

PEACEKEEPING AND PEACEMAKING: A CRITICAL RETROSPECTIVE

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[This article examines the role of the United Nations in peacekeeping and peacemaking from the perspective of those faced with actually performing the operations. It emphasises the importance of clearly differentiating peacekeeping from peace-enforcement roles, and discusses when force may legitimately be used. The importance of properly aligning the strategic, operational and tactical levels of command is addressed, along with reforms to the UN structure which would allow this to be achieved more easily. Underlying the article is the idea that the effectiveness of UN missions is dependent upon the moral authority of the Charter. Consequently, care should be taken to avoid creating flawed mandates for UN action which can only erode this authority.]

THE NEW GLOBAL CONTEXT

The resolution of conflict is one of the most immediate international issues of our time. We are living in a period of great change. Around us, we see brutality and suffering on a scale unprecedented since the major conflicts of this century. The cost in lives and infrastructure, along with the diversion of finances to arms and military capabilities, continues to detract from prosperity and the social progress needed to alleviate the causes of conflict. Our common humanity demands that we find an escape from this vicious cycle of violence.

While the recent strategic shifts have seen the threat of global nuclear war recede, the end of the Cold War has also removed the restraining hands of the Superpowers on their client states and proxies, which, for most of the fifty years since the end of the Second World War, seemed to contain many of the deep ethnic, religious and cultural tensions that have plagued modern history.

The collapse of the Soviet Union's capacity to pursue a global strategy led to the disintegration of the Soviet Bloc and the fragmentation of the Soviet Union itself. The world's remaining Superpower, relieved of the security burdens imposed by its former adversary and denied the crystalline certainty of its role as the defender of freedom, is itself divided. It moves toward a new role only with uncertainty, while burgeoning domestic problems cast a shadow over its ability to sustain a coherent international commitment.

In many respects, the post-Cold War world is an extension of the post-colonial world. The problems of divided ethnic, cultural, religious and economic groups are emerging anew to challenge international conflict resolution machinery designed for the essential, but very different, purpose of preventing a repetition of the two disastrous World Wars of this century. The need for leadership is

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clear, but confronted with these crises the United Nations — itself still in the process of emerging from its Cold War torpor — has been found wanting in its capacity to assume the full moral authority established in its origins.

THE CONFLICT RESOLUTION DILEMMA

The spectre of war is *the* major challenge to our capacity for international collective action. Despite the advances in cooperation, the very nature of conflict makes it inherently difficult to resolve. While the international community gives preference to conflict resolution by peaceful means, such as negotiation and mediation, peaceful approaches often seem a weak weapon against the political forces that have led to conflict. The effectiveness of our international efforts largely depends on the leadership of the combatant parties and of those nations which sense real or potential prejudice to their security interests. The ability to generate confidence in and commitment to international conflict resolution processes depends on their willingness to compromise entrenched positions in the interests of the greater good.

We are also dependent on the extent of the control they exercise over their followers. In some circumstances (such as in many guerilla or terrorist organisations) control is loose. In these situations, much of the decision-making is left to commanders or individuals who are not ready to accept constraints on their operations. Problems also arise with armed groups of civilians who operate outside an identifiable command framework. In Rwanda, for example, the worst excesses of the conflict were not perpetrated by professional soldiers but by machete and club wielding civilians, drafted into militias and driven by the ethnic passions of generations.

THE UNITED NATIONS CHARTER

Fifty years ago, at the end of the most disastrous war the World has known, the representatives of fifty nations signed the Charter of the United Nations. Those representatives were also able to recall the devastating effects of the earlier Great War. They were resolved that the United Nations would transcend the incapacity of the League of Nations to prevent conflict during the inter-war years.

The United Nations Charter is a mighty document, which does great credit to those who drafted it. Its spirit is reflected in its opening statement that:

We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of inter-

national law can be maintained, and to promote social progress and better standards of life in larger freedom...¹

The Charter is a framework for reconciliation. Its drafters sought to use the wartime cooperation to build confidence between nations. Through the united strength of Member States they hoped to provide defence against threats to the concepts of sovereignty within recognised frontiers, fundamental rights and the rule of international law.

But in many parts of the globe these concepts are not well understood, or, if understood, are an incitement to action to gain, for particular groups, the benefits which accrue to nation-state status. What is certain is that the massive human rights violations, hunger, disease and refugee flows caused by conflicts and friction cannot be ignored. The central issue is how to intervene in a way which offers the prospect of resolution of a crisis, while remaining within the framework of the United Nations Charter.

If there is to be any chance of arriving at comprehensive solutions, it is essential to view the world in the light of the emerging global flux, rather than simply the past. Importantly, the approaches taken to resolve these crises can set in train dynamics which could establish a pattern for successful international conflict resolution, and cooperation generally, in the next century and perhaps even the centuries to follow.

One means of directing these dynamics towards a civilised course is through the Charter itself. Its strength comes from its moral authority, the source of which lies in the obligation of its signatories to serve the peoples of the United Nations.

STRATEGIC OBJECTIVITY

In the contemporary world, the deployment of peacekeeping forces has become the most visible face of the United Nations. Peacekeeping operations were never envisaged in the United Nations Charter. Nevertheless, they are an appropriate mechanism within the framework of Chapter VI, which is headed *Pacific Settlement of Disputes*. Specifically, they come under Article 33, which provides for 'other peaceful means' among a range of peaceful options.

