes, and Toralu Nordbu, *Fighting for Hope in Somalia*, Peacekeeping and Multinational Operations, No. 6, Oslo: Norwegian Institute for International Affairs, 1995, p. 16.

ground in the first place. One influential writer used the analogy of a game: a peacekeeper is like a referee and an enforcer like a player. “No middle ground... lies between player and referee — [an outside actor] can only be one or the other.”⁶ The attitudes, motivations and intentions associated with one role are radically different from the other — so much so that in a world of civil and international crises, “middle-ground theories” are “dangerously destabilising” and can only lead “to much confusion, and possibly bloodshed.”⁷

In sum, as against those who view a middle option such as “peace enforcement [to be] a much needed addition to the tools available to the United Nations,” there are others who insist that the United Nations must choose between peacekeeping *or* enforcement and follow through accordingly.⁸ What to believe? What are the possibilities which should be considered? Is there a realizable middle option after all or is it only a semantic category? This paper seeks to answer these and other questions and to suggest implications flowing therefrom. The starting point for inquiry is the presentation of concepts for comparing options, followed by differentiation of the options based on the concepts, summarization of reactions about the relevance of a middle option, assessment of the reactions, initial conclusions, specific conclusions for crisis containment through disarmament, and final thoughts.

I. Concepts for Comparison

Four groups of concepts will facilitate understanding the differences between the options. The first deals with consent, the fulcrum around which most arguments revolve. The others are impartiality, self-defense, and offensive military operations. At first brush, each category would seem clear-cut, but such is not the case, and that fact considerably complicates inquiry.

⁶ Charles Dobbie, “A Concept for Post-Cold War Peacekeeping,” *Survival* 36.3 (Autumn 1994): p. 145. It should be noted that Dobbie refers to the high end option as “peace enforcement” even though people against whom he writes refer to it as “enforcement.”

⁷ *Ibid.*, pp. 141, 143, and 145.

⁸ The citation is from James Sutterlin, *The United Nations and the Maintenance of International Security*, Westport, CN: Praeger Publishers, 1995, p. 67.

1. Varieties of Consent

Consent simply means giving assent. It can be *implied* or *expressed*. The former is evidenced by offering no resistance to what others are doing or by acting in a manner consistent with what is being demanded. In peace support operations the latter is usually obtained when political or military leaders sign a negotiated agreement presumably binding the entities they represent to follow its terms. Leaders possess what can be referred to as the power of *strategic consent* because of the presumed broad impact of their decisions while the rank-and-file are capable only of what can be termed *local* or *tactical consent*.⁹ When the leaders do indeed commit all or most of the rank-and-file, then the situation is one of *widespread* or *general consent*, but if they do not — if many of the rank-and-file resist on their own or with the covert sanction of their leaders — then we have *varying* or *ineffectual consent*.

Peace support operations usually aim at helping parties implement cease-fire or more comprehensive agreements. These broadly constitute *prior consent* for the peace support forces to act as opposed to recurring *follow-on consent* which is necessary to implement specific features of an agreement.

While consent in general seems an all-or-nothing phenomenon — i.e., either one consents or one does not — reality is more complicated. In crises where opposing parties mutually agree to cease operations, pull back forces, eschew interference with elections, disarm, or the like, it would be quite surprising if consent were not *provisional* or *conditional* as opposed to *firm*. At the least, each side would carefully look for cheating by its rivals and make its continued adherence to the agreement dependent upon the adherence of all others.¹⁰ No party would risk disarming unilaterally, for instance. A variant of provisional consent is *decaying consent*, i.e., a pulling back from willingness to abide by an agreement because circumstances are not working out as hoped or envisioned.¹¹ Its obverse is *grudging consent*, acceptance of what a mandate or prior agreement requires because that acceptance is the least bad of the alternatives available.

⁹ One of the best treatments of this important distinction is found in *The [British] Army Field Manual, Volume 5, Operations Other than War, Part 2, Wider Peacekeeping*, Interim draft, 1994, pp. 2-5 to 2-7.

¹⁰ See, e.g., Ekwall-Uebelhart and Raevsky, *op. cit.* at note 2, p. 31. Game theory has dealt extensively with such circumstances in “prisoners’ dilemma” scenarios.

¹¹ An excellent treatment of decaying consent is found in Steven R. Ratner, *The New UN Peacekeeping*, New York: St. Martin’s Press, 1995, pp. 37-41.

In short, numerous possibilities must be considered, and except where consent is expressed, firm, and widespread, there is always ambiguity as to how much consent is actually obtained. The degree can significantly impact what peace support forces should be expected to do.

2. Varieties of Impartiality

To be impartial means acting without prejudice or bias, yet it is necessary to distinguish intent from effect. Concern for intent leads to an emphasis on *blind impartiality* or *impartiality toward a mandate*, including one which calls on UN forces to facilitate implementation of an agreement to which parties gave their prior consent. It involves a good faith effort to fulfill the provisions of the mandate or referenced agreement irrespective of the negative consequences to any party called to task for not abiding by those provisions. Determining what the provisions require would be the product of a neutral process vice accepting one party's unilateral interpretation or desires. Each party would be treated equally, but the impacts would not necessarily be equal. In other words, UN forces acting without prejudice could nevertheless prejudice the interests of one or the other of the parties.

Conversely, UN forces could focus on not prejudicing the interests of any party in order to guarantee that they retain each party's consent and cooperation. Because UN elements represent international community interests vice those of any of the parties, their role initially in the face of resistance is to negotiate, insist, plead, or cajole, but unless they are capable of forcing cooperation, their ultimate choices are to cease their activities or to work within the limits of what the parties allow. Thus, one can speak of *impartiality toward the parties* or *symbiotic impartiality* because of the link with consent.

Of the two general varieties, blind impartiality seems to have risen in salience over the last few years. As one study put it, "the notion of impartiality had to be reconceived as no longer pertaining to the parties, whose lack of clear consent would frustrate an operation thus reliant, but as a reference to the integrity with which a mandate would be implemented."¹²

¹² Chopra et al. *op. cit.* at note 5, p. 93. See also Adam Roberts, "The Crisis in UN Peacekeeping," *Survival* 36.3 (Autumn 1994): p. 115:

Impartiality is no longer interpreted to mean, in every case, impartiality toward the parties....

In some cases, the UN may... be tougher on one party than another.... [That is,] "impartiality" may have come to mean... impartiality in carrying out UN Security Council decisions.

3. Varieties of Self-Defense

The starting point here is the breadth of “self” in “self-defense”. As will be developed further below, the historical record indicates that “the self” can consist of more than just *individual* self-defense. It can extend to defense of *UN military units, equipment, an area of responsibility, and/or civilians*. The latter can be limited to officials of international or humanitarian organizations or can include innocent bystanders caught up in the midst of a conflict. Finally, there is also the possibility of *mandate defense*, described this way by a UN official, Shashi Tharoor: “It was always theoretically permissible... for UN troops to use armed force if others were attempting to use [force] to obstruct them while they were trying to fulfill the mandate entrusted to them.”¹³ Thus, there is a wide range of “selves” in “self-defense”.

Alongside the breadth dimension is a time dimension. Self-defense is usually thought of as an *ex post facto* phenomenon, but there are also two types of *anticipatory self-defense, preventive* and *pre-emptive*. The first refers to military action taken to contend with hostile intent, i.e., with the prospect of an immediately impending attack which leaves the defender with no choice other than resort to force to avoid grievous harm. There is no such immediacy in pre-emptive defense. This term refers to action taken to forestall the possibility that a party might militarily oppose the efforts of a peace support force to implement a mandate or agreement. For example, pre-emptive defense could involve air strikes against tanks to ensure that they not harass a humanitarian convoy scheduled to go through the same area one or two days later. Such an example highlights, however, the near impossibility of distinguishing between pre-emptive self-defense and offensive military operations.

4. Varieties of Offensive Military Operations

Offensive military operations encompass the self-initiated employment of military forces in order to induce or compel compliance from parties which might be or are uncooperative. There are unlimited theoretical possibilities that differ only in degree. At the high end is *war*: an extensive and general resort to systematic violence. At the low end is *intimidation*: the threat of the use of force

¹³ Shashi Tharoor, “Peace-Keeping: Principles, Problems, and Prospects,” Strategic Research Department Report 9-93, Newport, RI: Naval War College, Center for Naval Warfare Studies, 1993, pp. 10-11.

to induce compliance so that a war need not be fought. Verbal threats, displays of military power, exemplary resort to violence — all are instruments of intimidation. Just on the other side of intimidation is a *limited coercive campaign*: a recurring but time-restricted, tightly-controlled use of focused violence to compel compliance from an especially resistant party.

The relevance of the above categories and their variants should become obvious in the next section, which describes and compares postulated options to implement UN resolutions.

II. Options for the Use of Military Force in UN Operations

As noted in the introduction, there are three semantically distinguishable options for the use of force in peace operations. To borrow somewhat arbitrarily the same terms used by the Secretary-General, these are peacekeeping (option 1), enforcement (option 2), and the hybrid case, peace enforcement (option 3 or probably more appropriately, option 1.5). It must be stressed that these labels and the ideas grouped beneath them do not conform to what all practitioners or commentators say about the terms or the phenomena attributed to each. To try to do so would be to sleep on a Procrustean bed. Comparing arguments and texts in this area of discourse reveals a confusing *mélange* of concepts, views, and idea groupings with some people using the same words with slightly to radically different meanings and different words with the same or closely-related meanings.¹⁴

1. Option 1: Peacekeeping

“Peacekeeping” used to refer to the employment of an international military contingent under United Nations control in order to help belligerents maintain a cease-fire. With the upsurge in peace support missions since 1988, the purposes underlying peacekeeping have been broadened to encompass additional functions, many of which — such as supporting the conduct of national elections — flow

¹⁴ Also relevant here is an observation made decades ago by the now-deceased political scientist, Harold Lasswell. He would often remind his readers that a declarative statement can indicate what the speaker believes is reality, or what he expects reality to be, or what he wants it to be. It is often the case that speakers do not make clear what perspective guides their statements, and one reason may be that they may have not consciously settled the issue for themselves. See Lasswell and Abraham Kaplan, *Power and Society: A Framework for Political Inquiry*, New Haven and London: Yale University Press, 1950, pp. 16-28.

from comprehensive peace agreements. As a result, a mission limited to supporting a cease-fire facilitation is now referred to as “classical” or “traditional peacekeeping,” and missions which go beyond it are referred to as “multi-functional” or “wider peacekeeping.”¹⁵

It is now generally agreed that this widening of the functions of a peacekeeping force does not or should not mean any change in the underlying characteristics of the mission. Peacekeeping is premised, first of all, on the consent of the parties. As Dag Hammarskjöld put it, a peacekeeping force is “para-military in nature, not a Force with military objectives”; its military functions would be restricted to those “necessary to secure peaceful conditions on the assumption that the parties to the conflict take all necessary steps for compliance” with UN resolutions.¹⁶ Strategic consent is evidenced in the initial cease-fire or peace agreement as well as the follow-on agreements about when and how the UN force will arrive, where it will garrison, and the like.¹⁷ The consent of each belligerent or faction must be broad-based with any non-consent being sporadic and local only. If they are to succeed, the peacekeepers must keep consent from decaying or becoming ineffectual. This is accomplished more through symbiotic than blind impartiality and entails as well eschewing the use of force except in self-defense.

When Dag Hammarskjöld was formulating the principles for peacekeeping, he insisted that a UN contingent not become a party to a crisis. Consistent with blind impartiality, he directed that it not take sides; consistent with impartiality toward the parties, he also directed it do nothing that would affect the political and military balances governing the voluntary resolution of the crisis. He was well aware of the tension between blind and symbiotic impartiality and of the fact that

¹⁵ See, e.g., *Wider Peacekeeping*, *op. cit.* at note 8 and United Nations, “Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations,” A/50/60, S/1195/1, 25 January 1995, paras. 8-25. Sutterlin and US Army doctrine usefully remind us that even operations viewed as traditional peacekeeping often involved the (temporary) performance of tasks now generally regarded as falling under wider peacekeeping. Sutterlin, *op. cit.* at note 8, pp. 24-45 and Headquarters, Department of the Army, *Peace Operations*, Field Manual 100-23, Washington, DC: Department of the Army, 30 December 1994, pp. 5-6.

¹⁶ “Second and final report of the Secretary-General on the plan for an emergency international United Nations force requested in resolution 998 (ES-1), adopted by the General Assembly on 4 November 1956,” A/3302/6, November 1956, paras. 10 and 12 as found in Robert C. R. Siekmann (ed.), *Basic Documents on United Nations and Related Peace-Keeping Forces*, Dordrecht: Martinus Nijhoff Publishers, 1989, p. 5.

¹⁷ See, e.g., Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, pp. 35-36.

consensual peacekeeping, while aspiring to the former is ultimately driven either to emphasizing the latter or to ceasing operations when confronting a recalcitrant party. For example, speaking about the deployment of the United Nations Emergency Force (UNEF) to Egypt, he said:

The fact that a United Nations operation... requires the consent of the Government on whose territory it takes place creates a problem, as it is normally difficult for the United Nations to engage in such an operation without the guarantees against unilateral actions by the host Government which might put the United Nations in a questionable position....¹⁸

The way to resolve the problem, he said, was for both Egypt and the UN to engage in “good faith... interpretation” of the purposes of the UNEF and to enter into “an exchange of views...towards harmonizing the positions.” If they could not agree, he concluded, then the UN could decide to terminate the operation, for it was imperative that both Egypt and the UN mutually recognize “that the operation, being based on collaboration between [both], should be carried on in forms natural to such collaboration.”¹⁹

In furtherance of collaboration, Hammarskjöld assured Egypt and all other parties that, though UNEF was armed, it would use force only in self-defense. Over time and in varying operations, peacekeeping rules of engagement have allowed preventive self-defense as well as defense of the unit, equipment, area of responsibility (such as a voting site), and the mandate. In practice, however, peacekeeping forces have nevertheless generally been very conservative, tending toward narrow interpretation of the right to self-defense and setting up strict rules about resort to force when exercising that right.²⁰

There seems in particular to be a significant gap between theory and practice on the question of mandate defense. Some hint of this is given in Shashi Tharoor’s statement quoted above that mandate defense is “theoretically permissible”. He went on to say that the principle was hardly ever applied:

¹⁸ “Report of the Secretary-General: Summary study of the experience derived from the establishment and operation of the Force,” A/3943/9, October 1958, para. 156 as found in Siekmann, *op. cit.* at note 15, p. 51.

¹⁹ *Ibid.*, paras. 157 and 158, p. 51.

²⁰ See, e.g., United Nations, *The Blue Helmets*, New York: UN Department of Public Information, 1990, p. 7 and the annexes to Jane Boulden, *Rules of Engagement and Force Structure and Composition in UN Operations*, Geneva: United Nations Institute for Disarmament Research, Disarmament and Conflict Resolution Project, draft of 4 July 1995.

It doesn't make very much sense for a handful of soldiers... to think of using force in a situation where — at least in the overall theatre — one is vastly outnumbered and outgunned (which has been the case... for practically every peacekeeping operation). The UN troops may well be able to use force if they have a few armored personnel carriers at one particular roadblock..., but what happens at the next roadblock, or the third one, or the fourth? What happens to their vulnerable comrades elsewhere... when the friends and comrades of those at the roadblocks decide to react to the UN's use of force?²¹

Tharoor went on to add that he did not see the situation changing because of the Security Council's habit of "cutting down the initial size of a proposed force for financial reasons; we've never had the luxury of being the overwhelming force on the ground."²²

Another UN official, Marrack Goulding, Under-Secretary-General for Political Affairs, offers an additional complementary observation as to why mandate defense is rarely invoked — an observation which links a force's self-defense posture to consent and impartiality. The reluctance of UN force commanders to defend the mandate is grounded, he says, in "sound calculations related to impartiality, to...reliance on the continued cooperation of the parties and to the fact that [the UN] force's level of armament was based on the assumption that the parties would comply with... commitments."²³ In other words, UN commanders do not have the forces required to defend the mandate, i.e., to coerce cooperation, because they assume cooperation as a given. A contingent's very inability to defend the mandate, furthermore, buttresses its image of impartiality towards the parties since they thus know that the UN will (presumably) never move to coerce them militarily.

Goulding's observation underscores the claim that the "intrinsic [military] weakness" of a UN peacekeeping contingent is an "advantage" precisely because it reassures the indigenous parties that the UN cannot force its will upon them, i.e.,

²¹ Tharoor, *op. cit.* at note 13, pp. 10-11.

²² *Ibid.*, p. 11. An notable exception is found in the view of the commander of the UN-controlled force (UNMIH or the UN Mission in Haiti) which followed the US-controlled operation which re-instated President Aristide. The commander was an American and his force benefitted from the stability effectuated during the US-controlled mission. See Marcos Mendiburu, *Managing Arms in Peace Processes: Haiti*, Geneva: United Nations, unpublished draft, p. 19.

²³ Goulding, "The Evolution of United Nations Peacekeeping," *International Affairs* 69.3 (July 1993): p. 455.

that it cannot and will not function without their consent.²⁴ This weakness also underlies the problem of expecting mandate defense from a peacekeeping force operating in between military adversaries: mandate defense by definition requires blind impartiality but a force commander cannot blindly implement a mandate if intrinsic military weakness means that he is incapable of success without each party's cooperation. Any thought of enforcement is out of the question.

2. Option 2: Enforcement

In one way this is the simplest of the options to explain since it is the antipode to peacekeeping: it assumes non-consent on the part of the parties, consistent blind impartiality on the part of the UN elements, and going beyond self-defense to compel compliance at the strategic level vice simply dealing defensively with sporadic local opposition. Nevertheless, there is not uniform agreement as to what should be included in the enforcement option. Some (including proponents of a middle option) have a narrower perspective. They see the enforcement option as consisting essentially of "all-out warfare"²⁵ or "large-scale collective enforcement... like that in Korea in 1950 or... in Kuwait in 1991" against an identified aggressor.²⁶ Others (including many critics of a middle option) have a broader view. They add as well intimidation and coercive campaign activities which many see as at the heart of the middle option. Thus, this second group effectively incorporates options 1.5 and 2 together into one

²⁴ Alvaro de Soto, Letter to the Editor, *Foreign Affairs* 74.1 (January/February 1995): p. 186.

²⁵ John Gerard Ruggie, "The UN: Wandering in the Void," *Foreign Affairs* 72.5 (November/ December 1993): p. 28 and Ruggie, "The New US Peacekeeping Doctrine," *Washington Quarterly* 17.4 (Autumn, 1994): p. 180.

²⁶ Brian Urquhart, "Who Can Stop Civil Wars?", *The Sunday New York Times*, section 4, p. 9.

category labeled “enforcement”.²⁷ The implications of their so doing will be dealt with after presenting details of what proponents mean by a middle option.

3. Option 1.5?: Peace Enforcement

The generation of the peace enforcement concept arose out of a perceived need for an option midway between peacekeeping as described above and UN-sanctioned warfare against an identified aggressor. As noted earlier, the present Secretary-General himself suggested consideration of an option which aimed to guarantee adherence to a cease-fire agreement by all its parties, regardless of who they might be. His concept went beyond peacekeeping since “the operation would be deployed without the express [strategic] consent of the two parties (though its basis would be a cease fire agreement previously reached by them). UN troops would be authorized to use force to ensure respect for the cease-fire.”²⁸ Others expanded on the purposes guiding the use of peace enforcement units.²⁹ These include the implementation of peace agreements; the protection of humanitarian relief activities; control of the possession, movement, or use of weapons (especially if highly lethal) by the parties; the prevention of atrocities; and the re-establishment of basic social services and governmental structures in war-torn states.

²⁷ That the present Secretary-General reflects this point of view can be seen in the quotation associated with footnote 38 below. It is a view particularly associated with those who work for the UN or have been involved in UN-controlled operations. See, e.g., the quotation below (referenced at note 35) of remarks by Shashi Tharoor where he labels peace enforcement as “practically indistinguishable from war-fighting,” i.e., from enforcement. A factor which may be at play here is the division which the UN Charter makes between Chapter VI’s consensual resolution of disputes and Chapter VII’s authority to undertake enforcement or war. In a report of the results of a conference bringing together peace support practitioners, Trevor Findlay observes:

One... consequence of clearly separating Chapter 6 and... 7 operations... is that it gives the impression that there are only two stark options facing the UN: peacekeeping... and war-fighting. This impression is reinforced by the counsel of several UN force commanders [at the meeting] that anything that goes beyond [consensual] peacekeeping is war. Findlay’s observation applies equally to a meeting of UN officials and practitioners convened by UNIDIR’s Project on Disarmament and Conflict Resolution and hosted by the Ministry of Defense of Finland at its Training Center for UN Peacekeepers, Niinisalo, Finland on July 6-8, 1995. The writer helped arrange and co-chair the meeting. See also Roberts, *op. cit.* at note 12, pp. 101-102.

²⁸ Boutros Boutros-Ghali, “Empowering the United Nations,” *Foreign Affairs* 71.5 (Winter 1992-93): pp. 93-94.

²⁹ See, e.g., Sutterlin, *op. cit.* at note 8, pp., 54-56.

Peace enforcement assumes that at best there is only provisional strategic consent and that the parties will probably want to test the limits of the UN's willingness to insist on adherence to a mandate or agreement. The UN force is to respond with blind impartiality. Its action may affect the positions of the parties, but there is no identification of a malefactor or aggressor and no intent to become a party to the crisis.³⁰ Rather, the aim is to shape strategic and tactical consent on the premise that even grudging cooperation limits inhumane or destabilising behavior and buys time for those working for long-term improvement.

Shaping consent requires acting as much like a peacekeeper as possible by working with the parties, reasoning with them, keeping them informed, and constantly seeking their cooperation. It can also involve pressuring the parties, intimidating them, if necessary, by subjecting them to exemplary pre-emptive self-defense or to a limited coercive campaign against carefully-selected military targets. Thus, military credibility is to peace enforcement what intrinsic military weakness is to peacekeeping. This means fielding a force ready for war or at least capable enough to deter any party that would resist by harming the UN troops or other international personnel.

Proponents of a middle option accept that achieving the proper balance between speaking softly and wielding a big stick can be extremely difficult. Unlike their counterparts in consensual peacekeeping, peace enforcement contingents must assume some resistance which is either centrally-coordinated or, even worse, sporadic — such as roadblocks manned by drunken irregulars — with no clear indication whether it is the rule or an exception. Unlike their counterparts in full-fledged enforcement, furthermore, peace enforcement contingents cannot assume that theirs is a combat task intended to break all resistance once and for all. Rather, the same personnel expected to demonstrate resolve and augment consent are also expected to do so with the lightest touch possible in the hope that the parties will finally assent to the UN's will. They have to avoid taking sides and still alleviate the suffering of innocents being subjected to unspeakable cruelties. They may have to deal with leaders whom in other circumstances they might arrest as thugs or war criminals. Hence, it would not be surprising if the soldiers involved regarded the means as contradictory to the ends.

Peace enforcement is much akin to what Alexander George has called “forceful persuasion” or “coercive diplomacy.” He describes it as a “beguiling strategy” because

³⁰ One of the best treatments of this issue is by the French General Staff. See, e.g., the paper prepared by the Etat-Major des Armées, “Réflexion sur la conception, la préparation, la planification, le commandement et l'emploi des forces dans les opérations militaires fondées sur une résolution du Conseil de sécurité de l'ONU.”

of the possibility it offers of achieving objectives with minimal bloodshed, but he also cautions against bluffing.³¹ As applied to the UN, this means that if it is to avoid humiliation, it must not only prepare for, but indeed initiate violent military action should intimidation fail. That reality is one reason why some criticize middle ground thinking.

III. Reactions to Proposals for a Middle Option

There are several reactions to the notion of a middle ground, nearly all of which overlap to a greater or lesser degree. One is quite simple. It is that the distinction between enforcement and peace enforcement is too subtle to be practical. The reason is the great similarity between the options as to the capabilities which must be assembled and the commitment ultimately to employ violence when necessary to secure compliance.³²

A second reaction is that the beguiling promise of peace enforcement is false and must be resisted. The reason is that the international problems which come to the attention of the UN are precisely those which are not easily amenable to quick fixes. Because their resolution requires patience and determination, it is necessary, some say, to resist the temptation to use military power to speed up the process.³³

A third reaction was previewed in the introduction. It is that the logic and dynamics of peacekeeping and enforcement do not allow for a middle ground between both. One can be a peacekeeper or an enforcer, but like a referee and a player, one cannot be both at the same time. Any attempt to do so is feckless and reckless: any party subjected to intimidation or coercion will regard the UN forces as partial, harden its position in any ongoing UN mediation, and retaliate against UN personnel and humanitarian workers.³⁴ It will thereby force the UN either towards violence or retreat. Should the UN engage in the former, it will transition from neutral facilitator to becoming a party to the crisis. Should it back down, it will humiliate itself.

³¹ Alexander George, *Forceful Persuasion*, Washington, DC: United States Institute of Peace Press, 1991, p. 6. See also Foreword by Samuel W. Lewis, p. xv.

³² This reaction was clearly evident among some participants in the UNIDIR Finland meeting, 7-8 July 1995.

³³ See "Supplement to an Agenda for Peace," *op. cit.* at note 15, para. 36.

³⁴ *Ibid.*, paras. 35 and 36.

A fourth view overlaps the first three and grounds them in the paradoxical reality of the UN's recently acquiring only enough military power to be a danger to itself and never enough to be decisive against any of the parties on the ground. A well-respected UN official with long experience in UN operations in general and UNPROFOR in particular explained it this way:

Conflict mitigation [by UNPROFOR] has, for the first time, made force an explicit part of a peacekeeping mandate, and the threat of the use of force central to the peacekeepers' ability to fulfill their responsibilities. The use of airpower has added another dimension, unprecedented in peacekeeping.... [T]he United Nations is [thereby] blurring the distinction between peacekeeping, which requires consent, and peace-enforcement, an ill-defined concept practically indistinguishable from war-fighting. But wars... cannot be fought effectively in blue helmets from white-painted armoured personnel carriers; so, in its new-found capacity to be forceful, UNPROFOR has to be constantly careful not to trip over the line that separates peace from war, and peacekeeping from disaster.³⁵

In other words, it makes little sense to buttress the military capability of a UN contingent if so doing leads some — whether in New York, in the field, or among general publics — to think the contingent can or should enforce when in reality it still cannot effectively confront sustained military resistance.

A fifth view significantly overlaps the fourth, but differs in accepting the possibility of a peace enforcement-option distinguishable from war-fighting in practice but limited in practicability. At one point in his "Supplement to An Agenda for Peace," the Secretary-General characterizes the Bosnia and Somalia missions as a "new kind of operation", one with enforcement authority but where the UN nevertheless "remains neutral and impartial" with no mandate to stop any aggressor or force a cessation of fighting.³⁶ In a later report, he said the threat of force had sometimes produced positive results, but in both reports he also stated that the two missions could not succeed "without stronger capabilities than had been made available...." These included "manpower, armament, logistic and intelligence capacity and command and control arrangements that would give the necessary credibility to [the UN contingent's] threat to use force by showing it had the ability to respond decisively to any hostile reaction."³⁷ At a press conference in October 1995, the Secretary-General made clear that his remarks applied to UN-controlled operations only:

³⁵ Shashi Tharoor, "United Nations Peacekeeping in Europe", *Survival* 37.2 (Summer 1995): pp. 126-127. Cross-reference note 27.

³⁶ *Op. cit.* at note 15, para. 19.

³⁷ *Ibid.*, para. 35 and S/1195/444, *op. cit.* at note 1, para. 63.

Enforcement is beyond the powers of the UN because the members contribute troops on the understanding that their role will be limited to peacekeeping.... If peace enforcement is needed, it should be conducted by the countries with the will to do it.³⁸

In other words, he accepts a peace enforcement option for coalitions of the willing.

Three other views surfaced at a UN-sponsored seminar on lessons learned from the UN operations in Somalia. The seminar identified what some might regard as low-level peace enforcement conducted by the Indian contingent. It successfully employed quick and decisive (presumably pre-meditated offensive) force against tactical opposition in search and cordon operations all the while consulting in advance with local leaders (Council Elders) in order to retain their strategic consent.³⁹ Some at the seminar regarded this experience as demonstrating that the judicious use of force at the tactical level can be “an important and viable tool as long as care is taken to maintain strategic level consent.” Others labeled this “successful experience” a “fortunate exception” to the general proposition that “peacekeeping and enforcement are incompatible and are carried out simultaneously in the same mission at great risk.” Still others were agnostic, concluding that generalizations were impossible and each case *sui generis*.⁴⁰

Finally, there is one view of a different nature altogether in that it is more implied than explicit. It is imbedded particularly in the speech of practitioners.⁴¹ This is understandable since it builds on the point that, to be successful, a peace enforcement force must be postured for war and committed to initiate it if intimidation and coercion fail. The argument runs as follows: Whether or not peace enforcement is a practical option, it is dangerous to acknowledge it as such for it

³⁸ As quoted in John M. Goshko, “Balkan Peacekeeping Exposes Limits of UN, Boutros-Ghali Says,” *Washington Post*, 10 October 1995, p. 21. See also “Supplement to An Agenda for Peace,” *op. cit.* at note 15, para. 23.

³⁹ United Nations Department of Peace-keeping Operations, “Report of the Seminar on Lessons Learned from the United Nations Operation in Somalia at the Strategic and Operational Levels, 19-20 June 1995, New York,” paras. 7-9. The Indian experience seems akin to the experience of the UN Force in Sector West of Croatia (commanded by Argentine General Zabala). See Ekwall-Uebelhart and Raevsky, *op. cit.* at note 2, Chapter IV.

Some such as Dobbie (*op. cit.* at note 6) would call the Indian case peacekeeping because the Indians presumably did not transgress strategic consent. (It is not entirely clear from the report.) That they presumably initiated pre-meditated offensive operations is the variable which places it as peace enforcement for the purposes of this article.

⁴⁰ United Nations Department of Peace-keeping Operations, *op. cit.* at note 39, paras. 7-9.

⁴¹ This conclusion is based on what some of the participants emphasized at the UNIDIR meeting in Finland in July 1995.

will only confuse national politicians and publics. They know consensual peacekeeping is a peaceful and relatively low-cost activity and that high level enforcement, i.e., war, is very risky indeed and necessitates a major commitment of forces and the will to use them. To offer decision-makers and their voters a middle option, particularly a beguiling one, will only encourage them to bluff and to attempt to achieve major gains on the cheap. The historical record clearly shows an unwillingness of member states to provide credible forces to back up the enforcement resolutions passed by the Security Council. Too often forces more suited for peacekeeping have been put in harm's way by being assigned peace enforcement tasks. The way around this problem is to insist that there be only two stark options: either commit to consensual peacekeeping and no more or commit to war even if it does not turn out to be necessary because threats or limited violence prove to be sufficient.

IV. Assessing the Reactions

Some of the reactions to a hybrid option can be assessed individually while others can be grouped together. One of the former is the claim that peace enforcement is not distinctive enough in practice from enforcement to justify its recognition as a separate option. Such an "eye of the beholder" type objection is very difficult to deal with. As Ruggie has eloquently argued, peace enforcement may well remain a doctrinal "void" as long as many UN member states and administrators fail to "appreciate the classic distinction between the utility of force and its actual use."⁴² In other words, force does not need to be used in order to be useful. The very existence or the display of a military capability (including sharply-limited exemplary resort to violence intended only to establish credibility) can bring about desired results. Case studies also suggest, however, that for many states a lack of enthusiasm for peace enforcement may be less a function of not understanding the option as it is of understanding too well that it can mean significant risks and commitments which they do not wish to undertake. This will be more obvious when other arguments are presented below.

⁴² Ruggie, "...Wandering in the Void," *op. cit.* at note 25, p. 31.

A second reaction is that peace enforcement tries to rush history, to force the parties to a settlement faster than they can or will accept. This argument has merit. History is replete with agreements that became irrelevant as soon as they were signed and with conflicts which were impervious to outside intervention until the time was ripe. Yet, opportunities do occur when speedy and vigorous international action can make a difference. For example, international pressure can provide one or another belligerent leader with the excuse to resist die-hards who wish to continue fighting. Cooper and Berdal make an argument akin to this:

There will always be a point, even in ethnic conflicts, when two sides find they have a shared interest in a cease-fire. There may also be times when, either because some shreds of decency remain, or because they do not wish altogether to alienate outside opinion, the parties decide to let outsiders perform humanitarian tasks. They may allow this even when it is contrary to their strict military objectives. When they are performing a peacekeeping role, outside intervention forces operate on this margin of agreement and decency....⁴³

A force capable of enforcement but operating as much as possible like a peacekeeper might more readily secure cooperation than a strict peacekeeping force per se, assuming peace enforcement is not an illogical choice to begin with.

A third reaction is that logic does not allow the hybrid choice of being peacekeeper and enforcer, referee and player, at the same time. Problems with this reaction begin with the referee and player analogy. A referee can assume he will retain his status even if he is tougher on one team than another (specifically that team which seems more prone to violate the rules) and significantly prejudices its interests (by expelling a star player, for example). He does not become a player, a party to the contest by so doing. Unless the players believe him corrupt or obviously biased, they will continue to view him as impartial. They may think him to have poor vision, but they accept his role and will presumably play with that more caution because of his exhibited willingness to act without asking for their consent. Indeed, he strengthens his credibility by acting, for he shows that he will harm a team's prospects for victory if it continues to violate the rules.

Analogy aside, the general point is only half-right; it is true that a military contingent postured for peacekeeping generally cannot enforce for the same reasons that mandate defense occurs so rarely: i.e., the contingent never has enough capability to intimidate or coerce.⁴⁴ But it is also true that a contingent postured for enforcement can act like a peacekeeper, i.e., it can "be" both

⁴³ Robert Cooper and Mats Berdal, "Outside Intervention in Ethnic Conflicts", *Survival* 35.1 (Spring 1993): p. 137.

⁴⁴ See above text associated with notes 21 through 24.

peacekeeper and enforcer at the same time, in situations where it is tasked to implement a mandate against all parties as opposed to one identified aggressor. Somewhat akin to the Indian case cited earlier, the US-led Unified Task Force (UNITAF) in Somalia possessed highly-visible military credibility in view of its size, weaponry, and rules of engagement. The nature of its deployment, where it moved decisively and quickly to establish its authority, also drew the respect of the parties. It had the intent and the wherewithal to shape both strategic and local consent as it protected the delivery of humanitarian aid within specific geographic areas.⁴⁵ It did so not only through general intimidation and the selected use of violence but also by communicating with all the parties, keeping them informed, resisting taking them by surprise, and going back to explain when it did use force. In short, though postured for enforcement, it behaved in many ways like a peacekeeping contingent. In contrast, its successor, UNOSOM (United Nations Operation in Somalia) II failed largely because it could not act like a peacekeeper after the decision to subject General Aideed to a “vendetta-disarmament war.”⁴⁶

Related reactions concern the practicability of peace enforcement. Some see tactical-level enforcement activities as practicable; others see it as a fortunate exception; others yet as not subject to generalization; and finally some see peace enforcement as impracticable for UN-controlled operations but not for UN-sanctioned coalitions of the willing. Both UNOSOM II and UNPROFOR amply justify concluding that UN-controlled operations with provision for enforcement (even if only at the local level) are almost doomed to fail. As Secretariat officials emphasize, UN-controlled forces generally are never given adequate capabilities to intimidate or enforce.⁴⁷ When such capabilities make themselves felt, it is because an outside entity such as NATO provides them, but then the operation is at best under dual vice UN control. Also relevant is that UN administrators do not have the necessary staffing and budget to plan, support, and execute large-scale and complex military operations.⁴⁸

Underlying all of this is a general UN aversion to anything which smacks of enforcement. As an official once put it, member states like neither to engage in

⁴⁵ See Crocker, *op. cit.* at note 2, pp. 2-4.

⁴⁶ Adibe, *op. cit.* at note 17, p. 88. See also “Report of the Commission of Inquiry Established Pursuant to Security Council Resolution 885 (1993) To Investigate Armed Attacks on UNOSOM II Personnel Which Led to Casualties,” New York, 24 February 1994, paras. 288-233. Issued as UN document S/1994/653, 1 June 1994.

⁴⁷ See references for note 21-23 above.

⁴⁸ See “Supplement to An Agenda for Peace,” *op. cit.* at note 15, para. 77.

enforcement nor even use the term in resolutions.⁴⁹ Dag Hammarskjöld was sensitive to this when he stood up the United Nations Emergency Force during the Suez Crisis of 1956. It was the first relatively large, armed (although only lightly so) peace support contingent in UN history, and the Secretary-General was quite conscious of the precedents being set. He later wrote:

Even in the case of UNEF, where the United Nations itself had taken a stand on decisive elements of the situation which gave rise to the creation of the Force, it was explicitly stated that the Force should not be used to enforce any specific political solution... or... influence the political balance decisive to such a solution. This precept would clearly impose a serious limitation on the possible use of United Nations elements, were it to be given general application to them whenever they are not created under Chapter VII of the Charter. However, *I believe its acceptance to be necessary, if the United Nations is to be in a position to draw on Member countries for contributions in men and material to United Nations operations of this kind.*⁵⁰

That things have not changed is evidenced in what member states say,⁵¹ in their willingness to support some operations and not others,⁵² and in the restrictions they place on the use of the forces when they do contribute. For example, a problem with the Somalia operation was that the contingents divided up depending on their willingness to enforce versus operating only with the consent of the parties. That bifurcation was a serious source of problems and never really resolved.⁵³

The record shows that “contracting” for the services of a coalition of the willing gets around many of the above problems. Such coalitions usually have more robust rules of engagement, giving them greater leeway to pressure the parties, than the forces in a UN-controlled operation, and they bring with them the wherewithal necessary to intimidate credibly and to protect their own personnel as

⁴⁹ Tharoor, *op. cit.* at note 13, p. 6.

⁵⁰ A/3943/9 October 1958, *op. cit.* at note 18, para. 167. Emphasis added.

⁵¹ See chapters by Dorinda G. Dallmeyer, Angela Kane, and Bo Huldt in Donald C. Daniel and Bradd C. Hayes (eds.), *Beyond Traditional Peacekeeping*, New York: St. Martin's Press, 1995. See also Stanley E. Spangler, “Report of the Lateral International Global Game 94,” Strategic Research Department Memorandum 6-94, Newport, RI: Naval War College, Center for Naval Warfare Studies, 1994 and Bradd C. Hayes, “Report of the International Game 95,” Strategic Research Department Memorandum 8-95, Newport, RI: Naval War College, Center for Naval Warfare Studies, 1995.

⁵² See Mendiburu, *op. cit.* at note 22 on those who contributed to the US-led Uphold Democracy and those who chose to wait for the UN-led UNMIH operation.

⁵³ Adibe, *op. cit.* at note 17, p. 99.

well as others.⁵⁴ The coalition's members would not have signed up otherwise. Coalitions are usually led by one or more of the Permanent Members of the Security Council with enough of an interest in the situation as to cause them to lobby for the Council's approval. For the most part, other Council members (sometimes grudgingly) vote for the operation or refrain from vetoing it since the coalition (especially its leader) does the planning, takes the physical risks, and pays the bills. Where the humanitarian need is clear and pressing, these other members may even be quite grateful to give legislative support to anyone agreeing to shoulder the burden on the behalf of the organization. Success is never assured, but there are examples where operations conducted under those conditions achieved their specified (albeit near-term) goals; these include UNITAF, France's Operation Turquoise in Rwanda, the Kurdish-relief Operation Provide Comfort in northern Iraq, and Operation Uphold Democracy in Haiti. In addition, NATO's late Summer bombing campaign in 1995 helped stabilize the situation in Bosnia. In short, the forces involved helped to keep things from becoming worse while peacemakers and peace builders tried to make them better.

The above discussion is directly relevant to the objection that, regardless of whether or not peace enforcement is a viable option, it is dangerous to acknowledge it as such. This powerful but cynical conclusion reflects the political reality of states desiring to reap the benefits of enforcement while not paying the price. The answer may be to accept that anything which goes beyond consensual peacekeeping should usually be undertaken by willing coalitions.

V. Initial Conclusions

It is striking how much the reactions to a middle option overlap while also differing as much as they do. They range from rejecting the possibility or its acknowledgement outright to seeing it as having only limited practicability.

