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Joe Byrnes Sills

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Leonard v.B. Sutton Colloquium Keynote Address

United Nations Peacekeeping: The Years Past, The Years Ahead*

JOE BYRNES SILLS**

As we enter the United Nations' (U.N.) fiftieth year, it is appropriate to begin by looking back to San Francisco in 1945. The organization created there, the United Nations, adopted and continued Franklin Roosevelt's name for the alliance against fascism. It was established to ensure that the horrors of the war just past would not be inflicted on future generations. The basic assumption on which the U.N. was created was that the alliance which won the war would remain together to preserve the peace. But reality quickly set in. The Cold War began and, as Winston Churchill so eloquently stated, an Iron Curtain fell across Europe.

As a result, in the political sphere, the U.N. was largely marginalized. The veto, and the threat of the veto, immobilized the Security Council. The military staff committee, the Charter mechanism for continuing collective security, was dormant.

The focus shifted to the General Assembly. The temporary absence of the Soviet Union, in protest, from the Security Council had allowed the U.N. to act in Korea. But it was obvious that this curious

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** Mr. Sills is Director of the United Nations Information Centre in Washington, D.C., a post he assumed on January 1, 1996. Prior to that, he was the Spokesman for United Nations Secretary-General Boutros Boutros-Ghali for over three years. He had earlier served for six years as Associate Spokesman for Secretary-General Javier Perez de Cuellar. Mr. Sills joined the United Nations in July of 1981 following eight years as Vice President of the United Nations Association of the USA. Mr. Sills is a graduate of Vanderbilt University where he received a B.A. degree, *magna cum laude*, in English literature, and was elected to Phi Beta Kappa. He received his M.A. degree in Arab Area Studies from the American University of Beirut, in Lebanon, where he was a Rotary Foundation fellow.

error in judgment was unlikely to be repeated. In 1950, therefore, the General Assembly, under United States leadership, adopted the "Uniting for Peace" resolution. Under the Charter, the Assembly is prohibited from dealing with an item if the Security Council is considering it. However, since the Charter assigns *primary* responsibility for the maintenance of peace and security to the Council, it was reasoned that *secondary* responsibility had to reside somewhere. Where else but in the Assembly? The resolution, therefore, empowered the Assembly to deal with threats to the peace if the Council was unable to do so. Thus, in 1956, following the Suez Crisis, the Uniting for Peace resolution was utilized to create the first UN peacekeeping force.

The concept of peacekeeping does not exist in the U.N. Charter. It was born of necessity as a holding action until peaceful settlement of armed conflict could be reached through negotiations. Falling between Chapter 6, which contains provisions for peaceful settlement of disputes, and Chapter 7, which sets out procedures for enforcement action to deal with "threats to the peace, breaches of the peace, and acts of aggression,"¹ peacekeeping is often referred to as "Chapter 6 1/2" of the U.N. Charter.

For over forty of peacekeeping's forty-seven years, the ground rules have been defined very clearly. Peacekeeping meant the use of multilateral military personnel, provided voluntarily by member states, under international command, functioning with the consent of the host government and other parties involved, and whose goal is to help control and resolve conflicts between hostile states. Peacekeepers traditionally are either unarmed or lightly armed. They are authorized to use weapons only in self-defense, must remain impartial among the parties, and must not interfere in the internal affairs of the host country.

Over the last five years, however, none of these guidelines has been left untouched. The need for consent of the parties has sometimes been overridden by humanitarian imperatives. Volatile situations in the field have made it necessary to expand the definitions of both self-defense and the justified use of force. Even the range and nature of international command is now being hotly debated — at least in Washington. Mandates have far exceeded the traditional supervision of truces and separation of antagonists. They now comprise duties as diverse as monitoring free and fair elections, guaranteeing the delivery of humanitarian aid in war zones, overseeing land reforms and human rights, reintegrating armed combatants into productive civilian roles, intervening in situations of civil war, establishing safe and secure environments, and remaining in towns and villages under attack to prevent loss of life.