Operations which come under Article 42 in Chapter VII of the Charter, *Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression*, are not peacekeeping. The purpose of Chapter VII is, in essence, collective defence against an expansionist military power, such as the Axis forces of the Second World War. Article 42 legitimises international violence to this end (which is otherwise proscribed by Article 2). The Korean War of 1950 to 1953 and the Gulf War of 1991 provide the only clear examples of Article 42 action. These were conducted by war-fighting international coalitions led by the United States and sanctioned by the Security Council.

¹ UN Charter Preamble.

The United States-led intervention in Somalia in 1992² and the French intervention in southern Rwanda in 1994³ are both also ostensibly Chapter VII actions sanctioned by Security Council resolutions. Both, however, introduced the contradiction that plagues modern international policy-making of having parallel Chapter VI and Chapter VII actions in an internal conflict. While not unfamiliar to former colonial powers, this contradiction is at odds with the spirit of the United Nations Charter.

On the other hand, pure peacekeeping operations seek to resolve lesser disputes without being judgmental about the rights and wrongs of the parties, any international backers they might have, or other states that perceive they have interests at stake. The fundamental building block for diplomatic responses is the peaceful settlement of the dispute as outlined in Article 33. Article 2 obliges Member States to resolve their disputes peacefully and Chapter VI provides the framework for United Nations action to this end.

With the extension of United Nations intervention into the area of peace building, peacekeeping operations have become finely balanced affairs involving the need for harmonisation of widely diverse activities and interests in environments of an increasingly dynamic nature. It is now, more than ever, essential that United Nations forces maintain their peacekeeping *bona fides* throughout.

THE DYNAMICS OF FORCE

In an environment of excesses and obstacles, the use of force as a preventative measure to impose a settlement on recalcitrant parties, or to establish order over lawless groups, emerges as an apparent necessity. Experiences in the United Nations Transitional Authority in Cambodia (UNTAC)⁴ and more recent public commentary suggest that, to many, enforcement by peacekeepers is an option. The issues involved are not well understood, and in many peacekeeping operations this confusion over the necessary constraints on the use of force can make effective command impossible. From the perspective of a military commander, the use of force is essentially a command and control problem.

Force creates its own dynamics and has to be controlled. Unlike the laws of physics, in which every action has an equal and opposite reaction, actions in war are likely to be magnified several-fold as passions are compounded by the fatal consequences of conflict. In these circumstances, an escape from the vicious cycle of violence is likely to remain distant until one or more sides bleed themselves to exhaustion. This terrible reality seems to be little understood in many quarters.

² SC Res 751, 47 UN SCOR (3069th mtg), UN Doc S/Res/751 (1992).

³ SC Res 929, 49 UN SCOR (3392nd mtg), UN Doc S/Res/929 (1994).

⁴ Paris Conference on Cambodia: Agreements Elaborating the Framework for a Comprehensive Political Settlement of the Cambodian Conflict, signed 23 October 1991, UN Doc A/46/608, S/23177 (Paris Agreements); incorporating the Agreement on a Comprehensive Political Settlement of the Cambodian Conflict, 31 ILM 174, 184, 189-92, Article 2 and Annex 1 (Comprehensive Political Settlement).

This is why the essence of a successful conflict resolution strategy includes, at its core, absolute discrimination in the use of force. It should not occur haphazardly in a climate of passion and raw politics. Nor should it occur as a result of decisions made purely in the glow of television screens. It needs to be borne in mind that enforcement implies that someone does not agree to the role of the enforcer and is therefore likely to resist in a way which quickly moves affairs into a state of reciprocating violence.

The Peacekeeping Ethos

Peacekeeping is based on the consent of all the parties involved, including that of the peacekeepers. This requires that peacekeepers, for their own protection, make an overt display of impartiality to establish their credentials as 'honest brokers' in the process. This display is totally different from the display required for enforcement, which is warlike and concentrated to establish seriousness of intent.

In true peacekeeping, member states deploy an international force to facilitate a settlement or to inhibit escalation of a conflict. It matters little whether the agreement of the parties in conflict is due to diplomatic pressure, economic sanctions, or exhaustion. The opposing factions want either resolution of the conflict or at least its suspension while diplomacy proceeds. The peacekeepers are legally protected by the agreement; their legitimate purpose is confidence-building and there are clear limits to what they can do while retaining the consent of the parties.

A peacekeeping force gains and retains its acceptability, both internationally and among the parties to the dispute, because it is impartial. The peacekeepers' neutrality gives them their unity and their strength. They are constrained to limit the use of force to self-defence. If peacekeepers move beyond their inherent right of self-defence, experience shows us that they will almost inevitably compromise their neutrality and become another party to the conflict. When this occurs, their unity is shattered, they are stripped of their strength and, because of their nature, are without the protection of the array of mechanical resources with which able commanders will seek to support their combat forces in the achievement of assigned military objectives.

Anyone who joins a conflict without the means or the intention of winning is betraying those who will be called on to make the sacrifices. In the case of United Nations peacekeeping, they are also likely to compromise the neutrality of the United Nations and, with it, to undermine its capacity to act as an honest broker in other conflicts.

Self-Defence in Peacekeeping

Regrettably, the confusion is exacerbated by a wide interpretation of the meaning of self-defence among contributing countries and analysts. For example, in UNTAC, interpretations covered the full spectrum despite clear

definitions in Standing Operating Procedures⁵ and continuous briefings. Initially, responses among UNTAC contingents ranged from some troops allowing themselves to be disarmed when threatened to others opening fire with all available weapons at the slightest provocation.