The least convincing reactions are those that reject the option altogether. Their problems are faulty analogy — referees who enforce rules generally do not become players — and over-generalizations. These concern questions about forcing history along and of "being" a peacekeeper and enforcer at the same time when no one party is identified as an aggressor. They also include arguments about peace enforcement as a fortunate exception or as too beguiling because it can encourage member states to bluff — both arguments being generally valid only in the context of the UN-controlled missions.

⁵⁴ See, e.g., *ibid.*, pp. 50-56 and Mendiburu, *op. cit.* at note 17, pp. 12-14.

The more convincing reactions are those that accept a middle option, but, rare exceptions aside, it is difficult to impossible to conclude that there is a practically-relevant middle option for *UN-controlled operations*. When the UN is in the direct chain-of-command, the prospects for success seem to be generally limited only to consensual peacekeeping, whether traditional or multi-functional. Peace enforcement under UN control simply runs too much against the grain of what the organization and its members can or are willing to support administratively, financially, or politically.

Thus, the strongest arguments are those which characterize the option as feasible but only if undertaken by a militarily credible coalition operating under appropriate rules of engagement but not under direct UN control. Recent experience suggests that such coalitions would usually be led by a powerful Permanent Member of the Security Council interested in conducting the operation under UN sanction (or cover) if given the freedom to act as it sees fit. Trends also suggest, however, that such operations will most probably occur relatively rarely.

What does all of this mean, then, for weapons control as a feature of crisis containment? The next section addresses that question, and it draws heavily on case studies, analyses of practitioners' questionnaire responses, and meetings of practitioners and specialists sponsored by UNIDIR's Project on Disarmament and Conflict Resolution.⁵⁵

⁵⁵ These are UNIDIR, Somalia, *op. cit.* at note 2; Ekwall and Uebelhart, *op. cit.* at note 2; Adibe, *op. cit.* at note 17; Mendiburu, *op. cit.* at note 22; Jianwei Wang, *Managing Arms in Peace Processes: Cambodia*, Geneva: United Nations, 1996; Paulo Wrobel, *Managing Arms in Peace Processes: Nicaragua and El Salvador*, Geneva: United Nations, forthcoming; United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Cambodia," in Wang, *op. cit.* this note; and United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Former Yugoslavia," in Ekwall-Uebelhart and Raevsky, *op. cit.* at note 2, pp. 195-411.

VI. Conclusions Concerning Crisis Containment Through Disarmament

This analysis suggests two general conclusions relative to disarmament. One is that, when peace enforcement is an option (i.e., in UN-sanctioned coalition operations), it can provide significant leverage not otherwise available for achieving disarmament. A second conclusion is that, when peace enforcement is not an option (i.e., in relatively more frequent UN-controlled operations), the UN nevertheless retains important and potentially-effective sources of leverage for implementing disarmament as long as its forces are properly supported and employed.

1. Peace Enforcement: The Contributions of Military Leverage

Concerning the first conclusion, UNIDIR case studies and questionnaire responses document that properly-employed military leverage can contribute significantly to some outcomes important for weapons control. One is taking out of circulation crew-served weapons (such as “technicals” and artillery pieces) as well as individual weapons which pose a direct threat to the peace support and humanitarian elements. This was quite evident in the Somalia case when UNITAF followed on the heels of the unsuccessful UN-controlled UNOSOM I operation. It was also negatively evident in the UNTAC peacekeeping operation where the Khmer Rouge refused to disarm even though it had pledged to do so. Considering its vulnerabilities, the UNTAC mission wisely decided not to force the issue, shifting its concentration instead on protecting the electoral process which drew the support of most Cambodians.

A second outcome which can result from peace enforcement leverage is helping limit the use of weapons which are retained by the parties. This is particularly important since the case studies and questionnaires indicate that it is wishful thinking to believe that one could gather up all the guns, especially the smaller, harder to track, personal weapons. No matter how many are collected, there always seem to be more. Hence, an ability to intimidate was important, e.g., to help insure the safety of humanitarian convoys in Somalia and the relatively peaceful restoration of President Aristide in Haiti.

A third and no less important outcome enabled by military leverage is providing an alternative source of security for peoples caught in a conflict. Among the reasons why people want guns is to protect themselves from others. They will not turn in their weapons (or greatly begrudge that they did) if so doing effectively

increases their personal insecurity. A peace support force has the moral imperative of guaranteeing the safety of those whom it encourages to give up their arms. It can do so either by overseeing a process where all elements give up their arms more or less equally and simultaneously or by having at its disposal the wherewithal to threaten with violence any party which initiates the use of force against those who have given up their capability to defend themselves.

A fourth outcome of peace enforcement leverage is arguable, but its consideration is triggered by the analysis of the UNIDIR questionnaires on Somalia. When probing why UNOSOM failed to implement disarmament which had been agreed upon, the analyst noted, "Many of the respondents indicated that the process of disarmament was derailed or terminated as soon as one or more of the factions were no longer in agreement with the process."⁵⁶ Rather than maneuver in the direction of maximum consent, accepting restrictions imposed by the parties, it might have been better, he concluded, if the UN force had retained a position above the parties. The question, of course, is how. Some respondents to the Somalia and other questionnaires saw any threat or use of offensive force by a UN entity (whether controlled or sanctioned) as contributing to its loss of moral authority and thus to be avoided. Others saw the opposite; they viewed such activities as heightening respect for the UN's authority and thus increasing its ability to remain above the parties.

Both may be right depending upon circumstances. One reaction to the Indian contingent's success in Somalia was that each case is *sui generis*.⁵⁷ That view may apply here specifically. By exercising military leverage the UN may indeed damage its ability to mediate differences between the parties, but if judiciously executed, such leverage might instead contribute to preventing the derailment of a disarmament process already agreed to.

2. Peacekeeping: Leveraging its Potential

At the end of the day, the relevance of a peace enforcement option to disarmament may be limited indeed if, notwithstanding the establishment of a Bosnia "peace implementation" force, the UN and its members are now disenchanted with anything which smacks of enforcement. This would leave only consensual peacekeeping, but it must be stressed that its potential for achieving disarmament also remains considerable.

⁵⁶ UNIDIR, Somalia, *op. cit.* at note 2, p. 144.

⁵⁷ See text associated with note 39 above.

Peacekeepers may not be able to play a coercive military card, but the UNIDIR case studies illustrate that they can have other sources of leverage. Two are a reputation for objectivity in monitoring and implementing agreements and a willingness to expose cheating should they uncover it. These not only serve to deter cheating (or least increase its costs) but also help reassure a party wishing to disarm that the others are disarming as well. A third leverage source is the cooperation of a local populace weary of war and of rule by the gun. A fourth is the support of outside powers such as in the UNTAC, ONUCA, and UNPROFOR cases. Outsiders facilitate disarmament by measures such as pressuring their allies among the parties, limiting arms smuggling across their territories, and refusing to give sanctuary to belligerents. A fifth source of leverage is the “CNN card,” whereby peacekeepers can threaten to expose ill-will or inhumane behavior not only to the other parties but to the court of international public opinion. Finally, peacekeepers may have assets at their disposal which they can offer to individual belligerents in exchange for their guns. These have consisted, for example, of money (as in Haiti) or food chits (as in Somalia).

Such sources of leverage are for naught, however, *unless the peacekeepers are adequately supported and the mission properly executed*. Towards these ends the UNIDIR case studies and questionnaires suggest that at least four rules must be followed:

Rule 1: Peacekeepers must have the resources and determination to do the job and must insure that the parties understand this. Resources include people, material (such as trucks, airplanes, sensors), and access to sources of information the peacekeepers cannot provide for themselves. This rule is so basic as to cause one to wonder why it needs to be mentioned at all, but the fact is that the UN has too often not had enough capability to do a proper job of weapons control in consensual peacekeeping. Weapons control can involve many things: tracking the orders-of-battle of the belligerents, knowing when weapons are being used and by whom, monitoring the flow of men and weapons including those which may be smuggled to the belligerents from outside sources, preparing and securing weapons storage sites, and readying and overseeing the cantonment of personnel and their demobilization. For a contingent not to be given the resources to undertake such basic tasks only encourages the parties to lose confidence in the whole process. A party wishing to abide by the rules can never feel confident that it will know whether or not the other side is abiding as well. A party inclined to cheat will only be that much more tempted to do so if it thinks it will get away with it.

Rule 2: UN forces should absolutely minimize the amount of time it takes to deploy an effective monitoring and reporting capability. One perverse reason for this is that the parties usually build up or hide arms in anticipation of an agreement

and follow-on monitoring by the UN. A second is that the speed and effectiveness of the UN's response seems to correlate with the respect the parties will accord the UN and their willingness to cooperate and firm up their provisional consent.

Rule 3: Peacekeepers must act decisively immediately upon arrival and respond firmly to challenges. The start of a UN operation seems to be a period when the parties are somewhat hesitant or uncertain as to what to expect and how far they can challenge the UN. That they will challenge is certain if for no other reason than to probe how far they can go. Such probing occurs not only at the start of a mission but also when new contingents arrive to replace those going on to other duties. Once peacekeepers make a concession or back off, it is difficult for them to return to the status quo ante and it encourages further challenges.

Rule 4: Peacekeepers must act uniformly and respond uniformly to challenges. Both the case studies and questionnaire responses reveal that a lack of uniformity can entirely vitiate a force's effectiveness. Those seeking to cheat will find the weak spots and those desiring peace will become disillusioned. In addition, the UN force may split internally as those who see themselves as holding the line come to believe they are being undercut by their own colleagues.

VII. Final Thoughts

The debate about a middle option seems to have as much to do with the willingness of UN member states to follow through if they resort to it as it has to do with the question of whether or not it is indeed a viable alternative. The option seems essentially relevant only when individual members agree to implement it under UN sanction but not under UN control, for it runs too much against the UN's administrative, financial, and political limits. In contrast, consensual peacekeeping falls within those limits, and, where disarmament is concerned, it has much to commend it if the peacekeepers respond appropriately and are adequately supported.

Chapter 4

Peacekeeping and Disarmament: Peace Agreements, Security Council Mandates, and the Disarmament Experience

David Cox

I. Introduction

Historically, the disarming of combatants was not an element in the mandate of peacekeeping missions, which typically involved monitoring the separation of belligerent forces according to an agreement, however fragile, that the belligerent themselves had accepted. The partial exception was the Congo operation from 1960 to 1963, when UN forces were authorized to organize the departure of foreign mercenaries, and to support Congolese authorities in the maintenance of law and order. As the situation in the Congo deteriorated, UN Operation in the Congo (ONUC) was mandated to use force to prevent civil war in the Congo, effectively suppressing the secession of Katanga, but it was never authorized to disarm one faction or another, and, on the contrary, became increasingly concerned not to take sides as the rival political groups struggled for power and the political future of the country was determined.¹ Although ONUC did not have a specific mandate to disarm, however, in one key respect the mission foreshadowed the peacekeeping operations of the 1990's: by its mere presence, ONUC became a player in an evolving situation where the outcome was uncertain, and where its actions and policies might influence the course of the conflict.

With this limited exception, in none of the peacekeeping missions prior to Namibia were disarmament measures central to the peacekeeping mandate except that, when demilitarization or arms control agreements were part of the settlement which the peacekeepers were charged to monitor, then it might be said that one vital function of peacekeeping was to act as a confidence-building measure to help

¹ See *The Blue Helmets: A Review of United Nations Peace-keeping*, New York: United Nations, 1990, Chapter XI. ONUC units "must not become parties to internal conflicts. They could not be used to enforce any specific political solution of pending problems or to influence the political balance decisive for such a solution." (p. 220).

the parties adhere to their agreement. Although not a UN operation, the peacekeeping mission in the Sinai is the best example of this function, although similar elements can be found in the UN Disengagement Observation Force (UNDOF), which was established in 1974 to monitor the separation of Israeli and Syrian forces in the region of the Golan Heights.

UN peacekeeping embarked on quite a different course with the operation in Namibia in 1989. The essential purpose of the UN Transition Assistance Group (UNTAG) was to ensure that free and fair elections were held in Namibia, and to assist in other ways in facilitating the accession to power of a duly elected and democratic government. Although this mission involved primarily civil tasks, there was an important military component involved. UNTAG was required to verify the withdrawal of South African Defense Forces (SADF), the confinement to two designated bases of those scheduled to stay behind until the completion of the election, the demobilization of territorial forces organized and funded by South Africa, and the monitoring of the northern border with Angola to ensure that South West African People's Organization (SWAPO) forces were concentrated and confined in designated base areas. At the very outset of the mission, and at a time when UNTAG was ill-prepared to deal with serious incidents, heavily armed SWAPO forces crossed the northern border into Namibia, provoking a South African response and threatening the agreement. Despite the seriousness of the situation, however, and the weaknesses made manifest in the deployment of UNTAG itself, in retrospect one feature of the triangular discussions (South Africa, SWAPO and UNTAG) that followed is evident: both parties turned to UNTAG to explain their behavior, and, therefore, UNTAG's role as a conciliator and facilitator was unchallenged.²

Since the UN mission in Namibia, UN peacekeeping operations have been even more complicated and multi-dimensional than UNTAG. While this multi-dimensionality can be described in different ways, a central characteristic is that peacekeeping in the field deals with evolving situations where the UN mission becomes a key player in an evolving search for a solution, rather than a passive monitor of a previously agreed settlement or arrangement. The dimensions of these operations typically include humanitarian relief, support to the reconstitution of civil authority, and the monitoring of elections. While each of these cases has special characteristics, multi-dimensional operations have posed new challenges

² Blue Helmets, Chapter XVIII. Compare the following with ONUC: "[UNTAG] was required to be, and was, deeply involved in the whole political process of Namibia's transition from illegally occupied colony to sovereign and independent state." (p. 385).

to the UN concept of peacekeeping, including the relationship between the UN mission and factional parties to the conflict, and between the UN and non-governmental organizations (NGO's). The former tend to be considerably less predictable in their behavior than governments. The latter play a key role in the distribution of humanitarian relief in the theater of operations, but may have very different *modus operandi* than the UN itself. The ability of military and civilian personnel to work together constructively in fulfilment of mission objectives, therefore, is a key factor in the success of field operations.

A separate but related element in this emerging data on new forms of peacekeeping is the implementation of disarmament measures agreed to by the parties, and the role of the UN mission in the monitoring and safeguarding of disarmament agreements. Although the aftermath of disarmament measures may crucially involve the civilian elements of peacekeeping in the reconstruction of the society into which the demobilized troops must be reintegrated, disarmament measures themselves are largely the preserve of the military, and call for a special combination of technical knowledge and personal skills.

Since Namibia, a series of peacekeeping operations have involved voluntary disarmament measures, with varying degrees of success in their implementation. This paper examines disarmament in five cases - UN Observer Group in Central America (ONUCA), UN Transitional Authority in Cambodia (UNTAC), UN Protection Force I (UNPROFOR I, Sector West), UN Protection Force II (UNPROFOR II, Srebrenica) and UN Operation in Somalia II (UNOSOM II). With the exception of ONUCA, which began in 1989 and was effectively complete by mid-1990, the other missions were more or less concurrent operations started in 1992 in a context where there was great optimism about the role of the UN in the post-cold war world. All four were of a magnitude and complexity which made them qualitatively different from previous peacekeeping operations, and in all four the disarmament provisions of the mandate were seen as essential to the success of the mission.

This analysis, therefore, reviews the place of disarmament in the respective peace agreements, and the specific disarmament mandate authorized by the Security Council. It then considers the experience of peacekeepers in the field in seeking to implement the disarmament mission, and concludes by examining the lessons that can be learned about the value of disarmament provisions in peacekeeping mandates, and about the place of disarmament measures in the evolving concept of peacekeeping.

II: ONUCA: The Fortuitous Disarmament and Demobilization of a Faction

1. Background

The election of the left-wing Sandinista government in Nicaragua in 1979 set the stage for a developing confrontation in Central America through most of the 1980's. Both in Nicaragua and elsewhere in Central America, reformist, left wing movements came into increasing conflict with the Reagan Administration in the United States, and turned to the Soviet Union and Cuba for military and other forms of support. In response, the Reagan Administration supported counter-revolutionary governments and movements, including the Contras in Nicaragua. Domestic reform movements in Central America, therefore, were viewed in a cold war context, and the issues were increasingly regionalized and internationalized.

Concerted efforts to promote peace in Central America began in 1983 with the formation of the Contadora group, and were continued in 1986 when the presidents of the Central American countries met in Esquipulas to discuss peace initiatives. Following these meetings, President Arias of Costa Rica drafted a regional peace plan which was accepted by the Central American Presidents in 1987 and became known as Esquipulas II. This comprehensive proposal, which became the basis for subsequent negotiations, called for national reconciliation throughout Central America on the basis of an end to hostilities, elections, an end to the support of irregular forces and insurrectionist movements, negotiations on security (based on the principle that no state would allow its borders to be used for attacks against other states), and the resettlement of refugees. The UN, which traditionally had not been active in hemispheric security issues, began to cooperate with the Organization of American States (OAS) in 1987, first by sending a mission to Central America to assess the verification requirements associated with the security provisions of the Esquipulas II agreement.

2. The Peace Agreement

After many years of complex negotiations on the elements of a peace settlement for all of Central America, in February 1989 the foreign ministers of the five states - Honduras, Nicaragua, Guatemala, El Salvador and Costa Rica - met with UN Secretary-General Pérez de Cuéllar to request UN support in the

implementation of the latest version of the Esquipulas II peace plan.³ Although the main elements of the security and verification provisions of the plan had been discussed previously, the February 1989 meetings of the five Presidents, first with the Secretary-General and then on their own, had one important additional feature, namely, the declaration by Nicaraguan President Daniel Ortega that elections would be held in Nicaragua no later than 25 February 1990. This decision set in motion a series of UN missions in Central America, beginning with the creation of an Observer Mission to Verify the Electoral Process in Nicaragua (ONUVEN).

While ONUVEN played an important and successful role in the verification of the Nicaraguan election, curiously, perhaps, in the light of the virtually concurrent experience in Namibia where election monitoring was considered an integral part of the peacekeeping operation, ONUSAL was regarded as quite separate from the monitoring of the security provisions in the Esquipulas II agreements. These were essentially the cessation of aid to irregular and insurrectionist forces operating in the territory of other Central American states, and the non-use of national territory for attacks on other states. To accomplish this task, the UN Observer Group in Central America (ONUCA) was established and became operational in late 1989. Using mobile patrols with cross-country vehicles, helicopters and, in the Gulf of Fonseca, fast patrol boats, ONUCA straddled long and largely inaccessible borders. Despite the frequent rumors of violations, ONUCA reported very few, and received surprisingly few complaints from the parties. Broadly speaking, therefore, it registered the compliance of the parties with the Esquipulas II security agreements.⁴

In March and April of 1990, two expansions of ONUCA's mandate gave it an entirely new role. The defeat of the Sandinista government in the Nicaraguan election, and its replacement by the coalition government of Violetta Chamorro, opened the way for the disbandment of the Contras, the anti-Sandinista resistance armed and funded by the United States. The Contras operated across the border primarily from bases in Honduras, and, to a more limited extent, from bases within Nicaragua. In the two expansions of the ONUCA mandate, ONUCA was mandated to supervise the demobilization and disarmament of the two main Contra bases in Honduras, and, in April to June 1990, to supervise the demobilization and disarmament of the Contras in a number of security zones in Nicaragua, which were intended as well to permit the disengagement of the government and Contra

³ For details, see Report of the Secretary-General, *The Situation in Central America: Threats to International Peace and Security and Peace Initiatives*, S/720491, 27 February 1989.

⁴ *Blue Helmets*, p. 395.

forces.⁵ Despite the inevitable delays and disruptions to which the process was subject, on 29 June 1990 the Secretary-General informed the Security Council that the process was essentially complete: 19,614 Contras had been demobilized in Nicaragua, and 2,579 in Honduras. More than 15,000 small arms, and a number of heavy machine guns, mortars, grenade launchers, surface-to-air missiles and other weapons were handed over to ONUCA.

3. The Disarmament Mandates

Resolution 650 enlarged the mandate of ONUCA "in order to enable it to play a part in the voluntary demobilization of the Nicaraguan resistance." Resolution 653 approved the Secretary-General's recommendation that ONUCA take on further tasks relating to the demobilization of the Contras inside Nicaragua. In both cases, therefore, the disarmament mandate and the *modus operandi* were designed in the Office of the Secretary-General. The basis for Resolution 650 was the Secretary-General's report of 15 March 1990 in which De Cuéllar set out the modalities of the disarmament process, beginning with the delineation of military and civil responsibilities. ONUCA itself, he suggested, in addition to its border monitoring responsibilities, would be responsible for taking delivery of Contra weapons, material and military equipment, including uniforms, while the International Support and Verification Commission (CIAV) would be responsible for the repatriation and resettlement of the Contras, including subsequent monitoring of their welfare and material assistance, assuming these responsibilities in regard to each individual as soon as that individual handed over his or her weapons. In addition, ONUCA would set up assembly points in Nicaragua and on the Costa Rican border, advertising them widely through the media and other means, and take responsibility for both the security of the assembly points and the safe custody of the weapons handed in until the five Central American Presidents made a final decision on their disposal.⁶

After Resolution 650, the demobilization of the Contras in Honduras proceeded with mixed but generally acceptable results. However, the process within Nicaragua was dependent on the implementation of the agreement concerning the transfer of power, scheduled for 25 April 1990. Intensive

⁵ Security Council Resolution 650, 27 March 1990, and Resolution 653, 20 April 1990.

⁶ Report of the Secretary-General, United Nations Observer Group in Central America, S/21194, 15 March 1990, paragraph 6. Some two weeks later, the five Presidents agreed to the Secretary-General's proposal that the weapons be destroyed *in situ*.

negotiations took place in Managua relating to the voluntary demobilization of the Contras. On 19 April 1990, the Secretary-General informed the Security Council that, early the same day, an agreement had been reached in Managua amongst the principal Nicaraguan leaders on a cease-fire in Nicaragua which, *inter alia*, called for the establishment of five security zones within which the Contras would be demobilized and disarmed. To ensure their safety, government security forces would withdraw 20 kilometers from the boundaries of the five zones. In order to supervise both the demobilization and disarmament of the Contras, and the withdrawal of government forces from the boundaries of the security zones, De Cuéllar sought and obtained the approval of the Security Council to redeploy the Venezuelan troops in Honduras to the security zones in Nicaragua, to move as many military observers as were available from other ONUCA tasks, and to ask the Venezuelan Government to dispatch a second company of infantry to supervise the demobilization and disarmament provisions of the Managua declaration.⁷ The Security Council agreed to this request in Resolution 653.

Although various corrections in the disarmament mandate were subsequently required, specifically in regard to the extension of the time needed to complete the demobilization of the Contras, there were no further additions or substantial alterations to ONUCA's disarmament tasks.

4. The Field Experience

In his request to the Security Council for the first extension of the mandate (Resolution 650), Pérez De Cuéllar spelt out the new troop requirements, making it clear that they were based on the advice of the Chief Military Observer on ONUCA, Major-General Agustin Quesada Gomez of Spain. Essentially, the Secretary-General asked for a light infantry battalion of 800 personnel, comprising four infantry companies and a headquarters staff. Venezuela had already indicated its willingness to provide this battalion. In addition to the obvious requirement for additional personnel to supervise the disarmament process, the need for regular infantry units was suggested by at least two aspects of the new mandate: the need to demonstrate an ability to protect the assembly areas, and to protect collected weapons from theft or repossession prior to disposal.

Although the demobilization of the Contras proceeded slowly at first, and with some prevarications on the part of the Contra leaders until after the agreement

⁷ Statement by the Secretary-General in Informal Consultations of the Security Council, S/21259, 19 April 1990, Annex, pp. 2-4.

of 19 April 1990, there were few complaints from the field. The Venezuelan Battalion appeared to complement the work of the UN Military Observers (UNMO's) successfully and without friction, and was generally regarded as a necessary element in the protection of civilian personnel.⁸

Finally, although ONUCA had no database from which to measure the compliance of the Contras with the disarmament agreement, the field experience was somewhat at odds with the more optimistic assessment of the Secretary-General. Referring specifically to the number of heavy machine guns and surface-to-air missiles turned in by the Contras, on 29 June 1990, De Cuéllar commented to the Security Council:

On the basis of consultations with various parties who might be in a position to form an estimate of the number of such weapons in the possession of the Nicaraguan Resistance at the time that demobilization began, these figures approximate closely to what was expected.

More generally, he continued:

... the commanders of all the fronts have solemnly assured ONUCA, both orally and in writing, that no arms or military equipment remain under their command or have been hidden.⁹

Evidently, there was more scepticism in the field, where ONUCA Military Observers suspected that hidden weapons caches and weapons transfers were not uncommon. These suspicions may help explain subsequent developments in Nicaragua. Failed promises of land, development assistance and resettlement led both Contras and demobilized Sandinista militia to turn to gun-running and banditry. These were not political movements, however, as the Secretary-General was quick to point out, and, in the short term at least, the failure to move from disarmament to social and economic reconstruction did not prejudice the apparently successful conclusion of the disarmament process.¹⁰

⁸ A comment reflected in the seven responses from ONUCA military personnel, five of whom were UNMO's, to the *Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization During Peacekeeping Operations*, Geneva: United Nations, 1995, distributed by UNIDIR's DCR Project.

⁹ Report of the Secretary-General, S/21379, 29 June 1990, pp. 2-3.

¹⁰ S/23171, 28 October 1991, p. 4. For a detailed and more pessimistic assessment of the retention of weapons, and the social consequences of the failure to implement promises of aid to assist in resettlement, see Stephen Baranyi and Lisa North, *Stretching the Limits of the*

5. Observations

With the partial exception of Namibia, ONUCA was the first occasion on which a substantial disarmament operation was part of a peacekeeping mission. The Secretary-General had good reason to claim, in the outcome, that ONUCA was a UN success story. Certain key elements of the operation, however, need to be noted.

First, the disarmament of the Contras and related measures were made possible by a fortuitous and largely unexpected event: the success of the Chamorro opposition coalition in the Nicaraguan election. With the Sandinistas removed from office (by a democratic process rather than the barrel of a gun) the Contras no longer had a cause. Moreover, the Contras were not a social, ethnic or politically cohesive movement, and had little motivation to maintain their group identification after demobilization, except possibly for reasons of personal security.¹¹

Second, given the election result, the principal external supporter of the Contras, the United States, had no further reason to continue its sponsorship and every reason to support the peace process. Since the Central American five had already agreed to refrain from transferring arms across regional borders, the disarmament task of ONUCA was not bedeviled by the constant threat of new arms shipments entering the area of operations.

Third, the disarmament measures which ONUCA was called upon to oversee were firmly agreed to by the parties, especially in the second and more complicated case of disarmament and demobilization within Nicaragua, where the rules were negotiated and set forth in the Managua Agreement of 19 April 1990 (in the presence of a UN representative, but not at the behest of the UN). Disarmament in ONUCA, in sum, was voluntary. Although pressure was put on the parties from time to time to hasten the process, at no time did ONUCA face the dilemma of using the threat of force to sustain or implement disarmament measures.

Fourth, given the above factors, the weaknesses of the operation, especially the lack of baseline data to determine whether or not the Contras were handing in

Possible: United Nations Peacekeeping in Central America, Aurora Paper 15, Canadian Center for Global Security, Ottawa, 1992, especially pp. 15-19.

¹¹ For this and other general observations on the disarmament process in the context of Nicaragua, I am very grateful for the observations and comments of Paulo S. Wrobel, who kindly provided me with a draft paper of *Managing Arms in Peace Processes: Nicaragua and El Salvador*, Geneva: United Nations, forthcoming.

all of their weapons, or their most modern ones, were never exposed. Whether or not weapons were concealed, in other words, was not a critical matter as long as the outcome of the disarmament process was politically credible and acceptable to all parties. On the other hand, the longer term considerations about the social consequences of leaving weapons in the hands of demobilized and impoverished young people were never seriously addressed, so that the linkage between disarmament and social reconstruction, later to be called peacebuilding, was never clearly made.

What did ONUCA achieve? The answer is a familiar one in the history of UN peacekeeping: in a situation where the good offices of a third party are necessary to maintain the confidence of the parties in a fragile peace process, the neutrality of the UN, especially as reflected in the Office of the Secretary-General, is an invaluable asset. In this particular case, that asset was considerably enhanced by the personal standing of the Secretary-General in Central America, and the knowledge and skills of his principal representative, Assistant Secretary Alvaro de Soto. ONUCA applied this basic principle to a new area of peacekeeping (disarmament and demobilization), but it did little to shed light on the dilemmas faced by the UN when disarmament agreements break down, or erode by force of events.

III: Disarmament in UNTAC: Ambition Overleaps Itself

Massive in size, comprehensive in scope, and precise in its mandate ... UNTAC set a new standard for operations undertaken by the international community.¹²

1. Background

When the Security Council approved the establishment of UNTAC on 28 February 1992, it could not be said that the Council had responded to an emergency situation, or that the decision was made in haste. In fact, in no prior peacekeeping mission had there been such a long lead opportunity to assess the requirements of a peacekeeping operation and to plan for its deployment. On the

¹² Boutros Boutros-Ghali, "Introduction" in *The United Nations and Cambodia, 1991-1995*, The United Nations Blue Book Series, Volume II, New York: Department of Public Information, United Nations, 1995, p. 3. (Hereafter cited as Blue Book II).

other hand, as the Secretary-General made clear, the UN had never previously attempted an operation of the size and complexity of UNTAC.

UNTAC had its origins in the 1989 Paris Conference on Cambodia, which developed a broad framework for a peace process. The framework was haltingly espoused by the four Cambodian parties, but fell short of achieving agreement on a comprehensive political settlement.¹³ Two months later, Australia sought to overcome the deadlock by proposing that the UN supervise the administration of Cambodia during a transitional period, at the end of which a new government based on internationally supervised elections would take over. The Australian proposal, therefore, which was well received by the international participants in the negotiating process, called for a brief UN trusteeship: a concept well within the historical experience of the UN, but now envisaged on a scale never previously contemplated by the Member States or the UN Secretariat.

Despite the impetus which the Australian proposal gave to the negotiations in October 1989, it took two more years before the domestic and international politics of Cambodia permitted the Final Agreement to be signed. At that point, however, in November 1991, and more so than at any previous time in the protracted negotiations to find a resolution to the Cambodian conflict, the brittle agreement amongst the four Cambodian parties was reinforced by an unusual international consensus in favor of the settlement which included all of the permanent members of the Security Council. Not only did this consensus bode well for the decisions required at the UN to create and deploy UNTAC in the field, but, as long as the consensus held, it acted as a constraint on the Cambodian parties and an inducement to them not to obstruct the transition process.¹⁴

¹³ The four Cambodian factions were:

1. the People's Revolutionary Party of Kampuchea (State of Cambodia), whose armed force was the Cambodian People's Armed Forces (CPAF);
2. the Front Uni National Pour Un Cambodge Independent, Neutre, Pacifique et Cooperatif (FUNCINPEC), whose armed forces were the Army for an Independent Kampuchea (ANKI);
3. the Khmer People's National Liberation Front (KPNLF), whose armed forces were the Khmer People's National Liberation Armed Forces (KPNLAF); and
4. the Party of Democratic Kampuchea (PDK), or the Khmer Rouge, whose armed forces were called the National Army of Democratic Kampuchea (NADK).

¹⁴ Commenting on the attendance of the permanent five at the Paris Conference, Boutros Boutros-Ghali wrote, "Their presence marked a shared interest in achieving a negotiated solution, following the post-cold war rapprochement between the United States and the Soviet Union and an improvement in relations between China, ASEAN and Vietnam." Boutros-Ghali, "Introduction," in *Blue Book II*, p. 7.

2. The Peace Agreement

The texts signed in Paris on 23 October 1991 included the Final Act and three instruments dealing with a comprehensive political settlement, the independence and neutrality of Cambodia, and the rehabilitation and reconstruction of the country. The Final Act itself stated the basic intent of the signatories and reviewed the negotiating process which had led to the settlement. The instrument of agreement on independence and neutrality effectively committed the future, post-transition government of Cambodia to a policy of neutrality, including the non-use of force against its neighbors and a prohibition on the stationing of foreign troops on Cambodian territory. For their part, the other signatories agreed to respect the territorial integrity and neutrality of Cambodia "to impair the sovereignty, independence and territorial integrity and inviolability of other States."¹⁵

Considerably vaguer than the other instruments, the Declaration on Rehabilitation and Reconstruction was not signed independently by the participating states, and omitted any specific discussion of aid commitments, but did acknowledge that in the rehabilitation phase "particular attention will need to be given to food security, health, housing, training, education, the transport network and the restoration of Cambodia's existing basic infrastructure and public utilities."¹⁶ To coordinate the (unspecified) contributions from the international community, the instrument proposed that an International Committee on the Reconstruction of Cambodia (ICORC) be established.¹⁷

However important as elements of a comprehensive settlement, these two instruments were secondary to the extremely detailed Agreement on a Comprehensive Political Settlement, which: established a transitional period to begin with the signing of the Final Act; created UNTAC; established the Supreme National Council (SNC) as the legitimate body enshrining the national sovereignty of Cambodia during the transition period; ordered the withdrawal of foreign forces and their equipment; proclaimed a cease-fire and cessation of outside military assistance; and announced a general election for a constituent assembly which

¹⁵ "Agreement on a Comprehensive Political Settlement of the Cambodia Conflict," Document 19, in Blue Book II, p. 146.

¹⁶ *Ibid.*, p. 148.

¹⁷ *Ibid.*, pp. 132-148.

would draft a new constitution and then transform itself into a legislative assembly.¹⁸

UNTAC was designed to play a commanding role in the transition period since, in Article 6 of the Comprehensive Political Settlement, the SNC was called upon to delegate to UNTAC "all powers necessary to ensure the implementation of this Agreement." Specifically, Article 6 declared: "In order to ensure a neutral political environment conducive to free and fair elections, administrative agencies, bodies and offices which could directly influence the outcome of elections will be placed under direct United Nations supervision or control."¹⁹ Amongst others to be agreed upon with the SNC, Article 6 specifically identified foreign affairs, defense, public security and public information, thus granting to UNTAC extraordinary powers to determine government policies during the transition period.

As defined in Annex 1 of the Comprehensive Political Agreement, the UNTAC mandate included:

- the direct control of the administrative functions identified above, including the placement of UN personnel in administrative agencies with "unrestricted access to all administrative operations and information" and the right to remove or transfer existing personnel;
- the supervision of police and other law enforcement and judicial processes in Cambodia, including the right to determine the number of police required for the maintenance of public order and the investigation of complaints and allegations against law enforcement and other officials;
- the verification of the withdrawal from Cambodia of foreign forces and their weapons;
- the monitoring of the cease-fire, identification of weapons caches, the regroupment, relocation and cantonment of all Cambodian military personnel, and assistance with demining and mine awareness training and the release of prisoners of war;
- the organization and conduct of a national election, including voter education and registration, ensuring fair access to the media for all parties contesting the election, the design and implementation of a system of balloting, the vote count, the investigation of complaints and the determination that the election was a free and fair one; and

¹⁸ *Ibid.*, Articles 2-24, pp. 135-137.

¹⁹ *Ibid.*, p. 135.

- human rights oversight during the transitional period, and the development and implementation of a program of education intended to promote awareness and respect for individual human rights.²⁰

Faced with a mandate as comprehensive and complex as that identified by the Comprehensive Political Settlement, it is not surprising that time was required for the Secretary-General to design an operational plan for UNTAC and make a proposal to the Security Council. Nevertheless, it was four months from the signing of the Paris Agreement on 23 October 1991 to the approval of the operational plan by the Security Council on 28 February 1992. During those four months, as the Secretary-General himself recognized, numerous cease-fire violations had taken place, public demonstrations had been organized against the return of the Khmer Rouge to Phnom Penh, and an appeal for calm had been issued by the Permanent Members of the Security Council.²¹

There is no doubt that the sheer size of UNTAC posed unprecedented administrative and planning challenges for the UN. In his proposal to the Security Council, Boutros-Ghali recommended that UNTAC comprise 15,900 troops, 3,600 civilian police monitors, and 1,000 international staff, to be supplemented by 1,400 international election monitors and 56,000 Cambodians recruited locally. Declaring that the election would take place no later than May 1993 (the rainy season would punish any delay in the schedule), the Secretary-General estimated the total cost of the operation at US\$ 1.9 billion, not including the repatriation and rehabilitation efforts which were to be funded separately on a voluntary basis. Nevertheless, the delay in the deployment of UNTAC once again exposed the organizational weakness of the UN: in a situation where the requirements of the mission were discussed over several years and easily anticipated, the belated planning of the mission threatened the agreement itself and complicated the operations in the field when UNTAC finally was deployed.

²⁰ *Ibid.*, p. 139. This paper does not deal with the de-mining mandate of UNTAC. Although de-mining, in Cambodia and elsewhere, is a vital part of the disarmament process, it has "stand alone" characteristics and only occasionally seemed to be directly related to the issues of regroupment, cantonment, disarmament and demobilization which were at the heart of the UNTAC mandate.

²¹ Boutros-Ghali, "Introduction," in Blue Book II, p. 15. See also Document 24, in Blue Book II, pp. 151-152.

3. The Disarmament Mandate

Unlike ONUCA, where the disarmament mandate was an addition to the central mission, disarmament in Cambodia was a core element in a broader military mandate which itself was embedded in the sequence of tasks intended, in the outcome, to create a new Cambodian state based on the electoral will of the people. Disarmament, therefore, was set in a sequence of UNTAC military missions which involved, first, the supervision and verification of the cease-fire amongst the Cambodian parties, and, second, the verification of the withdrawal from Cambodia of all foreign forces and their equipment. In order to ensure that this withdrawal took place, UNTAC was to be provided with information detailing the strength of foreign forces and their withdrawal routes, and, in the event of a complaint, was mandated to dispatch troops to join any foreign units still remaining in Cambodia and to stay with them until they withdrew. UNTAC was also mandated to establish checkpoints on the Cambodian border, conduct river patrols, and maintain mobile teams at strategic locations to investigate alleged violations of the foreign withdrawal. A Mixed Military Working Group (MMWG) comprising of representatives from all the Cambodian parties and chaired by the UNTAC force commander was established to resolve contentious issues and serve as a liaison meeting for military issues generally.

UNTAC had other responsibilities in the aftermath of a cease-fire, which involved the location and destruction of weapons caches, de-mining programs, and the release of prisoners of war. While important in their own right, however, neither these programs nor the monitoring of the cease-fire itself required a military operation of the size of UNTAC. Once the cease-fire was in place, it was the disarmament provisions of the agreement which were intended to be the focus of UNTAC's military effort. Moreover, the disarmament measures outlined in the agreement more than justified the size of the force, for in proposing to disarm and demobilize more than 200,000 troops, and to integrate 70% of them back into the civilian economy of Cambodia, UNTAC engaged in a reconstruction project which, as one commentator has written, made peacekeeping "a highly inadequate term."²²

Specifically, according to Annex 2 of the Agreement on a Comprehensive Settlement, disarmament involved:

²² Trevor Findlay, *Cambodia, The Legacy and the Lessons of UNTAC*, SIPRI Research Report No. 9, Stockholm: Stockholm International Peace Research Institute, 1995, p. 14.

- the agreement of the Cambodian parties to observe the cease-fire and refrain from any further threatening deployments;
- the provision to UNTAC of data on force strength, organization, deployment, equipment and munitions, including the location of minefields and types of mines;
- the final determination by the Force Commander *in situ* of the plan for regroupment and cantonment, including weapons and munitions storage, and the communication of this information by the parties to ensure that all of their units understood that they were to report to the designated sites;
- the prompt arrival (within two weeks of UNTAC's deployment) of all units at the regroupment sites, and the escort of these units by UNTAC personnel to canton sites where they would surrender their weapons in exchange for UN protection;
- the completion of the process if possible within four weeks of the deployment of UNTAC, with notification of its completion to the Cambodian parties;
- the confirmation by UNTAC that the weapons and equipment received matched the lists provided by the Cambodian parties; and
- the provision of basic necessities and medical care to the forces of all parties during the regroupment and cantonment process.