1. U.N. CHARTER art. 39.

With this expansion of duties, demand has grown. In 1988, there were five U.N. peacekeeping operations. In 1992, there were eleven. At present, there are sixteen. Over the same period, the number of military personnel involved in peacekeeping has gone from 9,600 to close to 70,000. The largest operation is the U.N. protection force in the former Yugoslavia (UNPROFOR), with a size of about 40,000 and an annual budget of \$1.6 billion. The smallest is the U.N. observer mission in Tajikistan (UNMOT). It is made up of 17 military observers and costs \$1 million annually. Overall, peacekeeping operations cost \$3.5 billion in 1994. In 1995, the figure will be lower, about \$3.1 billion, largely due to the closing down of UNOSOM in Somalia. Over half a million people have served in these operations since 1948. Some 1,300 of these individuals have given their lives in the cause of peace.

The first two peacekeeping operations — the U.N. Truce Supervision Organization (UNTSO), based in Jerusalem, established in 1948, and the U.N. Military Observer Group In India and Pakistan (UNMOGIP), established in 1945 — were observer missions with only military officers participating. As I mentioned earlier, it was the third operation, the UN emergency force established in the Sinai in the wake of the Suez Crisis, which involved troops for the first time. Since then, peacekeeping operations have utilized either peacekeeping forces or observer missions.

In 1989, the U.N. Transition Assistance Group in Namibia (UNTAG) was the first peacekeeping operation which was given multiple assignments beyond the “traditional” duties. Its main task was to create the conditions for free and fair elections. For this purpose, UNTAG monitored the electoral process, which was carried out by South Africa. It also monitored the rapid reduction, cantonment, and eventual withdrawal of the South African military presence from Namibia. Refugees were returned and resettled. An independent jurist was appointed to advise on disputes that might arise in connection with the release of political prisoners and detainees. Following the constituent assembly elections, UNTAG also assisted in the drafting of the new constitution.

Since Namibia, several large-scale and complex operations have been undertaken, including the U.N. Transition Authority in Cambodia (UNTAC), the U.N. Protection Force in the former Yugoslavia (UNPROFOR), and the U.N. operation in Somalia (UNOSOM).

UNTAC was given the ambitious task of supervising a number of state functions, such as defense, police, foreign affairs and information, in addition to all other military and civilian tasks. The disarmament of the parties to the conflict up to an agreed level was not fully attained due to the resistance of the Khmer Rouge, even though it had agreed to it in the Paris Accords. Nevertheless, the UNTAC-supervised elections were successfully carried out and an internationally recognized

government was formed. Cambodia, therefore, can be characterized fairly as a qualified success.

UNPROFOR was established in the process of the break-up of Yugoslavia. Its initial mandate in Croatia was fairly straightforward: to maintain a cease-fire, facilitate the withdrawal of the Yugoslav army, demilitarize the U.N. protected areas, and create conditions for an overall political settlement. Subsequently, however, not only was its mandate in Croatia expanded, but it was also extended to Bosnia and Herzegovina when fighting broke out there. UNPROFOR's initial function in Bosnia was to supervise the re-opening of the Sarajevo airport and withdrawal of heavy weapons as well as to provide the necessary protection for humanitarian assistance activities. But its mandate was also expanded later to include border control, protecting the "safe areas," supervising the withdrawal of heavy weapons from the exclusion zones, and assisting in the implementation of the cease-fire and cessation of hostilities agreements.

The preventive deployment of U.N. peacekeepers was also undertaken in the former Yugoslav Republic of Macedonia. This was the first such deployment in the history of the U.N. This operation was placed under UNPROFOR as well.

The mixture of U.N. peacekeeping and such elements of enforcement as the "No-Fly" zone, air strikes, economic sanctions, and the arms embargo undertaken by NATO, by the western European Union, and through national means in the same theater of operations, has made UNPROFOR a very complex and difficult operation. Now, UNPROFOR faces the challenge of being split into three separate but still inter-linked operations.

Even though the difficult and not so successful aspects of UNPROFOR tend to be the focus of media attention, UNPROFOR has a number of solid accomplishments. It has succeeded in containing the conflict within the borders of Croatia and Bosnia and Herzegovina, thus preventing its spread into the wider Balkan area and beyond. (You may recall that World War I began in Sarajevo.) The U.N. operation has also provided millions of people with humanitarian assistance and protection wherever possible.