The Cambodian operation was conducted in a country which had suffered a quarter of a century of civil war, genocide and more civil war. Despite the pledges of the parties to the Paris Agreements, the UNTAC peacekeepers and civilian components were eventually deployed into a climate of escalating violence, demanding 'go' or 'no go' decisions.

From the point of view of the UNTAC Force Commander, self-defence meant defence of anyone going about their legitimate business under the Paris Agreements — nothing more. In this context, self-defence is passive — it does not actively seek combat. In UNTAC, activity only extended to the use of minimum force and proportionate response in defence of the mandated political objective — the conduct of an election for a constituent assembly in as neutral an environment as could be created by these means.⁶

At the same time, self-defence not only meant an individual's self-defence — it meant collective action. In some instances company-level defensive battles had to be fought, but it is important to understand that in these engagements the use of force by peacekeepers was never offensive — only those actually using force against mandated activities were engaged, and then only engaged to the extent necessary to provide protection. While the majority of the military units were eventually mentally and physically prepared to do this, it was important that their operations were seen to be conducted strictly within these constraints.

Defending the Mandate

In Cambodia, the fundamental goal of the mandate was the Cambodian election. The key element in its success was the readiness of the people to vote. This depended in a large part on the perceived commitment of the United Nations to that end, and the Cambodian conviction of that commitment. At the outset, the delayed start by UNTAC eroded many of the hard won opportunities provided by the Paris Agreements, opening a new set of conflicting dynamics.

The Khmer Rouge claimed that UNTAC was not implementing the Agreements fairly and that the people would reject the UNTAC process. They said that the violence in the countryside, including the massacres of innocent civilians, was a manifestation of the people's anger. On the other hand, the Phnom Penh faction claimed that UNTAC lacked the will to prevent the Khmer Rouge from subverting the peace process. How to respond was the dilemma the United Nations faced.

⁵ UNTAC Military Component Standard Operating Procedures, s 4.

⁶ Comprehensive Political Settlement, 31 ILM 174, 184, 185-6, 189, 191, 197-8, arts 4, 6, 12-14, Annex 1, s A(1), s 13(2), s D; Annex 3.

On a number of occasions, in response to atrocities, the Force Commander was called on by people both within and outside the United Nations to use the peacekeeping force for the conduct of operations against the Khmer Rouge. These would have been *offensive* operations — no one could draw any other interpretation. But what was most astonishing was the passion with which the use of force was espoused. Often, the most fervent advocates of violence were those who would otherwise declare their total opposition to war!

Enforcement would have required a force several times larger than the one provided by the United Nations, one structured and equipped for a protracted conflict, and at a significantly greater cost. Such a mission would have spelled doom for the Cambodian peace process, even if it had been given wide international support. The many years of diplomatic effort and a huge expenditure of international funds would have been wasted.

Enforcement is, after all, *war* by another name. It is only if there is almost universal consent that a particular party is in the wrong that international support for enforcement will follow. Universal consent does not simply mean the views of some journalists or commentators. Often these are encumbered by baggage from the past or are obscured by the horror and passion of more immediate events. There have to be interests of severe magnitude at stake before the consensus within the contributing countries will reach the necessary fervour to provide the forces and funds for war-fighting, and possibly to accept casualties on a significant scale. A critical issue in such considerations is that of sustainment. Can a coalition response be sustained once it comes under stress?

Anyone who thinks they can bluff their way through these things with a mandate and troops designed for peacekeeping has little understanding of the nature of conflict and the consequences of the use of force. There are those of course who are prepared to make bold suggestions about enforcement, but often there is not even domestic consensus for it in their own nation, let alone in the multi-national array of countries which contribute to a modern day peacekeeping force.

It is easy to understand the frustration of people when they cannot achieve the results to which they aspire, or when they see atrocities committed within their reach and vision. But it is also deeply disturbing when they are moved to publicly exhort the transition to enforcement by peacekeepers in the face of this. Such exhortations are not only very dangerous, but are often counter-productive to the outcome of the mission.

THE POLITICAL IMPERATIVE

The United Nations operation in Cambodia was brought about by unprecedented international consensus made possible by the end of the Cold War. The Paris Agreements had been a long time in their gestation and on their signature by the four Cambodian Parties and eighteen interested countries, the Agreements established the status of the Parties and of UNTAC, and the legal

obligations and relationships between the Signatories.⁷ The UNTAC operation was a continuation of the dynamic of diplomacy the Agreements reflected.

If the mission in Cambodia was to proceed, it was critical for UNTAC to retain the peacekeeping ethos under the prevailing political circumstances. There were strong strategic reasons why enforcement was never an option. While the Khmer Rouge was usually seen as the recalcitrant party, there were deep divisions internationally, within the Security Council and within UNTAC, about where the guilt lay. There was no broad consensus within UNTAC, or among the international supporters of the operation, for offensive action against any party. Both UNTAC and the essential international unity that had been built up in support of the Cambodian peace process and scrupulously guarded would very likely have been shattered had it been tested with enforcement.

The difficulty here lies in ensuring that everyone understands the purpose of peacekeeping operations; why the peacekeepers are deployed to these volatile areas in the first place, their objectives and what they are legally entitled to do. The issues of consent and jurisdiction are the key themes here. The only way to avoid the need to consider peace enforcement, with all its consequences, is to generate and maintain consensus on the steps required for peaceful resolution of the conflict.