The objective of the disarmament process was the demobilization of at least 70% of Cambodian military forces, leaving it to the future government of Cambodia to create a new national army and decide upon the composition of that army. In the meantime, the parties agreed to proceed with demobilization before, and, if necessary, after the election, and in any event to accept the decision of the future government on the composition of the new Cambodian armed forces. As Table 1 indicates, the data provided to UNTAC by the parties indicated that some 203,000 military personnel with their equipment would report to the regroupment sites, and that at the end of the process UNTAC would have demobilized some 140,000 of them, and destroyed or otherwise disposed of their equipment.

In addition, the 220,000 strong CPAF militia, who were not to be cantoned, were required nevertheless to turn in their weapons. The disarmament process was also set in a broader context which included ensuring the security of Cambodian borders and territorial waters and repatriating some 350,000 refugees, who like the soldiers and internally displaced people, would need massive support in a resettlement process if further social unrest were not to result.

Table 1

Faction	Forces	Present Positions	Regroupment Points	Cantonments
CPAF	131,109*	397	48	33
NADK	27,422	100	30	10
KPNLAF	27,790	114	8	6
ANKI	17,500	35	9	3
Total	203,821	646	95	52

* Not including 220,290 militia belonging to the CPAF

4. The Disarmament Experience

Whether or not the UN could manage the disarmament task was rendered moot by the refusal of the Khmer Rouge to report to the regroupment sites and submit to the cantonment process. When it became apparent, in May 1992, that the Khmer Rouge would not cooperate in the disarmament process, the other parties also declined to continue, and the cantonment and demobilization, which was crucial to the sequence of steps designed to produce a new government, came to a halt. In June 1992, acting on the advice of his special representative, Yasushi Akashi, and the Field Commander, General J.M. Sanderson, the Secretary-General took the decision which fundamentally changed the military mission in Cambodia, and which was not envisioned in the Agreement precisely because disarmament was intended to create a benign political environment in which the election could take place free from intimidation. However, with the disarmament process blocked, the Secretary-General decided to proceed with arrangements for the election, and to use UNTAC military forces to protect and support the electoral process.²³

²³ See Blue Book II, pp. 23-24. See also Documents 35 and 36, in Blue Book II, pp. 191-194. In the actual sequence of events, on the basis of consultations, with the Cambodian parties, General Sanderson announced on 9 May 1992 that the second phase of the cease-fire (regroupment, cantonment, disarmament and demobilization) would begin on 13 June 1992. Just before that date the Khmer Rouge indicated that they would not cooperate, and, in the outcome, whereas the regroupment and cantonment was intended to be complete by 11 July 1992, at that time only 13,500 troops had been cantoned since the other parties were obviously reluctant to proceed without the Khmer Rouge. Although further cantonment took place, the disarmament

Since the election itself, when it was eventually held in May 1993, was widely judged to be successful, then, as in Central America, the outcome may well be taken as justification for the Secretary-General's decision. On the other hand, even though the disarmament process was rapidly brought to a halt, a number of questions arise concerning the disarmament mandate which make the UNTAC disarmament provisions, and the plans for their implementation, an important case study in the development of UN mission experience with disarmament. These questions include:

- Could UNTAC have compelled the Khmer Rouge to join the disarmament process, or otherwise have done more to induce their cooperation?
- Was the cantonment plan practical, and did UNTAC have the resources to implement it?
- Was the data base provided by the Cambodian parties reliable, and did it matter if it was not?
- Did UNTAC successfully monitor Cambodian borders and prevent the re-supply of the parties from outside sources?
- Were the demobilization procedures practical, and what measures were taken in parallel to ensure that demobilized soldiers were reintegrated into Cambodian society?

The Coercive Disarmament of the Khmer Rouge

As it became evident that, in addition to withdrawing from the disarmament process, the Khmer Rouge intended to deny UNTAC freedom of movement, and as incidents involving attacks on UNTAC personnel increased, there was considerable pressure on the UN Secretariat to consider taking enforcement measures against the Khmer Rouge, who were widely presumed to be the principal perpetrators of these incidents. Moreover, these events took place at a time when the Secretary-General was developing the concept of "peace enforcement," which, in July 1992, figured prominently in *An Agenda for Peace*. The concept seemed entirely appropriate to the Cambodian situation. Peace enforcement, the Secretary-General argued, was warranted when a party which had signed an agreement and accepted a peacekeeping operation reneged on the agreement. In these circumstances, the limited use of force was justified in persuading the recalcitrant

tasks of UNTAC were essentially unfulfilled, and on 15 November 1992 the Secretary-General reported that the disarmament process had been effectively suspended, and recommended that the UNTAC military command redirect its efforts to the protection of the electoral process.

party to return to the *status quo ante*, and to continue the peace process.²⁴ In July 1992, when *An Agenda for Peace* was released, it was difficult to envisage a situation which better met that justification than Cambodia.

While there were continuing debates within UNTAC and amongst the Paris signatories about the use of "strong measures"²⁵ against the Khmer Rouge, the senior leadership of UNTAC firmly rejected it. The motives and objectives of the Khmer Rouge are beyond the scope of this paper,²⁶ but it is appropriate to observe that the Field Commander and, for the most part, his senior staff did not see the Khmer Rouge as inalterably opposed to the peace process, and did not see the other parties, especially the government of Cambodia, as entirely blameless in the events which preceded the withdrawal of the Khmer Rouge from the disarmament process. Even had it been concluded that the Khmer Rouge was bent on the rejection of the entire process, however, the grounds given by General Sanderson in rejecting the coercive disarmament of the Khmer Rouge would have held. In brief, General Sanderson argued that, despite the apparently sizeable UN force at his disposal, UNTAC was not deployed as a fighting force, and, since its individual contributing states had not signed on to conduct an enforcement action, some at least might withdraw if UNTAC were to undertake coercive action against the Khmer Rouge.²⁷ This view was not shared by all senior officers,²⁸ but the

²⁴ Boutros Boutros-Ghali, *An Agenda for Peace*, New York: United Nations, 1992.

²⁵ Boutros-Ghali commented: "Some members of the international community favored strong measures that would force the PDK to adhere to the provisions of the Paris Agreements. Others wanted to rely on the power of persuasion, the increasingly substantial UNTAC military presence in Cambodia, and the ongoing work of the mission's components. That debate - over whether peacekeeping should at some point become more assertive - was joined at several points during the operation." Boutros-Ghali, "Introduction," in Blue Book II, pp. 17-18. Col. Willem Huijssoon states that the Force Commander "came under pressure from the civil side of UNTAC" to enforce Khmer Rouge compliance. Col. Willem Huijssoon, Briefing on Cambodia and UNTAC, 9 March 1995, UNIDIR, Geneva, p. 7.

²⁶ They are, however, carefully reviewed by Findlay, pp. 49-51.

²⁷ Lt. Gen. John Sanderson and Lt. Col. J. D. Healy, Personal Correspondence, 26 May 1995, p. 5. Huijssoon, p. 7, notes succinctly that UNTAC "did not have the right force structure, no air force, no artillery, no combat engineer capabilities - did not have the right color - blue and white are no war colors - did not have the right attitude, officers and men were trained and instructed for peacekeeping ... some countries had selected their battalion commander in this respect."

²⁸ For the position of General Michel Loridon, the Commander of UN Advance Mission in Cambodia (UNAMIC) and a strong critic of Sanderson's approach, see Jianwei Wang, *Managing Arms in Peace Processes: Cambodia*, Geneva: United Nations, 1996, p. 44.

respondents to the DCR Questionnaire generally are cautious on this issue: while most believe that UNTAC could have used force to bring the Khmer Rouge into the disarmament process, most also thought that it should not have done so. The reason invariably given is that peacekeepers in the field must preserve their neutrality if their role is not to be compromised.²⁹

Assuming that General Sanderson and the Secretary-General's Special Representative, Yasushi Akashi, were correct in this judgement, what, if anything, could UNTAC have done to prevent the erosion of the disarmament process? Sanderson's response was a familiar one: UNTAC should have been deployed immediately after the signing of the agreement, when it would have had a calming influence on the Cambodian parties and a prime opportunity to emphasize the reality of the cease-fire. Instead, "delay in the establishment and deployment of UNTAC meant that any dynamic for the peace process was weak and wavering."³⁰ In fact, when the second phase of the implementation of the Paris Agreement, including the cantonment process, began on 13 June 1992, only four UNTAC battalions were fully deployed in their sectors, and it was several months later before the full 12 battalions called for in UNTAC planning were actually in Cambodia.

Were the plans for regroupment and cantonment realizable? Although the actual deployment of UNTAC was slow, the planning of the disarmament process was greatly facilitated by the UN Advance Mission in Cambodia (UNAMIC), which began work in Cambodia in November 1991 and eventually comprised some 800 civil and military personnel. Building on the UNAMIC base, from 17 November to 16 December 1991, the UN Military Survey Mission to Cambodia was in the field and developed a detailed plan for disarmament which was submitted to the Secretary-General on 24 December 1991.³¹ This plan was the basis for the Secretary-General's recommendation to the Security Council on the composition and mandate of UNTAC, subject to modification by the Force Commander when UNTAC began to deploy.

The Report noted a number of serious practical rather than political issues affecting the feasibility of disarmament. First, the two main belligerents, the Khmer

²⁹ United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Cambodia," in Wang, pp. 166-168.

³⁰ Sanderson and Healy, p. 3.

³¹ Report of the United Nations Military Mission to Cambodia, 17 November -16 December 1991, New York: United Nations, 24 December 1991.

Rouge and the government of Cambodia, wanted many more regroupment areas than the Mission considered feasible, reflecting the dispersal of their forces and the difficulty of carrying out the regroupment in terrain where there was a minimal infrastructure to support the large-scale movement of troops. Second, all of the parties doubted their ability to provide accommodations at the cantonment sites in time for the disarmament process to proceed on schedule, and looked for UN help to do this. Third, all were concerned about the reintegration of demobilized soldiers into the civilian economy, and feared that crime and banditry would escalate if this reintegration failed or was inadequate. Fourth, the Mission itself was greatly concerned about the capacity of the Cambodian infrastructure to support UNTAC troop deployments, and feared that the damage to the fragile infrastructure inflicted by UN troop movements could be such that UNTAC might leave Cambodia a poorer place than they found it. Fifth, all observers were agreed that if arrangements were not in place by the start of the rainy season, they would be prohibitively expensive and difficult to undertake thereafter.³²

Given the delay in the deployment of the UNTAC battalions intended to supervise and protect the regroupment and cantonment process, it might be concluded, *prima facie*, that, even with the support of all the parties, disarmament in Cambodia would have been difficult because of the size of the operation and the structural inadequacies of UN peacekeeping operations. This conclusion, however, is disputed by the Force Commander. General Sanderson argues:

The process would have been ... 'ragged'. However, detailed cantonment site reconnaissances had been conducted and briefing packages prepared. Moreover, SOP's on the regroupment, cantonment and disarmament process were very detailed. It was, therefore, achievable as a controlled military operation. There would have been problems, but assuming the cooperation of the Parties in accordance with the Agreements, nothing that would have been insurmountable.

Sanderson concludes by noting that inadequate support to the troops and their families in the cantonments, not budgeted by the UN and not a priority for the parties, would have been the most serious difficulty arising from the success of the cantonment process.³³

This sanguine judgement, however, must be set against the well-known shortcomings of the disarmament arrangements, particularly those related to the

³² "Factors with direct impact on the execution of tasks assigned to the military component." (Mission Report, pp. 10-13).

³³ Sanderson and Healy, p. 7.

slow deployment of UNTAC and the physical difficulties involved in cantonment. Problems with shelter, food and water, as well as inadequate local knowledge of minefields, were cited by UNTAC military officers responding to the DCR Questionnaire, a source of concern captured in the following comment:

The factions had the responsibility for the supply of food and medical care, but none of them had the normal military logistic and medical capabilities. On the average each UNTAC infantry platoon of 35 men would face 1200 faction warriors, but in some cases one platoon assisted by an UNMO team would have to canton and disarm 3000 Khmer soldiers. A lack of primary necessities of life could have caused serious trouble.³⁴

Monitoring Cambodian Borders

Despite claims by the Khmer Rouge that Vietnamese troops remained in Cambodia, and despite the physical difficulties involved in border monitoring, the withdrawal of foreign troops and the ban on arms shipments into Cambodia were not a controversial issue in UNTAC.³⁵ As a necessary complement to the disarmament of the parties within Cambodia, border monitoring gave reassurance to the complying external powers that restraint was working. Conversely, lack of controversy indicated that, as in Central America, the peace process relied upon a regional consensus to halt trans-border arms traffic as a prerequisite to the reconstruction of Cambodian society.

The Disarmament Data Base

The troop levels and weapons complements used by the Military Mission as a basis for planning the regroupment and disarmament process were provided to the Mission in the field by the respective Commanders-in Chief of the four Cambodian parties. As well, each party gave details of their force structure, organization and operating locations. This data, as reflected in Table 1, was used without modification by planners in New York and UNTAC in the field. Given the outcome, of course, the accuracy of the database may not have mattered. Where cantonment did take place, primarily involving the CPAF, respondents to the DCR Questionnaire noted that, in the first instance, unusable weapons were turned in.

As with Central America, however, the data base may have been sufficient for the purposes at hand. The two smallest military forces, the ANKI and the

³⁴ Huijssoon, p. 12.

³⁵ This assumes, of course, that there was little if any major substance to the Khmer Rouge complaints. However, UNTAC did take steps to increase border monitoring in response to Khmer Rouge complaints. For a review of these measures, see Wang, p. 49.

KPNLAF, were not likely to pose major impediments to the disarmament process. The government forces were most easily identified and their numbers subject to corroboration. And the Khmer Rouge may even have overstated their deployments and weapons holdings in order to avoid revealing their relative weakness *vis-à-vis* the government forces.³⁶ Although there is no hard evidence to support that view, UNTAC officials appeared unconcerned about the data provided to them, and may, in any event, have had little incentive in establishing that the disarmament task was even larger than that posed by the data provided by the parties themselves. In one respect, moreover, the Military Mission consultations with the parties revealed that, beyond the task of cantonment for regular forces, the number of militia in Cambodia posed an issue in itself. Over 200,000 militia were required to hand in their weapons to UNTAC without going through the cantonment process (it is not clear how many of the militia actually handed in their weapons).

Demobilization and Reconstruction

With the beginning of Phase II, on 13 June 1992, some 55,000 troops presented themselves at the cantonments, of whom about 80% belonged to the government army. After it became clear that the Khmer Rouge would not report to the regroupment centers, however, the cantonment came to a halt, and was never resumed. Not all of the 55,000 disarmed CPAF stayed too long either: in August 1992, the CPAF requested that the cantoned troops be given "agricultural leave" to assist with rice planting, and UNTAC agreed. Few if any of those soldiers returned to the cantons, although UNTAC could claim that, since they had been disarmed, the essential goal had been achieved.³⁷ The episode revealed the degree to which Khmer Rouge non-compliance derailed the disarmament process: by August 1992, if all had gone to plan, the cantoned troops would have been demobilized, but demobilization could not start until all troops had been cantoned, leaving the CPAF, who were responsible for logistics to their own troops in the cantonment phase, maintaining 55,000 unproductive troops indefinitely.

Whether UNTAC, in association with the voluntary development assistance program managed by ICORC, could have successfully reintegrated 140,000 demobilized soldiers into the Cambodian economy remains an unanswered question. The last word, however, goes to a senior UNTAC staff officer, who was

³⁶ Jianwei Wang, in conversation with the author, UNIDIR, 16 June 1995.

³⁷ Sanderson and Healy, p. 9. However, the cantoned weapons were handed back prior to the election "to enable the Parties' armed forces to provide electoral security."

worried about UNTAC proposing to send 140,000 "uneducated jobless men on the streets":

An inquiry has shown that about 60% wished to go back to family and village and to start farming. This leaves 56,000 others. In conjunction with the International Labour Organization (ILO), UN Educational, Scientific and Cultural Organization (UNESCO), UN Development Programme (UNDP) and even non-governmental organizations (NGO's), UNTAC had planned training and education programs. But due to budget and capacity problems UNTAC could only offer short training to 25,000 men, not at one time but phased. There have been speculations how many not immediately successful farmers and other jobless would again have taken a Kalasjnikov just to survive.³⁸

5. Observations

Without question, UNTAC was an operation of unprecedented scale and complexity, which must in part be seen as a learning process for the UN. At the same time, the disarmament provisions, which were central to the mandate, required the prompt deployment of the military command. This was not done, despite the fact that in Cambodia the UN had an exceptionally long lead time to plan and implement the deployment. Prompt deployment might or might not have changed the outcome of the disarmament program, but the failure to assert a strong, immediate military presence undoubtedly prejudiced the operation. The conclusion is inescapable that in 1992 the UN could not efficiently launch an operation of the size of UNTAC. To do so, and to prepare adequately for a disarmament operation as complex as that mandated in Cambodia, the UN needed a much stronger organizational capacity, including possibly a permanent planning staff and a standing operational headquarters.

Faced with a recalcitrant party in the Khmer Rouge, the debate within UNTAC and the concerned international parties centered on the use of force to coerce the Khmer Rouge into compliance with the disarmament process. Here the evidence strongly supports the judgement of the Force Commander and the Special Representative. The UNTAC military command was not equipped to conduct offensive operations. Even if it had been, a "successful" campaign would surely have realized one of the great fears expressed at the outset by the Military Mission: the destruction of the fragile Cambodian infrastructure, and the danger that the UN would leave the country more impoverished than when it arrived.

However, the debate about coercive disarmament may also have obscured a more systematic approach to inducement and persuasion. In his assessment of the

³⁸ Huijssoon, p.12.

operation, General Sanderson has emphasized the original compliance of the Khmer Rouge with the disarmament process as well as their subsequent non-compliance. Between voluntary and coercive disarmament, there may be many opportunities and means to sustain a continuing dialogue with non-complying parties. Sanderson believed that the Military Mission Working Group (MMWG), originally envisaged as a forum for the resolution of tactical field problems, assumed a broader conflict resolution function, and might, in different circumstances, have succeeded in bringing the Khmer Rouge into a negotiated compliance. The experience with the MMWG, therefore, could be a useful example for other UN disarmament operations.

In any event, had the disarmament process succeeded in Cambodia, the UN would have been faced with another fundamental test. The international community was much more willing to spend money to "fix" the security situation in Cambodia (almost \$2 billion for UNTAC) than it was to help restore the Cambodian economy (\$1 billion in pledges). Large-scale disarmament, as was mandated in Cambodia, obliges the international community to focus on the linkage between peacekeeping and post-conflict peacebuilding, without which the disarmament may be short-lived.

Finally, one respondent to the DCR Questionnaire has drawn attention to an obvious but easily overlooked consequence of the decision to suspend the disarmament mandate. While the Secretary-General is entitled to take credit for "a significant degree of success" in UNTAC, in the outcome the new government of Cambodia was faced with the task of bringing order and stability to a country which remained awash in arms.³⁹ It was precisely this situation which the disarmament process was intended to avert.

³⁹ Boutros-Ghali, "Introduction," in Blue Book II, p. 54.

IV. UNPROFOR: Disarmament and De-militarization in Sector West and Srebrenica

1. Background

The UN became involved in Yugoslavia in September 1991, when, acting under Article 41 of Chapter VII of the Charter, the Security Council called on all states "to implement a general and complete embargo on all deliveries of weapons and military equipment to the Yugoslavia."⁴⁰ In May 1992, the Council expanded the embargo in the case of Serbia and Montenegro to a complete trade and financial embargo, thus singling them out as offending parties in a situation where the other republics of the former Yugoslavia remained subject only to the weapons embargo.

At the same time, the Secretary-General appointed Cyrus Vance as his Personal Envoy. On 23 November 1991, Vance, in cooperation with Lord Carrington as representative of the European Community, invited the leaders of Serbia and Croatia to a meeting in Geneva at which the parties agreed to a cease-fire, and called upon the UN to send a peacekeeping force to the region. The Security Council agreed in principle to the request, but, considering that the cease-fire had not yet taken hold, deferred a decision to an unspecified future date. In the meantime, Vance developed a plan for a separation of Serb and Croat forces based on the de-militarization of the areas in which Serbs and Croats in Croatia were most intermingled. This plan was the basis for a so-called unconditional cease-fire which was agreed to on 2 January 1992.⁴¹

2. The Peace Agreement

Strictly speaking, there was no peace agreement prior to the deployment of UNPROFOR. In an unusual departure from the basic concept of peacekeeping (that is, the deployment of a UN mission to monitor and support an agreement made by the conflicting parties) under the Vance Plan the peacekeeping operation in Yugoslavia was envisaged as "an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the

⁴⁰ Resolution 713, 25 September 1991; Resolution 757, 30 May 1992.

⁴¹ Resolution 721, 27 November 1991; Resolution 727, 8 January 1992; Report of the Secretary-General, S/23363, 5 January 1992.

Yugoslav crisis. It would not prejudge the outcome of such negotiations."⁴² In the specific context of UNPROFOR, therefore, the peace agreement remained to be negotiated in the forum of the International Conference on the former Yugoslavia, which met under the joint chairmanship of the Secretary-General's Personal Envoy, Cyrus Vance, and, on behalf of the European Community (EC), Lord David Owen. In the meantime, UNPROFOR rested on the slender reed of yet another cease-fire between Serbs and Croats, which was agreed to on 23 November 1991, and on their respective statements some days later that they would welcome the deployment of a UN peacekeeping operation.

In explaining the tardiness of UNTAC's deployment in Cambodia, the Secretary-General pointed out that, at the very time when the UN was under strain seeking to deploy UNTAC, it was called upon to start another peacekeeping operation in the former Yugoslavia. Given the organizational limitations of the UN in New York, the proposal to deploy UNPROFOR in Croatia and Serbia was both a political and organizational challenge. Senior officials, including Under-Secretary Marrack Goulding, then responsible for peacekeeping and in charge of the negotiations with the Serbs and Croats on the peacekeeping mandate, did not consider the Serb-Croatian peace agreement to be credible, and were opposed to the deployment of a peacekeeping operation.⁴³ The Secretary-General, however, was persuaded that the broader political context required a response from the UN. In explaining his recommendation to initiate a peacekeeping operation, Boutros-Ghali later wrote:

... I have come to the conclusion that the danger that a United Nations peacekeeping operation will fail because of lack of cooperation from the parties is less grievous than the danger that delay in its dispatch will lead to a breakdown of the cease-fire and to a new conflagration in Yugoslavia.⁴⁴

⁴² "Concept for a United Nations peacekeeping operation in Yugoslavia, as discussed with Yugoslav leaders by the Honorable Cyrus R. Vance, Personal Envoy of the Secretary-General, and Marrack Goulding, Under Secretary-General for Special Political Affairs," November-December 1991, p.1, paragraph 1. (Hereafter cited as the Vance Plan).

⁴³ The Secretary-General came to share this scepticism. In his September 1993 Report on the Work of the Organization, he wrote: "The experience of UNPROFOR in Bosnia and Herzegovina, and, to a lesser extent, in Croatia has raised serious questions about the wisdom of deploying blue helmets in situations where the parties are unable or unwilling to honour commitments they enter into" (p.153).

⁴⁴ S/23592, 15 February 1992, p.7.

In regard to the overall settlement, as the UN sought to implement the interim arrangement in 1992, the International Conference held a series of talks intended to seek agreement on the principles that would govern an overall settlement in the former Yugoslavia, but the negotiations were vastly complicated by the spread of the conflict to Bosnia-Herzegovina very soon after the UN deployment in Croatia. Increasingly through 1992, the focus moved from earlier EC proposals for a loose, confederal Yugoslavia to the plight of Bosnia-Herzegovina, and to proposals intended in the first instance to prevent its dismemberment. In short, the overall settlement which the UN mission was intended to facilitate became increasingly remote in 1992, leaving the interim arrangement without the diplomatic endpoint which would have signalled the end of the mandate.

3. The UNPROFOR I Mandate

The Vance-Goulding concept for a peacekeeping force in Croatia was initially presented to the Security Council by Pérez de Cuéllar in December 1991, but with the observation that the conditions for establishing a peacekeeping force still do not exist. The concept and mandate were subsequently re-presented by the new Secretary-General, Boutros Boutros-Ghali, in mid-February 1992. It proposed that UN troops, police and civilian monitors deploy in certain areas of Croatia, which were to be designated UN Protected Areas (UNPA's), where Serbs formed a majority or a substantial minority. Aiming, therefore, at the "hot spots" in the Serb-Croat confrontation, the Secretary-General identified three areas (Eastern and Western Slavonia and Krajina) where UNPA's would be established. These areas would be demilitarized, with the armed forces within them either withdrawn or disbanded. The principal role of the UN would be to ensure that they remained demilitarized, and to guarantee protection to the civilian population residing within them. Comparable in size to UNTAC, UNPROFOR I was estimated to require some 13,000 military personnel, 530 police and 519 civilian personnel.⁴⁵

The demilitarization of the UNPA's, to be completed as rapidly as possible, included the following elements:

- the withdrawal of regular Yugoslav Army and Croatian forces, and of territorial defense units not based in the UNPA's;
- the disbandment and demobilization of territorial units and personnel based in the UNPA's, who would cease to wear uniforms or carry weapons, and

⁴⁵ S/23280, 11 December 1991, p. 16, and S/23592/add. 1, 19 February 1992, p. 1.

who would either hand their weapons over to Serbian and Croatian regular units for removal from the zone, or to the UN for safe custody during an interim period;

- the removal of mines by the units which had laid them before withdrawing from the zone.⁴⁶

In the subsequent elaborations of the mandate, the procedures for the demilitarization of the UNPA's were made quite specific. Once UNPROFOR had deployed, heavy weapons were to be withdrawn at least 30 kilometers from the line of confrontation, local militias were to be disbanded and their equipment stored, all armored personnel carriers and other military vehicles were to be withdrawn not less than 10 kilometers from the line of confrontation, and infantry not less than 5 kilometers. In all cases, the withdrawals were to take military units beyond the boundaries of the UNPA's, requiring further withdrawals beyond the minimums stated when this was necessary to clear the zone.⁴⁷

In the verification of the demilitarization, and the subsequent protection of the civilian population, the Vance-Goulding concept placed considerable emphasis on the complementary roles of the UNPROFOR military and police components. The military would be lightly armed, but with armored personnel carriers and helicopters. Their tasks involved ensuring that demilitarization took place, and then controlling access to the UNPA's. To do this they would establish check-points at all roads and tracks leading into the UNPA's, and at all important junctions within them. They were entitled to search all vehicles and individuals to prevent any movement into the UNPA's of military formations or weapons, investigate complaints, and, if serious tension developed between the two sides, UNPROFOR "would interpose itself between the two sides in order to prevent hostilities." On the other hand, the local police remained responsible for public order. Co-located with local police headquarters, the task of the UN civilian police was to monitor the local authorities by accompanying them on patrols, investigating complaints and reporting on human rights abuses.⁴⁸

⁴⁶ S/23280, p. 19.

⁴⁷ See Vance Plan.

⁴⁸ *Ibid.*, p. 3.

Despite continuing doubts about the willingness of the parties to adhere to the cease-fire and an implementing accord of 2 January 1992, on 21 February 1992 the Security Council approved the deployment of UNPROFOR, and urged the Secretary-General to deploy immediately advanced elements of the force. On 7 April 1992, despite noting with concern "the daily violations of the cease-fire and the continuing tension in a number of regions even after the arrival of UNPROFOR's advance elements," the Council nevertheless authorized the "earliest possible full deployment of UNPROFOR."⁴⁹

Thereafter, UNPROFOR deployed with some expedition, placing about 8,000 military personnel in the field by the end of April 1992. The situation in Bosnia-Herzegovina, however, loomed over UNPROFOR, persuading the Secretary-General at the outset to locate UNPROFOR Headquarters in Sarajevo in the hope of establishing a calming presence there, and thereafter drawing the peacekeeping operation into a series of mandates in Bosnia-Herzegovina. These began with the re-opening and subsequent attempts to exercise control of Sarajevo airport in June 1992, continued with the mandate to protect UN High Commission for Refugees (UNHCR) convoys in September 1992, and led to the designation of safe areas, first in Srebrenica in April 1993, and then, the following month, in Sarajevo, Tuzla, Zepa, Gorazde and Bihac. Thereafter, the Security Council followed a long and winding road in the former Yugoslavia, with resolution following resolution but to little avail.⁵⁰

4. Disarmament in Sector West: Using Presence to Implement Disarmament

The incremental involvement of UNPROFOR in Bosnia-Herzegovina since 1992 has tended to divert attention from the original mandate, and the feasibility of the disarmament and demilitarization functions which UNPROFOR was called upon to implement in the several months immediately following the approval of the full deployment in April 1992. In those months, as UNPROFOR sought to establish its presence in the UNPA's, the UN record is mixed, with some early

⁴⁹ Resolution 743, 21 February 1992, and Resolution 749, 7 April 1992, reprinted in UN Department of Public Information Reference Paper, "The United Nations and the Former Yugoslavia: Resolutions of the Security Council," 25 September 1991-28 April 1995, DPI/1312/Rev. 4, New York: United Nations, July 1995, pp. 110-111.

⁵⁰ Between 25 September 1991 and 28 April 1995, the Council adopted 73 resolutions on the situation in the former Yugoslavia, and issued 70 statements.

accomplishments in supervising the demilitarization provisions of the mandate progressively eroded by violations and encroachments on the UNPA's.

Nevertheless, between April and September 1992, UNPROFOR achieved some success in the implementation of its disarmament mandate. In two reports to the Security Council, the Secretary-General was able to report that the Yugoslav Army had completed its withdrawal from the UNPA's, and that territorial defense units had demobilized, placing their weapons in UN supervised storage facilities.⁵¹ Despite occasional cease-fire violations, most of which involved small arms, in July the Secretary-General reported "a considerable lessening of tensions in all three UNPA's", but noted also that it was "too early to report that UNPROFOR has succeeded in demilitarizing the UNPA's and in establishing its full authority there or that conditions exist for the voluntary return of displaced persons to their homes, an aspect of the United Nations peacekeeping plan to which I attach special importance."⁵²

Complete demilitarization of the UNPA's was obstructed by a serious development in which, in Sector East, Serb militia forces had reconstituted themselves as special police forces, and, in violation of the cease-fire plan, armed themselves with armored personnel carriers, mortars and machine guns. Following numerous protests, in late July 1992 UNPROFOR decided to take "more forceful means," and Belgian and Russian peacekeepers blockaded two sizeable groups of "special police" and "border police." The Secretary-General reported:

In each case the situation deteriorated rapidly, and, to avoid bloodshed, it was decided to suspend the use of force and further negotiations ensued. This led to the surrender of approximately 500 weapons to the Belgian battalion. Since that time, however, these so-called "police" have continued to resist disarmament, and have become increasingly hostile to UNPROFOR personnel.⁵³

The situation in Sector West, however, was more conducive to UN control. Although the Vance Plan identified three areas in Croatia as suitable UNPA's,

⁵¹ S/24353, 27 July 1992, and S/24600, 28 September 1992.

⁵² S/24353, p. 9.

⁵³ S/24600, p. 3. On 4 September 1992 an agreement was reached with the Krajina Serb authorities in Knin whereby, in the first stage, all militia personnel other than regular civilian police would be confined to barracks in the UNPA's, and, in the second stage, all militia personnel would be demobilized and their weapons handed over to UNPROFOR. These dates passed without compliance, and UNPROFOR was advised by the Knin authorities that the Vance plan needed to be amended.

UNPROFOR actually created four, dividing Slavonia into Sector West and Sector East. Since Sector East was the closest to Belgrade, and Sectors North and South were in the heart of Krajina, observers in the field considered Sector West to be the least volatile of the four UNPA's.⁵⁴ Nevertheless, Sector West had its difficulties, especially since the cease-fire line cut substantially deeper into the UNPA boundary than was typically the case in the other sectors. Moreover, the southern boundary marked the border with Bosnia-Herzegovina, and was certain to be porous. Although the political and military circumstances were different in each of the UNPA's, therefore, making comparisons problematic, it is nevertheless the case that Sector West proved to be the UNPA which was most successful in the early months in implementing the disarmament provisions of the mandate. In effect, in June and July 1992, the Sector West experience was instructive in demonstrating the value of concentrating military presence to achieve tactical disarmament objectives, and so avoiding the extremes of, on the one hand, the resort to force and, on the other, the passive acceptance of cease-fire violations.

At the outset, Sector West benefitted from the prompt deployment of a well-armed Canadian battalion which was substantially better equipped than the Vance Plan called for. Although the full strength of UNPROFOR in the sector was delayed, there was a sufficient military presence to begin the process of disarmament. This began on 20 June 1992 with the withdrawal of heavy weapons, and continued through the other stages until 7 July 1992, when it was considered to be complete. Within the zone, weapons were placed under the sole custody of UNPROFOR, which was also successful in banning the wearing of uniforms. Evidently, this could not have been accomplished without the cooperation of the local parties, and without accurate intelligence about weapon types and locations, and the identity of different units so that those who were to move out of the UNPA could be differentiated from the territorial units who were to be disarmed and demobilized within it.⁵⁵

⁵⁴ A number of the field officers emphasize the difference between Sector West and the other UNPA's, commenting, for example, that it was vulnerable to Croat pressure, that the Serbs had written it off, and that its inhabitants knew that they would eventually be a part of Croatia and so were less hostile to disarmament measures than the inhabitants of the other sectors. See for example, Timothy Clifton, ECMM, Zagreb, 25 April 1995, Roderick de Normann, ECMM, Zagreb, 24 April 1995, and Arne Nyberg, ECMM, Zagreb, 25 April 1995.

⁵⁵ For a detailed discussion of the disarmament effort in Sector West, see Barbara Ekwall-Uebelhart and Andrei Raevsky, *Managing Arms in Peace Processes: Croatia and Bosnia-Herzegovina*, Geneva: United Nations, 1996 especially pp. 105-121.

This operation was conducted in circumstances where the local population appeared largely ignorant of the UNPROFOR mandate, so placing great importance on the ability and willingness of the Sector Commander and Civil Affairs coordinator to criss-cross the territory explaining to local officials the reasons for UNPROFOR's presence and the disarmament measures that were now to be taken.⁵⁶ Furthermore, cooperation between the civil and military components of the operation, dependent, as in so many new peacekeeping situations, on the ability of individuals from different backgrounds and professions to work harmoniously and in mutual support, was a key to the early successes in Sector West. Once disarmed, moreover, continuing cooperation with local Croat and Serbian officials was essential to sustain joint searches for illegal weapons, and to reassure both sides that the peacekeepers were both able to perform their protective function and to be impartial in their treatment of the two sides.⁵⁷

This effort to promote and sustain a continuing dialogue with the parties was rewarded in times of crisis, when both sides were inclined to remobilize and take back their weapons. Cooperation and dialogue were accompanied by a continuing determination to use military force if necessary. In September 1993, this determination was put to the test when the confrontation line in the south of Sector West, near to the border with Bosnia-Herzegovina, became increasingly unstable as exchanges of fire and border transgressions created an increasingly tense situation. In these circumstances, the UNPROFOR sector commander decided to take action and close down the border posts which both sides had manned in violation of the cease-fire agreement. Advising the Croat and Serb officials that this was to happen, UNPROFOR took control first of the Croat positions. When the Serbs failed to follow suit and close their posts, numerically superior UN forces, supported by armored personnel carriers, surrounded the Serb positions one after the other and took control of them. Despite the protests that followed, the

⁵⁶ Ekwall-Uebelhart and Raevsky, p. 106. See also United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament and Demobilization During Peacekeeping Operations: Former Yugoslavia," in Ekwall-Uebelhart and Raevsky, for numerous comments to the same effect, but including the observation that good relations with the local population were the prerequisite for valuable information collection.

⁵⁷ Some interviewees indicate that, after 7 July 1992, UN troops had a general authority to use coercion if necessary against small factions or individuals who did not hand over their weapons on request. Other comments, however, suggest that over time there was an erosion of UN authority even in Sector West, which included allowing Serb paramilitary to wear uniforms and carry light weapons. See UNIDIR, "Analysis Report: Former Yugoslavia."

effect was to dampen the escalating exchanges of fire and restore stability to the line of confrontation.

Some eighteen months later, UN forces took a very different approach to the threat of a major Croat military attack in Sector West which was in flagrant violation of the cease-fire and UNPROFOR's mandate. In May 1995, in a move which had been clearly signalled and anticipated by international military observers in the area, well-equipped Croat forces entered the southern part of Sector West from both sides, took control of the major highway crossing the sector, and, against only light Serbian resistance, turned northwards and began mopping up any Serb territorial forces in the area. In effect, the Croats unilaterally changed the line of confrontation, moving it some 30 kilometers to the south and close, therefore, to the southern demarcation of Sector West along the border with Bosnia-Herzegovina. Faced with this major violation of the cease-fire, and the Croat incursion into about one-third of the total area the peacekeepers were mandated to disarm and protect, UNPROFOR stood aside and offered no resistance of any kind to the Croat action.

5. Observations on Sector West Disarmament

Although it might be argued that UNPROFOR should and could have resisted or obstructed the Croat attack in May 1995, it is evident that the political and military context had changed such that an action which would have caused a crisis for UNPROFOR in 1992 evoked little comment in 1995. Put otherwise, the original disarmament mandate in Sector West had been overtaken by events. Although the Croat attack in May 1995 may have further damaged UN credibility, the more instructive lessons for the UN are in the successes of UNPROFOR in Sector West in 1992.

First, the ingredients for success were the prompt deployment of substantial military forces and the ability to gather sufficient intelligence about the respective military forces to permit a credible approach to the disarmament mission.

Second, UNPROFOR was an active, busy operation in which the cooperation of the civilian and military components was the basis for sustaining a reassuring presence with the local people and a continuing dialogue with civil and military leaders from both sides. Although this would not have been possible had one side or the other been determined not to cooperate, it was effective in maintaining cooperation in a situation where both sides easily wavered in their confidence in the UN operation and the compliance of the other party.

Third, UN actions in Sector West permit some reflections on the shades of coercion between the strict non-use of force and resort to full-scale military action to enforce a peacekeeping mandate. Unlike many of the resolutions that followed, Resolutions 743 and 749 establishing UNPROFOR did not invoke Chapter VII of the Charter, and the peacekeepers deployed under the familiar rule that force was to be used strictly in self-defense. However, it is well established that, since 1973, "self-defense" in peacekeeping operations may be construed to comprehend coercive action taken in order to implement a mandate agreed to in principle by the belligerents. In 1992, faced with the probability that Serbian paramilitary forces would fight, the Secretary-General chose to accept their presence even though the Russian and Belgian brigades were superior and could have disarmed them. This decision, therefore, rested on judgements about the ramifications of a serious fire-fight for the otherwise consensual nature of the mandate, and about the casualties that might have been incurred. On the other hand, condoning the presence of paramilitary forces constituted a violation of the mandate which opened the door to further and more frequent violations.⁵⁸

In contrast, the demonstration that force would be used if necessary to close the Serb and Croatian observation posts, and the ability to muster superior forces (admittedly not difficult in the specific circumstances where the offending units were small in number and lightly armed) caused the parties to comply, if grudgingly, and prevented the progressive erosion of the UN's credibility. Between passivity and the resort to force which may prejudice or irreparably transform the broader mission objectives, therefore, there are actions based on the concentration of a substantial military presence which may induce a dissident party to comply while staying within the guideline of self-defense.⁵⁹

⁵⁸ For example, a senior officer involved in the encirclement of the Serb paramilitary units commented that, "We did not have the mandate to enforce it. Even having such a mandate you have to think of the policy that might have been given to the national contingents After initial success, the sector (East), never could disarm further those militias." Brigadier-General P. Peters, Chief Military Negotiations and Assessment Team, UNPROFOR, Zagreb, 26 April 1995.

⁵⁹ As one field respondent put it, the discriminate threat of coercion to bring about disarmament establishes the credibility of UN troops, creates the perception amongst the warring parties that the UN force is determined to fulfill its mandate, and increases confidence amongst UN soldiers that they have the authority to implement the mandate. See UNIDIR, "Analysis Report: Former Yugoslavia."