Peacekeeping missions in general, and UNPROFOR in particular, are often judged against an idealized solution of the problem. Failure against this standard is inevitable. It is also artificial. The success of a peacekeeping mission might better be gauged not by how it would have played out ideally, but rather by the mandates it has been given and the way that the situation on the ground would most probably have developed without it. In an ideal world, the troubled peace of the last few months in and around Sarajevo would not be interrupted. Realistically, without the U.N., it would not have occurred at all. In an ideal world, Srebrenica would never have been attacked. Realistically, with-

out the courage of General Morillon, and those with him, it would have faced utter devastation. Ideally, the Serbs, Croats, and Muslims would all have resolved their differences by now. Realistically, the small areas of peace which have taken form would never have done so without the aid and support which the international community brought to bear.

The U.N. operation in Somalia became a qualitatively different operation: the first case of peace enforcement by the U.N. itself. Initially, the task of the U.N. was to monitor the cease-fire agreement among the warring factions and to facilitate humanitarian activities. However, the U.N. efforts were obstructed and U.N. peacekeepers were unable even to establish an effective base of operations. A serious famine developed. The multinational force (UNITAF), led by the United States and endorsed by the Security Council, intervened in Somalia on humanitarian grounds. The cooperation of the warring factions was obtained for this operation. The problem arose when the multinational force was taken over by the second U.N. operation in Somalia (UNOSOM II). UNOSOM II was given the task of disarming the factions even, if necessary, by the use of force. No central government existed, and the security situation was tenuous at best. There was certainly sufficient ground for giving the U.N. enforcement power. However, one of the main factions, led by General Aideed, resisted being disarmed. This resistance eventually led to armed clashes between the U.N. and the Aideed faction. A serious complicating factor was the dual operational structure. The United States maintained the Rapid Reaction Force under its own command. It was this American force that went into the Aideed-controlled part of Mogadishu and was ambushed. The American casualties and the television images of the body of an American soldier being dragged through the streets changed the picture in Somalia. Once strong American support was lost, UNOSOM had to be scaled back. The Security Council effectively removed its enforcement function and UNOSOM became a regular peacekeeping operation. But there was no peace to keep.

In Somalia, the failure of the factions to achieve national reconciliation — a failure widely blamed on the United Nations — led, earlier this month, to the closing down of the operation in Somalia. UNOSOM is commonly portrayed as a failure. This is not totally fair. One of the initial and main motives of the operation in Somalia was to facilitate humanitarian assistance to those Somalis who had been severely suffering from the effects of long drought, the collapse of the State and the resultant Civil War. Today, no Somalis are dying from famine. Schools have reopened in most of the country. In many parts of Somalia outside of Mogadishu, the local government structure and the judicial system the U.N. helped to establish are functioning.

Several major lessons can be learned from Somalia. First, the U.N. can only support, encourage, and facilitate political reconciliation. It

cannot force such reconciliation if the parties to the conflict are unwilling to reach an agreement. Second, abandoning the U.N.'s traditional neutrality and even attacking militarily one of the parties destroys the U.N.'s credibility and value as a peacekeeping force. Third, a failure to have unity of command is a recipe for disaster.

Even though the shadows of Somalia and former Yugoslavia tend to obscure the achievements of the U.N., it must be noted that the number of successful peacekeeping operations is significant.

I have already mentioned Namibia and Cambodia. The operation in Mozambique has just concluded. Small, flexible, and excellently led, it guided Mozambique from civil war to cessation of hostilities to free and fair elections. The operation has given that country a real opportunity for peace and development. The mission in El Salvador ends a month from now. The civil war of many years is over. Elections have been held. Even though some difficult problems, such as land reform, remain to be fully resolved, that country is well on the way to peace.

Our new operation in Guatemala is underway. Today, in Mexico City, with strong assistance and guidance from U.N. mediators, the government and the Revolutionary Unity of Guatemala (URNG) are scheduled to initial an accord on the rights of indigenous people in Guatemala.