To do this, everyone has to have something at stake, and the benefit of complying with an agreement has to exceed the consequences of not complying. In this process, leaders have to be forced into considering the needs of their followers. Their actual leadership may have to be put at stake. There has to be an element of coercion in this, but there sometimes seems to be a complete comprehension gap on the dynamic nature and the effect of the use of force at the international level. Closely related to this is the need to understand the effects of the use of force by peacekeepers on the credibility of United Nations peacekeeping generally, as well as on the activities of all United Nations personnel and non-government organisations in the mission area.

In Cambodia, the command assessment had to be that, although there was a climate of violence, that violence was manageable provided UNTAC did nothing to contribute to it, contained it to the extent possible through negotiations and moderated its effects through diplomatic efforts. The long term objective of the mandate had to be the focus.

The civilian components had their mandated responsibilities,⁸ and humanitarian agencies and non-government organisations had their programs aimed at alleviating the suffering of the people. For most, this included extensive field work. In their interests, UNTAC had to avoid conflict as much as was reasona-

⁷ The eighteen signatories were: Australia, Brunei, Canada, China, France, India, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, USSR, United Kingdom, USA, Vietnam and Yugoslavia. The three agreements comprising the Paris Agreements are: Agreement on a Comprehensive Political Settlement of the Cambodian Conflict; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; Declaration on the Rehabilitation and Reconstruction of Cambodia

⁸ Comprehensive Political Settlement, 31 ILM 174, 184, 189-90, art 6 and Annex 1, Section B.

bly possible. But at a critical point, UNTAC had to stay and defend the essential element of the mandate — the electoral process.⁹ The Cambodian people expected this of UNTAC and only the Military Component could provide it for them. It was a case of bluff in which the risks could only be taken where UNTAC could be relatively sure of its support and the commitment of its own people.

It was only in the context of self-defence that this outcome could be reasonably certain. Self-defence in support of the mandate was only possible with cohesion in the Security Council and consensus in the countries contributing troops to the peacekeeping mission. The two issues are synergistic: each depends on the other. When they are drawn together, diplomacy is concentrated to support action. This emphasises the need for absolute discrimination in the use of force.

JURISDICTION

Even if the agreement is broken, or in the case of some humanitarian missions where peacekeepers might be deployed without a formal agreement being reached between recognisable political authorities, it is difficult to argue that anyone has the right to kill or injure people in their own country without proper sanction under either international or domestic law. How can a mandate which draws its authority from a Charter designed to defend the sovereignty of states, and to promote and encourage respect for human rights, authorise hostile intervention against any party within a state?

And if responses are not firmly based within the framework of the Charter, how can the United Nations Commander issue lawful and sustainable orders to soldiers of another Member State, or indeed, of his or her own country? Where does that leave the soldier who might have to make the choice between obeying or disobeying those orders, and bearing the consequences?

In Cambodia, there was no legitimate authority to engage in offensive operations, since all the parties to the Paris Agreements had not acceded to it. The enforcement of civil law was their responsibility, consistent with the human rights provisions to which Cambodia had acceded.¹⁰ The appropriate response was the one taken, namely, to fulfil the mandated responsibility of establishing a recognisable legitimate authority which was capable of exercising sovereign jurisdiction.

This is not to suggest that there are no enforcement options. But force has to be lawful, and the significantly greater demands it imposes have to be planned for and resourced. Moreover, the pressure on a Force Commander in an environment where there is active debate about transition from Chapter VI

⁹ Ibid arts 4, 6, 12-14; Annex 1, s A(1), s B(2), s D; Annex 3; 31 ILM 174, 184, 185-6, 189, 191-3, 197-8.

¹⁰ Ibid arts 15, 17, 23; Annex 4 Part II and Annex 5, Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; 31 ILM 174, 186, 187, 198, 199-200, art 3.

peacekeeping to Chapter VII enforcement operations very quickly leads to the conclusions that most of the force is neither equipped nor trained for such a transition, and that the wavering international support for whatever new objectives are chosen will make the command weak and vulnerable. It is no way to go to war!

The requirement for discrimination is even more crucial in the case of enforcement action. Force has to be directed only towards the achievement of the legitimate political objective. Where the control is loose, it is free to generate its own dynamic.

STANDING ARMED FORCES FOR THE UNITED NATIONS

If it is accepted that peacekeepers are the preferred diplomatic instrument and that they are to be constrained to the use of force only in self-defence, then ready sources of suitably qualified troops need to be assured. Various options have been suggested over the years to strengthen the United Nations capacities, including standing armed forces. In his book, *Cooperating for Peace*, the Australian Minister for Foreign Affairs and Trade, Senator Gareth Evans, when writing of the concept of 'cooperative security', stated as follows:

Cooperative security has been usefully described as a broad approach to security which is multi-dimensional in scope and gradualist in temperament; emphasises reassurance rather than deterrence; is inclusive rather than exclusive; is not restrictive in membership; favours multilateralism over bilateralism; does not privilege military solutions over non-military ones; assumes that states are the principal actors in the security system, but accepts that non-state actors may have an important role to play; does not require the creation of formal security institutions, but does not reject them either; and which, above all, stresses the value of creating 'habits of dialogue' on a multilateral basis.¹¹

It is important to maintain this strategic view. Any military response by the United Nations can only ever be *part* of the solution, within the broader context of cooperative security. Moreover, the idea of standing armed forces for the United Nations is *one* option in a range of civil/military options.