6. Srebrenica: Disarmament under Duress⁶⁰

Following the deployment of UNPROFOR in Bosnia-Herzegovina, the UN became increasingly involved in the plight of Muslim enclaves under threat of being overrun by Serb attackers. Responding to the rapidly deteriorating situation in Srebrenica, a village of 10,000 occupants which had swollen to several times that size during the course of the war as Muslim refugees fled from neighboring villages, on 16 April 1993 the Security Council declared Srebrenica "and its surroundings" to be a safe area "which should be free from any armed attack or any other hostile act." To that end, the Council demanded that Bosnian Serb paramilitary units cease their attacks on Srebrenica, and withdraw from the areas surrounding it. The Council asked the Secretary-General to increase the UNPROFOR presence in Srebrenica, and to arrange for the safe evacuation of wounded and sick civilians.⁶¹

The situation in Srebrenica, however, was already on the verge of catastrophe when the Security Council began its deliberations. For the previous month, the Bosnian Serb forces had increased their grip on the town so that, as the Security Council deliberated the situation on 16 April 1993, Serb forces were 1 kilometer from the town center. As a Serb victory became increasingly likely, General Lars-Erik Wahlgren, the UNPROFOR Force Commander, had begun to discuss with Serb and Muslim military leaders an arrangement in which the Muslim defenders would lay down their arms in exchange for an end to the Serb siege of the town. According to Ekwall-Uebelhart and Raevsky, the Serb would thereby gain a strategic objective, which was to ensure that Srebrenica did not threaten Serb lines of communication, a psychological victory through the recognition that they had effectively overrun Srebrenica, and a public relations victory by appearing to be magnanimous to the defeated inhabitants of Srebrenica.⁶²

In any event, on 18 April 1993 an agreement to demilitarize Srebrenica was signed by the two sides in the presence of General Wahlgren. The main provisions of the agreement were:

⁶⁰ For a detailed discussion of the situation in Srebrenica, see Ekwall-Uebelhart and Raevsky, pp. 121-135.

⁶¹ Resolution 819, 16 April 1993.

⁶² Ekwall-Uebelhart and Raevsky, p. 121.

- a cease-fire on the lines of confrontation, including supporting artillery and rocket fire;
- the opening of a temporary air corridor to Tuzla to evacuate the 500 seriously wounded and sick;
- the demilitarization of Srebrenica to be completed within 72 hours of the arrival of the UNPROFOR company, to include all weapons, ammunition, mines, explosives and combat supplies with the result that no armed persons or units would remain within the city with the exception of UNPROFOR, who would take responsibility for the demilitarization process;
- an exchange of prisoners on an "all-for-all" basis; and
- freedom of movement and humanitarian aid to Srebrenica.⁶³

Despite some continuing difficulties with troop movements, a company of the Royal Canadian Regiment deployed to Srebrenica immediately after the cease-fire, and the town was reported to be successfully demilitarized seventy-two hours later on 21 April 1993. Following the practice established in the UNPA's, the weapons remained intact and were the property of the party surrendering them.

The disarmament of Srebrenica was at best unilateral and temporary. The Muslims appear to have maintained a formal military organization within the safe area, and the Serbs continued to menace the town from their surrounding positions.⁶⁴ Nevertheless, it is evident that the demilitarization of Srebrenica thwarted a certain catastrophe for its Muslim inhabitants.

7. Observations on Srebrenica

The disarmament of Srebrenica can hardly be seen as a planned operation. The Security Council was unaware of the negotiations that General Wahlgren was conducting in the theater, and Resolution 819 made no mention of disarmament as such. Moreover, in Srebrenica it was only one side that was disarmed, and in

⁶³ Report of the Security Council Mission Established Pursuant to Resolution 819, S/25700, 30 April 1993, Annex II.

⁶⁴ Ekwall-Uebelhart and Raevsky. On 25 April, the Security Council Mission visited an UNPROFOR observation post in the mountains surrounding Srebrenica. "Forty-Seven new trenches have been dug by the Serbs in the past week. Tanks and heavy weapons could be seen at a distance of 900 meters from one observation post. Evidently the Serb paramilitary forces not only are not withdrawing as demanded by resolution 819 (1993) but are increasing their pressure on the town." Annex II, S/25700, p. 7.

that sense it might better be seen as an assisted defeat under duress rather than a disarmament process. As the Security Council's fact-finding team commented:

The Council should note that when it was discussing resolution 819 (1993), it did not know that negotiations involving the Force Commander of UNPROFOR had been taking place and that UNPROFOR had participated actively in the drafting and in the process of convincing the Bosnian Commander to sign the agreement. The alternative could have been a massacre of 25,000 people. It definitely was an extraordinary emergency situation that had prompted UNPROFOR to act.⁶⁵

Srebrenica, therefore, is an unlikely model for local disarmament. However, there is one respect in which the interaction between the local agreement negotiated by the UNPROFOR Commander and Resolution 819 was instructive and admonitory. The Canadian Company dispatched to Srebrenica was adequate for the task of supervising the disarmament of the Muslim defenders, but it could not have protected the defenseless inhabitants from a Serb attack. On the other hand, Resolution 819 specifically invoked Chapter VII of the Charter, and previous resolutions allowing UNPROFOR to use force to implement its mandate. The protection of 25,000 defenseless citizens in Srebrenica became an UNPROFOR obligation when the Force Commander became a party to the disarmament agreement. UNPROFOR, therefore, may have been fortunate to escape an immediate disaster in which Srebrenica was sacked while under UN protection.

V. Disarmament in UNOSOM II: "A Standardized and Simple Process"

1. Background

The UN peacekeeping involvement in Somalia began as a mission to provide security for humanitarian relief operations. As the situation in Somalia deteriorated during 1991, the Secretary-General sought the cooperation of the African regional organizations in efforts to mediate the Somali conflict. At the same time, UN

⁶⁵ S/25000, p. 6. The Security Council Mission was torn between concern that all of this had taken place without the knowledge of the Security Council "... lessons should be drawn from this experience, both in terms of the need for adequate and opportune information and of the hard choices that may have to be considered and recognition of the situation in which the UNPROFOR commanders had acted. There is no doubt that had this agreement not been reached, most probably a massacre would have taken place, which justifies the efforts of the UNPROFOR commander."

agencies and a number of large NGO's, including the International Committee of the Red Cross (ICRC), were seeking to deal with the severe malnutrition which afflicted more than half the Somali population. However, political chaos, banditry, physical destruction and the displacement of people severely constrained their efforts.⁶⁶

In February 1992, the new Secretary-General, Boutros Boutros-Ghali, appeared to have achieved a significant breakthrough when the two major factions in Mogadishu, the United Somali Congress (USC) led by Mohamed Farah Aideed, and the USC Manifesto Group, led by Ali Mahdi Mohamed, reached a tentative agreement on a cease-fire. UNOSOM I, approved by the Security Council on 24 April 1992, authorized the Secretary-General to send military observers to Mogadishu to monitor the cease-fire, and agreed in principle to the dispatch of a security force to provide protection to UN personnel and escort deliveries of emergency aid. After considerable delay (occasioned not by the UN but by protracted negotiations with the Mogadishu factions) on 12 August 1992 the Secretary-General advised the Security Council that the parties had agreed to a security force of 500, which would be provided by Pakistan.⁶⁷

Unfortunately, as the Secretary-General sought the consent of the key factions for the deployment of the Pakistani peacekeepers, the situation in Somalia deteriorated further. In mid July the Secretary-General advised the Security Council that the UN needed to enlarge its efforts by bringing about a cease-fire throughout the country. After further review, on 24 August 1992 he recommended the deployment of four additional security units, each with a strength of 750, to protect the humanitarian relief operation throughout Somalia. The Council approved this expansion of the mandate and size of UNOSOM on 28 August 1992, along with a massive support program to accelerate the relief program. However, in the following months the deployment of UNOSOM and the new relief program were further delayed and obstructed by the militias active throughout the country,

⁶⁶ For details on the context within which the international relief effort took shape, see Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, pp. 1-29.

⁶⁷ S/23829, especially paragraphs 24-30; Resolution 751, 24 April 1992; UN Department of Public Information Reference Paper, "The United Nations and the Situation in Somalia," DPI/1321/Rev. 4, New York: United Nations, April 1995, pp. 2-3. (Hereafter DPI Reference Paper).

who blocked distribution and threatened the lives of relief personnel at a time when it was estimated that 3,000 Somalis were dying each day of starvation.⁶⁸

Even with the greater numbers recommended by the Secretary-General in August 1992, however, it was increasingly evident that UNOSOM as planned could not fulfill its mandate, and in November 1992 the Secretary-General advised the Council that the mission needed to be re-assessed. Following informal discussions, based on an offer from the United States to lead a Gulf-style coalition of states in a humanitarian operation in Somalia, on 29 November 1992 Boutros-Ghali wrote a further letter to the Council. He recommended that, for a limited time, the peacekeeping operation be replaced by a United States led coalition sufficiently powerful as to restore order in Somalia and protect the emergency relief effort. Boutros-Ghali added that the operation should be limited in time, and prepare the way for a return as soon as possible "to peace-keeping and post-conflict peace building." Resolution 794, 3 December 1992, authorized such a force on the basis that there would be "appropriate mechanisms for coordination" between the UN and the coalition members. It also marked a fundamental departure from the basic concept of UNOSOM by invoking Chapter VII of the Charter, and authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia."⁶⁹

The Unified Task Force (UNITAF) began deployment on 9 December 1992, with the expectation that it would build to approximately 45,000 personnel, of whom about 28,000 would be from the United States. In a very short time the security situation in those parts of the country where UNITAF was deployed improved rapidly and the conditions were created for the effective distribution of humanitarian relief. The Secretary-General turned to the task of managing the transition from UNITAF back to peacekeeping and the repair of the ravaged Somali economy and infrastructure. This effort culminated in a series of recommendations to the Security Council at the beginning of March 1993, and the subsequent authorization, on 26 March 1993, of a substantially enhanced peacekeeping operation with, amongst other functions, a mandate to manage a comprehensive, country-wide disarmament operation throughout Somalia.

⁶⁸ S/24343, 23 July 1992; S/24480, 24 August 1992; Resolution 767, 27 July 1992; Resolution 775, 28 August 1992; DPI Reference Paper, p. 5.

⁶⁹ S/24868, 30 November 1992, Resolution 794, 3 December 1992. It might be noted again that the idea of "peace enforcement," as developed in *An Agenda for Peace* some six months earlier, was an important influence on the Secretary-General's thinking. His preference was for an enforcement action under UN command and control, but he was persuaded that the UN in New York could not manage such a large-scale mission, and so opted instead for "an operation undertaken by Member States acting with the authorization of the Security Council" (S/24868, p. 6).

2. The Addis Ababa Peace Agreement, National Reconciliation, and Disarmament

While planning for the transition from UNITAF to UNOSOM II was underway in early 1993, diplomatic efforts to achieve a stable peace agreement appeared to make some progress. During January 1993, 14 Somali political movements met in Addis Ababa and signed a declaration establishing "an immediate and binding cease-fire in all parts of the country under the control of the concerned warring factions" subject to the establishment by consensus of, *inter alia*, "a mechanism for disarmament." In a separate agreement, the factions approved such a mechanism, which called for:

- handing over to a cease-fire monitoring group all heavy weapons currently "under the control of the political movements";
- creating encampments for militias outside the towns where they would be disarmed "simultaneously throughout Somalia" and provided with both subsistence and training in civilian skills;
- leaving to the final political settlement the future status of the encamped militias; and
- disarming and rehabilitating bandits and other armed elements.⁷⁰

The January Agreement paved the way for a further Conference on National Reconciliation in Addis Ababa, convened on 15 March 1993, which lasted two weeks and was attended by 15 political movements and a substantial number of other individuals representing Somali and international groups. In the outcome, the Conference agreed on a two-year transition during which time both local and central government structures would be rebuilt based on the commitment by all parties that they would put an end to armed conflict and reconcile their differences through peaceful means. The Conference also supported the disarmament mechanism established in January 1993, and the parties agreed to:

Commit ourselves to complete, and simultaneous disarmament throughout the entire country in accordance with the disarmament concept and time frame set by the Cease-Fire Agreement of January 1993

Further reiterate our commitment to the strict, effective and expeditious implementation of the Cease-Fire/Disarmament Agreement

⁷⁰ Progress Report of the Secretary-General on The Situation in Somalia, S/25168, 26 January 1993, Annexes II and III.

Reaffirm our commitment to comply with the requirements of the Cease-Fire Agreement signed in January 1993, including the total and complete handover of weapons to UNITAF/UNOSOM

Urge UNITAF/UNOSOM to apply strong and effective sanctions against those responsible for any violation of the Cease-Fire Agreement⁷¹

This earnest repetition of the commitment to the cease-fire and disarmament, however, did not reflect the actual situation in Somalia. At the end of January 1993, the Secretary-General had reported that while UNITAF had brought about a general improvement in the security situation, the threat to peacekeepers, relief workers and UN personnel was still high, and inter-clan fighting continued on a sporadic basis. In his report recommending the establishment of UNOSOM II, he was obliged to note that "major incidents of resumed fighting have been reported from Kismayo and Mogadishu," and to admit that the improvements brought about by UNITAF "cannot yet be regarded as irreversible and conditions are still volatile."⁷²

In sum, therefore, when UNOSOM II was approved it could not be said that there was a peace agreement of the kind that was negotiated for Central America or even Cambodia. Accordingly, the Secretary-General emphasized both the need for UNOSOM II to operate under Chapter VII with the authority to use force to create a stable security environment, and, at the same time, "to be given a broader mandate, not only in organizing, but also in promoting and advancing, the cause of national reconciliation." Although fraught with potential contradictions, this duality in the mandate (the iron hand in the velvet glove) more or less captured the political situation in Somalia, where the Somali political movements had made some negotiating progress towards a more stable situation, and had agreed in principle to a comprehensive disarmament program, but in a halting manner and with little or no collective capacity to keep their promises. In these circumstances, the Secretary-General was of the firm view that the new mandate "must cover the whole territory of Somalia and include disarmament." UNOSOM II, therefore,

⁷¹ Text of the Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia, 27 March 1993, p. 2.

⁷² S/25168, p. 4; S/25354, 3 March 1993, p. 2. The Secretary-General quoted the UNITAF commander as claiming that "all areas are stable or relatively stable," but immediately noted that only 40% of Somalia was under UNITAF control.

with a predicted total strength of 28,000 personnel, was given a mandate far more ambitious and multi-dimensional than its much stronger predecessor, UNITAF.⁷³

3. The Disarmament Mandate

The disarmament mandate of UNOSOM II was the vital link between the military and social reconstruction components of the mandate. The latter included helping the Somali people to rebuild the economy and create new political and institutional structures, including a national police force and courts. The military functions included monitoring the cease-fire, preventing the resumption of fighting if necessary by taking appropriate action against non-complying parties, protecting ports and supply routes, providing security to UN and other personnel involved in the ongoing relief operation, patrolling the borders of Somalia, assisting in the development of programs for mine clearing, and guarding heavy weapons and other arms depots established under the disarmament program.

Between the military and civil components, the disarmament process envisaged for Somalia bore certain procedural resemblances to Cambodia, but, on the key issue of enforcement, it differed fundamentally. On the basis of the January 1993 Addis Ababa agreement, a planning committee drawn from UNITAF and UNOSOM II proposed that the disarmament process should be "continuous and irreversible," with a "standardized and simple process" used to disarm all factions who, once having committed themselves to the process, would have no further claim on their weapons. The process would be enforceable, with UNOSOM II entitled to confiscate or destroy the weapons of factions who did not comply with timetables or other requirements, but the Somali themselves would agree on these procedures under the supervision of UNOSOM II.⁷⁴

The concept called for the establishment of cantonments where heavy weapons would be stored, and transition sites, where militias would be given accommodations while they turned in their small arms and received guidance and training for civilian occupations. The two types of sites would be at a significant distance from each other in order to minimize the risk of repossession, with UNOSOM II personnel taking responsibility for cantonment security, and having

⁷³ S/25354, pp. 12 and 15. The Secretary-General acknowledged the discrepancy between the strengths of UNITAF and UNOSOM II, but argued that, amongst other factors, "the task at hand now is to control sporadic and localized fighting and can therefore be dealt with by fewer troops."

⁷⁴ S/25354, p. 14.

the right of inspection of the transition sites. As national reconciliation proceeded, the disarmament plan envisaged that a committee of UN officials and faction leaders would determine the military needs of a new Somali government, and so determine which heavy weapons should be destroyed and which should be handed over to the government.⁷⁵ Security Council Resolution 814 accepted all of these proposals, emphasizing "the crucial importance of disarmament and the urgent need to build on the efforts of UNITAF." It was left to the Secretary-General to determine the exact date of the military handover to UNOSOM II, which, in the outcome, was 4 May 1993.

4. The Disarmament Experience

Although UNITAF did not have a mandate to disarm the militias, its mission to create a secure environment for the humanitarian relief operation called for the confiscation of weapons where this was appropriate. Under the firm hand of the United States, UNITAF took resolute measures to secure the safety of its own personnel and, where it was then possible, the safety of the aid workers. Since heavy, crew-served weapons were the principal military threat, UNITAF could use appropriate force where necessary to eliminate them. Against the backdrop of the January 1993 cease-fire agreement amongst the factions, UNITAF persuaded the militias in Mogadishu to place their heavy weapons in "authorized weapons storage sites." Unlike the UNOSOM II disarmament concept, these locations were controlled by the militias, but were subject to inspection by UNITAF. This arrangement appeared to work relatively well while UNITAF was in full flight, and it was appropriate to the UNITAF mandate. It worked less well as the arrival of UNOSOM II neared, in part because the UNOSOM II mandate was a much greater threat to the militias since they would lose control of their heavy weapons.⁷⁶

⁷⁵ S/25354, pp. 13-14.

⁷⁶ The weapons which had been voluntarily placed in storage sites designated by UNITAF but with control remaining in the hands of the militias should logically have been handed over to UNOSOM with the militias losing control, and this, of course, they resisted. See United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Somalia," in Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, questionnaire number S099.

Second, in an intermittent process which was situationally driven, UNITAF confiscated small arms from the militias and other armed groups, mainly when these weapons were openly displayed or the intent of the bearers was considered a threat to UNITAF personnel. This procedure soon caused difficulties for the NGO's, who hired just such individuals as armed guards, and the tension that resulted was an element in the frequently poor relationship between NGO's and UNITAF.⁷⁷

Third, UNITAF briefly experimented with an incentive program which would have traded food for weapons or information about weapons in storage, but did not proceed with it. Although there were cultural reasons which might have made such a program problematic, any incentive program was likely to be defeated by a fundamental reality: Somalia was awash with weapons, and an incentive program would probably have fuelled the weapons trade.⁷⁸

The UNITAF disarmament experience was limited, therefore, but it nevertheless served as the basis for the UNOSOM II disarmament plan. A joint planning group drawn from the two missions developed the essentials of the plan that was submitted by the Secretary-General to the Security Council, and close cooperation between US headquarters personnel and UNOSOM II disarmament personnel continued long after the departure of UNITAF *per se*. However, the UNOSOM II disarmament program was quickly and severely disrupted when, on 5 June 1993, a Pakistani inspection team was ambushed by Aideed's militia men and suffered severe losses. Thereafter, the disarmament program fragmented. In certain areas, UN personnel cooperated with local groups and proceeded with local variations of the mandate, including weapons free zones and *ad hoc* agreements concerning the carrying of small arms and the storage of weapons.⁷⁹ In other cases,

⁷⁷ For example, F.M. Lorenz comments: "[Humanitarian Relief Organizations] registered their complaints with the Civil-Military Operations Center (CMOC), a part of the UN Humanitarian Operation Center. By mid-January 1993 the CMOC looked like an armory, as improperly confiscated weapons were identified and returned to the HROs." ("Law and Anarchy in Somalia," *Parameters*, Winter 1993-94, p. 32).

⁷⁸ See Lorenz, pp. 31-32. A DCR Questionnaire respondent commented: "The Somalis may have been poor enough to sell their weapons [to UNITAF], but weapons were so important for personal security or power that there was no way to determine whether they would buy another weapon (most assessments predicted that was exactly what they would do). If they did, that would have made us a part of the business cycle of the regional arms market." Personal note, DCR Research Files.

⁷⁹ Kismayo, for example, was declared a "weapon free city" two months after the UN arrived, as was the Jubba valley later. These were exceptions, however. One DCR Questionnaire respondent commented: "Our action in the north of the country and in Mogadishu was made more

disarmament was seen as inseparable from providing help to, and establishing good working relations with, the local people, and was not accorded the priority given to it in the mandate.⁸⁰ In Mogadishu, on the other hand, the attack on the Pakistanis was the signal for the beginning of coercive disarmament.⁸¹

In the aftermath of the 5 June 1993 incident, UNOSOM II took the military initiative and sought to capture and destroy the heavy weapons of the Mogadishu factions, especially the USC, while, in other parts of the country, it sought to promote cooperative disarmament. In August 1993 the Secretary-General reported "reliable indications that increased activity by UNOSOM forces is having an effect" on the Aideed militia forces, but cautioned also that those forces still had the capacity to attack UNOSOM. He continued:

The June incidents, and their aftermath, have provided ample evidence of the over-abundance of heavy, medium and light weapons in the southern part of city. Low-intensity attacks on key facilities, such as the Mogadishu port, the Force Command headquarters, the airfield and other support bases, may continue. In these circumstances, and as mandated by Security Council Resolution 837 (1993), UNOSOM will have to maintain a forceful disarmament program in south Mogadishu as long as resistance continues.⁸²

Resistance did continue. In the first eight months UNITAF and UNOSOM destroyed large quantities of weapons, including 400 machine guns, rocket

difficult because in the rest of the country disarmament wasn't given the same consideration by other UN forces." (See UNIDIR, "Analysis Report: Somalia," question numbers: S146, S055). Another respondent explained more succinctly: "Disarmament had a different meaning according to the culture of the troops (meaning US is not Europe is not Asia)." (*Ibid.*, questionnaire number S142).

⁸⁰ For an account of the Italian approach in this respect, see briefing by General Loi to DCR Project, 30 March 1995. General Loi does not mention disarmament in explaining the Italian approach to UNOSOM II, except indirectly by stressing the dangers of using force in operations where "it is important to conduct surgical military operations - meaning operations in which one can avoid bloody implications for innocent civilians." (See General Bruno Loi, "Reflections on Italian Participation in Peacekeeping Operations," paper presented to the Disarmament and Conflict Resolution Project, United Nations Institute for Disarmament Research, Geneva, 30 March 1995).

⁸¹ Although it should be noted that the issue was not simply about the challenge to the mandate. Both the Peacekeeping Committee of the General Assembly and the Security Council had been concerned with the safety of peacekeepers. The Secretary-General had emphasized the matter in *An Agenda for Peace* (paragraphs 66-68), and two months before the 5 June 1993 incident, the Security Council had supported attempts to develop a convention on the status and safety of UN peacekeeping personnel. (Security Council Note S/25493, 31 March 1993; General Assembly Resolution 47/72, and A/48/173, 25 May 1993).

⁸² S/26317, 17 August 1993, p. 5.

launchers and mortars, almost 50 armoured vehicles including tanks, APC's and self-propelled guns, and more than 400 artillery pieces. This may have seriously weakened Aideed militarily, but it did not produce disarmament. The Secretary-General constantly reiterated the centrality of disarmament in the mandate, but in January 1994 he was forced to admit failure:

In accordance with the mandate entrusted to it by the Security Council, and after deliberate attacks against it by one of the Somali parties, UNOSOM II tried to bring about disarmament through coercive means. However, as the members of the Security Council are aware, this course of action has proved to be impractical.⁸³

5. Observations

UNOSOM II was created with a specific mandate to enforce disarmament if necessary, a task that no previous UN peacekeeping operation had been charged with. The experience with UNOSOM II suggested that, in 1993, the UN was unable to deploy a multinational force under UN command and control able to take concerted and sustained offensive action against a determined opponent. An officer with experience in both UNITAF and UNOSOM commented:

UNITAF Headquarters was a functioning national headquarters with attached other nation liaison officers The UNITAF HQ [headquarters] was extremely well organized and run and provided clear guidance and command and staff support. The flow of information was fluent. The contrast with both UNOSOM I and II HQ's was telling.⁸⁴

The political and military strain caused by combat operations further weakened UNOSOM's ability to implement coercive disarmament. Militarily, different languages, military procedures, tactical communications and degrees of commitment weakened the operation. Politically, national governments were nervous about casualties, and the tendency for national contingents to take orders directly from their home governments increased as the likelihood of conflict and casualties increased.

Furthermore, UNOSOM was called upon to combine coercive action against non-compliant parties with, amongst other things, understanding and support of the

⁸³ S/1994/12, 6 January 1994. In a review of the UN experience in Somalia submitted to the Security Council on 28 March 1995, which marked the end of the mission, the Secretary-General gave an account of the significant achievements of UNOSOM II, but did not mention disarmament, the element which at the outset had been central to the mission.

⁸⁴ See UNIDIR, "Analysis Report: Somalia," questionnaire number S073.

civilian emergency relief operation. At the height of the emergency, there were six major UN organizations coordinating humanitarian relief in Somalia, and, in addition to numerous local NGO's and their overseas partners, there were 30 large NGO's working as "implementing partners" with the UN.⁸⁵ The NGO's were frequently unhappy with the military, as in the case of the confiscation of the small arms carried by the "technicals," but, on the other hand, the military were not always pleased with the NGO's. This was particularly the case with UNITAF:

The Humanitarian Affairs people would not/could not draw the difference between Chapter VI and Chapter VII operations. They would not work with the force [UNITAF], nor constrain [their] operations based on force recommendations. They would not support Force disarmament incentive programs.⁸⁶

Finally, with so many military resources and almost all political attention focused on Mogadishu, the attempt at coercive disarmament drew attention away from the efforts at cooperative disarmament in other areas of the country. The Cease-fire and Disarmament Committee, for example, which was composed of representatives from all 15 political factions, may have functioned moderately well in certain areas. Many commanders operating outside Mogadishu stressed the importance of cooperative relations with local authorities, and pursued cooperative disarmament with some degree of success. The operation, however, was judged by the coercive disarmament campaign in Mogadishu, and that was a failure.

It may be asked, therefore, whether there were any conceivable circumstances in which coercive disarmament could have succeeded, as the Security Council clearly thought was possible in voting to support the mandate of UNOSOM II. A part of the answer to this question may be found in Resolution 814, 26 March 1993, paragraph 11, in which the Security Council called upon "all states, in particular neighbouring states, to cooperate in the implementation of the arms embargo."⁸⁷ Since the borders of Somalia were completely porous to arms traffic, and the actual holdings of the various militia could only be guessed at, UNOSOM II was charged with a disarmament mandate in a context which differed in one vital respect from the operations in ONUCA and UNTAC. In those cases (and, it

⁸⁵ DPI Reference Paper, p. 4.

⁸⁶ See UNIDIR, "Analysis Report: Somalia," questionnaire number S100. Another respondent in the field at the same time (from December 1992 to June 1993) commented: "Lack of humanitarian support for demobilization doomed [the] plan." (*Ibid.*, questionnaire number S099).

⁸⁷ See Adibe, pp. 64-65, for details on the arms embargo.

might even be argued, in the special circumstances of Sector West) the regional powers had reached a firm understanding that it was in their collective self-interest to constrain arms traffic. In Somalia this was not the case, and, as a consequence, in the best of circumstances the UNOSOM disarmament campaign chased a moving target.⁸⁸

Despite this severe impediment, it might be argued that a thoroughly determined campaign by UNITAF at the very outset could have been successful. Almost all military observers in the field, as in UNTAC and Sector West, observe that the influence of the international force is most effective in the earliest days, when they are most likely to enjoy broad support amongst the population and impress the militias with a show of strength and determination. UNOSOM II could not do this, for it was too late in the field, and too slow in its deployment.

In his final report on UNOSOM II, Boutros Boutros-Ghali commented: "There is a need for careful and creative rethinking about peacemaking, peace-keeping and peace-building in the context of the Somali operation." With the benefit of hindsight, then, it might be argued that when it became evident that coercive disarmament could be brought about only through the application of substantial force, the Secretary-General and his advisors might have referred back to their recent experience in Cambodia, where disarmament, apparently also a "*conditio sine qua non*"⁸⁹ of the operation, was abruptly abandoned as an objective when it became clear that it could not be accomplished by the UN force in the field. In the case of UNOSOM, this might have meant returning to the UNITAF mission of creating a secure environment for humanitarian relief, perhaps as early as June 1993, while persuading the Somali political movements to return to the conference table.

VI. Conclusions

⁸⁸ The data used for planning purposes by the UNITAF/UNOSOM II planning team indicated that the factions possessed 108 tanks, 35 APC's, 80 "technical vehicles," 132 artillery pieces, 76 anti-aircraft artillery, 61 mortars, 11 heavy machine guns, 33 recoilless rifles, 57 rocket propelled grenades, and 520 light machine guns. (See UNIDIR, "Analysis Report: Somalia.").

⁸⁹ In his Report of 17 August 1993, the Secretary-General commented: "... the international community has known from the very beginning that effective disarmament of all the factions and warlords is a *conditio sine qua non* for other aspects of UNOSOM's mandate, be they political, civil, humanitarian, rehabilitation or reconstruction". (S/26317, p. 17).

The case studies reviewed in this analysis by no means exhaust the UN experience with disarmament in peacekeeping operations, but they point to conclusions which may be worth testing in other cases. These conclusions concern the regional context in which disarmament is attempted, the necessary attributes for success in the field, and the organization of UN peacekeeping operations with a disarmament mandate.

In both Central America and Cambodia, a strong regional consensus had developed in support of the disarmament operation. In these cases, border monitoring, while not perfect, was adequate because the traffic in arms was restricted by the powers with the ability to restrict it. UN monitoring served to reinforce the consensus. Despite the arms embargoes in Somalia and the former Yugoslavia, arms trafficking never ceased. In situations where borders are porous, therefore, disarmament operations are not likely to be successful, and perhaps should not be attempted unless there is a parallel or prior commitment to seal off the area of operations.

In regard to field operations, the case studies clearly demonstrate that the prospects for successful disarmament diminish the greater the delay in the deployment of the force. In the first phase of an operation, when there is least challenge to the cease-fire and most support for the presence of the UN peacekeeping mission, determined and purposeful UN actions, as demonstrated in Sector West, can overcome local misgivings and generate momentum and commitment to the mandate. As time passes and the disarmament mandate has not been translated into vigorous and clearly understood actions, both the parties and the peacekeepers begin to turn away from the commitment, and the resulting erosion of the mandate starts an irreversible process.

Unfortunately, the UN has great difficulty in deploying peacekeeping operations promptly and fully. A part of this problem lies with the Member States, who are increasingly reluctant or unable to make personnel available in a timely manner. As well, however, the UN has not yet made the organizational changes which are necessary for the successful management of complex peacekeeping operations. Operations on the scale of UNTAC, UNPROFOR and UNOSOM II require detailed, advance planning and management, suggesting that a standing operational headquarters is required. Such a headquarters might also help counter the noticeable tendency, especially in UNOSOM, for national contingents to look to their capitals for instruction rather than to the Force Commander.

Finally, the Security Council should beware of drafting mandates authorizing coercive disarmament. For the reasons cited above, UN peacekeeping forces are ill-suited to conduct the kind of offensive operations necessary to coerce a determined opponent into disarmament. This conclusion, however, points to a

separate and difficult question. Incidents such as those involving the disarmament of the Serb and Croat observation posts in Sector West cast a slightly more positive light on a conundrum which the UN has yet to solve. Given the extreme reluctance of many Member States to support peace enforcement, and the unsuitability of many peacekeeping units to engage in offensive operations, in the current peacekeeping environment the UN is all too often held to ransom by factions whose non-compliance with agreements which they have previously signed goes unpunished. Until the UN finds a way between the hollow invocations of Chapter VII to which the Security Council is now prone, and acceptance that any recalcitrant party can sabotage a mission by withdrawing its consent, the frustration of complex UN peacekeeping operations, especially in regard to disarmament, is likely to continue.

Chapter 5

Rules of Engagement, Force Structure and Composition in United Nations Disarmament Operations

Jane Boulden

Introduction

The purpose of this paper is to explore the issues and problems relating to the rules of engagement in United Nations missions with disarmament mandates. Since rules of engagement concern the use of force, they touch on some of the most sensitive and politically difficult aspects of a United Nations operation. This is especially the case in operations with a disarmament component where the operation does not have consent from all of the parties involved. This paper seeks to draw out the key issues relating to rules of engagement in recent UN operations involving disarmament.

The work examines the experience in four case studies: Somalia, Haiti, the former Yugoslavia, and Angola, drawing on the basic case studies done in the first phase of the Disarmament and Conflict Resolution (DCR) project, the DCR questionnaires completed by military and civilian personnel involved in these operations,¹ and some primary and secondary source material from other sources. The paper is divided into four sections. The first section examines the relationship between the disarmament tasks of a mission, the overall mandate and the rules of engagement and then discusses the issues raised by that overview. Next, the paper explores the problems associated with mixing Chapter VI and VII mandates and contexts in Somalia and the former Yugoslavia. The third section deals with the role of the media, and the fourth discusses the issues and problems that arise as a result of the multinational nature of United Nations operations as they emerge from the DCR questionnaires. The paper concludes with a summary of recommendations that emerge from the foregoing discussion.

¹ United Nations Institute for Disarmament Research (UNIDIR), *Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations*, Geneva: United Nations, January 1995.

I. The Relationship between Mandates and Rules of Engagement

1. Somalia²

The operation in Somalia occurred in three distinct phases with three different mandates. The first United Nations Observer Mission in Somalia (UNOSOM I) was authorized by the Security Council in Resolution 751 on 24 April 1992. It lasted until the beginning of the Unified Task Force (UNITAF) operation. The UNOSOM I mandate was limited and did not include any direct weapons control provisions, and therefore, is not dealt with here. UNITAF was authorized on 3 December 1992 by Resolution 794, and lasted from 9 December 1992 to May 1993. UNOSOM II officially began on 4 May 1993 and ended with the withdrawal of UN forces on 31 March 1995.

The UNITAF mandate was established in the Security Council resolution authorizing its creation and reflected the nature of the US offer “to take the lead in organizing and commanding such an operation”. Under Resolution 794, the Security Council:

Acting under Chapter VII of the Charter of the United Nations authorizes the Secretary-General and Member States cooperating to implement the [US offer]... to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia....

Although the need to establish a secure environment for the delivery of humanitarian aid was the key element of the mandate, the enabling resolution also noted the Security Council’s determination to “restore peace, stability and law and order” and reaffirmed its “demand that all parties, movements and factions in Somalia immediately cease hostilities, maintain a cease-fire throughout the country and cooperate... with the military forces to be established....” The Security Council welcomed the offer by the United States (though unnamed in the resolution itself) to establish the operation to create the secure environment.

The US Central Command (USCENTCOM) was in charge of UNITAF. The text of the mission statement issued by CENTCOM reads:

When directed by the National Command Authority, USCINCCENT will conduct joint/combined military operations in Somalia, to secure major air and sea ports, to provide

² For a discussion of the UN operation in Somalia as a whole, see Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995.

open and free passage of relief supplies, to provide security for relief convoys and relief organizations, and to assist the United Nations/nongovernmental organizations in providing humanitarian relief under UN auspices.³

The difference between the mandate of the UN operation as found in the Security Council resolution and the mission statement developed by the US, reveals an early disagreement between the UN Secretariat and the US government on the extent to which the mandate required that the Somali factions be disarmed. The US attitude was that disarmament was a secondary, operational decision to be made by the Field Commander rather than a fundamental part of the mandate.⁴ The UN felt that disarmament was a fundamental aspect of the mandate, represented by the call for a secure environment and the establishment of a cease-fire.

The rules of engagement (RoE) established by the US, in the context of the primary goal of establishing a secure environment, did provide for disarmament of groups and individuals in certain situations. As a result, disarmament occurred as part of the UNITAF operation, though as a consequence of the RoE rather than as a formal objective of the mandate.⁵ The rules of engagement for UNITAF were established by CENTCOM prior to the beginning of the mission. The peacetime rules of engagement for CENTCOM were used as a base. These were then modified to take into account the abundance of weapons under the control of unstable persons or groups in Somalia.⁶ This fact was a potential threat to the mission and the RoE were developed with that in mind.

These RoE applied to all of the countries participating in UNITAF. They stated:

Crew served weapons are considered a threat to UNITAF forces and the relief effort whether or not the crew demonstrates hostile intent. Commanders are authorized to use all necessary force to confiscate and demilitarize crew served weapons in their areas of operations.... Within areas under the control of UNITAF Forces, armed individuals may be considered a threat to UNITAF and the relief effort whether or not the individual demonstrates hostile intent. Commanders are authorized to use all necessary force to disarm individuals in areas

³ As quoted by F.M. Lorenz in "Law and Anarchy in Somalia," *Parameters* 23.4 (Winter 1993-94): fn 2.

⁴ Adibe, p. 67.

⁵ Other, limited weapons control efforts were undertaken. See, Adibe, pp. 66-68 and 69-70.

⁶ The RoE were also developed within the context of the basic principles of international humanitarian law and the laws of war. See Lorenz, "Law and Anarchy".

under the control of UNITAF. Absent a hostile or criminal act, individuals and associated vehicles will be released after any weapons are removed/demilitarized.⁷

Depending on their interpretation, the RoE provided for quite significant and strong action. The authorization of “all necessary force” in carrying out disarmament actions, and the instruction to consider crew-served weapons and individuals to be a threat “whether or not” they demonstrate “hostile intent”, were potentially powerful rules of engagement. In practice, the rules were interpreted to direct the confiscation of weapons only when they were openly displayed. This simplified the procedures and made the rules clear to all concerned.

Commanders were justifiably reluctant to issue complex confiscation rules that required the use of a reference book or legal interpretation before a weapon could be taken. From the beginning of the operation, UNITAF forces were called upon to exercise their individual judgment in the confiscation of weapons. This outcome not only made the policy relatively easy to understand, but it protected the individual rifleman who had to make quick decisions under dangerous conditions.⁸

In the outcome, a minimum of force was used. Soldiers generally approached individuals and crew-served vehicles without using force and disarmed them, with little trouble. Responses to the DCR Practitioners’ Questionnaire bear out this experience.⁹

The RoE were clear not only to those implementing them but also to those on the receiving end. As became particularly evident during UNOSOM II, the extent of the RoE and their interpretation were quickly transmitted to the Somali population. In combination with the show of overwhelming force on the part of UNITAF, this had the effect of ensuring a “secure environment” in Mogadishu. Within a short period of time, weapons and technical vehicles were not carried or operated openly in the streets of Mogadishu. This outcome is probably more properly described as weapons management than disarmament since most weapons were simply put out of sight. The confiscations that did occur did little to contribute to an overall lowering

⁷ As quoted in F.M. Lorenz, “Rules of Engagement in Somalia: Were They Effective?,” *Naval Law Review*, May 1995.

⁸ Lorenz, “Law and Anarchy,” p. 31. See also Kenneth Allard, *Somalia Operations: Lessons Learned*, National Defense University Press, 1995.

⁹ See, for example, the analysis of the DCR questionnaires presented in United Nations Institute for Disarmament Research (UNIDIR), “Analysis Report of Practitioners’ Questionnaires on Weapons Control, Disarmament, and Demobilization During Peacekeeping Operations: Somalia,” in Adibe, pp. 135-231.

of the level of armament in the area. In this case, successful weapons management was an outcome of the RoE rather than a mission objective.

When UNOSOM II took over from UNITAF, therefore, it inherited a secure environment but not a disarmed one. In addition to working to expand and enhance the secure environment created by UNITAF, the Security Council gave UNOSOM II the following specific disarmament tasks¹⁰ based on the agreement reached by 15 representatives of the warring factions at Addis Ababa on 8 January 1993:

- to maintain control of the heavy weapons of the organized factions which will have been brought under international control pending their eventual destruction or transfer to a newly constituted national army; [and]
- to seize the small arms of all unauthorized armed elements and to assist in the registration and security of such arms....¹¹

As will be discussed below in the section on mixing Chapters VI and VII, virtually from the beginning, UNOSOM II, which was considerably less equipped and supported than UNITAF, had difficulty maintaining the secure environment. In any situation, the disarmament of warring factions which still consider themselves to be in conflict with one another is extremely difficult and dangerous. Added to this, the warring factions quickly understood the limits of UNOSOM II's abilities and reacted accordingly. When the disarmament aspects of UNOSOM II's mandate became mixed in with the expanded mandate involving the pursuit of those responsible for an attack on UN troops, the UNOSOM operation began to become part of the conflict rather than separate from it.