Before I attempt to bring these points together and look at peacekeeping's future — at the response to the challenge of the 21st century — I need to talk a bit about the financing of peacekeeping.

Most operations are financed from a peacekeeping budget, with member States assessed a set percentage. Under the U.N. Charter, this is a mandatory, not voluntary, payment. The current formula, devised in 1973, varies slightly from the regular U.N. formula in that it requires the five permanent members of the Security Council to pay a larger percentage than their regular budget share: together, 54%, of which the U.S. share is just over 30%, compared to the U.S. share of the regular budget of 25%. The assessment percentages are primarily based on ability to pay.

As I stated earlier, total peacekeeping costs for 1995 are expected to be around \$3.1 billion, making the U.S. share about \$1 billion. However, Congress has passed a law stating that, beginning in October of this year — the first month of the new U.S. fiscal year — the U.S. will pay only 25% of U.N. peacekeeping. This is the same percentage as it pays of the regular budget.

Intense negotiations are underway among member States to agree on a new formula which would, among other changes, reduce the U.S. assessment, but probably not to 25%. To be sure, the U.N. cannot force any member State to write a check. But our position is, and must be, that a decision by any member State to change its rate of assessment

unilaterally is inconsistent with its obligation under the Charter. Absent any agreed-upon revision of the scale of assessments, we would treat any shortfall as an arrearage in payments.

Given the present mood in Congress, I'm not sure it makes any difference to note that *all* spending of the U.N. system for a year, \$10.5 billion, is \$1.90 per human being, and per capita expenditures on the military and weapons are \$150 per person per year. The annual U.S. bill for U.N. peacekeeping — \$1 billion — is almost exactly what one week of the Vietnam war cost (in 1968 U.S. dollars). And so on.

It is also relevant to note, as the U.S. Ambassador to the U.N., Madeleine Albright has on numerous occasions, that multilateral operations allow sharing of personnel, costs, and other burdens rather than requiring a single State, or group of States, to bear them without assistance.

In sum, what have we learned from 47 years of peacekeeping? And what does the future hold? First, we can clearly and without reservation affirm the value of U.N. peacekeeping in maintaining the peace and facilitating negotiations in appropriate situations. To reduce or even destroy this capability of the international community would not only be a blow to multilateralism but an affront to common sense.

Second, in several cases we have seen, graphically and tragically, how dangerous it is to depart from the basic ground rules of peacekeeping discussed earlier. Perhaps our biggest challenge is to figure out how we can substantially reinstate those ground rules while still maintaining the flexibility to meet the new demands, also mentioned earlier, being placed on peacekeeping. Let us have no illusion that if we fail to respond multilaterally to these challenges, they can either be solved by bilateral action, or somehow go away.

Third, we are seeing the increasing and inevitable cohabitation of peacekeeping operations and humanitarian relief. These activities are conducted both by U.N. and governmental bodies but, increasingly, also by private, voluntary organizations. This working relationship must be examined further and improved significantly. It is increasingly clear that it cannot function well if the peacekeepers take sides in the conflict.

Fourth, we have learned — and the Security Council, led by the United States, has become demanding in this regard — that proposed peacekeeping operations must be more carefully evaluated. They must also have their goals better defined, costs taken more into account, and termination dates be set. The current consideration by the Council of the deployment of the U.N. Angola Verification Mission (UNAVEM) III demonstrates this well. Until a set of conditions is met, the deployment of military contingents will not take place. These conditions include a cease-fire, disengagement of forces, and freedom of movement and operations of the initial stages of UNAVEM.

Such caution is to be applauded. Tragically, it comes in Angola only after another lesson: peacekeeping "on the cheap," with inadequate resources and personnel, simply will not do the job. Several years ago, an agreement was reached in Angola, and elections were held. But the two sides were not disarmed. The U.N. presence was woefully inadequate to deal with the situation. When the two sides refused to accept the results of the election, war began again. More people have been killed in Angola in the last two years than in all the regions combined where the United Nations maintains peacekeeping operations.