Of course, the idea of a standing United Nations force is not new and suggestions to this effect were made as early as 1948 by Trygve Lie, the First Secretary-General of the United Nations.¹² It has been raised on numerous occasions since, and, in 1990, Member States were requested to indicate what military personnel they were, in principle, prepared to make available for United Nations service. In *An Agenda for Peace*, the Secretary-General, Boutros Boutros-Ghali, stated that:

Stand-by arrangements should be confirmed, as appropriate, through exchanges of letters between the Secretariat and Member States concerning the kind and

¹¹ Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* (1993) 16.

¹² Trygve Lie, *In the Cause of Peace: Seven Years with the United Nations* (1954) 98.

number of skilled personnel they will be prepared to offer the United Nations as the needs of new operations arise.¹³

In his *Supplement to An Agenda for Peace*¹⁴ at the beginning of this year, the Secretary-General took this further to propose the formation of a 'rapid reaction force',¹⁵ which would be under his 'executive direction and command'¹⁶ and which would act as the Security Council's 'strategic reserve'¹⁷ for emergency intervention in crises. Studies to this effect are being undertaken by a number of Member States.

Against the background of the tragedies we have witnessed in Bosnia and Rwanda, and the difficulties in obtaining sufficient forces for the tasks envisaged, this proposal has received support from some quarters. But the *major* difficulty lies in generating both support among Member States generally for the creation of such a force and agreement on the framework for its employment. This is new ground for the Member States of the United Nations. The Charter never envisaged such a force being made available to the United Nations Secretariat, which is essentially a bureaucracy designed to support the various international forums the Charter created.

Instead, the Charter provides for the great powers to form coalitions in response to 'any threat to the peace, breaches of the peace and acts of aggression'.¹⁸ Under these arrangements, strategic direction of response forces should be exercised by the Military Staff Committee, made up of the Chiefs of Staff of the armed forces of the five Permanent Members of the Security Council, or their representatives.¹⁹ While it is envisaged that the Chiefs or their representatives would cooperate, they would still be answerable to their own governments, which themselves would have agreed to cooperate.

The Cold War made almost any form of military cooperation between the 'Permanent Five' impossible, including the empowerment of the Military Staff Committee. But we should be very clear in our minds that the United Nations Secretariat cannot act as a substitute. It is neither structured nor equipped to act as a strategic headquarters and it is quite unable to cope with the complexity of military operations.

In particular, the United Nations Secretariat lacks institutionalised military advice of the type available to sovereign governments. Many of the difficulties experienced in places such as Somalia and Rwanda can be attributed to this fact. Effective operations require clearly defined and achievable objectives, which are properly planned for and resourced. Decisions on any use of military forces

¹³ Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, UN Doc A/47/277, S/24111 (1992) para 51.

¹⁴ Boutros Boutros-Ghali, *Supplement to An Agenda for Peace*, UN Doc A/50/60, S/1995/1 (1995).

¹⁵ *Ibid* para 44.

¹⁶ *Ibid* para 38.

¹⁷ *Ibid* para 44.

¹⁸ UN Charter art 39.

¹⁹ UN Charter art 47(1), (2).

must be made in the light of detailed and carefully considered military advice which enables the full implications and risks to be assessed.

OBJECTIVITY AND COMMAND

The capacity of peacekeepers to effect their mandate impartially is sometimes constrained from the outset. This is often the result of a fundamental contradiction between the diplomatic compromises needed to gain a mandate and the essential requirement of objectivity in the development of effective military operations.

In all of this, it must be recognised that military operations cannot be ends in themselves. Commanders will always be confronted with circumstances that require action, which will in turn generate a reaction. Without objective direction, there is a strong probability that those actions will disconnect from diplomatic action, thereby corrupting the mission and causing its failure. The resulting tendency of the involved actors to then blame each other will affect the credibility of the structures provided by the United Nations, causing an erosion of confidence in the Organisation. Money and troops will be difficult to find.

The critical issue here is not who might be to blame, but that peacekeepers need to be actively supported by diplomacy. That diplomatic support is likely to be gravely weakened if strategic objectivity is lacking in the initial resolution.

It is also critical that objective decisions are passed to those charged with their implementation in a way which focuses their actions. This requires an effective command structure. The military doctrine of most countries identifies three levels of command: strategic, operational and tactical. These have different functions and nature, but all three have the common purpose of passing objective directions to their subordinates, and ensuring that their subordinates are empowered and resourced to perform their tasks.

If one of these levels is deficient, or their roles become merged, the capacity of the others to function effectively is severely limited. If the strategic level becomes involved with tactics, it is likely to lose its broad perspective and diminish the power of commanders on the ground. At the same time, tactical actions which are not focused can impact adversely on the strategic plan. The operational level both separates and binds the strategic and tactical levels, ensuring that tactical actions are coordinated to achieve strategic objectives.

For example, these levels of command were represented in UNTAC,²⁰ from 1992 to 1993, as follows:

- The strategic level was the United Nations Security Council in New York, supported by the United Nations Secretariat and the state structures of Security Council members, with their links to the national capitals of interested states and the highest level headquarters of involved agencies of the United Nations or non-government organisations.

²⁰ Established pursuant to the Paris Agreements above n 4.