The Importance of Mogadishu

During the UN's time in Somalia, the situations in Mogadishu and in the rest of the country were markedly different in terms of the level of stability and the local reaction to the UN's presence and its objectives. Outside Mogadishu, especially in the north, considerable progress was made towards political stability and disarmament, and UN troops had little need to use the RoE to the extent required in Mogadishu.¹²

¹⁰ For a full discussion of the disarmament mandate for UNOSOM II, see David Cox's chapter in this volume.

¹¹ S/25354, 3 March 1993, paragraph 57, (c) and (d).

¹² See Adibe, pp. 83-84; and Robert G. Patman, "The UN Operation in Somalia," in R. Thakur, C.A. Thayer, eds. *A Crisis of Expectations, UN Peacekeeping in the 1990s*, Boulder, Colo: Westview Press, 1995, p. 103.

However, the inability to maintain a secure environment and to pursue a viable weapons management program in Mogadishu meant that the United Nations was unable to achieve anything in the way of political agreement or stability for the country as a whole. Mogadishu was the key to success in Somalia for the fighting factions. Attempting disarmament of the warring factions there was a dim prospect. The UN's decision that its own success was dependent on progress in Mogadishu and its ultimate failure there translated into overall failure in the country.

2. Haiti¹³

The UN operation in Haiti unfolded in two phases. In the first phase, a US-led multi-national military operation (MNF), acting under Chapter VII of the UN Charter undertook to ensure the departure of the military dictatorship and to establish a secure environment. The MNF operation paved the way for a peacekeeping operation, the United Nations Mission in Haiti (UNMIH), which was given the task of overseeing the next phase in the Haitian transition to democracy, as outlined under the Governors Island Agreement.¹⁴

The mandate for the MNF was based on Security Council Resolution 940 of 31 July 1994. By this resolution the Security Council authorized member states:

To form a multinational force under unified command and control and ... to use all necessary means to facilitate the departure from Haiti of the military leadership, ... the prompt return of the legitimately elected President ... and to establish and maintain a secure and stable environment that will permit implementation of the Governors Island Agreement....¹⁵

The resolution also approved the establishment of an advance team for UNMIH. Perhaps reflecting a lesson from Somalia, instead of setting an exact date for the transition to UNMIH, the Security Council called for the transition to occur "when a secure and stable environment has been established and UNMIH has adequate force capability and structure to assume the full range of its functions".¹⁶

¹³ For a discussion of the UN operation in Haiti as a whole, see Marcos Mendiburu, *Managing Arms in Peace Processes: Haiti*, Geneva: United Nations, unpublished draft.

¹⁴ The Governors Island Accord was signed by Aristide and Cédras at Governors Island, under UN auspices on 3 July 1994. *Inter alia*, it included provisions for reforming the parliament, the police and the Haitian army. It also provided for General Cédras' departure and Aristide's reinstatement as President.

¹⁵ Security Council Resolution 940, 31 July 1994, paragraph 4.

¹⁶ *Ibid.*, paragraph 8.

UNMIH's mandate was established in Security Council Resolution 867, passed in 1993.¹⁷ The mandate, based in Chapter VI of the Charter, focuses on ensuring the implementation of the provisions of the Governors Island Agreement. The mandate for UNMIH was reaffirmed in Security Council Resolution 975 of 30 January 1995, which approved the transition from MNF to UNMIH. The transition was to be completed by 31 March 1995.

Rules of Engagement

When the MNF operation was first conceived, it was expected that it would face opposition from the military dictatorship and the Haitian army. A last-minute agreement brokered by former US President Jimmy Carter allowed for an unopposed landing. Had the MNF been required to enter Haiti forcefully, the RoE would have been combat RoE. As it was, the MNF troops were able to land in Haiti in a "semi-permissive" environment.

The RoE used by the MNF were written by the US Atlantic Command in consultation with United Nations officials. As always, they authorized the use of self-defense. The RoE also provided for the use of force to control disturbances and in responding to serious crimes. However, the use of deadly force was not permitted for the purposes of disarming Haitians or stopping looting unless the people involved demonstrated hostile intent. The rules of engagement for UNMIH were more restricted than those of the MNF, although like those for the MNF, they reflected a concern with problems associated with public order rather than conflict.¹⁸ In response to some widely-publicized incidents of situations in which Haitians were severely beaten or killed and the UN troops did not intervene, the new RoE included a provision for intervention to prevent death or grievous bodily harm by a hostile group, but only when authorized by the Force Commander.

As with UNITAF in Somalia, one of the key goals of the MNF was to establish a secure environment. However, the similarity between the two situations ends there. In the Haitian case, the secure environment was the precursor to a governmental transition, whereas in Somalia, a secure environment was established to facilitate the delivery of humanitarian aid. The MNF RoE reflected the fact that there was no ongoing conflict in the country. The violence and threats faced by the MNF were ones associated with public order rather than active resistance to the UN or ongoing

¹⁷ Security Council Resolution 867, 23 September 1993.

¹⁸ The inclusion of the ability to become involved in serious criminal acts was a product of the uproar over incidents very early on in the MNF operation where MNF personnel stood aside while someone was beaten. The media coverage of these types of events prompted a strengthening of the RoE, permitting soldiers to intervene. This is an example of the influence of the media on issues relating to RoE.

conflict. In this respect, a telling contrast with Somalia is the restraint on the use of force to disarm Haitians unless they demonstrated hostile intent.

In further contrast to the approach taken in Somalia, the MNF actively sought out and confiscated weapons as part of its effort to create a secure environment.¹⁹ An initial report from the MNF noted that the Force had taken control of the Heavy Weapon Company of the Haitian armed forces and begun a weapons control program, including a weapons buy-back program. The report noted that such activities “constitute the foundation for establishing the secure and stable environment necessary to restore and maintain democracy in Haiti.”²⁰ A later report noted that the MNF “continues to search aggressively for and seize weapons caches.” It went on to state that operations against the “Front révolutionnaire pour l’avancement et le progrès en Haiti (FRAPH) and the attachés weakened them, netted arms caches, and were supported widely by the Haitian people.”²¹ In November, the MNF reported that:

... with input from the Government of Haiti, the multinational force is overseeing the dismantling of several companies of the Forces Armées d’Haiti. The weapons reduction and weapons buy-back programs have resulted in well over 13,000 weapons and explosives being taken out of circulation. When provided with credible intelligence, the multinational force continues to conduct raids to confiscate weapons caches. Most of the confiscated and purchased weapons have been destroyed.²²

By late November the MNF was able to say that “there were no incidents of violence directed against the Multinational Force or the United Nations Mission in Haiti (UNMIH) advance team and no incidents in which forces of the Multinational Force had to fire their weapons in self-defense.”²³

Initially, there was some concern that the transition from MNF to UNMIH might bring about a deterioration in the secure environment that had been established, and thus threaten the pursuit of the mission’s objectives. With the Somalia experience in mind, the concern was that a more restricted, more lightly-armed, smaller-scale operation might not be able to maintain security. More than 30,000 arms were either

¹⁹ An interesting question is whether this was a lesson learned by the US, or a decision made on the basis of the situation in Haiti - which was of a more limited scale (fewer parties, fewer weapons), and which took place on an island (thus making it easier to control incoming weapons).

²⁰ S/1994/1107, 28 September 1994.

²¹ S/1994/1148, 10 October 1994, p. 3.

²² S/1994/1258, 7 November 1994, p. 3.

²³ S/1994/1321, 21 November 1994, p. 2.

seized or bought by the MNF but it was thought that a large number of arms were still available to paramilitary groups, and that such groups were not committed to the transition process. In the end, however, security did not prove to be a major problem for UNMIH. It is not clear that this achievement can be attributed to any single factor. The UNMIH operation was somewhat better supported in terms of equipment and personnel than other peacekeeping operations, perhaps due to an ongoing US commitment to the process. More particularly, UNMIH's overall mission related to a domestic governmental transition in which the previous, illegal military regime had left the country. The initial difficult objectives of the mission - the removal of the military dictatorship and the administrative regime supporting it - had already been accomplished before UNMIH was deployed.

3. The Former Yugoslavia²⁴

When first planned, the United Nations Protection Force (UNPROFOR) was to be a traditional peacekeeping operation. The initial concept for the force was outlined in a report by the Secretary-General in November 1991. In that report, the Secretary-General stated that UN personnel "who were armed would have standing instructions to use force to the minimum extent necessary and normally only in self-defense."²⁵ Although full consent and cooperation were still not forthcoming from all of the parties to the conflict, in mid-February 1992 the Secretary-General recommended that the proposed peacekeeping force be deployed. In making this recommendation, he re-affirmed that "the normal rules in United Nations peace-keeping operations for the bearing and use of arms [would] apply."²⁶

Rules of Engagement

The rules of engagement established for UNPROFOR reflect this essential premise - that the UNPROFOR operation was a peacekeeping operation and that troops would act in self-defense. Since the 1970's, the concept of self-defense in peacekeeping operations has been defined to include situations where troops are being prevented from carrying out the mandate of the mission. UNPROFOR rules of engagement thus gave personnel the authority to use their weapons to defend themselves, other UN personnel, or persons and areas under their protection and,

²⁴ For a thorough discussion of the UNPROFOR operation and its political contexts, see Barbara Ekwall-Uebelhart and Andrei Raevsky, *Managing Arms in Peace Processes: Croatia and Bosnia-Herzegovina*, Geneva: United Nations, 1996.

²⁵ S/23280, 11 December 1991, Annex III, paragraph 4.

²⁶ S/23592, 15 February 1992, p. 6, paragraph 22.

acting under the authority of the Force Commander, to resist attempts by forceful means to prevent the mission from carrying out its duties. In addition, UNPROFOR rules of engagement added a provision specific to the mission mandate, which permitted the use of weapons to resist “deliberate military or para-military incursions into the United Nations Protected Areas.”²⁷

The actual guidelines for how and under what circumstances weapons were or were not to be used provided for a series of options. The option chosen depended upon the situation. For example, options in response to hostile intent or acts without returning fire ranged from observation, reporting and withdrawal to warning the aggressor of the intent to use force and demonstrating intent to do so. Specific steps were to be followed when dealing with an aggressor, ending with the use of force as a last resort. In using fire, retaliation was forbidden and minimum force was to be used at all times. When disarming paramilitary units, civilians or soldiers, UNPROFOR personnel were permitted to use minimum force when the failure to do so would have resulted in UNPROFOR being unable to carry out its task, or when hostile intent was demonstrated or a hostile act committed. In addition, a readiness system was established which provided for different levels of alert in a given area of operations to allow for a graduated response to changing threat situations.

The situations in which force might be used without issuing a challenge were limited to those in which:

An attack by an aggressor comes so unexpectedly that even a moment’s delay could: a. lead to death or serious injury to the UN personnel; b. lead to death or serious injury to person whom it is the UNPROFOR duty to protect; or, c. the property which UNPROFOR has been ordered to guard with firearms is actually under attack.²⁸

Major-General John MacInnis, the deputy force commander for UNPROFOR from June 1993 to August 1994, stated said that during visits to units he made a habit of asking individual soldiers to explain the conditions under which force might be used automatically:

In return, I expected three items: the fact that they, their mates, or their positions were being targeted; that they could identify the source of the fire; and that they could engage their attackers without causing harm to non-combatants.²⁹

²⁷ Force Commander Directive No. 01, Rules of Engagement, 24 March 1992, draft. See also Force Commander’s Policy Directive No. 13, Revised, 24 June 1994.

²⁸ *Ibid.*

²⁹ Major-General John A. MacInnis, “The Rules of Engagement for UN Peacekeeping Forces in Former Yugoslavia: A Response,” *Orbis* (Winter 1995): p. 98.

The key rule of engagement, unchanging no matter the situation, was the right of UN personnel to use force in self-defense when faced with aggression that was life-threatening. As occurred in Somalia, a set of basic guidelines was established for distribution to all troops, emphasizing the right to use force in self-defense, the need to use minimum force and the imperative of using it only as a last resort. The guidelines provided the conditions for opening fire and gave the Serbo-Croat phrase to be used when challenging (see Annex 3).

Changes in the rules of engagement were made by the Force Commander for the force as a whole. Perhaps in recognition of the varied tasks and situations facing UNPROFOR troops, Sector Commanders were given the authority to change the RoE within sectors and to delegate this authority to battalion commanders. Given the varied tasks and situations of UNPROFOR troops and the differences in the degree of armament of the different national contingents, the importance of RoE to the implementation of weapons management tasks also varied widely.

Disarmament Issues - The UNPROFOR Experience

The mandate for UNPROFOR troops evolved over time as the Security Council adjusted and added tasks to the mission. The main disarmament tasks involved overseeing the demilitarization of UN Protected Areas (UNPA's) and later, Safe Areas.³⁰

A potentially serious conflict existed in the apparent contradiction between the characterization of the UNPROFOR mission as a peacekeeping operation and the tasks the troops were mandated to fulfill in a non-consensual situation of ongoing conflict. In such situations, the balance between being pushed into failure and being drawn into conflict is a delicate one. The disarmament and demobilization provisions that became part of the UNPROFOR mandate were a particular potential flashpoint in this respect since, as in Somalia, they affected the very foundation of security for the various fighting groups.

Overall, UNPROFOR's success in carrying out its disarmament tasks was mixed. Some early successes were followed by stalemates as the implications of the mandate, and the constraints on UN forces in terms of the degree to which they were willing or able to use force to implement the disarmament mandate, became evident to the parties affected. As a result, parties simply refused to participate in the disarmament process when it no longer suited them to have it continue. Faced with situations in which the intransigent party was stronger in numbers and weapons than UNPROFOR, it was unusual, not surprisingly, for UNPROFOR personnel to try to

³⁰ See David Cox's chapter in this volume for a full discussion of the UNPROFOR disarmament mandate.

force the situation, even though this was an option that was open to them in the RoE.³¹

An example of this problem occurred in the implementation of the disarmament provisions of the Vance plan in Sector East.³² One of the responses to the Vance plan's provision for demilitarization was to convert armed troops into so-called special police and thereby claim that they were permitted to carry arms. In late July 1992, in Sector East, UNPROFOR troops tried to resolve this problem. The Secretary-General's report describes the situation as follows:

A brigade of "Special Police" were blocked in the north-western corner of the Baranja by elements of the Belgian battalion. At the same time, a large number of "border police" were blockaded by the Russian battalion in the area between Lipovac and Marinci. In each case, the situation deteriorated rapidly and, to avoid bloodshed, it was decided to suspend the use of force and further negotiations ensued. This led to the surrender of approximately 500 personal weapons to the Belgian battalion. Since that time, however, these so-called "police" have continued to resist disarmament and have become increasingly hostile to UNPROFOR personnel.³³

A DCR interview with an UNPROFOR member who was part of the operation gives further emphasis to the outcome:

Afterwards the situation became quite tense.... This disarmament operation was possible because the Serbs did not realize what was happening. We could not repeat this type of action. We did not have the mandate to enforce it. Even having such a mandate you have to think of the policy which might have been given to the national contingents of the UN troops. After initial success, the sector never, never could disarm further those militias.³⁴

4. Angola

UNAVEM II Mandate and Sequence of Events

The second United Nations Angola Verification Mission (UNAVEM II) was established to monitor the implementation of the Peace Accords for Angola³⁵ and to verify that its provisions were being properly implemented. The Accords established a Joint Political-Military Commission (CCPM) which was responsible for overseeing

³¹ As mentioned previously, the use of force was permitted if the failure to disarm would have prevented UNPROFOR from carrying out its task.

³² See Ekwall-Uebelhart and Raevsky for a full description.

³³ S/24600, 28 September 1992, p. 3.

³⁴ DCR Interview, 13 UNPF HQ.

³⁵ Acordos de Paz, 1 May 1991.

the peace process as a whole. A Joint Verification and Monitoring Commission (CMVF) was also established, consisting of representatives from the government and the Union for the Total Independence of Angola (UNITA), and representatives from Portugal, the United States and the Soviet Union. The CMVF's role was to ensure compliance with the cease-fire which formed the cornerstone of the agreement.

The Accords called for a complete cease-fire throughout the country. As part of the cease-fire process, troops from government and UNITA forces were to assemble at 50 locations, 60 days after the cease-fire went into effect. At these assembly points, all armaments and munitions were to be collected, stored and subject to inspection. Prior to the planned elections, troops would be sent for training in advance of joining the new Angolan armed forces or would be demobilized.³⁶

The tasks for UNAVEM II members involved observation and monitoring of the process, as it was being implemented and monitored by the CMVF groups. In this regard, therefore, the UNAVEM II observers were an adjunct, rather than a fundamental part of the peace accord implementation process.

The United Nations described their job as follows:

In essence, their task was to verify that joint monitoring groups... carried out their responsibilities. Working closely with these monitoring groups, UNAVEM II verification teams provided support in the investigation and resolution of alleged violations of the cease-fire. They responded to requests for assistance and used their good offices to resolve problems within monitoring groups. In addition, UNAVEM II took the initiative in monitoring some aspects of the Accords, such as the regular counting of troops and weapons in the assembly areas, as well as monitoring of unassembled troops, demobilized troops, and troops selected to join the new Angolan Armed Forces.³⁷

The UNAVEM II structure mirrored that of the CMVF. Military observer teams of five personnel each were deployed at assembly points. Two-person observer teams (sometimes more) were deployed at "critical points" such as ports and airports, and mobile rapid reaction teams were established to investigate incidents and violations in areas without a UNAVEM II presence.

³⁶ See Annex III of the Accords, which outlines the planned sequence of events following the cease-fire.

³⁷ United Nations Department of Public Information (DPI), "The United Nations and the Situation in Angola, May 1991-February 1995," Reference Paper, New York: Department of Public Information, February 1995, p. 1.

Although the demobilization/disarmament process was not complete,³⁸ the elections went ahead as scheduled. This was a turning point for the mission and for the peace process. The disarmament, demobilization and reintegration of troops from both sides was the cornerstone of the peace process. Proceeding with the elections when that process was still incomplete was a high-risk decision.³⁹ When the results of the elections were announced in mid-October 1992, UNITA renounced the election process and returned to fighting. Troops at assembly points left, taking their weapons with them. The resulting fighting took the country back to civil war.

Since this was strictly an observation mission, the military personnel involved in UNAVEM II were unarmed observers. In addition, the UN troops were effectively one step removed from the actual disarmament process since they were monitoring the monitors. Rules of engagement were, therefore, not a critical factor in this process. But there are still some lessons to be drawn from this experience, especially in light of other case studies. Responses to the DCR questionnaires demonstrate the depth of the failure of the cease-fire/disarmament process in Angola right from the very beginning of the process. Respondents also revealed a strong degree of frustration about their inability to do anything about this failure except to stand by and watch the process disintegrate. However, when the role of the United Nations is confined to monitoring the monitors, and its role in the peace process as a whole is also limited, there is little the United Nations can do when the process goes wrong. In addition, even though the UN is on the periphery of the process, it still takes a large portion of the blame when things go wrong.

5. Implications

This spectrum of experiences raise some important questions relating to the importance of a secure environment and the role of force in establishing that secure environment.

³⁸ According to the UN, as of June 1992, 85% of UNITA troops had reached assembly points but only 4% were demobilized. Only 37% of the government's troops had reached assembly points, but 50% had been demobilized. S/24145, 24 June 1992. Ensuring sufficient food supplies at the assembly points also proved to be a major problem, adding to the disincentives for troops to stay at, and respect, the assembly points.

³⁹ Respondents to the questions concerning whether adequate consideration was given to the disarmament component of the mission (questions 7.5 and 7.6) emphasized the degree to which the failure of the disarmament process affected the mission as a whole.

The Importance of a Secure Environment

Although UNOSOM II inherited a “secure” environment from UNITAF, and despite the mission having the same basic RoE as UNITAF, it was unable to maintain that secure environment. This was certainly a contributing factor to the mission’s problems and raises the question of the sequence of operations. Would the situation have been different if UNITAF had used its Chapter VII authority to undertake a serious disarmament mission as a way of establishing a secure environment, rather than simply establishing a secure environment through the presence of overwhelming force? Had disarmament occurred first, resulting in a secure environment, would that have paved the way for the Chapter VI goals of the UNOSOM mandate to be pursued without being hindered by the task of forcefully disarming key factions? In this respect, the Haitian experience is an interesting counter-example. There, disarmament was a part of the creation of a secure environment and seemed to pave the way for a successful transition to UNMIH and a continuation of the peace process. So many other factors enter into this equation, however, that further study on this question would be required before asserting a firm connection.

The Role of Perceptions and Overwhelming Force

One suggestion that arises from the experience of UNITAF, the MNF, and, by contrast, the failure of the peace process in Angola, is that the presence of overwhelming force does make a difference. This raises a difficult question. When parties to a conflict sign a peace agreement and ask for UN support in its implementation and when the disarmament elements of the process are critical to the success of the peace agreement, should the UN go to the mission prepared and equipped to enforce the implementation if necessary? An affirmative answer to this would mean that even in missions based in Chapter VI, where disarmament formed a critical part of the process, the UN would send troops equipped to move to enforce the agreement (under Chapter VII) if the parties began to violate the agreement or the process faltered. The shift would require a formal change in mandate by the Security Council, but when that occurred those on the ground would already be prepared for the shift.⁴⁰

The advantage of working this way would be that, in tenuous situations where agreement exists but is fragile, and where UN assistance has been requested, the demonstration effect of such a commitment on the part of the international community might keep the process on track. This approach is similar to the original idea of peace enforcement units outlined by Secretary-General Boutros Boutros-Ghali

⁴⁰ In Canadian terms, this might be termed Chapter VII if necessary but not necessarily Chapter VII.

in his *Agenda for Peace*.⁴¹ While this is a decidedly more costly way of operating in the near term, over the long term it is always less expensive to prevent a deterioration of the process than to deal with the effects of further conflict. However, the prospect for success in this regard must be balanced against the possibility that such actions may only re-create the dilemmas associated with mixing Chapter VI goals with Chapter VII methods even though Chapter VII methods would only be invoked as a last resort. Making this delicate balance work would depend a great deal on the UN's ability to make good judgements about the best response in tenuous situations. This is a condition that many feel is simply not present at the United Nations at the moment.

At the same time, making an ability to field sufficient numbers of troops adequately armed for a potential shift to Chapter VII a requirement for United Nations involvement in such situations may actually deter involvement. While this might prevent instances where inadequate numbers of poorly-equipped UN troops contribute to or become part of a deteriorating situation, it might also prevent a decision that it is better to have some form of UN participation in a given situation than to not be there at all - the basis of the initial decision to deploy UNPROFOR.

If parties to a conflict are absolutely determined to continue fighting, they will not be dissuaded by a UN presence. However, if one of the overall conclusions from the DCR study is that there are some situations in which a show of force (not a use of force) and commitment (a willingness to take the next step if necessary) might keep a process on track, then this is a connection that needs to be studied further.

II. Chapters VI and VII

The implementation of the rules of engagement in the UN operations in Somalia and the former Yugoslavia suggest that the mixing of Chapter VI and VII mandates and contexts has a serious impact on the operation. Both the UNPROFOR and the UNOSOM II operations had mandates which were based on Chapter VI of the Charter but invoked Chapter VII. Both operations also occurred in situations where fighting was ongoing, and both were given varying degrees of consent for their activities. In the case of Somalia, the maintenance of Chapter VII in the UNOSOM II mandate was intended to provide the mission with the ability to deal with an operationally difficult situation. For UNPROFOR, invoking Chapter VII was meant to send a strong signal to the parties to the conflict. In both cases the idea backfired.

⁴¹ See paragraph 44 in *Agenda for Peace*, June 1992.

1. Somalia

The transition from UNITAF to UNOSOM II officially occurred on 4 May 1993. Security Council Resolution 814, passed on 26 March 1993, and approved a broad mandate for the new operation, as outlined by the Secretary-General in a report on Somalia.⁴² Although the mandate of the mission was geared to Chapter VI goals (political stability, reconciliation and reconstruction), in light of the continuing volatile nature of the situation on the ground, the Security Council, on the recommendation of the Secretary-General, specifically placed the operation under Chapter VII of the Charter, thus giving UNOSOM II troops enforcement powers.

Initially, the UNOSOM II operation adopted the RoE established under UNITAF (see Annex 1). However, immediately after the transition, in May 1993, the secure environment in Mogadishu began to deteriorate, and armed clashes between Somalis and UNOSOM members became more frequent. This prompted the commander of UNOSOM II, Lt. General Bir, to issue Fragmentary Order 39. This order amended the RoE to allow for the use of force on a much broader basis, specifically: “organized, armed militias, technicals and other crew-served weapons are considered a threat to UNOSOM Forces and may be engaged without provocation.”⁴³ In addition, the Fragmentary Order also allowed for air attacks on “armed Somalis in vehicles moving from known militia areas’ at night, after obtaining approval from the Quick Reaction Force Commander.”⁴⁴

The combination of UNOSOM’s mandate, and its now strengthened RoE, made the operation quite powerful, at least on paper: the number of people that could be stopped was expanded; the mandate called for extensive and intrusive disarmament; and the mission had the ability to use force. However, the revised RoE did little to assist the mission in dealing with the situation they faced. In the absence of the large numbers of the well-armed UNITAF troops, the warring factions began to push the limits of the UNOSOM mission, very quickly determining its strengths and weaknesses.

The Hunt for Aided and the End to Impartiality

Soon after the shift in RoE, on 5 June 1993, a series of armed confrontations took place between Somalis and Pakistani troops, some of whom were involved in

⁴² “Further Report of the Secretary-General Submitted in Pursuance of Paragraphs 18 and 19 of Resolution 794 (1992),” S/25354, 3 March 1993.

⁴³ Quoted in Lorenz, “Rules of Engagement,” p. 3; and in Allard, p. 37 (emphasis added).

⁴⁴ Lorenz, “Rules of Engagement,” p. 3.

inspecting weapons storage sites. In the end, 24 Pakistani soldiers were killed and a large number were injured. Reinforcement from Italian and US troops (from the US Quick Reaction Force) was needed to bring an end to the fighting. The incidents prompted the Security Council to pass Resolution 837, which invoked Chapter VII and called for an inquiry into the day's events. It also called for the neutralization of the radio system, and provided for the use of "all necessary measures against those responsible for the armed attacks", with the goal of arresting those responsible.⁴⁵ Aideed was not specifically named in the resolution, but the resolution did indicate that the attacks "apparently" came from members of the United Somali Congress (USC), effectively formalizing an antagonistic relationship between UNOSOM and the USC.

This addition to the UNOSOM mandate marked a new phase in the mission's use of force and its relations with the local population. UNOSOM and US forces actively and forcefully sought out Aideed and his supporters, significantly stepping up the level of combat and tension in Mogadishu. The differentiation between UNOSOM's disarmament mandate and the use of "all necessary means" in pursuit of Aideed and his supporters was effectively lost as the tension in Mogadishu increased.⁴⁶ The melding together of the two objectives was cemented in the high-profile, high-pressure tactics used in pursuit of Aideed. This generated strong resistance from the local population and brought an abrupt end to UNOSOM's image of impartiality.

The Secretary-General's reports provide a good indication of the United Nations' approach to disarmament and to the pursuit of Aideed's United Somali Congress (USC) at that time:

In a series of carefully planned precision air and ground military actions, UNOSOM II disabled or destroyed ordnance, weapons and equipment located in three previously authorized weapons storage sites, and a related clandestine military facility used for the ambush on 5 June. These and subsequent strikes were conducted utilizing tactics that would minimize casualties as well as collateral damage to nearby areas.⁴⁷

In August 1993, the Secretary-General noted that:

Disarmament efforts are aimed primarily at the militias which had intimidated and terrorized Somali society, and their heavy weapons. Voluntary disarmament is the basic assumption underlying the disarmament program. If certain factions refuse to disarm voluntarily, UNOSOM is left with no choice but to disarm them through compulsion.... Low-intensity

⁴⁵ Resolution 837, 6 June 1993.

⁴⁶ See Adibe, p. 88.

⁴⁷ S/26022, 1 July 1993, p. 5.

attacks on key facilities... may continue. In these circumstances and as mandated by Security Council resolution 837 (1993), UNOSOM will have to maintain a forceful disarmament program in south Mogadishu as long as resistance continues. More active patrolling, weapons confiscations, and operations against USC/SNA militia depots have been undertaken...⁴⁸

Two critical things happened in this process. First, the UNOSOM operation lost credibility and impartiality as a result of the pursuit of Aideed. Both of these characteristics were needed in order to continue to effectively pursue the Chapter VI goals of the mandate.

Second, the whole sequence of events entrenched a kind of ongoing resistance to the UNOSOM operation among the local warring factions, contributing to a further deterioration of the security situation in Mogadishu. Although the RoE were there to respond to this problem, UNOSOM personnel seemed unwilling and, perhaps more importantly, unable to use them to deal with the situation.⁴⁹ In any case, by the fall of 1993, the balance had shifted and UN forces were now unable to enter into large areas of Mogadishu that had previously been open to them.

The Post-October 1993 Situation

The turning point for the UNOSOM II operation occurred on 3 October 1993 when a UNOSOM raid on a meeting of Aideed aides was engaged by Somali militia. Two US helicopters were downed in the resulting battle. Seventy-eight US troops were wounded, and 18 US troops were killed. Estimates of Somali dead and injured ranged from 500 to 1,000. After the battle, chanting Somalis dragged one of the dead US soldiers through the streets of Mogadishu. This image was captured by news cameras and transmitted widely in the United States. The widespread international media attention given to the incident had a number of consequences: UNOSOM effectively ended the hunt for Aideed; the United States announced that it would withdraw its troops by 31 March 1994; and, at the same time, the US sent the 13th Marine (MEU) to Somalia to protect UNOSOM troops.

Marine snipers were instrumental in re-establishing security for UNOSOM forces. They operated under the RoE already established for UNOSOM, including Fragmentary Order 39. However, the interpretation of the RoE now emphasized that crew-served weapons should automatically be engaged, whether or not they showed hostile intent, in the areas controlled by UNOSOM.

⁴⁸ S/26317, p. 5, paragraphs 15 and 16 (emphasis added).

⁴⁹ DCR questionnaire responses also indicate that the degree to which national contingents were willing to respond forcefully to this situation varied.

In Somalia word travels fast, and the local population was acutely aware of the US ROE. The UNOSOM Psychological Operations Office assisted, and the local paper and radio station announced the policy. Although they may not know the term "ROE", local Somalis knew that they would be shot if they carried a crew served weapon within sight of the UNOSOM/US Forces compound. This proved highly effective in keeping the weapons off the street and reducing the threat to UNOSOM/US forces.⁵⁰

A consequence of the October incidents for UNOSOM was a shift in emphasis in the RoE, from mandate implementation to force protection, and a shift in geographical scope from broader areas in Mogadishu to UNOSOM areas. The emphasis, as it had been in UNITAF, was now on ensuring a secure environment, albeit in a much smaller area of operation in Mogadishu.

The atmosphere in Mogadishu had changed significantly since the transition from UNITAF to UNOSOM in May 1993. Hopes that the Chapter VI goals of the mandate might be successfully implemented faded during the pursuit of Aideed. Such hopes effectively disappeared altogether after October. The October incident and the use of snipers to protect UNOSOM meant that UNOSOM activities were limited to those that could be conducted securely or those that could be carried out under the protection of the Marines. When the RoE for those protecting UNOSOM troops were changed in January (see below), Somalis again reacted accordingly. Crew-served weapons appeared on the streets of Mogadishu in a way that had not occurred since the arrival of UNITAF, constraining UNOSOM force movements almost to the point of inutility. All sides now appeared to move into a posture of waiting for UNOSOM withdrawal, with UNOSOM's freedom of action in Mogadishu now extremely limited and that of the Somali factions essentially unlimited.

In a strange way, UNITAF and UNOSOM II suffered from mixed identities and mixed missions. UNITAF was a Chapter VII mission with a Chapter VII mandate and entered a situation where it was thought that the use of force would be necessary and likely. The approval of "all necessary means" by the Security Council reflected that prospect. In the end, little in the way of the actual use of force was required to fulfill the key mission goal - establishing a secure environment for the delivery of humanitarian aid. UNOSOM II was given a Chapter VI mandate but, in the absence of a stable political situation, it was given the authority to continue to act under Chapter VII. The decision to pursue "forceful" weapons management in UNOSOM II, and the later decision to pursue a specific faction (and its weapons), had the rather ironic result of making the "peacekeeping" operation more of an enforcement operation than its predecessor.

In doing this, the UNOSOM operation underwent a fundamental shift.

⁵⁰ Lorenz, "Rules of Engagement," p. 5.

There is a basic conceptual difference between arms control and disarmament. Removing or limiting the major weapons of an inferior or defeated military force can be thought of as a form of arms control, but to commit military forces to the mission of forcibly disarming a populace is to commit those forces to a combat situation that may thereafter involve them as an active belligerent.⁵¹

2. Former Yugoslavia

UNPROFOR Mission Context

Although the parties to the conflict in the former Yugoslavia continued to withhold full consent for the presence of UNPROFOR, over time the Security Council expanded the mandate of the mission, adding new tasks to the original objectives and broadening its geographic scope. Faced with the ongoing unwillingness of the parties to give full consent to the operation (either by written agreement or in practice), the Security Council eventually resorted to invoking Chapter VII of the Charter⁵² and the now worn phrase “all necessary means”. Yet, throughout these changes, UNPROFOR remained a peacekeeping operation. As such, its rules of engagement were fundamentally anchored in self-defense, and emphasized the maintenance of impartiality. No transition to a more formal enforcement operation was made. Like the UN troops in Somalia, UN troops in the former Yugoslavia found themselves in a mix of Chapters VI and VII, in a situation of ongoing conflict.

UNPROFOR troops began deployment in Croatia in March 1992 and by May 1992, it was clear that the hoped-for resolution of obstacles to a fully-observed cease-fire was still out of reach. Rather than being solidified, the conditions for peacekeeping, (not present when UNPROFOR first deployed), seemed to have slipped further out of reach. This generated considerable tension on the ground, especially in instances when parties to the conflict said one thing and then went ahead and did another, knowing that UNPROFOR personnel would be unable to do anything about it.⁵³ In a rather prescient statement, the Secretary-General discussed the constraints imposed by the UNPROFOR situation and said:

⁵¹ Allard, p. 64.

⁵² The first invocation of Chapter VII came on 30 May 1992, when Security Council Resolution 757 authorized all necessary means to ensure the delivery of humanitarian aid in Bosnia-Herzegovina.

⁵³ See, for example, the Secretary-General’s description of a series of incidents including one where one militia reneged on an agreement to give safe passage to personnel from another group and killed a number of them in the presence of UNPROFOR officers. The description is found in S/23900, 12 May 1992, pp. 8-9.

It could be argued that in these circumstances the United Nations should consider the possibility of deploying an "intervention force" which would be sent in, without the consent of all the parties, to enforce an end to the fighting.... Given the intensity and scale of the fighting, such a concept would require many tens of thousands of troops equipped for potential combat with heavily armed and determined adversaries. I do not believe that an enforcement action of this kind is a practicable proposition.... [Similarly, with respect to the delivery of humanitarian aid,] to ensure effective protection in the absence of agreements between the parties,... it would be necessary to provide convoys of relief supplies with armed escorts whose rules of engagement would permit them to open fire if a convoy was attacked.... The addition of this task to UNPROFOR's mandate would risk involving the Force in hostile encounters with those whose cooperation will be necessary if UNPROFOR is to succeed in fulfilling its existing mandate... [I] do not therefore recommend that the Security Council pursue this option at the present time.⁵⁴

The early decision to deploy and then to stay on with a peacekeeping operation in a non-consent situation solidified the context for the UNPROFOR operation. It was clear from the beginning that it was undesirable, and operationally impossible (given the scarcity of troop and equipment contributions), to convert the peace-keeping operation into one with an enforcement mandate. It was also clear that the political will to agree to and support a full-scale Chapter VII enforcement operation was not present, in spite of the volatile nature of the situation.

Safe Areas, Air Strikes and Further Constraints

By mid-1993, with the conflict in the former Yugoslavia entering a new phase, the Security Council shifted to a new strategy for the protection of the safe areas it had established. The new mandate called for UNPROFOR to deter attacks against the safe areas, to monitor the cease-fire, and to promote the withdrawal of military units.⁵⁵

Resolution 836, of 4 June 1993, invokes Chapter VII of the Charter and:

Authorizes UNPROFOR,... acting in self-defense, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion in to them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys (paragraph 9); [and]

Decides that,... Member states, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council,... all necessary measures, through the use of air power,... to support UNPROFOR in the performance of its mandate... (paragraph 10).

⁵⁴ S/23900, 12 May 1992.

⁵⁵ The safe areas are dealt with in Security Council Resolutions 819, 16 April 1993; 824, 6 May 1993; and 836, 4 June 1993. For background and the initial mandate for the safe areas, see Ekwall-Uebelhart and Raevsky.

In discussing the implementation of the resolution, the Secretary-General re-emphasized that this new stage remained a peacekeeping one:

The operational concept for keeping the safe areas safe, and the number of troops required for this purpose, will be determined by the degree of cooperation which it is assumed that the belligerent parties will provide. It is however clear that, regardless of troops levels, UNPROFOR forces must be equipped with both the means necessary for self-defense against any likely threat and the physical protection needed to perform essential tasks in relative safety.⁵⁶

The Secretary-General indicated that full implementation of the Security Council resolution would require 34,000 troops to achieve the strategy of “deterrence through strength”. However, failing achievement of that level, a “light” option was possible which would require only 7,600 troops and (presumably heavy) reliance on air action. The Secretary-General pointed out that this light option fit with what “can realistically be expected from Member States.”⁵⁷

Thus, in spite of warnings by the Secretary-General⁵⁸ and recommendations of a Security Council mission just returned from a visit to the field,⁵⁹ the Security Council once again added to the mandate, invoked Chapter VII, but did not alter the peacekeeping nature of the operation. It is particularly noteworthy that in Resolution 836, the Security Council chose to insert the phrase “acting in self-defense” after invoking Chapter VII.

The general strategy behind this new approach was to achieve deterrence of incursions into the safe areas through a UN presence. Experience in the field did little to suggest that deterrence might be achieved by the use of existing forces. The parties to the conflict had fully grasped the degree to which UNPROFOR troops were willing or able to use force and simply worked around them, or when necessary challenged and thwarted them. In the absence of any willingness to shore up the

⁵⁶ S/25939, 14 June 1993, p. 2.

⁵⁷ *Ibid.*, p. 3. The light option was approved by Security Council Resolution 844, 18 June 1993.

⁵⁸ The Secretary-General’s warning was not specific to this instance. In his reports, he continually reminded the Security Council of the inherent contradiction in UNPROFOR’s existence as a peacekeeping operation. See for example his report of May 1993, where he discussed three options for UNPROFOR: withdrawal, enforcement against the Serbs, and leaving the operation as it was. In the end, he did not recommend accepting any of the options. S/24848, May 1993.

⁵⁹ Report of the Security Council Mission Established Pursuant to Resolution 819, S/25700, 30 April 1993. The Mission felt that the designation of further safe areas would require a revised mandate and different rules of engagement.

numbers and capabilities of the troops on the ground, the Security Council turned to the idea of backing up the UNPROFOR troops by enforcement from the air.