Fifth, we have repeatedly seen the need to speed up the creation of peacekeeping missions and their deployment. A small, standing U.N. force, quickly available to the Secretary-General following Security Council authorization, is, I think, desirable. But it is simply not in the cards. Major member States have made it clear they will not support it. What we can do today is to continue our efforts to create trained units in member States which would be ready for quick assignment and to strengthen our support and delivery capabilities.

Finally, and most importantly, we have learned that there are certain things the U.N. realistically cannot, and perhaps should not, be doing. Here I am speaking of peace enforcement.

It is inevitable that the Security Council will increasingly mandate regional arrangements and multinational forces to carry out such operations. This formula, first used in Korea in 1950, was the basis of Desert Storm. In Desert Storm, the Council authorized member States to use all necessary means to reverse the Iraqi invasion of Kuwait. The operation was conducted not in the name of the U.N. but with a mandate from the U.N. Security Council. This certainly represents a danger for the U.N.'s credibility and image. The Secretary-General has called it a "fall back" position and has stated: "We can do nothing else."

A variation of this is playing out today in Haiti where a multinational force, again led by the U.S. and endorsed by the Council under the "all necessary means" formula, and, significantly, operating under Chapter VII of the Charter, is turning over command to a U.N. force which will operate under Chapter VI. I think we will see more such two-phase operations in the future.

Before I close, I want to make some comments on U.S.-U.N. relations. As an international civil servant, I do so cautiously. But I feel there are some things that need to be said.

The U.N. has certainly had its ups and downs regarding public support in the U.S., and also regarding the attitude at both ends of Pennsylvania Avenue. I remember thinking, during the early years of President Reagan's first term, when the Heritage Foundation burst onto the scene with the U.N. as one of its main targets, that if we can

survive this, we can survive anything. (I had not been around some 30 years earlier when McCarren and McCarthy savaged many Americans in the Secretariat with unproven and unprovable charges that they were Communists or Communist sympathizers.) But rarely has the U.N. met with the degree of hostility, even contempt, it now evokes from some in Washington and from the American right.

I have thought much about why this is the case. It certainly isn't good politics. Opinion polls consistently show a high and relatively steady level of popular support for the U.N. Of all the items in the Contract with America, polls showed the U.N.-related pledge to have the least support. In part, I think it is based on an image of the U.N. that is 20 years out of date, a caricature of Communists and third-world deadbeats using the U.N. forum to criticize the U.S. for imperialism and neo-colonialism simultaneously with outstretched hands and pleas that the U.S. come to their rescue. There seems to be an unawareness, perhaps intentional, that most General Assembly resolutions are now passed by consensus or without a vote; that the budget is now approved by consensus, and has been at zero-growth in real terms for several years; and that the use of the veto has virtually disappeared from the Security Council and been replaced by agreement among the five permanent members. Indeed, the most common complaint I hear in U.N. corridors today is that the organization is totally dominated by the U.S.

I think Max Frankel came pretty close to an answer to this hostility in a recent article in *The New York Times*. He observes that the right-wing is not isolationist at all. Instead, "they perceive profit not in ignoring the world but in trashing it With Communism in ruins, they are desperate to find a new foreign enemy that might justify their nativism. And so to replace the Kremlin they have chosen the United Nations."² The Blue Peril has replaced the Red Peril. Richard Dowden, Diplomatic Editor of *The Independent*, observed perceptively that "the important debate is not between isolationists and globalists but between multilateralists who see the U.S. as a global leader, moving and working with Allies, and the unilateralists urging it to do whatever it wants, when it wants, how it wants, with no justification other than American self-interest. The U.N. appears a large obstacle to the unilateralist vision."³

At best, this is unfortunate. At worst, tragic. I hope all of you will not only reject these allegations of incompatibility of national goals with United Nations ideals and activities, but will work actively to

2. Max Frankel, *Word & Image; Beyond the Shroud*, N.Y. TIMES, March 19, 1995, sec. 6, at 30.

3. Richard Dowden, *UN Dances to Washington's Tune*, THE INDEPENDENT, March 9, 1995, at 14.

reinforce the fact that true multilateral cooperation is in everybody's best interest.