- The operational level was the United Nations Headquarters in Phnom Penh, with its links to the leadership of the Cambodian Parties, the diplomatic community and the most senior authorities of the various agencies in-country.
- The tactical level was the military units, civilian groups and elements in the field, coordinated by regional headquarters, normally located in provincial capitals.

The key issue is that the three levels are mutually supportive and complementary elements which form an effective whole. Each functions in the light of the realities of the others. Much of the success achieved in Cambodia was due to the operational level, despite all sorts of interventions, being able to achieve an effective harmony between all levels and to maintain it up to the end of the mandate.

Strategic

Within a nation state, the strategic level is where decisions are made about enduring relationships between elements of society, between the people and the state, and between the state and other nations and international organisations, such as multi-nationals. The central issues involve adjustment of national priorities in response to changing circumstances. It is a continuum in peace and war. However, in war, the military dimension assumes higher prominence.

Because of the essentially political nature of this activity, the processes are more dialectic and less direct than those normally associated with the exercise of military command. For this reason, it is at the strategic level that the ambiguities of the political nuances have to be absorbed and focused into directives to the next level, which are at once designed to provide clarity, flexibility and inspiration to action. This is a hugely demanding task.

In the case of the United Nations Organisation, the strategic focus must be even broader, involving issues of ongoing harmony between member states, groupings and international bodies. Decisions made by member states are collective, but the purposes of pursuing and balancing the objectives of the Charter must be paramount.

The central task would seem to lie in determining the international will on issues which are raised within the context of the Charter. While the Security Council is in a position to provide a lead, its capacity for action will be limited without broad international commitment. This is especially so in peacekeeping which requires substantial international representation. Achieving a consensus which is at the same time objective is clearly very difficult — more so, because objectivity has many dimensions.

A central issue is the ongoing viability and credibility of the Organisation itself. It is critical that the interests of individual states, or even groups of states, do not subvert the Charter if the existence of the Organisation is not to be brought into question. This can occur both in the formulation of resolutions, and in the conduct of operations on the ground, if those resolutions are not sufficiently objective and binding.

Operational

The operational level of command is that level at which field elements are orchestrated to achieve the objectives of strategy. In military terminology, the operational level is sometimes referred to as campaign strategy, identifying the distinction between the tactical and operational levels as the responsibility of the operational level commander for the overall outcome of the military campaign.

The key determinant of success at this level of command is the military principle of the selection and maintenance of the aim. This is the principle that connects the strategic level to the operational level of command and should therefore emerge from a strategic level appreciation to which the operational level commander must be a contributor. Key to the derivation of, and successful conclusion to, a campaign strategy is timely and accurate intelligence in all its forms. A combination of insight and superior knowledge is most conducive to the achievement of the desired psychological effects.

At the operational level, it is unity of command which provides strength and cohesion. While the complexity of many post-Cold War peacekeeping operations usually means that they are civil-military affairs, it nevertheless remains critical that all elements engaged come under one common authority. Somebody has to be responsible for issuing clear, unambiguous directives, and looking the commanders, troops and civilian field staff in the eye before, during and after they have committed themselves to their assigned objectives. Leadership of missions must reflect this essential requirement.

Tactical

The tactical level is more finite, with objectives being defined in the more material terms of boundaries, time, numbers and resources. This is not to say that leaders at this level do not have to contend with a dynamic environment which will test their powers to bring complex factors into harmony. It is simply that they are responsible for specified outcomes in a given area rather than the overall outcome of the campaign.

In peacekeeping operations, the tactical level involves much more than military units and, in some circumstances, such as humanitarian relief which is not subject to dispute or exploitation, military forces might only be in a supporting role. It could, for example, involve electoral teams, human rights monitors, police and monitors of the parties' administrations, as it did in Cambodia. Each had to be harmonised with the others, across the chains-of-command reaching up to the operational level in Phnom Penh.

No tactical level leader can change his or her objectives without referral to the next higher level. Ultimately, to do so would be to unravel the overall strategy, risking a significant shift in the relative strength of the contending factions and prejudicing the entire mission.

For this reason, it is of particular importance that tactical units do not respond to national or other chains of command on operational matters. Nor can they be

allowed to develop their own interpretations, outside the operational level commander's intent, especially on critical issues such as the use of force.

COOPERATING FOR PEACE IN CAMBODIA

The earliest forms of United Nations peacekeeping were observer missions. These were begun by the United Nations shortly after the end of the Second World War and were relatively simple affairs. At the other end of the peacekeeping spectrum, complex post-Cold War operations, like UNTAC, have to be approached and managed like major operations, with the levels of command functioning in the relationship described above.

Although the Cambodian operation is acknowledged as a United Nations success, it was clear that all three levels were deficient in some way. From the outset, there was no strategic coordination in UNTAC. Each component survey team developed its own plan in isolation, lacking the benefit of even a coordinating conference beforehand to determine the strategic direction. The bringing together of these plans only occurred when the Secretary-General's report was prepared for the Security Council in the period January to February 1992. Few component leaders participated in this process.

The first coordination at the operational level between those component heads who were available occurred *en route* to Phnom Penh from Bangkok the day UNTAC was established. Some component heads were not available to the mission until five months later. Among them all, only the Force Commander had participated in the preparation of his component's plan. None of them had participated in the negotiations which had preceded those Paris Agreements on which the strategy for the United Nations mission in Cambodia was based. The initial strategic disconnection was severe.