Although the air strategy was given a boost by NATO in early 1994,⁶⁰ in the end, this concept of deterrence through a “light” UN presence backed up by air power proved a failure. Near the end of 1994, the Secretary-General noted:

The experiences at Gorazde and Bihac provide stark evidence that in the absence of consent and cooperation, the “light option”, adopted as an initial measure and supported by air power alone, cannot be expected to be effective in protecting the safe areas. The presence of a company-strength unit could not stop the Serb advance towards the town of Bihac. The threat of air action was intended to deter attacks on the safe areas with limited UNPROFOR presence. However, experience in the use of air power... demonstrates a number of technical constraints which limit its effectiveness.⁶¹

The Secretary-General went on to again remind the Security Council of the tenuous nature of the situation of UNPROFOR troops associated with the safe areas:

In the absence of agreement by the parties to the safe-area regime, the Security Council is faced with a choice as to the extent to which UNPROFOR is to be mandated to enforce respect for the safe areas by unwilling warring parties. ... I do not believe that UNPROFOR should be given the mandate to enforce compliance with the safe-area regime. The use of force that would be necessary to implement such a mandate would, as I have already stated, prevent UNPROFOR from carrying out its overall mandate.... In short, such a mandate would be incompatible with the role of UNPROFOR as a peace-keeping force.⁶²

There are two clear, interrelated themes that emerge in examining this experience. First, although the prospect of moving to full-scale Chapter VII enforcement was actively debated internationally, there was never sufficient momentum or political will to alter the peacekeeping nature of the operation. This meant that UNPROFOR troops were constantly operating in a difficult, constrained, contradictory environment. The invocation of Chapter VII had little effect on the RoE and the day-to-day dilemmas faced by UNPROFOR troops.

An UNPROFOR member interviewed by DCR researchers stated that:

⁶⁰ See Ekwall-Uebelhart and Raevsky.

⁶¹ S/1994/1389, 1 December 1994, p. 7.

⁶² *Ibid.*, p. 14.

The RoE were quite clear, [and] cover most of the situations, but... they are not practical for normal soldiers. The RoE are very strong, and ask for things that, when they happen we did not apply. The mandate was under Chapter VI of the Charter.

Second, the warring parties read the international political situation, the limits of the rules of engagement and the contradictory nature of the peacekeepers' position very well. They worked around the constraints placed on their operations by the presence of the United Nations, and when necessary they simply blocked UN activities in order to pursue their goals.

With respect to disarmament, and to the other objectives of the mission, the invocation of Chapter VII has little effect as long as the operation remains a peacekeeping one. Adding Chapter VII to a mandate may give added political weight or emphasis to the tasks, but it does little to alter the means by which the military carries them out as long as the operation continues to rely on the consent of the parties. The mandate from the United Nations is most directly communicated to the parties on the receiving end of the mission through the forces deployed on the ground - the way they act, are equipped, and are deployed. When they are only marginally, if at all, reinforced with added numbers and equipment, and the rules of engagement are unchanged, the message transmitted to the receiving parties is that very little has changed.

When considered in conjunction with the Somalia experience, this leads to the conclusion that in situations where the conflict is active, the pursuit of disarmament goals using RoE short of combat is unlikely to be successful. Invoking Chapter VII will only alter this outlook if the troops representing the United Nations are given the mandate, rules of engagement and physical support to be credible in their mission.

III. Issues Associated with Multinational Operations

One of the most striking aspects of the DCR questionnaire responses in the cases being examined here is the remarkable consistency of the responses in the section dealing with the multinational force composition of the operations.⁶³ The advantages to working multilaterally were said to include: emphasizing the impartiality or objectivity of the force; giving greater moral weight to the operation; being able to draw on different experiences and capabilities; and gaining exposure to other cultures and approaches.

Almost without exception, language problems were cited as a disadvantage. This is a factor in terms of communicating within the mission and also in being able

⁶³ UNIDIR, section 2, questions 7.1-7.26.

to communicate with the population in the area of operation. Similarly, cultural sensitivities were often cited as a problem. In the first instance, this sometimes proved to be the source of misunderstanding among UN troops about the actions and intentions of other UN troops, further complicating cooperation and consistent implementation of the mission. Perhaps more serious, in terms of the operation's effectiveness, however, were the problems associated with using former colonial powers in operations located in their former colonies.⁶⁴ Similar tensions arose when contingents from two potential enemy nations were placed together.

All of these problems affect the efficiency of the operation as a whole. In situations such as Somalia and Yugoslavia, these problems can negatively effect the fine-tuning of graduated responses to situations which may change quickly. In high tension situations, such problems can push an incident into a serious event or a tragic loss of life. These problems clearly suggest the need for better planning and coordination. This is a difficult objective for the UN, however, which must take whatever it can get in the way of troops and has only recently developed a mission planning capability.

None of the issues raised in these responses are new or surprising to the UN community. What the DCR questionnaire responses do is confirm that these are problems which affect the operation and demonstrate the depth of the problem.

1. Force Structure and Undersupport

Most of the cases studied in this paper suffered from what might be termed the "United Nations undersupport syndrome". The vast majority of DCR respondents cited a general lack of support (in terms of equipment, troops, financing and political backing) as a problem for the mission.

The UNAVEM II experience is a good example of this pervasive problem. The UNAVEM II operation was underfunded, understaffed, and underequipped. It was also undersupported in terms of political backing from states such as the US and the Soviet Union, which could easily have given greater political support to the process, if nothing else. In spite of the long planning time available before the operation got underway, the operation lacked basic infrastructure requirements, suffered from a lack of transportation capabilities (in a country with virtually no transportation system and long distances to travel), received poor communications support, and took much longer than anticipated to become operational (although in some cases UN observers

⁶⁴ The Haitians refused to have French forces because of their colonial history in Haiti. Although the US was more recently in the role of "occupier", the Haitians appeared more comfortable with US troops. Old colonial powers were also used in ONUCA. In Somalia, Italian troops were used, although they had been the colonial power in Somalia as recently as 1960.

were deployed far in advance of the CMVF teams they were meant to be monitoring). With respect to the specific question of disarmament, questionnaire respondents replied 2 to 1 that the force structure and the units were not appropriate for executing the disarmament mission.⁶⁵ As with the other missions examined here, these weaknesses were evident to the parties involved and detracted from the UN's credibility in carrying out the mission.

While a fully-supported, properly-equipped mission might not have changed the outcome in Angola, the obvious inadequacies of the UNAVEM II mission encouraged or confirmed an impression among Angolan troops of a lack of capability within the mission itself, and lack of commitment on the part of the international community. Such a situation does little to encourage respect and commitment to the disarmament process on the part of the parties to the conflict.

UNAVEM II was not an isolated experience but was more representative of the norm in UN operations. The UN operations in Somalia and the former Yugoslavia also suffered from undersupport. The undersupport situation is made more complicated when national contingents are unable to arrive adequately equipped to carry out the mission. In many cases, this is because their national government does not have the equipment required or the funds to purchase the equipment. The UN looks to other member states to assist in outfitting such troops but has not met with much success.

This is a problem that lies with the member states rather than with the United Nations. When putting together an operation, the UN must rely on the willingness of member states to provide the troops and equipment required to carry out the mandates passed by the Security Council. With the recent proliferation of UN operations, many states have reached their limit in terms of the contributions they can make. However, the Security Council continues to pass resolutions authorizing new operations, or new mandates for ongoing operations, even while knowing that the troops required to fulfill the mandates are not likely to be forthcoming.⁶⁶

When asked about what further support might have assisted them in carrying out the disarmament aspects of their mandate, rather than asking for more specialized equipment (although that was also considered useful), respondents to the DCR questionnaire cited a need for more troops and greater communications and

⁶⁵ See UNIDIR, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Angola," in Virginia Gamba, Jakkie Potgieter, and Jullyette Ukabiala, *Managing Arms in Peace Processes: Angola and Namibia*, Geneva: United Nations, forthcoming.

⁶⁶ See the Secretary-General's reports on UNPROFOR as an example.

transportation capabilities along with basic military equipment.⁶⁷ On the one hand, the United Nations is in the position of the beggar who cannot afford to choose. It must take what it can in terms of troop contributions and do its best to fulfill the mandates established by the Security Council. On the other hand, the responses to the DCR questionnaire only confirm that which is already obvious - inadequately equipped, undermanned operations adversely affect the implementation of the mandate. The higher the level of potential for the use of force, the higher the likelihood that this situation may cause operation-threatening problems.

2. Command and Control

Traditionally, one of the weaknesses of UN multilateral operations is said to be that national contingents sometimes have a tendency to check their UN orders with their national governments before proceeding, or worse, to act under orders from home rather than under those of the UN command. Such instances thwart the establishment of a "unity of effort" in UN operations and can undermine the UN's effectiveness. This is an issue about which the US is particularly sensitive, and US administrations are usually under heavy public pressure to avoid putting US troops under the command of foreign commanders.

In the case of UNOSOM II, a number of US forces (approximately 3000) supported the UNOSOM II mission. However, a number of other US forces contributed to UNOSOM operations but remained outside the UNOSOM command. For example, the US forces that carried out the ill-fated raid in October were special operations forces under the control of USSOCENT. US Major General Thomas Montgomery was double-hatted as deputy commander of UNOSOM and as commander of US forces in Somalia (USFORSOM). When the US reinforcements arrived in October, they did not become part of the UNOSOM operation. The additional forces were placed under the operational control of the Joint Task Force (JTF) in Somalia, a US organization. To add to the confusion, the 13th MEU was under the control of USNAVCENT (the naval component of CENTCOM) when

⁶⁷ See, for example, the responses on Somalia in UNIDIR, "Analysis Report of Practitioners' Questionnaire: Somalia"; and the responses on Yugoslavia in UNIDIR, "Analysis Report of Practitioners' Questionnaires on Weapons Control, Disarmament, and Demobilization During Peacekeeping Operations: Former Yugoslavia," in Ekwall-Uebelhart and Raevsky, p. 193-411. See also the discussion of UNAVEM II, above.

offshore but under the control of the commander of JTF when they went in to Somalia.⁶⁸

It is ironic, therefore, that the most cumbersome and complex command arrangements associated with the UNOSOM operation were those established by the US, for US forces. Through most of the operation, the command relationship did not have an effect on the RoE since all forces were acting under the UNOSOM RoE. The only difference occurred when crew-served weapons were eliminated as targets for US Marine snipers while the RoE for UNOSOM troops remained the same, and thus included crew-served weapons. Since the UNOSOM operation was in the process of easing away from its previously proactive activities, this difference had little effect in practice. In other situations, however, the fact that the troops tasked with protection of an operation are more constrained in their RoE than the troops actually carrying out the operation is unlikely to prove sustainable.

3. RoE Problems in Multinational Operations

DCR questionnaire respondents pointed out that one of the disadvantages in operating multinationally was the inconsistent implementation of the rules of engagement by national contingents.⁶⁹ Although the RoE for the operations in question were clear for all members of the mission, they were interpreted and implemented differently by different national contingents. Respondents to the DCR questionnaire make diplomatic comments about the differing levels of implementation of RoE by national contingents.

In the UNPROFOR operation, in addition to the problems associated with operating in the mixed mandate context, the nature, size, and evolution of the operation put considerable strain on the consistency with which RoE were implemented. A certain degree of flexibility is inherent in rules of engagement, and

⁶⁸ See Lorenz, "Rules of Engagement," p. 4; and Allard, pp. 56-60.

⁶⁹ See UNIDIR, "Analysis Report of Practitioners' Questionnaire: Somalia"; UNIDIR, "Analysis Report of Practitioners' Questionnaire: Former Yugoslavia"; UNIDIR, "Analysis Report of Practitioners' Questionnaire: Angola"; and UNIDIR, "Analysis Report of Practitioners' Questionnaires on Weapons Control, Disarmament, and Demobilization During Peacekeeping Operations: Haiti," in Mendiburu, forthcoming. See also Robert G. Patman, "The UN Operation in Somalia," in Ramesh Thakur and Carlyle Thayer (eds), *UN Peacekeeping in the 1990s*, Boulder, CO: Westview, 1995, p. 95. Patman notes that the French were "rebuked" by the US for overstepping the mandate when they confiscated all weapons found in vehicles.

situations in the field often require quick or individual decision-making.⁷⁰ This was a natural part of the operation in a case such as UNPROFOR. However, although the RoE were clear, and although contingents were required to abide by the rules established by the UN, different national contingents made different decisions about the extent to which they were willing to use force, or to demonstrate the intent to use force, especially when it related to the disarmament provisions.⁷¹

In any multinational operation there is an inherent limit to the cohesiveness of implementation, even when states are accustomed to working together and share common military backgrounds. This is, therefore, not a problem which lends itself to an easy solution. The situation is further complicated by the fact that the UN has no real ability to enforce standards on troop contributors, especially when it is starved for contributions. Given this, the problem is best tackled from the national government side of the equation. At the national level, when training troops for United Nations operations, training about possible RoE relating to different types of potential missions would be very useful. The more explanation and scenario discussion that can take place in advance of an operation, the better. RoE need to be clearly understood and consistently implemented by all troops. In cases like Somalia and the former Yugoslavia, where the situation is fluid and fighting is ongoing, ensuring coherent implementation of RoE becomes critical.

Although the United Nations is not in a position to enforce training or equipment standards on troops contributions, it could, in consultation with member states, develop a standard set of rules of engagement for situations between “traditional” peace-keeping and full-scale enforcement. A standard document, which provided for various options depending on the nature of the operation, could be very useful.⁷² Such a document could be used to assist national governments in training their troops. In addition, it would save the planners of UN operations from starting

⁷⁰ For an interesting example of such an instance, not related to disarmament, see “UN Hails Defiant Spanish Officer as Bosnian Hero,” *The Guardian* (no date available), which describes the actions of a Spanish officer in saving 171 lives. The soldier came across a group of Croat civilians and militia fleeing their village and being pursued by Muslim soldiers. The Croats requested safe passage, and when the Muslim soldiers arrived and demanded the Croats be handed over, the soldier told them that any attack on the Croats would be the equivalent of an attack on the international community represented by himself and his troops.

⁷¹ See, for example, Brigadier-General P. Peeters, Chief Military Negotiations and Assessment Team, UNPROFOR, Zagreb, 26 April 1995, which states that “even having [strong mandate and RoE] you have to think of the policy which might have been given to national contingents.” Other respondents also indicated that national units varied in the degree to which they were willing to take risks.

⁷² NATO’s experience in developing RoE for multinational rapid reaction forces might provide some useful lessons in this regard.

from scratch each time. When a new operation begins, the standard rules of engagement could be adjusted or fine-tuned according to the objectives of the mission.

4. The Interpretation of the RoE by the Local Population and the Media

On 9 January 1994, a Marine sniper shot and apparently killed a Somali with a machine gun on the roof of a pick-up truck heading towards the UN compound in Mogadishu. The Somalis claimed that a pregnant woman had been killed. US and UN investigations were never able to satisfactorily determine whether this was the case. The US sniper had clearly acted within the RoE. Nevertheless, the incident, and the Somali claims, were extensively covered by the international media. After this incident, USCENTCOM changed the rules of engagement for US snipers, eliminating crew-served weapons as targets under the RoE.

In all of the cases examined here, the extent and meaning of the rules of engagement were adequately transmitted to the local population. This was particularly the case in the Somalia experience. The local population's understanding and respect for the RoE went a long way to contributing to the relative ease with which a secure environment was established under UNITAF. UN and local media played important roles in facilitating this process in Somalia. To the extent that this approach resulted in a minimizing of possible high tension confrontations, this was a successful lesson of the operation and is one that should be considered in planning other operations.

On the other hand, both the Somalia and former Yugoslavia experiences demonstrate that warring factions also have little difficulty understanding the rules of engagement for UN personnel and will use them to suit their own purposes when necessary. This is not something that can be altered by changing the rules of engagement. This will be the case any time UN troops are deployed in peacekeeping roles in situations of ongoing conflict.

Just as the media was important in transmitting the RoE locally, clear communication about the RoE proved to be important on the international level. The international media coverage of the January 1994 sniper incident in Somalia, and the coverage of the October 1993 US Ranger incident, demonstrate how poorly-understood RoE can have negative repercussions for the operation. Although the RoE were observed in the January sniper incident, and although the resulting death could not be adequately verified by the UN, the international media portrayed the incident in a very critical light, generating a shift towards greater restraint in the RoE for those responsible for mission security. RoE must, therefore, also be clear and defensible to the international media.

The UNPROFOR experience also confirms this. One of the issues that received considerable public attention was the inability of UNPROFOR personnel to prevent groups from re-claiming their weapons from weapons storage sites or from being taken captive. The failure to invoke the RoE self-defense provisions when such incidents occur is often not adequately explained in press reports about the incidents. Press reports fail to clarify that while the RoE give the peacekeepers this option, they do not require them to exercise it if they are in situations where the party seeking to thwart or violate the mandate of the operation demonstrates superior force and a willingness to use it. Self-defence does not require self-destruction. It was only during the mass detention of UNPROFOR personnel in the former Yugoslavia that the degree to which UNPROFOR personnel are constrained in their actions by their numbers and equipment was fully discussed in the international media.

These experiences suggest that greater effort could be made in disseminating rules of engagement to the international media and in providing explanations of how they might be used. The efforts should be made at the beginning of an operation and then reiterated if incidents arise which raise questions about the rules of engagement. Sometimes, the actual rules of engagement are classified for UN operations. This should not prevent a broad discussion of the objectives and purpose of the rules of engagement with the media.

IV. Summary of Recommendations

The lessons from these experiences suggest:

1. Disarmament

Disarmament without consent is effectively a combat situation.

Consent to disarmament measures in situations of ongoing conflict should not be expected. Even if consent is achieved, as long as the conflict continues, the odds are that the consent of one of the parties will be removed at a later point.

With that in mind, disarmament in a situation of ongoing conflict should not be attempted without giving the operation enforcement rules of engagement and troops and equipment adequate to the task. This is an enforcement situation, not a peacekeeping one, and the operation should be planned and implemented accordingly.

If disarmament goals are pursued in a non-consensual situation without moving to enforcement, the likely outcome is the Yugoslav dilemma. Objectives will only be achieved when consent occurs, and the peacekeepers are always vulnerable to a withdrawal of consent in midcourse and to being used as pawns by the parties

pursuing their war aims. The only justification for pursuing such a course is the one often invoked by the Secretary-General - it is better to be there doing something than to let the conflict continue and do nothing at all.

2. Mixing Chapter VI and VII

In situations of ongoing combat, implementation of disarmament measures with RoE short of combat is unlikely to be successful.

When Chapter VII is invoked, the troops involved should be given the appropriate RoE and armed and supported accordingly in order to remain credible in their mission. Invoking Chapter VII while maintaining a Chapter VI posture contributes to credibility and implementation problems.

Using Chapter VII methods to achieve Chapter VI goals is likely to threaten the role of the United Nations as an impartial third party.

3. Multinational Issues

To the extent possible, advance training with respect to possible RoE in United Nations mission situations by potential contributing member-states would be very useful. The United Nations, in cooperation with member states, could develop a standard set of rules of engagement for all situations between traditional peacekeeping and full-scale enforcement. Such a standard document, with provisions for different types of operations, could be used to facilitate training at the national level.

4. The Media

Incidents relating to the rules of engagement, especially those in which UN troops may injure or kill civilians, can have a tremendous impact on an operation when portrayed in the media. Dissemination and explanation of rules of engagement and their possible application should be a standard part of the public affairs role of a UN operation.

Chapter 6

Consensual Versus Coercive Disarmament

Fred Tanner¹

I. Concepts and Objectives of Disarmament in Peace Operations

1. Introduction

Weapons control and disarmament measures have been an integral part of most peace support missions in recent years. They were implemented primarily as part of consensual, multidimensional peace operations, but in some cases they were also enforced under Chapter VII authority in response to humanitarian distress, civil disorder or violations of peace settlements.

Common to all operations with weapons control or disarmament components is the complexity of their mission objectives. As a result, the implementation record is very mixed. Success stories such as Namibia, Nicaragua or El Salvador have been overshadowed by failures in Angola, Somalia and the former Yugoslavia. Extensive evaluations of UN peace operations have been unable to provide conclusive answers as to whether missions with coercive authority are more or less successful than operations based solely on consensual disarmament. Moreover, the debate about *peacekeeping vs. peace enforcement* has, thus far, been only of limited value to the question of weapons control and disarmament.

The cases examined under the DCR Project have shown, that — as peace operations evolve on the ground — the consensual vs. coercive division has often become blurred: weapons control and disarmament measures have in some cases been carried out forcefully under Chapter VI conditions, and sometimes they have, in turn, been implemented in cooperative fashion under Chapter VII. The empirical reality suggests that all operations with weapons control or disarmament components have, at the outset, begun on a consensual basis, regardless of the

¹ The author wishes to acknowledge that part of this research was made possible with the support of the Swiss National Foundation.

nature of the mission mandate.² At the same time, the levels of acceptance of the parties have invariably declined during missions. This was as much true for Chapter VI operations such as Cambodia or Mozambique, as it was for cases under Chapter VII authority such as Somalia. The reason is that while warring parties may be prepared to cooperate in cease-fire, disengagement or conflict suppression arrangements, they appear reluctant to subject their military assets unconditionally to weapons control and disarmament commitments.

This paper advances the thesis that the only viable option to deal with declining levels of consent is with a strategy of “compellence”. Such a strategy consists in the visible determination of peace support forces to threaten the implementation of the mandate with the use of force, if necessary. Such threats need to be backed up by military capability, doctrinal flexibility, and political commitment of contributing states.

The necessity for compellence results from the inability of most peace support missions to effectively implement disarmament commitments in grey areas of semi-permissiveness. Such grey areas are characterized by the ambiguous nature of consent by the parties with regard to disarmament commitments. This study will examine how peace missions have operated in ambiguous environments, both under Chapter VI and Chapter VII authority. It will first define the various notions associated with weapons control and disarmament and then compare the cases of voluntary and coercive disarmament that have led to grey area situations. For this purpose, it will categorize disarmament measures according to their utility for comprehensive settlements, stability building and conflict suppression. In its last part, the study will elaborate on the merits and risks of compellence in peace support missions dealing with disarmament.

2. Definitions and Conceptualizations of Weapons Control in Conflict Settlements

This section creates the conceptual basis for the notions of consensual and coercive weapons control measures of peace operations. First, the disarmament measures within peace operations need to be clarified. *Weapons control* is an overall term that indicates the process by which the control of weapons and

² As the forceful insertion of weapons control or disarmament operations into a *pre-existing* hostile military environment corresponds more to the definition of classic warfare than to peace enforcement operations, this scenario will not be dealt with in this study.

military arsenals is transferred from armed factions to the peacekeeping forces.³ Such a transfer of control may be temporary or indefinite. Weapons control can have a geographical dimension by applying only to designated zones. Furthermore, it may be limited to certain categories of weapons only. *Disarmament* is usually understood as a linear process of completely eliminating the military capabilities of warring factions. This term is therefore closely associated with *demobilization*, that refers to the disarmament and dissolution of force structures and the transition of combatants to civilian status.⁴ Both, disarmament and demobilization in peace operations are primarily used in comprehensive conflict settlements, where civil war parties agree to form an unified single army for the post-electoral period. But, disarmament may also apply to irregular forces and bandits.

Consensual weapons control can be defined as the voluntary action that opposing parties agree to take in the aftermath of an armed conflict with the purpose of dismantling or constraining their military capabilities. The parties explicitly agree to the presence of peace support forces. These forces are to monitor, supervise or assist the implementation of such disarmament arrangements. Consensual weapons control operations are carried out in most cases under Chapter VI of the UN Charter.⁵

Coercive weapons control or disarmament means that the external forces are authorized to use force, if necessary, to implement their mandates. This definition does not imply straightforward military intervention, but rather the forceful response to non-compliance of parties to live up to weapons control commitments. Coercive weapons control or disarmament may primarily be used for the disarming of individuals, bandits, and renegade armed units operating within the confines of a peacekeeping operation. In practice, most coercive weapons control operations have been taking place under Chapter VII authority of the UN Charter. Examples are the peace operations in Somalia (UNITAF, UNOSOM II) and Haiti (MNF).

³ In this paper, the term “weapons control” will be used as a synonym for “disarmament” and “demilitarization” unless otherwise specified.

⁴ The Dayton Peace Settlement defines demobilization as the "removing from the possession of [these] personnel all weapons, including individual weapons, explosive devices, communication equipment, vehicles, and all other military equipment. All personnel [belonging to these forces] shall be released from services and shall not engage in any further training or military activities." See Article 4, para. 5 of Annex 1A of the Dayton Peace Agreement.

⁵ Consensual disarmament can also take place under Chapter VII authority, which may, however, apply primarily to mission objectives other than weapons control. The disarmament of the UNPAs in Croatia was made formally under Chapter VII, but the use of force authority had been given to UNPROFOR for humanitarian disaster relief purposes, not disarming.

Three defining characteristics distinguish consensual from coercive weapons control in conflict resolution. First, in a coercive environment, the external forces should have the authority and military capability to enforce weapons control, should the consent of the parties decline or disappear altogether. Second, in coercive disarmament the peace support forces are (pro)-actively involved in the disarmament process. This may include the seizure of arms and search missions for illegal weapons. In consensual disarmament, in turn, the peacekeepers usually only act as facilitators or technical supporters to the parties' own disarmament activities. Third, coercive weapons control applies primarily to irregular forces, bandits or smaller armed factions, whereas consensual weapons control under a peace settlement may apply to all armed forces involved in the conflict.

Multidimensional peacekeeping is a new form of peace support mission that emerged in the late 1980's. It covers various types of functions in the military, political and humanitarian fields. Its mission objectives include conflict prevention, humanitarian relief, guarantee and denial of movement, demobilization operations, military assistance, law and order maintenance and electoral observation. Thus, weapons control is just one of many elements.

Conceptually, the notion of weapons control and disarmament as an integral part of conflict settlement evolved over the last few years. Studies about normative interactions between peace-time arms control and post-conflict armament control have emerged in the 1980's after the successful implementation of the *Limited Forces Arrangements* in the Middle East.⁶ More recently, the *Regional Stabilization* part of the Dayton Peace Settlement has established clear-cut guidelines and requirements for a sub-regional arms control regime in Former Yugoslavia.

The conceptual link between disarmament and conflict resolution was formally expressed for the first time by UN Secretary-General Boutros Boutros-Ghali in a report to the First Committee on 23 October 1992. He argued that the role of arms regulations and disarmament can be significant in the context of conflict resolution, peacekeeping, and peace-building.⁷ The 1995 Supplement to

⁶ Limited Forces Arrangements between Israel and Egypt were implemented in 1974, 1975 and 1978, and between Israel and Syria in 1974. See, for example, David Barton, "The Sinai Peacekeeping Experience: A Verification Paradigm for Europe," *SIPRI Yearbook* (1985), pp. 543-573.

⁷ He suggested that "the integration of weapons-control features into United Nations-brokered settlements can contribute enormously to peace-building activities in countries long plagued by civil strife". See "New Dimension of Arms Regulation and Disarmament in the Post-Cold War Era", Report of the Secretary-General of the United Nations, Mr. Boutros

the Agenda for Peace introduces the notion of *micro-disarmament*. The Supplement portrays micro-disarmament as a tool of post-conflict peace-building, intended to “mop up large numbers of small arms circulating in a country emerging from a long civil war.”⁸

With regard to *enforcement* or coercive disarmament, the Secretary-General never took a clear-cut position.⁹ In 1992 the Secretary-General alludes in his *Agenda for Peace* to the possibility of accepting enforcement measures in peacekeeping operations.¹⁰ Furthermore, in a special report on arms regulations and disarmament in the Post-Cold War Era, while referring to the coercive disarmament of Iraq, the Secretary-General warned of not confusing peace enforcement with negotiated disarmament. He concluded, however, that the UN “will be ready to act in accordance with its responsibilities under its Charter” in face of “grave violations of disarmament agreements or of other threats to the peace.”¹¹ In 1995, while presenting the Supplement to his Agenda for Peace, the Secretary-General argued that “enforcement action at present is beyond the capacity of the United Nations except on a very limited scale. It would be folly to attempt to alter this reality at the present time.”¹²

3. Objectives of Disarmament in Conflict Settlement

Disarmament and weapons control play today a significant role in almost all peace operations. But the objectives do vary to a large extent in each mission. This, in turn, requires the policy planners to pursue mandate sensitive strategies. As Table 1 indicates, there are three main scenarios where peace missions may rely on weapons control activities.

Boutros-Ghali, on the occasion of Disarmament Week, A/C.1/47/7, 23 October 1992, p. 5.

⁸ Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, S/1995/1, 25 January 1995, p. 16.

⁹ For a more extensive discussion about enforcement operations, see Donald C.F. Daniels's chapter, "Is There a Middle Option in Peace Support Operations? Implications for Crisis Containment and Disarmament" in this volume.

¹⁰ Scholars refer to the formulation of the Secretary-General under paragraph 20, where he presents UN peacekeeping as *hitherto* with the consent of all the parties concerned.

¹¹ New dimension of arms regulation and disarmament in the post-cold war era, Report of the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, on the occasion of Disarmament Week, 27 October 1992, A/C.1/47/7, p. 5.

¹² “Boutros-Ghali Outlines UN Peacekeeping Challenges”, USIA, *Wireless File*, 6 January 1995, p. 8.

**Table 1: Objectives and Procedures of Disarmament
in Conflict Resolution**

Objectives	Procedures	Cases	Consent
Creation of a single national army	Regrouping, assembly, weapons control, disarmament, and formation of national army.	Zimbabwe, Namibia, Angola, Mozambique, Cambodia	Consensual (Chap. VI)
	One-sided disarmament and restructuring of national armed forces.	Nicaragua, El Salvador	Consensual (Chap. VI)
Stability Building	Weapons limitation zones, concentration of heavy weapons, and constraints on military activities.	Bosnia (IFOR), Eastern Slavonia, Prevlaka Peninsula	Consensual (Chap. VII)
Violence Reduction	Weapons control, micro-disarmament, demilitarization, and disarmament of irregular forces.	Srebrenica, Croatia (UNPA's)	Consensual (Chap. VII)
		----- Somalia	----- (consensual) Coercive (Chap. VII)

First, many comprehensive settlements require the opponents to disarm and to form a single army under a newly elected government. In some cases, the peace agreement may mandate the dissolving of one armed faction only, while government forces are to be restructured. As the disarmament procedures have in such a case been negotiated in the context of a comprehensive settlement, the assumption is that the implementation will be carried out on a consensual basis.

Second, weapons control measures may be used for stability building purposes among parties to a peace process. This may include agreements on weapons limitation zones, the concentration of heavy weapons to designated locations or constraints on military activities. The Dayton Peace Agreement requires an extensive number of such weapons control activities that are defined as *Confidence and Security-Building Measures* (CSBM's). They have been agreed upon by the parties, but the external force (IFOR) acts under Chapter VII enforcement authority.

Finally, weapons control activities may serve as a means of violence reduction rather than as one of conflict resolution. Violence reduction may be an objective of peace missions for two reasons. First, the parties may agree to some type of weapons control arrangement for humanitarian purposes regardless of whether or not a comprehensive peace settlement exists. The disarmament and demilitarization requirements of the UNPA's in Croatia and the safe haven of Srebrenica fall into this category.¹³ Second, violence reduction through weapons control may be considered a necessary precursor to negotiations on national reconciliation.

II. Consensual Disarmament

1. The context

The use of disarmament in conflict termination is not a new phenomenon. The Versailles Peace Treaty elaborated extensive procedures for disarming military units and paramilitary groups. What is new is *disarmament by consent* in civil war settlements: warring factions agree to stop fighting and surrender their weapons in exchange for political normalization and economic compensation.

Voluntary disarmament is a part of efforts to peacefully settle the disputes among contestants under Chapter VI provisos of the UN Charter. The consensus for disarmament—but not necessarily the consensus for other commitments under the peace arrangements—may erode during the mission. There are many reasons for this, including legitimate security concerns of the disarming combatants, bargaining objectives, or “spoilers” who have second thoughts about the peace process.

The preservation of consent of all parties is a key prerequisite for such operations. According to the British Peacekeeping Manual,¹⁴ consent is supported by the principles of: (1) impartiality, (2) legitimacy, (3) mutual respect, (4) minimum force, (5) credibility and (6) transparency.¹⁵

¹³ Barbara Ekwall-Uebelhart and Andrei Raevsky, *Managing Arms in Peace Processes: Croatia and Bosnia-Herzegovina*, Geneva: United Nations, 1996.

¹⁴ *Army Field Manual*, Vol. 5: "Operations other than War," Part 2: "Wider Peacekeeping," London: HMSO, 1994.

¹⁵ For a comparative analysis of national approaches to peacekeeping, Stephen Stedman's chapter, "Consent, Neutrality, and Impartiality in the Tower of Babel and on the Frontlines: United Nations Peacekeeping in the 1990's" in this volume.

Voluntary disarmament in conflict resolution requires the presence of an external force for the purpose of monitoring, supervision or assistance. The requirements for the peacekeepers in conflict resolution are defined by a number of variables, such as the size of the country, the condition of its infrastructure, and the number of combatants to be disarmed.

Multidimensional peacekeeping continues to a large extent to be based on the classic principles of peacekeeping that — according to Brian Urquhart — require:

1. full support of the Security Council;
2. deployment only with full consent and cooperation of the parties;
3. use of force only in self-defense; and
4. operating with complete impartiality.¹⁶

At least one of the above principles is, however, put into question by the peace support mission under the Dayton Peace Settlements. This mission is authorized to *enforce* the weapons control measures and other mission objectives. The enabling Security Council Resolution of the Dayton Peace agreement allows the member states, to “take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A,” and it stresses that the parties “shall be equally subject to such enforcement action by IFOR as may be necessary to ensure implementation of that Annex...”¹⁷ The important and innovative aspect of this operation is the explicit consent of the parties to enforcement actions in case of non-compliance with mission objectives.

2. Forms of Consensual Weapons Control and Disarmament

Demobilization under Comprehensive Settlements

Consensual weapons control under a comprehensive settlement can serve as a means to facilitate the transition from a fragmented or bipolar military environment to the formation of a single national army. Under such peace agreements, either all armed factions are to be merged with surplus forces to be demobilized or the guerrilla factions are to be dissolved unilaterally.

For achieving such objectives, the peacekeeping forces have to help the parties in the various steps of the peace process. This normally includes three

¹⁶ Brian Urquhart, “Beyond the Sheriff’s Posse,” *Survival* 32, No.3, May/June 1990, pp. 196-205.

¹⁷ UN Security Council Resolution 1031 (1995).

phases: (1) the cessation of the armed conflict, (2) the holding of elections, and (3) the formation of a new and impartial national army. Table 2 shows the operational steps of the consensual disarmament process as an integral part of conflict settlement. The cessation of armed conflict is of a pre-determined duration that should be followed by the electoral process. It entails the regrouping of armed forces, their transfer to assembly areas, and the disarmament of those combatants not selected for the national army. The peacekeepers' main tasks are to facilitate and monitor the implementation of these arrangements.

**Table 2: Phases of Consensual Disarmament
as Part of a Comprehensive Settlement**

- Separation of forces
- Cessation of outside military assistance
- Withdrawal of foreign forces
- Regrouping of rival forces
- Cantonment of rival forces
- Weapons control
- Disarmament
- Demobilization
- Formation of national army

Specific responsibilities include reconnaissance and organization of cantonment sites, registration, collection and control of weapons, observation and reporting of compliance, and investigations into violations. The providing of security to the civilian population and the cantoned or disarmed combatants often remain ambiguous within the UN mandates and thus lead to misunderstandings within the UN mission and between the UN and the parties.

Consensual weapons control and disarmament commitments may apply to the guerrilla factions only. Such one-sided disarmament on a voluntary basis is only possible when the disarming party is compensated by political and/or economic gains. In El Salvador, the FMLN agreed to disarm and demobilize in exchange of political normalization and economic compensations. The Government, in turn, had to down-size, restructure and depoliticize its armed forces and create a new impartial police force. Furthermore, it had to agree to institutional adjustments regardless of the electoral outcome. In Nicaragua, the Contras looked for a soft landing after the resistance had won the elections. Here, the disarmament and

demobilization had been more a symbolic act of the Contras' reintegration and an actual means of economic leverage rather than a process of military adjustment.

Stability-building Measures

Weapons control is increasingly used for the building of stability during the process of conflict termination. Such arrangements can be agreed upon in support of a demobilization process of armed factions or they may be enlisted as stabilization measures for a peace process as a whole. Unlike weapons control for violence reduction purposes, the stabilization measures are not *ad hoc* or temporary measures, but they are an integrated part of negotiated cease-fires or conflict settlements. Stability-building measures include constraints on the parties with regard to their military activities. This can range from the creation of weapons-exclusion zones to the commitment to not reinforce forward-based positions. Table 3 indicates a number of measures that fall into this type of weapons control.

Table 3: Stability-building Measures

- | |
|--|
| <ul style="list-style-type: none"> ● weapons limitation zones ● concentration of heavy weapons ● demilitarization of designated zones ● zones of separation of armed forces ● no unapproved troop movements ● exchange of maps on mine fields ● ban on arms and ammunition imports ● disbandment of volunteer forces |
|--|

The variety of measures indicated in Table 3 require from the peace support forces a great deal of weapons expertise and a continuous flow of information about the location and the status of forces, armament, and military equipment. Stability-building measures, such as weapons-restricted zones and concentration of heavy weapons have been part and parcel of most recent peace operations, including missions in Abkhazia, Bosnia and Croatia.

For the purpose of minimizing the contacts between the warring factions during the disarmament phase, two comprehensive arrangements (Angola, Nicaragua) have used stability measures to create a stable security environment for the disarmament process. Such measures included the creation of security zones around the assembly areas. These zones were off-limits to other armed forces. In

the case of Nicaragua, the police in the security zones were also disarmed, and no military flights were permitted over the zones. The military installations and brigade command posts inside the zones “remain[ed] frozen” under the supervision of third parties and representatives of the rivals.¹⁸

Finally, the peace implementation forces (IFOR) deployed to Bosnia in December 1995 have been authorized by Security Council Resolution 1031 to supervise, and if necessary, enforce the numerous stability measures that have been agreed upon under the Dayton Peace Settlements. Measures include the creation of a zone of separation, clearing of minefields and obstacles, phased troop withdrawal to designated areas, concentration of heavy weapons, and demobilization of surplus forces.

Violence Reduction

Warring parties may have an interest in agreeing to weapons control commitments, even in the absence of a formal conflict termination agreement. Conditions for such consensual weapons control emerges when belligerents agree to take cooperative and militarily significant measures in the face of humanitarian imperatives. Table 4 shows the types of measures suitable for violence reduction operations.

Table 4: Violence Reduction Measures

<ul style="list-style-type: none"> ● weapons control ● demilitarization ● micro-disarmament ● disarmament/disbandment of irregular forces

In the former Yugoslavia, weapons control and other violence reduction measures have been pursued by UNPROFOR in the cases of the United Nations Protection Areas (UNPA’s) in Croatia and Srebrenica in Bosnia. In both instances, the UN missions had no enforcement authority, even though they had to act in a semi-permissive environment. Furthermore, the normative environment under which the violence reduction schemes were carried out remained ambiguous: the Vance Plan mandating the disarmament in the UNPA’s never entered into force and the demilitarization of Srebrenica was sought under a hastily concluded local

¹⁸ Art. 3 of the *Act establishing the demilitarized zone*, 18 April 1990.

agreement, that was only reluctantly acknowledged by the UN Secretariat and the Security Council.¹⁹

The weapons control and disarmament measures implemented under a violence reductions objective are difficult to sustain, if they are not supported by a dynamic political process. In a conflictual environment, such arrangements fall prey, sooner or later, to the military imperatives of the local parties. In the case of the UNPA's, the weapons control and disarmament regime ceased to exist when the Croatian army launched an offensive into the southern part of one UNPA. The local Serbian forces responded to the UN inability to deter an incursion in what was supposed to be an UN-protected DMZ by breaking into UN storage areas and removing their weapons, including heavy weapons.²⁰

In Srebrenica, the disarmament commitments have never been completely implemented. According to the DCR Project's studies, less than half of the weapons in the area were handed in. Furthermore, Bosnian Muslim combatants started to flow back into the safe area and mounted a fierce guerrilla operation against the surrounding Serb positions and villages. This was taken as a pretext by General Ratko Mladic, the Bosnian Serb Commander, to overrun the safe haven including the peacekeeping positions in July 1995.

3. Problems with the Implementation of Voluntary Disarmament

As mentioned above, all examined peace operations with disarmament mandates have sooner or later run into serious implementation problems. The reasons range from doctrinal, structural and operational shortcomings of the external forces to the security dilemma of the disarming parties. The following sections will examine these reasons in a more detailed fashion.

