

# WHAT ROLE, IF ANY, WILL THE UNITED NATIONS PLAY IN THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY OVER THE NEXT FIFTY YEARS?

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After two years of close observation of the United Nations struggling to answer the challenge of Article 7 of its Charter “to maintain international peace and security,” I have become an optimist on the question of the United Nations’ future, if nonetheless a cautious, realistic one. Whether the United Nations will have such a role, however, depends on the collective ability of the international community to learn from the past fifty years of the organization. Lawyers, particularly those trained in the common law system of precedents, appreciate as much as historians the value of looking to past experience to guide future actions. In the particular case of the United Nations, there is a rich history and experience, both positive and negative, to aid in taking those measures that will allow the organization to continue to strive toward the dreams of its founders.

While the purpose of the entire United Nations is maintenance of international peace and security, Article 24 of the Charter confers “primary responsibility” for this on the Security Council. Conventional wisdom holds that the bipolarity of the permanent members during the Cold War prevented the Security Council from performing this role. However, during the years of the Cold War, the United Nations developed a mechanism to attempt to deal with some international conflicts: peacekeeping. With the end of the Cold War there was an explosive growth in the number and size of peacekeeping operations. Between 1945 and 1987, thirteen peacekeeping operations were undertaken. In the next eight years, nineteen new peacekeeping operations were begun.<sup>1</sup> In

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1. UN Department of Public Information, Background Note on Peacekeeping Operations, DPI/1634/PKO, Jan. 1995.

January 1988 there were 9500 United Nations peacekeepers deployed; by October, 1995 their number was almost 60,000.<sup>2</sup>

Today there is a rising tide of public criticism of the United Nations and peacekeeping, in particular in the United States. For the United Nations to be a relevant force in the next fifty years, member states must answer this criticism and demonstrate to the electorates in an increasingly democratic world the value of actions under the authority of the United Nations and its Charter. Some of the criticism can be traced to the unfortunate tendency by practitioners, as well as the media, to merge all United Nations operations involving military personnel under the rubric of peacekeeping. Yet this generic term really encompasses a broad range of activities. Traditional peacekeeping, the model formulated during the Cold War, involved lightly armed peacekeepers, or even unarmed observers, who were introduced into a region to monitor a peace agreement between opposing forces. In later operations this approach was expanded to include humanitarian assistance, as in Mozambique, and in some cases even human rights activities, as in El Salvador. But the basic requirement of this type of operation was the pre-existence of a peace agreement. While it may seem self-evident, in light of some recent operations it should be stressed that peacekeeping is impossible if there is no peace to keep. Traditional peacekeeping operations, whether established thirty years ago as in Cyprus, or last year as in Angola, differ substantially from "peacekeeping" in Somalia or Bosnia, where the deployment of United Nations military forces occurs before there is any peace agreement.

Much of the recent public criticism is in fact aimed at the latter type of operation. Sometimes such operations are called peacemaking, peace enforcement, or humanitarian intervention. Whatever title is used by specialists, too often the public hears them called, and believes them to be, peacekeeping. The operations in Somalia and Bosnia were undertaken for the best of motives. In Somalia, thousands of innocents were starving to death every week while lawless "warlords" prohibited the distribution of food and medicines that the international community was bringing into the country. In Bosnia, starvation was exacerbated by merciless cold and ethnic "cleansing" punctuated by rape and murder. The United Nations involvement in Somalia and Bosnia was honorable and well-meaning, in keeping with the highest aspirations of the Charter. But, in the public's mind, the operations became synonymous with failed peacekeeping. It does not matter that Somalia was not the disaster it is sometimes called.

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2. The UN reported, as of October 31, 1995, 58,763 deployed in sixteen countries, down from a maximum of 78,000 in July 1993. N.Y. TIMES, Nov. 12, 1995, at 14.

As the final report of the Secretary-General in March 1995 stated, the United Nations operation in Somalia can claim major accomplishments, especially when one recalls that in late 1992, 3000 men, women, and children were dying daily of starvation and this tragedy was ended by the international relief effort."<sup>3</sup> Yet here, as in many areas, perception outweighs reality. United Nations' peacekeepers could not save Somalia or Bosnia; therefore, peacekeeping is no good.

To overcome this public perception of failure, and the defeatist attitude that seems to affect not only member states but higher levels of the United Nations' bureaucracy, it is necessary to focus on what the United Nations has done right and how that can be used in the future. Amidst the outcry over Somalia and Bosnia, traditional peacekeeping has notched some significant successes. In January 1995, the United Nations' operation in Mozambique concluded its work, having successfully overseen the demobilization of thousands of troops and peaceful democratic elections. In 1994, it was ONUSAL in El Salvador winding up successfully; and, in 1993, it was UNTAC in Cambodia.

Based on this record of recent success, which built on earlier ones in Namibia and the Middle East, one path to the future is clear. There is and will be a role for traditional United Nations' peacekeeping. The Security Council recognized this in February 1995 when it created UNAVEM III to oversee the implementation of the Lusaka Accords in Angola.<sup>4</sup> Influenced by recent events, approval of this operation was delayed to provide time for the parties to demonstrate their commitment to the new peace agreement. Deployment of peacekeepers was then phased in over a period of months to maintain the pressure on the parties. Yet the careful approach adopted by the Security Council does not mean is a small operation. At the time of its creation, UNAVEM III with 7,350 troops, was the third largest behind Bosnia and Haiti.