Within the mission, harmonising the activities of the various elements of UNTAC was always problematic. Senior staff meetings were held regularly, chaired by the Special Representative of the Secretary-General (SRSG) or his deputy, and attended by component heads and other key senior staff. But there was a tendency for meetings to become bogged down in matters of detail which were more appropriately the concerns of the tactical level. This was almost certainly exacerbated by the lack of formalised coordinating structures at lower levels. Rather than being solved where they belonged, problems were often simply passed upwards, while the operational level was already too busy to perform its own role effectively. In many cases, the problems were not solved at all.

In the execution, coordination was achieved through component heads networking as problems arose. There was no UNTAC-wide operations centre. To some extent, the civilian logistics organisation assumed a directing role in the early period of the United Nations presence. But the logistics staff, being constrained by United Nations procedural matters, were, for the most part, deterred from focusing on outcomes. By the end of 1992, the Military Component's Plans Branch became the focal point for a planning and control alliance

between the Military and Electoral Components, and Information and Education Division, for the critical voter registration and electoral phases.

At the same time, at the tactical level, the Military Component's ten Sector Headquarters, spread throughout Cambodia, adopted the coordinating role. This eventually drew in the liaison mechanism put in place to work with the Cambodian military and police of the parties supporting the UNTAC-sponsored elections, as well as the UNTAC Civilian Police and the other civilian components. These cooperative arrangements were sufficient to see the UNTAC-sponsored elections of May 1993 through to their successful conclusion.

These observations are not intended to denigrate the United Nations effort in Cambodia, nor to suggest that such shortfalls are not being addressed. Rather, they are intended to highlight the systemic problems of command and control which appear to plague all United Nations missions.

In fact, success in UNTAC could not have been achieved if there had not been unity at and with the strategic level. The Paris Agreements, upon which the Cambodian operation was based, were an objective document which had been long in gestation. Following their signature in October 1991, by the four Cambodian parties and eighteen interested countries, including the parties' main backers, they defined the legal relationship between the signatories and the United Nations.

In the initial absence of a comprehensive and authoritative United Nations presence, a diplomatic body, the Expanded Permanent Five (EP5), had been set up in Phnom Penh soon after the signing of the Paris Agreements. This grouping drew around the Ambassadors of the Permanent Five members of the Security Council, and those of Australia, Germany, Indonesia, Japan and Thailand. India and Malaysia joined subsequently. The EP5 served to remind the Cambodian parties of their obligations under the Paris Agreements, during the five months between their signing and the establishment of UNTAC, as the parties, and some countries, sought to exploit the new dynamics created by the Agreements. It continued to support UNTAC throughout the mandate. The EP5's relationship with the SRSG and the Force Commander was a corporate one. They met regularly and the EP5 was briefed often.

The EP5 mirrored a grouping in New York known as the 'Core Group'. Contact between these two groupings ensured coordination between the operational and strategic levels, through the policy processes in the capitals of the nations concerned. This meant that Security Council resolutions on Cambodia, drafted in the face of major obstacles as the mission progressed, were achievable and reflected the realities on the ground. UNTAC could then proceed to implement its mandated responsibilities, confident of its jurisdiction.

The obstacles were overcome politically by the operational level generating new dynamics both at the diplomatic level and in the field. This allowed the Cambodian people to be made sovereign by the electoral process, despite the conflicts between and within the Cambodian factions. This cohesion weakened after the election, but adhered for long enough to conclude the UNTAC man-

date. With the United Nations' moral authority progressively diminishing as the mandate reached its culmination, it was a race against time.

The strategic level grouping was essential to the unification of and focusing of the diplomatic support. At the same time the operational level needed structures to concentrate its efforts on its important task of defining and refining a policy framework for the implementation of the mandate laid down by the Security Council and adjusted by subsequent resolutions according to emerging circumstances. But rather than the *ad hoc* arrangements in UNTAC, it would have been better if structures had been planned for and put in place at the outset.

COMMAND, CONTROL AND THE CHARTER

In multi-national operations of the complexity of the one in Cambodia, nothing is a set piece. International sentiment, generated by media coverage, will ensure that those responsible cannot wait for everything to be put in place. The situation will always be reactive and dynamic. Decision-makers must be able and prepared to act in pursuit of the defined objectives and to account for their actions.

A highly responsive command and control system is required. And *there* is the dilemma for the United Nations. It does not have a responsive command and control system. It is a simple fact that deployed operational level commanders do not have a superior headquarters. To have one, the structure and workings of the Organisation have to be addressed in a fundamental way.

Responsiveness at the highest level requires a strategic headquarters which is purpose-designed to be responsive. Among other things, it requires a deep intelligence process in order to be able to make valid judgements in the light of all the issues involved. Unbiased and independent analysis is the key here. Dependence on any individual national intelligence system is likely to involve some bias which will confuse the response.

The problem experienced by the United Nations in Rwanda is a case in point. Setting aside the issues of legitimacy and preventative action, the response to events lacked strategic objectivity. Enforcement action on a large scale was required to stop the genocide. Enforcement was still required to stop the consequences of the genocide. But the force was capped at 5,500 and given a peacekeeping mandate in response to expectations which were well beyond it as a result. A brief foray into enforcement was endorsed by the Security Council to stabilise the mass movement of refugees into Zaire,²¹ but even this action contributed to an impression of crisis decision-making rather than strategic objectivity. Although it is a glowing example of humanitarian mobilisation, Rwanda has done nothing to contribute to the credibility of United Nations peacekeeping.