Inadequacy of Third Party Involvement

External forces are instrumental for assuring the successful implementation of weapons control in peace operations. The presence of such peace support forces is, however, in many instances not adequately fine-tuned to the challenging tasks of weapons control, particularly if they have to be implemented in a semi-permissive environment. Problems emerge out of a lack of conceptual clarity of the

¹⁹ See Ekwall-Uebelhart and Raevsky, p. 74.

²⁰ United Nations Peace-keeping, Information Notes, United Nations, May 1994, p. 58.

mandate, deficient military capabilities of the peace support forces, questioned impartiality and operational shortcomings.

The conceptual clarity of the mandate is often missing in peace operations with multiple mission objectives. This is true primarily for violence reduction operations as was painfully demonstrated by UNPROFOR's role in UNPA's and Srebrenica.²¹ Another important source of mandate ambiguities are the different interpretations by national contingents of peace support forces. Finally, until very recently, *consensual* peace operations did not provide for mandates and rules of engagements that were capable of dealing with the eventuality of decaying consent among the parties.²²

The military force of peace support missions has often been inadequate for achieving the mission objectives. The size and composition of the external force was not treated as a variable of the mission's objectives and the nature of weapons control operations. In the peace operation of Angola (UNAVEM II), for instance, the disarmament of the factions has been assisted by Military Observer (MO) teams only. Similarly, the ONUMOZ mission was marked by sending the wrong mix of peacekeeping forces to the wrong places: the armed infantry battalions of ONUMOZ were sent to guard strategic corridors and only unarmed MO's were available for the demobilization process. Some larger UN troop deployments to the appropriate places in Mozambique may have made an important difference to the stop-and-go disarmament process.²³

Impartiality has been upheld as a sacrosanct principle of peacekeeping operations for a long time. Today, however, the thinking about this notion has evolved with the widely accepted argument that impartiality is not necessarily synonymous with the non-use of force.²⁴ Peace support forces may be able to use the threat of force or actual minimal force without becoming partisan. The testing of impartiality is risky, however, because it would be very hard to regain, once it has been lost. Impartiality was a key factor in the decision of UNTAC *not* to enforce the weapons control commitments of the Khmer Rouge. In Croatia, on the

²¹ See Shashi Tharoor, "Should UN Peacekeeping Go 'Back to Basics'?", *Survival*, Vol. 37, No.4, Winter 1995-96, pp. 52-64.

²² Only the concept of "robust peacekeeping" has introduced a doctrinal and operational basis for dealing with resistance to the implementation of peace arrangements.

²³ See Christopher Smith, Peter Batchelor, and Jakkie Potgieter, *Small Arms Management and Peacekeeping in Southern Africa*, Geneva: United Nations, 1996.

²⁴ See Jim Whitman and Ian Bartholomew, "UN Peace Support Operations: Political-Military Considerations," in Donald C.F. Daniel and Bradd C. Hayes, *Beyond Traditional Peacekeeping*, New York: St. Martin's Press, 1995, pp. 169-188.

other hand, UNPROFOR units have successfully carried out disarmament mandates with the help of compellence that, however, endangered the impartiality of the UN forces.

Operational shortcomings are due primarily to low political commitments of contributing states, lack of financial resources as well as the deficiencies in training and inter-operationability between national contingents. The most notorious example of operational deficiency is the slow and indecisive response of peace support missions towards the implementation of disarmament programs. In Angola, and again in Mozambique, the late deployments of the peacekeepers jeopardized the entire mission. In Somalia, delay in weapons control implementations eroded the trust between UNOSOM II and the parties, and it led to an increased boldness of the warring factions.²⁵ In Cambodia, the chances for compellence were missed with the delayed deployment and the indecisive first contacts with units of the Khmer Rouge that refused to disarm.²⁶ In the case of Liberia, the late deployment of additional peacekeeping forces has stalled the disarmament process altogether. In fact, the delay of the deployment of the expanded ECOMOG has been cited by the UN Secretary-General as “the single most important factor holding up the implementation of the peace agreement”.²⁷ The delay has been partially due to financial problems which prevented a number of African states from contributing to the ECOMOG force.

Decaying Consent

The evaporation of consent by parties to a disarmament deal represents a vital challenge to today’s peace support missions. Stephen Stedman identified the “biggest problem by far in implementing peace accords in civil war” the question of how to deal “with parties who sign peace accords and then default on their commitments.”²⁸ There are many reasons for adversaries to cheat or to defect from

²⁵ See United Nations Institute for Disarmament Research (UNIDIR), “Analysis Report of Practitioners’ Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Somalia,” in Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, questionnaire number S099.

²⁶ Jianwei Wang, *Managing Arms in Peace Processes: Cambodia*, Geneva: United Nations, 1996, pp. 45-51.

²⁷ Report of the Secretary-General on the United Nations Observer Mission in Liberia, S/26868, 13 December 1993.

²⁸ Stephen Stedman, “Mediation and Civil War”, in Michael Brown (ed.), *The Regional and International Implications of Civil Wars*, Cambridge: MIT Press, forthcoming.

the peace process. With regard to disarmament, there are three main explanations as to why combatants may be motivated to withdraw their consent.

First, the disarmament process may generate an acute *security dilemma* among the factions. Weapons control and disarmament commitments may entail the abandonment of defensive positions and the acceptance of troop movements that may be highly vulnerable to surprise attack by non-compliant parties. The peace process of Zimbabwe was close to derailment, for instance, because the guerrilla forces feared that their vulnerability would be exploited by the Rhodesian armed forces once they had evacuated their positions in the bush for the sake of disarmament in assembly areas.²⁹

The security dilemma accentuated the problems with weapons control procedures, because it legitimizes the parties to keep some weapons for security purposes as long as the external force is unable to guarantee the security of the disarming combatants. For this reason, some of the comprehensive settlement agreements allowed the parties to keep some of their weapons during the cantonment phase. This, in turn, greatly complicated the verification tasks of the peacekeepers and increased the prospects for cheating.

Second, decaying consent may be a bargaining chip for parties pursuing economic concessions. In El Salvador, for instance, the FMLN leadership explicitly linked the demobilization of its forces to progress on contentious material issues, such as the transfer of land to former FMLN combatants. This led to protracted stop-go adjustments on both sides, without which there would have been a return to war. Similarly, in Nicaragua, the manifest reluctance of the resistance to go through with the agreed demobilization has to be understood as a bargaining strategy towards the new government with the objective of receiving a higher economic compensation.³⁰

Third, incentives to breakout of a peace process increase with the probability that a party will lose the post-conflict elections. Moreover, incentives for defections are high when the electoral outcome is expressed in “winner takes all”

²⁹ Jeremy Giner, *Managing Arms in Peace Processes: Rhodesia/Zimbabwe*, Geneva: United Nations, 1995, p. 16.

³⁰ The Managua agreement epitomized the trade-off culture that marked the peace process in Nicaragua. It gave the ex-combatants the right to resettle in “development areas” and also additional security guarantees, including the creation of a new national police force, “in which the former members of the resistance will participate” for maintaining law and order. In exchange, the resistance agreed to a demobilization ratio of “at least 100 combatants each day in each zone. See Paragraph 10 of Managua protocol on disarmament, p. 4.

terms. Such one-sided distribution of political gains may be difficult to accept for parties unfamiliar with the virtues of liberal democracy.

Illegal Fail-safe Measures

In many cases the conflict parties have been tempted to preserve some military means as an insurance policy, just in case that the “political normalization” does not go their way. According to the DCR Practitioners’ Questionnaires, all parties in all cases under examination have been suspected by the peacekeepers of maintaining illegal weapons storage. Other violations included the withholding of elite troops from regrouping. Such fail-safe measures were not necessarily intended as a preparation for returning to war, but rather as an informal guarantee against last-minute defections of the opponents.

In the case of Zimbabwe, for instance, the best fighting units were kept out of the camps as a fail-safe measure against a breakdown of the adjustment process. In the case of Angola, the commanders were suspicious and feared traps when they were first in line to send their troops to assembly areas. Furthermore, the Angolan rivals held back a large number of troops and weapons.

4. Improving Conditions for Consensual Disarmament

The above sections have shown that parties to consensual disarmament need to be continuously motivated to carry out their commitments. Successful disarmament is challenged by deficient third party support, security concerns, linkages to economic gains, and potential spoilers who may default on their commitments if they risk losing the post-conflict electoral process. This section will look at the possible remedies that can convince the parties to fully implement voluntary disarmament obligations.

Economic Incentives

Economic incentives for sustainable disarmament and demilitarization are important, as the warring parties expect something in return for their preparedness to disarm and demobilize. Incentives offered to the combatants to disarm may fundamentally influence the parties’ compliance record. This can be economic compensation on a macro-level, as it was the case in Nicaragua, where the Contras received land after disarming.

Economic compensation programs on a micro-level were tested with various results in several cases. In Somalia, for example, a food-for-guns program enjoyed a resounding success. The program was, however, short-lived, as the relief agencies quickly ran out of supplies. In Nicaragua, after the Contras had been

disarmed, many illegal weapons were collected through arms buy-back programs, where above market prices were offered in exchange for weapons. Although a large quantity of weapons were seized with the help of the program, the availability of large numbers of weapons continued to destabilize the country³¹

Ad hoc buy-back programs were also initiated in Mozambique, but with little success. According to Peter Batchelor, the weapons-for-cash schemes did not work because they attracted primarily old and poor quality weapons and stimulated at the same time new and illegal markets in weapons. More promising has been the experience with programs that traded weapons for food or agricultural implements.³²

The incentive to voluntarily disarm can rapidly evaporate within adverse conditions under which this process should be carried out. In Angola, for instance, combatants in some assembly areas “were close to starvation.”³³ Their incentives to remain in the camps and to continue to cooperate with the UN peacekeepers rapidly disappeared. In Mozambique, in turn, each assembly area received, after some initial problems, adequate food for the combatants and their dependents, as well as a health clinic “which may also serve the surrounding civilian population.”³⁴

Increasing Transparency

Increasing transparency after a war is of essential importance for consensual disarmament, as it allows the parties to confirm, with help of military observers and peacekeepers, that their adversaries are not cheating. Furthermore, an increased flow of reliable information with an impartial distribution among the adversaries is an important confidence-building measure in post-conflict periods.

Information

According to many peacekeeping officers, weapons control arrangements could not be successfully implemented without adequate information.³⁵ The

³¹ World Bank, *Demobilization and Reintegration of Military Personnel in Africa: The Evidence from Seven Case Studies*, Discussion Paper, October 1993, 1993, p. 32; Smith, pp. 1-59.

³² Batchelor, p. 37.

³³ World Bank, p. 24.

³⁴ *Ibid.*

³⁵ United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Somalia," in Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, question number: S150, and United Nations Institute

creation of communication channels and the exchange of information is an essential requirement for consensual disarmament programs.

Reliable information helps to gain trust and combats stereotyping. In Croatia, the general perception of the local population was that UNPROFOR was biased in favor of the Serbs.³⁶ UNPROFOR had to convince the local Croatian authorities that the demilitarization was not a pro-Serbian maneuver, as Zagreb tried to portray it. Without adequate and continuous contacts with the local authorities, the implementation of demilitarization by the UN in Sector West may not have been successful.

The Secretary-General recommended in one of his Reports about the progress of disarmament in Somalia, that it would be essential to keep the parties informed about the disarmament process. He argued that "this would place political pressure on factions that seek to delay or fail to comply with the disarmament process and would provide a sense of security for the factions complying with that process."³⁷

Confidence and Trust Building

Consensual disarmament is a cooperative effort among former belligerents. It is therefore essential for third parties to create a minimum amount of confidence that is a prerequisite for sustained cooperations. Regular face-to-face meetings of local leaders are a way for the peace missions to bring the parties into direct contact. This is important for confidence-building and problem-solving. In Sector West of the UNPA's in Croatia, for instance, the UNPROFOR Sector Commander arranged separate and joint meetings with the representatives of both armies and the Territorial Defense Forces.

The *institutionalization* of regular military meetings on various command levels represents an important instrument of confidence-building and problem solving. In Cambodia, for instance, mixed military working groups were set up by UNTAC to ensure a liaison between all factions and the UN agencies. Such working groups met on various levels in the different regions of Cambodia. These

for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Rhodesia/Zimbabwe," in Jeremy Giner, *Managing Arms in Peace Processes: Rhodesia/Zimbabwe*, Geneva: United Nations, 1995, questionnaires numbers R104, R118, R171.

³⁶ Gerard Fischer, "Experience from Implementing the Mandate given to the United Nations Protection Force (UNPROFOR) in United Nations Protected Area (UNPA) Sector West," unpublished paper, 30 March 1993, p. 3.

³⁷ Further Report of the Secretary-General submitted in pursuance of paragraphs 18 and 19 of Resolution 794 (1992), 3 March 1993, S/25354, p. 14.

meetings were complemented by sector commanders conferences and meetings by provincial directors.

Trust building among the local population is another important confidence-building effort of peace support forces. In Croatia, UNPROFOR has undertaken a number of confidence-building measures with the objectives of winning the hearts and minds of the people. Initiatives included a mail and parcel delivery program, village visitation program, and a rehabilitation cum reconstruction program. Such policies were initiated by the Civil Affairs Component of the UN force. This example indicates that a comprehensive approach by the UN, covering the military and the civilian dimensions, may make the disarmament more palatable among the local parties.

Improving Baseline Information

A common problem among multidimensional peacekeeping operations is the difficulty to determine what the parties' actual troop and armament holdings are. The parties, even acting in good faith, are often unable to provide reliable figures about their forces. There are several reasons for this:

- "Regular troops" are often under different administrative control than territorial defense forces;
- The mobility of the troops in cantonments, or as it has been the case in Cambodia or Mozambique, the "agricultural leaves" of encamped combatants makes control much more difficult;
- Parties sometimes have an interest in inflating their troop numbers in order to qualify for larger economic compensation schemes.

With increased contacts, regular meetings, reliable channels of communications, and regular reporting obligations for the parties, peacekeeping forces are better able to continuously assess the progress of and compliance with the disarmament process. The importance of baseline information was evidenced by the case of Liberia, where the peace process stalled because of the refusal of the parties to provide the "vitally needed information on the number and location of their combatants, weapons, and mines".³⁸

³⁸ Report of the Secretary-General on the United Nations Mission in Liberia, S/26868, 13 December 1993, p. 5.

Improving peace support operations

In light of the security dilemma of disarming combatants, the external forces should be capable and willing to provide a sense of security to the parties and the civilian population. The experiences in Cambodia, Angola and other conflict settlements have shown that the UN has been unable to provide credible security guarantees to disarming groups as long as the peacekeeping forces are confined to Chapter VI-type rules of engagement.

The credibility of the peace support forces depends on their relative size, force structure and the manifest resolve to implement their mandate under adverse circumstances. Also, the force requirements should reflect the disarmament tasks. But, according to military experts of the DCR Project, most peace support missions have not been structured on a troops-to-tasks basis. Furthermore, no units were reinforced with personnel or equipment that were assigned to disarmament missions. For efficiently supporting a disarmament mandate, the peacekeepers need the necessary means. This includes the capability to rapidly move within a wartorn environment (helicopters, four-wheel drives vehicles), real-time intelligence, night vision and anti-sniper equipment.

Moreover, the ratio between peacekeepers and combatants should be between 1:10 and 1:15 at least to credibly implement the disarmament mandate. Among the cases of comprehensive settlements, only Namibia and Cambodia enjoyed such a ratio. In the case of Angola, on the other hand, there were more than 400 combatants for each military observer. Furthermore, there should be an appropriate mix between MO's and infantry battalions. The peacekeeping forces should be able to create local military superiority, if needed.

Increasing the Threshold for Non-Compliance

The external forces must strive to ensure that the motivations for non-compliance are reduced to a minimum throughout the weapons control and disarmament process. For that purpose, operational and structural thresholds should be made part of the peace operations.

The increase of the operational threshold can be achieved through a *strategy of compellence*. This means that the peace support forces are militarily capable and politically determined to impose penalties upon non-compliant behavior on a tactical level. A strategy of compellence should be understood as a psychological instrument of a peace support mission. It should generate among the parties the perception that their lowering of consent to weapons control commitments would not be condoned with passivity and acquiescence. The question of compellence in consensual disarmament efforts will be further developed below.

Structural thresholds to non-compliance are primarily constraints on arms imports. Disarmament makes little sense if the disarming groups are able to rapidly reconstitute their military capabilities with the help of arms supplied from outside sources. Some comprehensive settlements explicitly ban the acquisition of weapons and lethal materials from abroad and mandate the UN mission to monitor the compliance with import prohibitions.

Only in a few cases, however, has the international community imposed an arms embargo on countries that were involved in disarmament and demilitarization. In the case of Mozambique, for example, no arms embargo was imposed on the parties and weapons could enter Mozambique during the peace process. According to Batchelor, the absence of an arms embargo had a significant effect on the ability of the multilateral forces to implement effective disarmament.³⁹ Also in the case of Somalia, the weapons control and disarmament programs were futile in light of the continuous influx of new weapons from states such as Ethiopia, Sudan and Iran.

There are several ways to increase the threshold to illegal rearmament. Numerous lessons are provided by the Angolan experience, where the opponents engaged in an intensive arms race after UNITA broke out of the peace process. The DCR analysis on Angola suggests that weapons, equipment and men should be kept at different locations. Moreover, these locations should be properly secured to prevent any re-armament by the factions. The World Bank Report, in turn, recommends “to announce that a buy back program will be followed by a weapons search and seizure program, during which illegal weapons holders will incur stiff penalties. During a seizure program, informers could be rewarded according to a pro-rated scale (a larger reward for a larger cache)”.⁴⁰

III. Coercive Disarmament

1. Context

Coercive disarmament can be an integral part of peace support missions. It may be used as a means to implement disarmament arrangements under peace settlements or as part of a conflict suppression campaign. Coercive disarmament in peace support operations is not used against aggressors, but against non-compliant actors who may act with or without hostile intent against the

³⁹ Batchelor, p. 36.

⁴⁰ World Bank, p. 34.

peacekeeping force. Thus, peace support missions established under Chapter VII should not be confused with enforcement missions or combat operations under Article 42 of the UN Charter.

Coercive weapons control and disarmament are usually not a first, but a last step in a series of measures in peace support missions. In Somalia, for example, the impotency of UNOSOM I in the face of the heavily armed gangs convinced the UN Security Council to provide UNITAF and then UNOSOM II with Chapter VII authority to ensure that the disarmament process was *continuous and irreversible*.

The enforcement authority in disarmament matters carries, however, the risk that the peacekeeping force will become a *de facto* party to the conflict. The principles of consent and impartiality are difficult to reconcile with peace support missions that may apply force for disarmament and demilitarization purposes.

The credibility of coercive weapons control depends on the type of peace support force deployed into the area of operation. Experiences have shown, that coalition forces or multinational task forces are more efficient than UN peacekeeping forces. First, coalition forces use existing command and control structures that are provided by key participating states. Second, the doctrine and rules of engagement, equipment, and means of communication are often standardized. Examples of coalition forces are UNITAF (Somalia) and IFOR (Bosnia). UN peacekeeping forces, in turn, are less efficient militarily because of the *ad hoc* command structures, the diversity of military doctrines, and the complicated path of decision-making for using military force.

2. Coercive Weapons Control as Part of Violence Reduction Campaigns

Coercive weapons control has been used under various forms in conflict termination. It occurred primarily as a side product of asymmetrical war termination. Examples are the coercive disarmament of Germany under the Versailles Peace Treaty or the partial disarmament of Iraq under the UN Cease-Fire Resolution 687 (1991). There are, however, a small number of cases, where coercive disarmament has been used for violence reduction purposes or conflict resolution. Here, coercive weapons control and disarmament were not the main objectives of the military operations, but rather a means to create a more stable military environment.

A number of *Coalition Force* operations under Chapter VII authority have engaged in coercive disarmament or demilitarization. (1) UNITAF (Somalia) pursued disarmament measures as part of a military campaign with the objective of conflict suppression or violence reduction. Thus, the main operational purpose of coercive weapons control and disarmament was “to establish a secure

environment for humanitarian relief operations in Somalia.”⁴¹ (2) In Haiti, the Multinational Force intervened with the purpose of removing the illegal government and to “establish and maintain a secure and stable environment.”⁴² In the pursuit of these objectives, the MNF also disarmed the Haitian military in a “permissive environment.”⁴³ (3) IFOR has been deployed in Bosnia with the authority to *enforce* its mission objectives, that also includes extensive weapons control arrangements. In contrast to the above two cases, the enforcement authority of IFOR has been explicitly agreed upon by the parties to the conflict.

With regard to *UN peacekeeping missions*, the Somalia operation (UNOSOM-2) is precedent-setting. It is the first UN mission with explicit enforcement authority for disarmament purposes. Despite its Chapter VII authority, UNOSOM II should be considered a peacekeeping and not an enforcement mission, because it was sent to Somalia as an impartial force, even though the military environment has been semi-permissive at best.⁴⁴ In other UN peacekeeping operations, coercive *modus vivendi* with weapons control effects have been authorized for humanitarian purposes. For example, the Commander of UNPROFOR was authorized in 1993 to call for NATO close air support in case of violations of UN-designated safe havens that were declared heavy weapon free zones.

Other peace operations with coercive weapons control components have been used by a number of regional peacekeeping missions. In Liberia, ECOMOG was involved in direct combat with Liberian factions that objected to disarmament commitments. The peacekeeping operations in the Caucasus are characterized by the important presence of Russian combat troops, who do not hesitate to use force to implement the disarmament of “irregular” or “voluntary” forces. According to General Shapovalov, “Russian peacekeeping forces are tasked to pursue, apprehend and destroy by fire groups or individuals who are not following the rules in a given situation.”⁴⁵

⁴¹ UN Security Council Resolution 794 (1992).

⁴² UN Security Council Resolution 940 (1994).

⁴³ See Marcos Mendiburu, *Managing Arms in Peace Processes: Haiti*, Geneva: United Nations, forthcoming, p. 15.

⁴⁴ The UN strikes on military positions of warlord Mohamed Farah Aideed in Somalia were made as a response to attacks on U.N. peacekeepers. The UN mandate did not designate any Somali faction as aggressor.

⁴⁵ Quote in M.T. Davis, “Russian “Peacekeeping Operations”, NATO, CND (93) 577, unpublished paper, 20 September 1993, p. 8.

As mentioned above, coercive disarmament in the context of UN missions, does, however, not exclusively take place under Chapter VII authority. On a tactical level, UN peacekeeping forces may use coercive measures to achieve disarmament objectives, even though the missions run under a Chapter VI mandate. Such coercive measures, that can also be referred to as a form of compellence, are conceivable against small-scale resistance (irregular forces, dissident groups, bandits), presuming that such operations do not impair the strategic consent of the parties.⁴⁶ This can occur when UN Force Commanders are determined to implement their mandate even in the absence of consent of local parties. Coercive actions under Chapter VI mandates have been used in Croatia, for instance, where UNPROFOR pursued a strategy of forceful micro-disarmament.

In practical terms, coercive disarmament measures can only be used in carefully defined circumstances and not as a general rule. They could never apply to all the arms within a large geographical area. Given the large number of weapons in areas of conflict such a task would be impossible. The chances for effective weapons control are better if the focus is on: (1) geographically designated zones (safety zones); (2) to a certain conduct (i.e. open display of weapons or hostile intent); and (3) certain types of weapons (heavy weapons or team-serviced weapons).

3. Pitfalls of Coercive Disarmament

The main problem of coercive weapons control and disarmament is the delicate mix between cooperation and confrontation for an external force acting under Chapter VII authority. The external troops cannot afford to lose all of the cooperation of the parties, despite the military force that may have to be used for weapons control or disarmament purposes. A peace operation in a purely confrontational environment is an oxymoron.⁴⁷

The relatively high risk associated with coercive disarmament leads to several important consequences for peacekeeping operations. (1) The possible loss of freedom of movement of the peace support forces may jeopardize mission

⁴⁶ UNIDIR, "Analysis Report: Somalia," questionnaire numbers S099, S150, and UNIDIR, "Analysis Report: Rhodesia/Zimbabwe," questionnaire number R171.

⁴⁷ As mentioned earlier, coercive weapons control operations in a hostile environment should be considered part of war operations in the classical Clausewitzian sense and are thus not part of this study.

objectives other than disarmament. (2) The prospect of involvement in combat situations and casualties on the side of the peace support forces tends to reduce the number of contributing states to peacekeeping operations. (3) The threat of casualties may lead to a division between the national contingencies of the multilateral force. The experience with UNOSOM II has shown, that some national contingents have not been prepared to take part in Chapter VII operations.⁴⁸ According to a Norwegian Institute of International Affairs (NUPI) report on Somalia, US planners felt that the lack of UN military leadership led to the failure of compliance with the UN mandate.⁴⁹

The case of Somalia illustrates the pitfalls of coercive disarmament. The relationship between the UNOSOM II and the Somali factions turned sour after the UN raised the level of force with regard to weapons control. It began with the UN Security Council Resolution 814 (1993) demanding all Somali factions to fully comply with the disarmament commitments under the Addis Ababa Agreement. When the security environment in Mogadishu started to deteriorate in May 1993, the Commander of UNOSOM II broadened the ROE to entitle the peacekeepers to act more preventively in potentially dangerous situations. The new rules under Fragmentary Order 39 allowed UNOSOM II to engage without provocation, armed militias, technicals and other crew-served weapons considered a threat to UNOSOM forces. Such an extension of the ROE gave the UN forces virtually a blank check with regard to the use of force towards the parties.

The nature of the disarmament process changed altogether, when 25 UN soldiers of Pakistan were ambushed and killed. The UN Security Council Resolution 814 (1993) gave the UN forces in Somalia the authority to enforce the cessation of armed conflict agreement, as adopted by the Addis Ababa meeting. UNOSOM II forces began with a “coercive disarmament program in south Mogadishu” with the purpose of disabling or destroying militia weapons in storage sites and clandestine military facilities.⁵⁰

⁴⁸ According to Anderson, the Italian and Pakistani peacekeeping forces were ambiguous about their commitment to Chapter VII actions, not the least because they were neither equipped nor trained for such eventualities, see Gary Anderson, “UNOSOM II: Not Failure, Not Success,” in Donald C.F. Daniel and Bradd C. Hayes (eds), *Beyond Traditional Peacekeeping*, New York: St. Martin’s Press, 1994, p. 274.

⁴⁹ Jarat Chopra, Age Eknes, Toralu Nordbo, *Fighting for Hope in Somalia*, Peacekeeping and Multilateral Operations, No. 6, NUPI, 1995, p. 49.

⁵⁰ Report of the Secretary-General on the Work of the Organization, September 1994, p. 85.

The UN Security Council reacted to the increased hostilities by adopting Resolution 837 (1993) that specified for the first time explicitly that UNOSOM II should “confront and deter armed attacks directed against it in the accomplishment of its mandate”. After a certain point in time, however, most of the attention of the UN was concentrated on the pursuit of General Aideed, for whom an arrest warrant had been issued by the UN. With several factions feeling threatened by the coercive nature of weapon control activities, their consent to the weapons control program rapidly decayed. Lt. Col. Ken Allard, who analyzed the Somalia operation from a military perspective argued that the disarmament has never been more than an “incidental byproduct of the Aideed manhunt,” but it has been sufficient to pose a direct threat to the position of the clans within the local power structure, and it was resisted accordingly.⁵¹

4. Requirements for Coercive Disarmament

In light of the failure of the disarmament campaign in Somalia, what are the requirements for successfully implementing disarmament commitments? At what point should a peacekeeping force be prepared to employ force? The first and most basic requirement is the presence of well trained combat troops with adequate weapons and equipment. Second, coercive disarmament should not be, as it was in the UNOSOM II context, one of several mission objectives that eventually may compete with each other for policy priorities. According to the DCR survey (S073), the emphasis on humanitarian relief in Somalia impaired the commitments and capabilities of the peacekeepers to implement the disarmament programs.⁵²

A third requirement is that the different national contingents have to be prepared to act in unison. Somalia was, in many respects, the product of the legacy of the failure of peacekeeping due to the different practices of national UN contingents and NGO’s in their dealings with armed factions in a unstable military environment. Somalia also raised the fundamental question as to whether it makes sense to make coercive weapons control a prime objective of peace support operation in a highly fragmented military and socio-political environment, where the parties are not ready or interested to renounce hostilities.

Fourth, the peace support forces should be able to use force for weapons purposes only in environments where the parties can be held accountable for non-

⁵¹ Kenneth Allard, *Somalia Operations: Lessons Learned*, Washington, DC: National Defense University Press, 1995, p. 64.

⁵² UNIDIR, “Analysis Report: Somalia,” questionnaire number S073.

compliant behavior. This may prove to be difficult in conflict suppression operations. The need for an explicit normative environment also at the tactical level has been confirmed in the cases of Croatia and Somalia. Sector Commanders should have the discretionary power to either negotiate with local groups for certain weapons control criteria or to communicate to the parties what types of armaments are legal and what needs to be surrendered. In Somalia, the designation of a number of weapon-free zones and the total prohibition of some weapon systems (technicals) has helped to create clear normative disarmament parameters at least in some areas.

Fifth, coercive disarmament should be based on the use of minimum necessary force. The peace support missions cannot afford to get involved in combat-like situations. The objective of disarmament is, after all, to create a safer environment, and not to win a battle against a non-compliant party. Finally, extensive contacts with the local population are essential, even in phases of coercive disarmament. Population and local authorities can exercise pressure on militias and local commanders. Furthermore, they can serve as important source of information for the disarmament of irregular forces and bandits.

IV. Compellence

1. The context

A closer look at the various cases of disarmament in conflict resolution indicates that it is neither conceptually nor operationally possible to establish where consensual disarmament stops and where coercive disarmament begins. There is a grey area in between. This area finds its origin in the unclear vertical relationship between the “consenting party” on the strategic level and the “defiant actor” on the ground (or tactical level). Strategic actors are the formal parties to the peace settlements. The parties on tactical level are subsidiary or “local” forces, armed factions, splinter groups, irregular forces, armed citizen groups, voluntary forces and bandits. This paper argues that peace support forces should pursue a strategy of compellence in the weapons control dimension as long as the decaying consent of the parties is not clearly imputable to decisions taken on the strategic level.

The key to achieving this delicate task is for the peace support forces to differentiate between strategic and tactical actors. The challenge of the peace support forces is — if necessarily by force — to address non-compliant conduct on the tactical level, while preserving impartiality on the strategic level. In other terms, enforcement of weapons control is conceivable as a bottom-up approach in

a peace support mission, whereas consent must be preserved at any price from the top-down. Thus, compellence is a show of force within the confinements of peace support missions that operate under the strategic consent of the parties.

Four ambiguities underline the presence of grey area situations in peace support missions engaged in weapons control activities. First, mandates of multiple objective missions are often ambiguous.⁵³ Second, parties may create ambiguous situations in order to test the resolve of the peace support missions. Third, in some peace operations, such as Somalia, the fragmented political and military environment makes a differentiation between strategic and tactical levels impossible.⁵⁴ Finally, ambiguous may also be the response of peace support forces towards decaying consent: the threat to use force, or the demonstration of military resolve can be understood as an attempt of coercion by an impartial party.

The grey area situation entails generic risks of luring the peace support forces into a partisan conflict. The Somalia case illustrates how quickly an UN force can go down the slippery road of escalation. The UN, on the grounds of the Addis Ababa agreements developed a "Somalia cease-fire disarmament concept" that was based on the consent of the parties. It foresaw the establishment of cantonment, storage of heavy weapons, "as well as transition sites for temporary accommodation of factional forces while they turned in their small arms, registered for future governmental and non-governmental support and received training for eventual reintegration into civilian life."⁵⁵ The only difference with a Chapter VI operation was the penalty foreseen in case of non-compliance: those failing to comply with timetables or other modalities would have their weapons and equipment confiscated or destroyed.

The implementation of this concept was hampered by organizational problems (transition from UNITAF to UNOSOM II) and by increasing resistance of the parties to comply with the disarmament or assembly requirements. The more extensive ROE and closer control of weapons storage sites under UNOSOM II, as opposed to UNITAF, has rapidly led to tense relations between the UN and the opponents. Under UNITAF rules, the militias were able to preserve effective

⁵³ For a more extensive elaboration of this point, see Stedman and Daniel's chapters in this volume.

⁵⁴ In Somalia the peace support forces had great difficulties to distinguish between "regular" and "irregular forces". This problem was aggravated by ill-defined and widespread areas of operations wherein opposing factions were inextricably mixed. See UNIDIR, "Analysis Report: Somalia."

⁵⁵ United Nations Peace-keeping, Information Notes, United Nations, May 1994, p. 105.

control over their heavy weapons, whereas under the UNOSOM II's disarmament concept the militias would have been denied to control their weapons storage. It was precisely the request of a Pakistani inspection team to have access to a weapons storage site that led to an ambush by the Aideed faction. This, in turn, ignited an open conflict between the UN and Somali militias.

The UN mission in Cambodia had been very close to employing compellence for achieving the weapons control program that was part of the Paris Peace Agreement. After the defection of the Khmer Rouge from the peace process, calls for coercive measures were coming primarily from the civilian side. But also Deputy Military Commander General Loridon requested a more coercive disarmament strategy. According to Findlay, he was quoted as suggesting that he would accept the death of up to 200 soldiers, including his own, to end the PDK threat once and for all.⁵⁶

The main opposition to coercive disarmament has come from General Sanderson and most of his military staff. The basic arguments were:

1. Enforcement would break the fragile consensus within the Security Council on Cambodia;
2. Countries such as Japan would have to pull their contingents out of Cambodia;
3. The military component did not have the right force structure, right color, and right attitude; and
4. The UN forces would need more personnel and heavier armament.

Furthermore, it has been the opinion of Sanderson, that coercive disarmament “would have been doomed to disaster, even if it had been given wide international support, since it would have required a UN force to take sides in an internal conflict.”⁵⁷ The recent literature about Cambodia inevitably has to deal with the question of compellence or the lack of its application in key moments of the peace process. Both Sanderson and Findlay are critical to UNTAC's lack of visibility and compellence, which might have served to improve the compliance record of DPK and SOC. The disagreement over consensual vs. coercive disarmament within the

⁵⁶ Trevor Findlay, *Cambodia, The Legacy and Lessons of UNTAC*, Oxford: Oxford University Press, 1995, p. 37.

⁵⁷ See Wang, pp. 55-56.

military component of UNTAC led the UN to relieve General Loridon of his position.⁵⁸

2. The Demand for Compellence

Ever since the UN has been involved in disarming warring parties within the framework of settlement of conflicts, policy planners called for the strengthening of peacekeeping forces with armed infantry battalions.⁵⁹ This demand is based on the assumption that the parties cooperate with UN forces in disarmament matters only, if peacekeeping is associated with the effective threat to use force in the case of non-compliance.

General Indar Jit Rikhye, a seasoned military veteran of the UN peacekeeping community, suggested preparing UN forces for mild enforcement tactics.⁶⁰ He insinuated that decaying consent may be overcome with a display of force by the UN. This argument is strongly supported by the responses to the DCR Practitioners' Questionnaire.

The need for compellence was recognized by the UN Security Council when it decided, in light of the upcoming disarmament process in Nicaragua, to add armed paratrooper units to the unarmed observers of the UN mission. General Douglas, Chief of Staff of ONUCA forces, argued that in Central America the presence of armed elite battalions was psychologically very important, even though they were confined to the limits given by Chapter VI. Similarly, Jack Child observed that the militarization of the UN mission in Nicaragua was "a powerful message to the reluctant Contras."⁶¹

Compellence as a prerequisite for successful implementation of consensual disarmament was identified in other cases as well. In the UNPA's, for instance, the determined action of three UNPROFOR infantry battalions in the Croatian part of Sector West had an immediate positive impact on the Serbian conduct in the

⁵⁸ Findlay, p. 37

⁵⁹ Namibia was the first case in UN history where armed infantry battalions assured the demobilization of armed factions.

⁶⁰ The term of "mild enforcement" was used by Major General Indar Jit Rikhye in a speech delivered to the Mountbatten Centre in November 1992. Indar Iit Rikhe, *The United Nations of the 1990s and International Peacekeeping Operations*, Southampton Papers in International Policy, No. 3, 1992, p. 6.

⁶¹ Jack Child, *The Central American Peace Process, 1983-1991*, Boulder, Co: Lynne Rienner, 1992, p. 91.

sector. Also, elements of a Belgian battalion blocked a “Special Police” brigade of the Serbian militias and forced them to surrender at least some of their weapons.⁶²

Weapons control actions of the UN are closely watched by those who would be next in line. In short, the message is that if there is no show of force, disarmament will not succeed. This message has been confirmed by several DCR questionnaires respondents who argue that the *use of limited force* should be available in case of non-compliance. Otherwise, peacekeepers prefer to withdraw rather than to sanction the violations with passivity.

With the experience of Angola, Yugoslavia and Cambodia, where the UN has been prevented from implementing its disarmament missions, calls are increasing in volume to provide disarmament activities with enforcement mandates. The Croatian government, for instance, has agreed in March 1993 to an extension of the UN mandate in Croatia with the condition that UNPROFOR be authorized to use force against Serbs refusing to demobilize.

In the case of Bosnia, under the Dayton Peace Accords, the U.S. made it clear that it would not deploy ground forces if it was not authorized to use compellence or “robust rules of engagements”. The objective of compellence for IFOR was clearly invoked by U.S. Defense Secretary Perry, when he made the point that “IFOR will be an impressive force that will intimidate anybody in the area”.⁶³ He suggested that IFOR will have to be able to use deadly force against “rogue individuals or gangs” but he refrained from commenting about enforcement actions on the strategic level “against organized opposition”.⁶⁴

3. Requirements for Successful Compellence

What are the requirements for a compellence strategy to succeed? The ambiguous military environment requires a combination of factors, including the capability to show military force while preserving impartiality. Such a combination of factors can only work under grey area conditions.

Military Capacity

It is difficult, if not impossible for a peacekeeping force to command respect if its military capacity is substantially inferior to those of the armed factions. The

⁶² S/24600, p. 3.

⁶³ Transcript of Address of Secretary Perry to the Officers and NCOs of the 1st Armored Division in Bad Keuznach, Germany, 24 November 1995.

⁶⁴ *Ibid.*

main message from officers responding to the DCR questionnaires is the vital need to project credibility in whatever mission they are engaged in. This means that the military component of peace support missions should be able to project military capability, firmness, but also fairness and impartiality. In Angola, for instance, where the faction's armament consisted of heavy weapons, such as tanks and artillery, the peacekeepers were unarmed and very few. For successful compellence, the peacekeepers should be able to rely on "heavy" battalions, that can temporarily create a military superiority on a tactical level. The capability to show force requires mobility and a capability for rapid reinforcement.

Credibility

The credibility of peace support forces pursuing a compellence strategy depends on the perception of the commanders of the warring factions. For this purpose, the peace support missions have to be able to spread the message of the political determination to use force, if necessary. Such communication of the resolve to use force represents an essential ingredient of deterrence policies that should contain the decay of consent. Credibility, however, depends to a large extent on the political support of the contributing states. In this respect, the credibility of IFOR is very high, because the implementation force's operating under an unified NATO command with rules of engagements worked out by the NATO Military Committee.

Legitimacy

The sections above have shown that there is a thin line between compellence and impartiality. Peace support forces are likely to loose their legitimacy after at least one party perceives their determined actions as consistently impartial. This is why the actions of the peace support forces need to be explained to the parties. Ideally, compellence actions against violators should run in parallel with trust building activities in the same sector. Finally, the legitimacy of peace support forces using robust rules of engagements is at stake if they act under Chapter VI authority.