The commitment to the creation of UNAVEM III, in spite of a history of failed peace agreements in Angola, and two prior United Nations' operations, demonstrates that traditional peacekeeping will remain a tool in the future. This should be good news to the inhabitants of developing countries, particularly in Africa. The success of decolonization in Africa did not bring safety from war, within or across borders. Without the presence of a strong regional organization for the protection of peace, or a great power with a stake in limiting conflict, the United Nations is the hope of Africa's peoples. With the closing of the United Nations'

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3. Report of the Secretary-General on the Situation in Somalia, S/1995/231, Mar. 28, 1995, pg. 15.

4. Security Council Resolution 976 of 8 February 1995.

operation in Somalia, it is popular in some circles to bewail the United Nations' abandonment of Africa. In fact, there are more peacekeeping operations in Africa than in any other region of the world.<sup>5</sup> Fortunately, even the growing public disenchantment with peacekeeping has not stopped the Security Council from recognizing the value of traditional peacekeeping. Not only have new operations been created, but some ongoing operations facing cutbacks have been continued and even, as in the case of Liberia, modestly expanded.<sup>6</sup> This should provide a measure of reassurance not only to the people of developed countries who question the future of the United Nations, but also those of developing countries who cry for protection from the horror of war.

Beyond traditional operations designed to keep a peace made by the parties, recent Security Council practice shows another way the United Nations can play a role in future years. While the United Nations may not have proven to be effective in operating a force to establish peace, there have been recent examples where an independent multilateral force, acting under the authority of the United Nations has succeeded. In both Haiti and Rwanda, a permanent member of the Security Council sought and received authorization to conduct an operation to make peace. In each case, these operations helped establish the conditions necessary for the introduction of a follow-on traditional peacekeeping operation.

The Haiti and Rwanda operations trace their legal precedents to the creation of the multinational coalition against Iraq. Yet, the invasion of Kuwait was a much different situation. The conflicts in Haiti and Rwanda, while having definite destabilizing impacts on regional peace and security, were primarily internal. The real model for these operations was UNITAF, the initial United States-led operation in Somalia. A small United Nations' force in Somalia, UNOSOM I, proved unable to cope with the deteriorating humanitarian situation. When the United States offered to use its own troops, assisted by multinational forces, the Security Council authorized member states "to use all necessary means" to establish a secure environment for humanitarian relief.<sup>7</sup> Regardless of the final outcome in Somalia, UNITAF accomplished its goal of ending starvation and ensuring that humanitarian relief was delivered unimpeded. In the process, it expanded the precedent of coalition forces responding to aggression, as in Kuwait, in a new direction.

When illegal forces in Haiti blocked implementation of the Governors Island Agreement for a peaceful return to democracy, the

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5. United Nations DPI Background, *supra* note 1.

6. Security Council Resolution 1020 of 10 November 1995.

7. Security Council Resolution 794 of 3 December 1992.

United States turned again to the UNITAF model. In a resolution on 31 July 1994,<sup>8</sup> the Security Council again authorized member states "to use all necessary means" to create a secure environment for the return of President Aristide and constitutional democracy. Learning from its experience in Somalia, the United Nations required certain criteria before a United Nations' peacekeeping operation would take over responsibility in Haiti. While the ultimate success of the follow-on United Nations' operation still hangs in the balance, the initial United States-led operation did create a secure environment to allow the United Nations to deploy. In a similar fashion, France sought and received authorization to conduct "Operation Turquoise" in Southwest Rwanda.<sup>9</sup> Again, a permanent member of the Security Council undertook an operation with its own troops in a situation that was not appropriate for a traditional peacekeeping operation.

The success of these operations in establishing a peaceful environment highlights another role for the United Nations in the future, providing the legal and moral basis for action under the leadership of a powerful member state. This should not be seen as a relinquishment of responsibility by either the Security Council or the United Nations. Acting through the United Nations requires the Security Council to conduct a separate analysis of the motives and purposes of the operation before it occurs, rather than listening to the self-serving explanations for unilateral actions after the fact. The Council can control, and even modify, the approach of the member state in a situation like Haiti or Rwanda.

The "all necessary means" approach offers an opportunity for United Nations' involvement in situations where the prerequisites for a traditional peacekeeping operation do not exist. Of course, reliance on a particular member state to provide the motivating force and leadership for an operation places limits on this approach. Obviously, there are few states with sufficient political and military power to lead such operations. These will not have sufficient national interest to be involved in every conflict, or even most of them. But to say a tool is limited is not to say that it has no value. In the years to come, the single state or coalition approach to creating conditions for traditional peacemaking can make an important contribution to the maintenance of international peace and security.

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8. Security Council Resolution 940 of 31 July 1994.

9. Security Council Resolution 929 of 22 June 1994.

### CONCLUSION

Contrary to public perception, the recent history of United Nations' actions to maintain international peace and security has not been a catalogue of unmitigated disasters. Rather, in two separate areas—traditional keeping of peace agreements between opposing forces, and operations spearheaded by a member state to create an appropriate environment for peacekeeping—there are the foundations for a real future for United Nations' action. The ability of the United Nations to build on this foundation, to learn the proper lessons from recent operations, both successes and failures, will define the actual role the United Nations will play. But the opportunity is there.