No one should be surprised when contributing countries find difficulty reconciling contributions to such missions with their existing policy. Placed on the

²¹ SC Res 929, 49 UN SCOR (3392nd mtg), UN Doc S/Res/929 (1994).

horns of a dilemma, they are called on to accept the consequences without being able to effect a solution. Responsible national political authorities cannot function in this way. They are unlikely to commit forces in the face of such decision-making.

Reinforcing the Charter through Enhanced Command and Control

Under Article 43, all Member States undertake to make armed forces available to the Security Council for operations within the framework of the Charter. In recent times, governments of many Member States have issued policy directives or guidance defining the circumstances under which they will commit forces to United Nations operations. In essence, the purpose of these have been twofold:

- to reassure their own people that any national commitment will be justified by the realistic prospects of the potential ends justifying the risks; and
- to signal to the United Nations Organisation that it must get its house in order if it expects governments to be able to generate support from their domestic constituencies.

Apart from protecting the interests of the states concerned, the definition of a framework for involvement reflects a demand for strategic objectivity on the part of the United Nations which includes a requirement of morally sustainable responses.

Mandates which are framed with objectivity and aimed at the accomplishment of realistic goals are more likely to generate sustained consensus, confidence and commitment to the provision of resources, including forces. The settlement of the dispute, in a way consistent with the objectives of the Charter, must be the aim.

The structures supporting complex operations need to be at least the equivalent of those of a relatively advanced Member State, or alternatively, allow formalised access to the structures of Member States in a way which does not compromise the essential need for objectivity in United Nations decision-making.

The best starting point in reforming these processes is the United Nations Charter itself, which has already been agreed by the Member States of the United Nations. The Security Council has specific responsibilities under both Chapters VI and VII and its central role as the strategic authority designated by the Charter must not be eroded. In this regard, it is critical that risks of perceived bias in Security Council decisions are avoided. The United Nations Secretariat has the critical role of ensuring that the deliberations of Security Council members maintain their objectivity. Often it is only the Secretariat which can gain the necessary access to trouble spots to determine the viability of strategic options. This places the Secretary-General and his or her staff in an onerous position of responsibility.

Regardless of this essential role for the Secretariat, it has always been recognised that it would not be capable of providing comprehensive military advice,

nor of controlling complex military operations. This is why the role of the Military Staff Committee was established in Articles 46 and 47 of the Charter. Security Council resolutions must be informed by institutionalised military advice and this advice should emerge from the structures responsible for the implementation of those operations mandated by that advice.

If the Military Staff Committee was to be empowered to perform these responsibilities for Chapter VI as well as Chapter VII operations, it would require discrete secretariat services to enable it to coordinate the separate national military advice to form agreed collective advice, plans and directions. Broader representation would probably be needed to generate the necessary climate of trust in these extended activities of the Military Staff Committee.

Most proposals aimed at improving the United Nations response capability focus on the dedication of military forces. It might also prove appropriate to focus on staff support, analytical capacity and command support systems to assist the Military Staff Committee in the exercise of its functions and those of subordinate headquarters.

CONCLUSION

Reconciliation is the basis of all successful strategies. This is the underlying theme of the United Nations Charter. The United Nations brings together most of the sovereign states on earth which, by their ratification of the Charter, establish the moral authority of the Organisation.

When a United Nations mission is mandated, it thereby assumes a measure of the moral authority of the Charter, the extent depending on the purpose of the mission, the objectivity with which the mandate is framed and the consensus upon which it is based. Throughout the mission, successes consistent with the mandate can contribute to that moral authority, while failures will erode it. If the initial mandate is flawed, the erosion can be rapid.

In a media environment where the membrane between the past and the future becomes thin, and the passion of the moment becomes a marketable product to be flashed around the world as events unfold, successes are likely to be less obvious than failures. Sustaining an international commitment in the light of this reality requires a comprehensive public relations strategy based on a firm understanding of the central place of the moral authority of the United Nations in international initiatives.

Moral authority resides in the great ideals of the Charter, and is generated through the belief which the peoples of the United Nations have in it. That belief is variable and is the sum total of the perception of successes and failures of the United Nations at any point in time. Where the perception of success is high, so is the faith in the Organisation. The commitment to both its principles and activities is therefore likely to be strengthened.

The future of the United Nations depends on its capacity to seize the full weight of the moral authority enshrined in its own Charter, and to bring it to

bear in the interests of its peoples. The processes for mandating and directing operations must be reinforced to this end.

EPILOGUE

Over one hundred and seventy years ago, Carl von Clausewitz, the renowned Prussian military theorist, in his treatise *On War*, stated that:

No one starts a war — or rather, no one in his senses ought to do so — without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it. The former is its political purpose; the latter its operational objective. This is the governing principle which will set its course, prescribe the scale of means and effort which is required, and make its influence felt throughout down to the smallest operational detail.²²

This principle applies equally to peacekeeping under the auspices of the United Nations. Proposals to support conflict resolution, including those for standby forces or a United Nations Army, must be cognisant of this fundamental fact. For the United Nations to lose a war, which would surely be the case if its Member States were unable to sustain a commitment, or if its command and control systems were ineffective, would spell doom for the Organisation for many years to come. Its moral authority might be destroyed forever.

²² Carl von Clausewitz (edited and translated by Michael Howard and Peter Paret), *On War* (1976) 579.