Discretionary Powers

A final requirement for compellence strategies is the freedom of action for sector commanders of the external force. Such commanders should be given the discretion to employ punctual coercive measures for weapons control purposes when they deem appropriate. Such discretionary powers can only be provided under Chapter VII authority, however. In Croatia, the Sector Commander brokered a local agreement with the parties. This arrangement provided for a rigid

disarmament and demilitarization schedule.⁶⁵ Most importantly, the UN Commander also insinuated to the parties that he was prepared, if necessary, to use force to implement the demilitarization mandate.⁶⁶ The credibility of the threat to respond to non-compliance was supported by the important military presence of a “heavy” Canadian battalion, that was substantially better equipped than the Vance Plan had called for.⁶⁷

4. The Use of Compellence Against Irregular Forces and Bandits

One of the main reasons for using compellence strategies under consensual weapons control programs is the difficult problem of disarming irregular forces. As such forces are neither accountable to the parties of the peace settlement nor to the peace support forces, the use of force may be the only way to cope with this problem. These forces may be subject to disarmament procedures, but their elusive nature makes efficient implementation very difficult. The problem is further aggravated when factions split up during the peace process.

Disarmament of irregular units or armed citizen groups is often carried out in close cooperation with the regular armed factions. In Angola, for instance, the parties to the political settlement supervised the disarming and disbanding of irregular units themselves with the UN merely acting as observer.⁶⁸ In Mozambique, on the other hand, the peacekeepers jointly disarmed irregular troops

⁶⁵ The agreement worked out the following steps:

Step 1 (D to D+4) withdrawal of artillery, mortars, rocket launchers, and tanks at 30 km from the UNPA limits;

Step 2 (D+5 to D+7) disarmament and demobilization of the Territorial Defense Forces and other non-police forces;

Step 3 (D+8 to D+9) withdrawal of armored personnel carriers, anti-aircraft systems, heavy machine guns and short-range anti-tank weapons at 10 km from the UNPA limits;

Step 4 (D+10 to D+14) all remaining troops withdraw to 5 km at least from UNPA limits;

Step 5 (after D+15) minefield clearance by unarmed parties from the both sides under UNPROFOR supervision and security. See Ekwall-Uebelhart and Raevsky, p. 107.

⁶⁶ See Ekwall-Uebelhart and Raevsky, p. 106.

⁶⁷ See Cox's chapter in this volume.

⁶⁸ United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization during Peacekeeping Operations: Angola and Namibia," in Virginia Gamba, Jakkie Potgieter, and Jullyette Ukabiala, *Managing Arms in Peace Processes: Angola and Namibia*, Geneva: United Nations, forthcoming, p. 29

together with the local authorities. The weapons of these troops fell under UN control.

The UN forces were not able to effectively deal with the problem of irregular forces in Namibia or Croatia. In both cases irregular forces that should have been disbanded were integrated into local police forces. In Croatia, for instance, paramilitary militias and the Local Territorial Defense units transformed their forces into "Special Police," "Border Police," or "Multi-purpose Police Brigades," equipped with armored personnel carriers, mortars and machine guns, thereby avoiding disarmament. In Namibia, the paramilitary units, Koevoet, were integrated in the police force (SWAPOL) in order to escape disarmament. Also in Cambodia, the UN forces were unable to implement the disarmament clauses pertaining to voluntary forces. UNTAC identified over 200,000 militia for surrendering their weapons, but these forces never went through the cantonment process.

Conclusions

Disarmament in conflict resolution is not an end in itself. It is an instrument supporting conflict settlements, regional stability-building and violence reduction. Disarmament commitments in conflict settlements tend, at the outset, to be based on a consensual basis, regardless of whether the external forces are deployed under Chapter VI or Chapter VII authority. The efficient implementation of voluntary disarmament is, however, exposed to a number of challenges, such as the security concerns of the disarming combatants and the deficient troops-to-tasks structure of peace support forces.

This study has argued that the strategy of compellence represents an alternative to passivity and consternation of peace support forces faced with the eroding consent to disarmament programs. Compellence is a show of force within the confinements of peace support missions that operate under the strategic consent of the parties. Thus, enforcement of weapons control is conceivable from the bottom-up, whereas consent must be preserved at any price from the top-down.

The following three recommendations derive from the above observations and are closely associated with the claim to provide peace support forces involved in disarmament activities with the doctrinal, political and military discretion to pursue a strategy of compellence.

(1) The main objective of peace support forces assisting disarmament in conflict resolution is to prevent the warring parties to lower or withdraw their consent. For achieving this aim, the external forces need to pursue a strategy that

combines trust building with the threat to take actions against non-compliant conduct. Such an approach can only work, however, if the peace support forces are prepared to pursue both avenues at the same time, at the same place. Trust can only be gained by continuous interactions with the parties. For that purpose, the peace operations should pay special attention to the relationship with local authorities, civilian population, and ex-combatants. The credibility of threats against non-compliance, on the other hand, can only be achieved by a “heavy” military presence, combined with the political resolve and operational capability to swiftly respond to violations.

(2) The security dilemma of disarming factions or individuals is the foremost obstacle to successful implementation of disarmament commitments. Peace support missions have to be prepared to provide a minimum amount of security to the parties and the local population that are within the area of application of disarmament programs. It is clear that this imposes a heavy burden on peace missions dealing with disarmament. The experiences in Somalia and Srebrenica have painfully shown, however, that it may be better not to pursue disarmament or demilitarization if the external forces are not prepared or capable to assume protection functions of disarmed groups and the civilian population.

(3) Disarmament in peace support missions should be carried out within a clearly established normative environment only, both on a strategic and tactical level. Normative frameworks facilitate the third party to distinguish between compliance and cheating and thereby help to reduce the occurrence of grey area situations. Peace support missions should be constantly in contact with the local parties for explaining where compliance stops and where non-compliance begins. For that purpose Sector Commanders should, if necessary, negotiate subsidiary disarmament agreements and possibly communicate certain penalties in case of non-compliance.

In conclusion, the key to success of compellence appears to lie with those UN Sector Commanders, who manage to walk along the invisible line separating cooperation from coercion. In this ambiguous dimension, compellence represents an efficient policy tool as long as the parties do not call the bluff. Should this happen, then the Sector Commanders find themselves with the unattractive alternatives of either carrying out the threat and thereby jeopardizing the fate of the entire mission or of backing down and losing credibility. The difficult task of the Sector Commanders should be made easier with the help of broader discretionary powers that would favor the display of determination on the one hand and improve

the constructive conditions for sustained cooperation in the disarmament area on the other.

Chapter 7

Concluding Summary: Multinational Peace Operations and the Enforcement of Consensual Disarmament

Virginia Gamba and Jakkie Potgieter¹

I. Introduction

The end of the Cold War generated profound mobility within the global system. The ensuing break-up of alliances, partnerships, and regional support systems brought new and often weak states into the international arena. Many regions are now afflicted by situations of violent intra-state conflict, and this occurs at immense humanitarian cost. The massive movement of people, their desperate condition, and the direct and indirect tolls on human life have, in turn, generated pressure for international action, most notably from the UN.

It is time to stress that disarmament and weapons management *must be seen* as part of a wider political process aimed at resolving underlying and structural sources of conflict. In other words, if it is true that no conflict can be resolved through the implementation of a disarmament process alone, it is also true that no conflict resolution process can be completed without serious intent to manage and reduce weapons. The management of weapons should go hand in hand with political and conflict mediation initiatives. The consequences of underestimating the implementation of effective weapons management not only threaten peace processes, but also post-conflict reconstruction patterns. The problems associated with arms and disarmament are seen, for example, in the peace negotiations in Northern Ireland and the Middle East, and those associated with post-conflict violence and criminality as experienced, for example, in Angola, Liberia, Mozambique, Cambodia and Haiti.

Problems within the process of managing weapons have cropped up at every stage of peace operations, for a variety of reasons. In most cases, initial control of

¹ The authors wish to thank Dr. Mats Berdal at the International Institute for Strategic Studies for agreeing to review the first draft of this Chapter.

arms upon the commencement of peace operations has not generally been achieved. This may be due to the fact that warring factions, for a variety of motives, prefer to hold all or some of their weapons until the course of the peace process is clearer. Above all, the possession of a weapons capability is a "bargaining chip" which once relinquished cannot easily be regained. It could also be that political negotiations necessary to generate mandates and missions permitting international action are often not specific enough on their disarmament implementation component. Finally, it could also be that the various actors involved interpret mandates in totally different ways. All of these issues can cause a political settlement to stall and peace to be broken.

Conversely, in the specific cases in which peace operations have attained positive political outcomes, initial efforts to reduce weapons to manageable levels, even if achieved, tend to be soon devalued since most of the ensuing activities center on the consolidation of post-conflict reconstruction processes. This shift in priorities from conflict resolution to reconstruction often makes for a sloppy follow-up of arms management operations. Follow-up problems, in turn, can result in future threats to internal stability. They also have the potential to destabilize neighboring states due to the uncontrolled and unaccounted-for mass movement of weapons that are no longer of political or military value to the former warring parties. This is clearly the case in South Africa, where the weapons that the UN was unwilling or unable to collect in Angola and Mozambique are flooding the country.²

Not only peace operations underestimate the relative importance of disarmament in the implementation of mandates, however this also happens in most post-conflict reconstruction processes.

The reason why weapons themselves are not the primary focus of attention in the reconstruction of post-conflict societies is because they are viewed from a political perspective.

² Small arms currently spreading throughout the region include pistols, machine-guns, rocket launchers, anti-personnel grenades, and the AK-47 assault rifle. The proliferation of these weapons poses a serious threat to security in Southern Africa and the horn of Africa. In Southern Africa, weapons are smuggled from former zones of military combat to South Africa, the country most affected by armed crime in the region. Here, the *fluid movement of light weapons* across borders was largely influenced by the impact of United Nations-brokered peace settlements in Angola, Namibia, and Mozambique, where the establishment of short-term peace took priority over disarmament. See Christopher Smith, Peter Batchelor, and Jakkie Potgieter, *Managing Arms in Peace Processes: Small Arms and Peacekeeping in Southern Africa*, Geneva: United Nations, 1996.

Considering this context and the growing need to control light weapons, it is imperative that more be done to raise awareness in the international community to the need to mandate and implement strong disarmament components in all multinational peace operations in the future. Perhaps more than ever before, the effective control of weapons has the capacity to influence far-reaching events in national and international activities. In this light, the management of arms could become an important component for the settlement of conflicts, a fundamental aid to diplomacy in the prevention and deflation of conflict, and a critical component of the reconstruction process in post-conflict societies. Research related to the dynamics of disarmament and the problems associated with management of weapons before, during, and after a peace process has begun, must be undertaken in earnest.

Given these considerations, in 1994, UNIDIR launched its *Disarmament and Conflict Resolution Project: The Disarming of Warring Parties during Peace Operations (DCR Project)* to explore the changing nature of multinational and multifunction peace operations and the specific needs associated with new demobilization and disarming tasks mandated in such operations.

Three research tools were used:

- responses by practitioners to a UNIDIR field questionnaire;³
- a set of 11 case studies with an emphasis on the evolution of disarmament mandates and their implementation in the field;⁴ and

³ Reproduced in full as Annex I in Ilkka Tiihonen, *et al.*, *Managing Arms in Peace Processes: Training*, Geneva: United Nations, forthcoming.

⁴ These are: Clement Adibe, *Managing Arms In Peace Processes: Somalia*, Geneva: United Nations, 1995; Jeremy Ginifer, *Managing Arms In Peace Processes: Rhodesia/Zimbabwe*, Geneva: United Nations, 1995; Barbara Ekwall-Uebelhart and Andrei Raevsky, *Managing Arms In Peace Processes: Croatia and Bosnia-Herzegovina* (Geneva: United Nations, 1996); Jianwei Wang, *Managing Arms In Peace Processes: Cambodia*, Geneva: United Nations, forthcoming; Virginia Gamba, Jakkie Potgieter, and Jullyette Ukabiala, *Managing Arms In Peace Processes: Angola and Namibia*, Geneva: United Nations, forthcoming; Eric Berman, *Managing Arms In Peace Processes: Mozambique*, Geneva: United Nations, forthcoming; Clement Adibe, *Managing Arms In Peace Processes: Liberia*, Geneva: United Nations, forthcoming; Marcos Mendiburu, *Managing Arms In Peace Processes: Haiti*, Geneva: United Nations, forthcoming; and Paulo Wrobel, *Managing Arms In Peace Processes: Nicaragua and El Salvador*, Geneva: United Nations, forthcoming.

- a set of policy papers on issues which impinged on the efficiency with which disarmament was carried out during a multinational peace operation.⁵

The set of policy papers which are presented in this volume explore the way a disarmament mission is influenced by four distinct issues: Security Council mandates, doctrine, rules of engagement, and implementation of disarmament in the field. In writing a summary of conclusions as shown in these papers, it is also possible to reflect about the main findings of the DCR Project and to enumerate some of the general conclusions regarding the issue of disarming warring parties during multinational peace operations.

II. The Management of Arms during Peace Processes

The last 10 years have shown a marked increase in the number of multinational peace operations and a return to the use of coercive measures in order to restore peace. Beyond the traditional missions of interposition, peacekeeping forces are now assigned mandates aimed at the resolution of intra-state conflicts. In situations like this there are usually very weak governmental structures, if any exist at all. By the same token, there are few accountability mechanisms. This new type of situation compels peacekeepers to get involved in some of the host country's internal affairs, such as maintenance of law and order, monitoring of human rights, organization and support of local government, etc. This diversification has generated more pressure on peacekeepers to use coercive measures on both the tactical and operational levels in order to ensure protection of the population, to allow the delivery of humanitarian aid, to establish force protection, to deny the overflight of certain areas, and to disarm warring parties. The difficulties associated with these tasks have blurred erstwhile distinctions between peacekeeping and peace enforcement missions. As a result, peace operations are rife with ambiguities and difficulties.

This confusion is also apparent at the UN Security Council level as it mandates new missions to deal with intra-state conflicts. In accepting the fact that civil conflict is a threat to international peace, the Security Council has mandated peacekeeping operations which have little to do with the classical role of

⁵ These are: the present volume; Ilkka Tiihonen, *et al.*, *Managing Arms in Peace Processes: Training* (Geneva: United Nations, forthcoming); Christopher Smith, Peter Batchelor, and Jakkie Potgieter, *Managing Arms in Peace Processes: Small Arms and Peacekeeping in Southern Africa* (Geneva: United Nations, 1996); and Andrei Raevsky, *Managing Arms in Peace Processes: Psychological Operations and Intelligence* (Geneva: United Nations, 1996).

interpositioning in a dispute between two states. Thus, new missions have evolved more as “law and order” operations than as traditional international peacekeeping missions. In these new situations, UN forces are confronted by thuggery and banditry which they must control within the norms of classical peacekeeping operations.

Aside from these specific problems, new missions also bring to light a new set of dilemmas, namely: what to do about *enforcement of consensual disarmament*. Most UN peace operations start with strategic, and perhaps operational, consensus among warring parties in relation to the objectives of the mission and the disarmament and demobilization efforts required to achieve the objective. Nevertheless, although a peace operation might be born out of a consensual decision at the strategic level, the peacekeepers must enforce such a decision at tactical levels where tempers are volatile and information is scarce.

The DCR Project’s case studies repeatedly indicated one main dilemma: in contemporary intra-state peace missions, warring parties and paramilitary forces refuse to be disarmed, cantoned and controlled by peace forces *even if consensus for doing so has been agreed* to by the belligerent factions at the strategic level. Armed men (who, in many cases, such as in Somalia, Liberia, and Mozambique, are mere boys) possess only one commodity, their weapons, and only one skill: how to use them. At times, these people feel the need to keep and use their weapons as a means of survival. This reality, coupled with communication breakdowns at the local level and volatile tempers, makes it very difficult for peacekeepers to organize and enforce consensual disarmament decisions in the field. This difficulty, combined with the violence that normally results from the existence of armed groups who refuse to surrender their weapons, impinges on the security of the unarmed population at large. It is therefore imperative for peace forces to be prepared to use coercive measures on the *tactical level* to execute their mandate: that is, they must be prepared to enforce consensual disarmament measures when such options are mandated in a peace operation. Such use of force is possible if it is based on a clear understanding between parties at the strategic and operational levels. The use of force, therefore, can be applied as long as it is conducted within a broader consensual framework, and the links between tactical, operational, and strategic levels of operations are not severed.

Although most peace operations studied *had* strategic consent and *had* mandates to undertake disarmament and demobilization missions, they normally failed to implement them as originally envisioned. This simple realization led Project researchers to explore a series of decision-making levels associated with the creation, implementation and termination of multinational peace operations. By looking at each decision-making level in turn, the Project hoped to identify the

causes of the more severe problems which had compromised the implementation of disarmament missions in the field. And, by compartmentalizing the whole process, the Project could then suggest solutions at each level, thereby assisting the whole.

The DCR Project identified a number of problem areas which impinged on the way disarmament was undertaken in the field. Problem areas could be reduced to three principal categories. The *first* category focused on those problems common to all cases irrespective of the organization or group of nations that ran the peace mission. The *second* category, largely related to the first one, concerns those problems common to UN peace operations only. The *third* category delves into more detailed issues emerging from the two previous ones. Let us look at each one in turn.

III. Common Problems in Multinational Peace Operations

The first category of problems was identified in the analysis of the 11 case studies undertaken by the DCR Project, and in the interpretation of responses to the *Practitioners' Questionnaire on Weapons Control, Disarmament, and Demobilization During Peacekeeping Operations*. Foremost among these problems are those associated with *the establishment and maintenance of a secure environment* early in the mission, and problems concerned with *the lack of coordination of efforts among: a) the regional and international communities, and; b) the various groups involved in the mission*. Many secondary complications would be alleviated if these two problem areas were understood differently.

Difficulties concerning the establishment of a secure environment and those related to the lack of coordination between and within missions severely impinge on the process of weapons management which are often required within the mandates of these missions. The peace operations which have registered the worst problems with weapons management programs are also those that had the greatest difficulties in establishing security and coordination of efforts. For this reason, it is possible to conclude that, to permit effective weapons management processes, the following issues must be taken into account:

1) *The establishment of security must come first to ensure stability which requires clear political authority and policy guidelines*. Missions where this was not the case were Somalia, Angola, the former Yugoslavia, and Liberia. The operation where this was more clearly developed was Rhodesia/Zimbabwe. In this case, the secure environment and effective coordination mechanisms served to balance some of the problems which undoubtedly threatened the process from the

start. The major problem in the process was the lack of a disarmament component to accompany and reinforce the transitional arrangements. Despite the lack of a disarmament component, the Commonwealth Monitoring Force managed to control the situation and to ensure a safe transition to open and democratic elections. Repetition of this model might be difficult in other cases, however, as the international and national contexts of the time were very different from those found today. It is clear that in the case of Rhodesia, the following items stand out and call for further research:

- the impact of the provision of reasonable security to belligerent parties on their willingness to demobilize;
- the relationship between a willingness to disarm and the different stages of a demobilization process; and
- the importance of unity of command and international cooperation in supporting peace processes.

2) Relations between and within the groups involved in a peacekeeping effort must be well-coordinated. No case reviewed by the DCR Project was totally satisfactory in this respect, with the possible exception of the Rhodesia/Zimbabwe (CMF) operation and perhaps the Central American UN missions: ONUCA and ONUSAL. Although Namibia, Mozambique, Haiti and Cambodia showed an interest in coordination from their earliest phases, they all had, to a greater or lesser extent, problems in this respect. The worst cases here were those of Angola, Somalia, former Yugoslavia, and Liberia.

3) Sometimes, the mix between the lack of effective security and the lack of effective coordination, a characteristic of missions which occur in failed states, can destroy a mission almost at its outset. This was particularly true in Angola: UNAVEM II was very difficult to execute due to the vastness of the country, its destroyed infrastructure, and the lack of the mission's equipment and means to overcome these problems. As was the case in UNTAG, the interaction between the military and civilian components of the mission was badly flawed. The way in which the two components interacted was poor and damaged the overall performance of the mission. The political decisions made by UNAVEM II reflect the fact that the HQ in Luanda lost touch with the situation on the ground even though the observers indicated that a resumption in hostilities was evident from early on in the mission.

If this category of problems was understood and dealt with differently, then disarmament and weapons control would have a chance for success. Thus, it is

possible to propose a number of observations. First, a peace process will be more likely to succeed if there is cooperation and coordination between the international effort and the nations that immediately neighbor the stricken country. This was clearly the case in Namibia(UNTAG), Rhodesia/Zimbabwe (CMF), Central America (ONUCA and ONUSAL).

Second, coordination must not simply be present at the international level but must permeate the entire peace operation as well. A good case in point here is again Rhodesia/Zimbabwe (CMF) but the UN missions where this element was present, to a higher or lesser degree, were Cambodia, Central America, and Haiti.

Third, in order to obtain maximum effect, relations must be coordinated between and within the civil affairs, military, and humanitarian groups which comprise a peace operation. A minimum of coordination must also be achieved between intra- and inter-state mission commands, the civil and military components at strategic, operational and tactical levels, and the humanitarian aid organizations working in the field. These components must cooperate with each other if the mission is to reach its desired outcome. And finally, if problems with mission coordination are overcome, many secondary difficulties could also be avoided, including lack of joint management, lack of unity of effort, and lack of mission and population protection mechanisms, all of which were present in one form or another in Bosnia/Croatia (UNPROFOR), Somalia (UNOSOM I and II), Angola (UNAVEM I and II) and Liberia.

IV. Disarmament Problems in United Nations Peace Operations

Difficulties in establishing a secure environment and coordinating interactions in peace missions also highlight a second category of problems related to the changing nature of UN peace operations and the way they are conducted by the parties implementing the mission. In order to explore this second category of problems, the DCR Project supervised this series of policy papers. The main issues for analysis included: mission specificity and interpretation, differing national doctrines related to the use of armed forces for peace operations, rules of engagement, and general difficulties in interpreting the disarmament needs of a given mission. Here, the identification of problem areas, assessing the possibilities for correcting initial strategies to enhance rather than diminish disarmament, was undertaken from six different perspectives. The perspectives provide an in-depth look at the layers of decision-making and implementation from the beginning of the mission to the implementation of disarmament in the field.

One of the principal conclusions of this section is that the enforcement of weapons control at the tactical level during operations, when there is strategic and operational consent, is possible. Here, to implement their mandated tasks, peacekeeping and multi-function missions unlike peace enforcement operations rely on having the consent of the belligerent parties, at least at the strategic and operational levels. For this reason, these types of missions depend on consent-promoting techniques for their success.

This happens because consent is likely to be anything but absolute. In theory, depending on the volatility of the general environment, it is unlikely to be more than partial and could amount to nothing more than tolerance of presence. Consent is something that peacekeepers can expect to have bits of: from certain people, in certain places, for certain things, and for certain periods of times. Consent at the tactical level will derive from local events and prevailing popular opinion. It will be subject to frequent change and its boundary will, therefore, be mobile and poorly defined. The identification of the *critical consent divide* allows the use of force to be addressed in a way that takes full account of its wider connotations.⁶ This is particularly the case when enforcing consensual disarmament operations.

If a strong consensual framework reduces the status of armed opposition to that of maverick banditry, a demonstrably reasonable and proportionate force may be employed against it without fear of fracturing the consent divide. For this reason the enforcement measures may represent a valid consensual peacekeeping technique. Consent can facilitate, not hinder, enforcement measures to be taken for disarmament and demobilization purposes. On other occasions, it may be that coercive measures must be used in a way that breaches the tactical edge of the consent divide, but stability can be retained if the operational boundary of consent remains intact.

The type of problems presented in this set of papers, and the recommendations suggested by the authors, go a long way in explaining some of the difficulties that the international community has in coming to grips with the issue of enforcing consensual disarmament operations during peace missions, be they under Chapter VI or Chapter VII considerations. Different countries interpret the needs and realities of multi-function peacekeeping operations in different ways. The ensuing confusion is not helped by the lack of clear guidelines or mandates from the strategic level of an operation (the UN Secretariat and the Security

⁶ At operational level, consent will devolve largely from formal agreements and its boundary will consequently be relatively clear cut and easier to discern. This is a definition taken from "Army Field Manual: Vol. 5, Wider Peacekeeping," London: HMSO, pp. 2-7.

Council). Finally, confusion also occurs at the operational level of the mission, where rules of engagement are often not translated adequately enough to ensure that peacekeepers at the tactical level are well aware of what they can and must do to implement the mandate that they have received.

Although not many overall recommendations can be provided to resolve this situation as it stands, there are some issues which can bring relief, hence the third category of item areas at which we will now look.

V. Other Issues That Could Enhance the Performance of the Mission: Information Gathering, Media, and Civil-Military Interactions

Information gathering, media, and civil-military interactions represent a set of needs that have not been addressed so far in peace processes. Among these, the first and foremost is that of information gathering for the successful maintenance of a secure environment and for effective disarmament and demobilization during peace operations. A second issue relates to the role and influence of the media during peace operations. The final issue refers to the status of civil-military interactions during a mission.

1. Information Gathering

In order to manage arms during peace missions, military commanders need to be able to detect the movement of belligerent forces, determine the location of hidden arms caches, and anticipate the plans and tactics of those who intend to violate agreements and threaten the execution of the mission mandate. This boils down to a need for a sound information gathering, assessment and distribution system in the theater of operations. Nearly all respondents to the UNIDIR questionnaire, for example, mention the need for a proper intelligence system during peace operations. The importance of this capability cannot be over emphasized. Related to good intelligence is the need to be a step ahead of the opposition and to anticipate their moves. When confronted with periodic violations, deliberate breaches of agreements and even sporadic attacks, it is important to have information to anticipate and prepare in a pre-emptive manner to counter or lessen the effect thereof on the overall success of the mission. Accurate warning will allow more effective counter measures and provide an opportunity to disrupt threatening behavior before it is launched. This requires good intelligence, the ability to evaluate and disseminate information, and the

ability to react rapidly.⁷ Despite the importance of this element in many aspects of the successful implementation of a peace operation, information gathering in the field - even as it relates to the enforcement of consensual disarmament - has been neglected at best, or shunned, at worst.

To create the desired result in the field, organizers of peace missions need to consider a number of recommendations, of which, a few examples are noted here. First, the UN should develop and implement an information gathering system to provide the mission HQ with political and military intelligence. This system must provide for tactical and strategic intelligence to change the concept of the operation to a pre-emptive rather than a reactive posture on both the political and military fronts.

Second, commanders can promote transparency by sharing the information with all parties concerned. This act of distributing intelligence can be viewed as a confidence building measure in two respects: (1) between the peace operation and the parties to the conflict; and (2) enhance confidence among the various parties themselves. For this to be effective however, the intelligence community however, must define information gathering requirements for supporting the military commitment as early as possible. This is crucial because the re-deployment and planning phases of the operation require optimum support. Once deployed, a unit or formation should develop its own requirements and information gathering plan in conjunction with the operational plan, and submit it, along the proper channels of command, for approval.

Third, measures should be taken to ensure force security. To this end, the commander must have the capability to quickly disseminate critical indications and warnings to all echelons. A robust theater architecture must be in place to provide accurate and timely all-source information. This information must be formatted clearly and be at the disposal of the entire force deployed. Related to this point is the clear need to improve the observation skills of the peacekeepers. Mission success and the security of the force depend almost entirely on the observation skills of the personnel and on the leadership of the small unit. In the absence of other systems, human intelligence may be the primary source of timely information. This is also the first line of defense against any threat and is a critical factor in determining mission success. It must be developed to its full potential during every military peace operation.

⁷ See United Nations Institute for Disarmament Research, "Analysis Report of Practitioners' Questionnaire on Weapons Control, Disarmament and Demobilization during Peacekeeping Operations: Somalia," in Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, pp. 193-94.

2. The Interaction Between the Peace Mission and the Media

Peacekeeping operations are carried out under the full glare of public scrutiny. By using satellites and other modern communications technology, the press is able to distribute reports and pictures faster than ever before. Incidents, sometimes embellished or slanted toward a partisan view point, are screened on television the same day and in the press the next morning to excite audiences in the countries that are parties to a dispute and their allies. The role of the press during delicate negotiations is indeed of incalculable importance. When information is withheld, journalists fall back on speculation. Such speculation, although usually inaccurate, is often close enough to the truth to be accepted as such by large sections of public opinion, and even by governments. Belligerents may sometimes find it advantageous to leak part of a story to the press to build public support for their own position. On occasion, such activities can grow into fully orchestrated press campaigns.

The issue of the relationship between the media and the peace operation is of great importance. This was clearly the case in both Somalia and the former Yugoslavia, to give but two examples. UN Missions must accept the fact that the media will be present in any theater of operations, and accept the fact that it plays a major role in keeping families informed and in determining, to a great extent, how the world public will perceive the operation. A mission headquarter's approach to the media can greatly enhance, or can sink, the operation. The challenge posed to the mission headquarters is to deal with the needs of the media, to implement effective information/briefing sessions, and to build a trustworthy relationship with journalists.

3. Civil-Military Interactions

One of the most difficult things to understand and accept today is the fact that most contemporary multi-function peace operations are above all civilian operations with military and humanitarian components working closely together. The civil-military interaction, whether at civil affairs and military levels in the mission, or between humanitarian and relief organizations and the mission, is characterized by civilian presence at the strategic, operational, and tactical levels of the operation. Questionnaire responses have shown that sometimes it is difficult for military peacekeepers to understand that, even at the most tactical of levels, they will have to cope not only with restraining belligerent parties but also with assisting the action of humanitarian and civilian components of the mission.

From the research undertaken in the DCR Project, it is evident that not enough effort has been made towards improving interactions between different mission components and other NGO's in the field. More importantly, the lack of unity of effort at the operational and tactical levels of a mission, and the lack of coordination between conflict resolution and post-conflict reconstruction actors in the field seriously impinge on the effectiveness and smoothness of the missions.

Interaction between the military and civil components of UN missions is not on a healthy footing. To improve the chances of any future mission to succeed in the volatile environment of current conflicts, this issue must be addressed and resolved. The joint planning body must find the "center of gravity" of an operation, i.e., what is the single most important event or condition that will stabilize the situation or reverse the destruction and strife. The organization and the mission headquarters must then direct all effort and resources towards that one identified center. This will only be possible when:

- the interaction between the military and civilian components of a mission are formalized to such an extent that they can operate within *one* integrated strategy towards *one* common goal;
- the relationship between the military and civilian components of a mission are developed around a formal liaison structure with an integrated joint procedure for planning, information exchange and mutual support;
- overall command and control is reinforced by a joint planning mechanism and procedure for UN missions;
- proper communication and reporting systems are established between the UN headquarters in New York and the mission HQ in the field, and between the mission HQ and the different components deployed in their area of responsibility;
- an effective joint command and control system is created; and,
- a joint UN doctrine and standard operating procedures for civilian-military cooperation is developed so that day-to-day operations are streamlined.

4. Summary

It should be clear from the above discussion that a number of obstacles reveal themselves as a peace operation is implemented. Although agreements and mandates are clear on disarmament issues at the strategic level, they seem to disappear on the way down to the tactical level. Agreed-upon cantonment, surrendering of arms and equipment, and weapons control measures are seldom executed in the way stated in the agreement. Arms in good condition are often kept in caches by belligerent parties, whole units are hidden out of sight of UN military observers and, worse, individual combatants keep arms and ammunition to use for economic or political gain. Nothing much is done by peace forces to manage these arms according to the agreement and mandate. An “out of sight out of mind” approach seems to be the rule rather than the exception. The result of this approach is clearly seen in cases like Angola, Mozambique, Somalia, and the former Yugoslavia. To resolve this issue, it is not important to add disarmament clauses to mandates. Mandates and agreements usually carry some mention of the disarmament needs of an operation. The problem does not, therefore, lie in the absence of mandates but in the lack of implementation skills and in the peacekeepers’ will to sustain the disarmament effort throughout the life of the mission.

The moment the Peace Force withdraws from the country, the conflict erupts with new life or spills over into the broader region. National and regional violence is then sustained by weapons and ammunition that were not properly managed during the peace process. For this reason, arms must be managed early on in the mission and peace forces must employ *all* military skills at their disposal if they wish to implement mandated disarmament and demobilization tasks.

VI. Conclusion

The DCR Project has highlighted a number of issues which are impinging on the way peace operations deal with disarmament components. A first conclusion refers to the need to understand peace processes in a holistic manner. Thus, the way to implement peace, defined in terms of long-term stability, is to focus not just on the sources of violence (such as social and political development issues) but also on the material vehicles for violence (such as weapons and munitions). Likewise, the pursuit of peace must take into account *both* the future needs of a society and the elimination of its excess weapons, *and also* the broader international and regional context in which the society is situated. This is because weapons that are not managed and controlled in the field will invariably flow over

into neighboring countries, becoming a problem in themselves. Thus, *the establishment of viable stability requires that three primary aspects be included in every approach to intra-state conflict resolution: (1) the implementation of a comprehensive, systematic disarmament program as soon as a peace operation is set-up; (2) the establishment of an arms management program that continues into national post-conflict reconstruction processes; and (3) the encouragement of close cooperation on weapons control and management programs between countries in the region where the peace operation is being implemented.*

A second conclusion refers to the enforcement of consensual disarmament. In peace operations, particularly in peacekeeping and multi-function missions, the need to preserve overall consent does not foreclose the use of coercive measures if and when necessary. At times, nevertheless, the peacekeepers do not seem to heed the need for the enforcing of these disarmament tasks, even if these have been agreed at the strategic and operational levels by the warring parties. Thus, there needs to be provision for some leverage, both military and non-military, to enforce agreements on the tactical level of any peace operation. A number of military and non-military leverage points exist, as demonstrated in the earlier sections of this chapter. Nevertheless these sources of leverage can only benefit the management of arms if mission personnel have the right training, sufficient resources, effective information-gathering mechanisms, and the willingness to act decisively and uniformly to all challenges in a consistent way.

A final conclusion refers to the environment in which contemporary peace missions must operate. In theory, the possibility of enforcing a mandate that includes disarmament does exist. The mechanisms and resources to undertake this are also available. But the environment in which multi-function peace operations are now flourishing makes this task difficult and unattractive. The reasons for this seem to point to a number of elements: an international unwillingness to act for humanitarian reasons while the internal conflict is still hot and the warring factions are not yet prepared for peace; the changing role of military forces worldwide in the wake of the cold war, and their attempts to attach old needs to new roles, as demonstrated in differing national peacekeeping and peace enforcing doctrines; the desire of member states to use the mechanisms in place at the UN without a comparable desire to secure resources, combined planning and implementation or unity of command; and the general insecurity related to new threats to regional and international stability and peace.

In this way, countries offer peacekeepers for multinational efforts without clearly-understood objectives, without appropriate training, and without a clear picture of how long their effort should be maintained in the field. Likewise, agencies undertake enormous relief operations without prior coordination of

objectives, planning or communication mechanisms which are fundamental to the interactions needed in the field for conflict resolution and for the smooth transition between peace operations and post-conflict reconstruction processes in the stricken country.

To sum up, in a context of dwindling resources, horrendously violent internal conflicts, and uncontrolled proliferation of all types of weapons, states should do well to ensure that the few multinational peace operations they are involved in are as efficient as possible. If this is not the case, there will be no long-lasting peace and the loop of deprivation, violence and war will never cease.

Biographical Notes

Jane Boulden is a doctoral candidate in the Department of Political Studies, Queen's University. Her thesis focuses on the use of force by the United Nations in situations between traditional peacekeeping and full-scale Chapter VII enforcement. She was the principal researcher for the Peacekeeping Project, funded by the Ford Foundation, at the Centre for Global Security, in Ottawa, Canada. As part of the Peacekeeping Project she published, *Prometheus Unborn: A History of the Military Staff Committee*. She completed a Masters in Law at the Faculty of Law, Queen's University, in 1990 and a Masters in International Relations at the Department of Politics, Queen's University, in 1989. From 1985 to 1987, she was a researcher at the Canadian Institute for International Peace and Security in Ottawa, Canada, where she worked on arms control issues.

David Cox was a professor in the Department of Political Studies at Queen's University in Kingston, Ontario, Canada. He was also the Director of the Canadian Council for International Peace and Security (formerly the Canadian Centre for Global Security) in Ottawa, Canada. During 1995, David was a member of the International Consultative Group for the Canadian government study on developing a rapid reaction force for the United Nations. He was a member of the Canadian delegation to the 47th General Assembly of the United Nations and the Canadian delegation to the Fourth Non-Proliferation Treaty Review Conference. From 1985 to 1987 he served as Director of Research for the Canadian Institute for International Peace and Security.

Donald C.F. Daniel is Milton E. Miles Professor of International Relations and Director of the Strategic Research Department of the Center for Naval Warfare Studies, Naval War College, Newport, RI. He has previously been a professor of the National Security Affairs Department of the Naval Postgraduate School in Monterey, CA; a visiting scholar at the Brookings Institute in Washington, DC; and a Research Associate at the International Institute of Strategic Studies (IISS) in London, UK. He has also done research for the US Department of Defense, Navy and Army and has served as a consultant to numerous public and private organizations in the United States and abroad, and he frequently makes public presentations, including at the US

Congress and at the United Nations. He has numerous published articles, and his latest book is the volume, *Beyond Traditional Peacekeeping* (Macmillan Press Ltd. in the UK and St. Martin's Press in the US), co-edited with B.C. Hayes. It follows two earlier edited works, *International Perceptions of the Superpower Military Balances* (Praeger Publishers), and *Strategic Military Deception* (Pergamon Press). He also authored *Antisubmarine Warfare and Superpower Strategic Stability* (Macmillan Press Ltd. in the UK and University of Illinois Press in the US). IISS issued his *Beyond the 600-Ship Navy* as part of its Adelphi Paper series, and he is currently working on another monograph dealing with military options in peace support operations. Professor Daniel holds a Ph.D. in Political Science from Georgetown University in Washington, DC, where he specialized in international relations, law, and organization. A former lieutenant commander in the United States Navy, he resigned his commission in October 1975. He was Rhode Island Federal Employee of the Year for 1995 in the professional category.

Stephen John Stedman is Associate Professor at the Johns Hopkins University School of Advanced International Studies in Washington, DC, and visiting scholar at the Center for International Security and Arms Control at Stanford University. He is the author of two books - *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980*, and most recently (with Thomas Ohlson), *The New is Not Yet Born: Conflict Resolution in Southern Africa*, published in 1994 by the Brookings Institution. In 1993, he was a Senior Fulbright Scholar at the University of the Western Cape in South Africa. In 1992, he was an official observer of the Angolan elections, and in 1994, he was an observer of the South African elections. His current research focuses on the implementation of peace agreements in civil wars, on American foreign policy and conflict resolution in civil wars, on the problem of spoilers in peace processes, and on the development of exit strategies for interventions in the post-Cold War era. He received his Ph.D. from Stanford University in 1988.

Fred Tanner, a Swiss national, is the Director of the Mediterranean Academy of Diplomatic Studies in Malta, where he is also Resident Professor of International Relations. He received his academic education at the Graduate Institute of International Studies in Geneva (licence, rel. int.) and the Fletcher School of Law and Diplomacy (MALD; Ph.D.). He has taught at the Graduate Institute in Geneva and at New Mexico State University. He was a visiting scholar at Harvard (CFIA), Johns Hopkins (SAIS) and Princeton (CIS). He is the author of numerous publications, including "From Versailles to Baghdad"

(1993) which has been published by the United Nations. He recently finished a major study sponsored by the Swiss National Foundation about "Post-Conflict Cooperation of Adversaries." His current research deals with Conflict Resolution, Peacekeeping and Mediterranean security questions.

Estanislao Angel Zawels obtained his Degree in Economics (*Licenciatura en Economía*) at the University of Buenos Aires. He worked at the Latinoamerican Foundation for Economic Research (FIEL) from 1980 to 1983. After attending the Diplomatic Academy (ISEN) 1984-1985, he joined the Foreign Service of Argentina. He served in the Department of Africa and the Middle East from 1985 to 1987. In 1987, he was sent to the Permanent Mission of Argentina to the United Nations, in New York, to reinforce the delegation at the Security Council. In 1988, he was posted in the Department of International Organizations. From 1989 to 1996, he served in the Permanent Mission, dealing with the peacekeeping desk and as alternate representative in the Argentine delegation to the Security Council from 1994 to 1995. He visited the peacekeeping operations in Cambodia (UNTAC), Croatia (UNPROFOR), Cyprus (UNFICYP), and Kuwait and Iraq (UNIKOM). He is currently serving at the office of the Undersecretary of Foreign Policy in the Ministry of Foreign Affairs of Argentina. He also teaches International Relations in the faculty of Political Science of the Argentine Catholic University (UCA). He has published several papers on peacekeeping and the Security Council.

