

Reflections on the Conduct of United Nations Peacekeeping Operations into the Next Two Decades of the 21st Century

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Reflections on the Conduct of United Nations Peacekeeping Operations into the Next Two Decades of the 21st Century

Evolution

The United Nations Organisation (UNO) was conceived at London in 1941 as the successor to the League of Nations, which was perceived to have failed in its most important function, that of preventing World War II. Twenty-six countries at war with Germany and Japan met in Washington on January 01, 1942, where they expressed their conviction that the anarchy of international relations must be controlled. The Charter of the United Nations, as signed in 1945, set out a code of behaviour by which nations would work together to eliminate aggression, and promote economic and social security. The central aim of the United Nations Charter is to **“maintain international peace and security, and to that end, take collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression”**.

Chapter VI of the Charter regarding pacific settlement of disputes obliges parties to a dispute that is likely to endanger international peace and security, to seek a solution by “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice”. Chapter VII of the Charter confers powers on the Security Council to take resort to the use of armed force, should various other measures fail, in order to maintain or restore international peace and security. **Under this Chapter, member states are also required to provide armed forces and other assistance and facilities for the purpose.** In pursuance of this latter provision, in April 1947, the Military Staff Committee (also provided for in this Chapter), **produced a report which agreed that the five permanent members should provide the bulk of the armed forces.** But the members of the

committee were unable to agree on the size and locations of such forces and the balance of contributions, thanks to the degree of political mistrust that then prevailed. The military arrangements foreseen in the Charter, therefore, never became reality, leaving the United Nations without the means of enforcement to promote what was the central aim.

In the early years of the existence of the United Nations, therefore, while the use of military personnel on a large scale, and under the exact terms of the Charter, was being discussed with diminishing prospect of agreement, experiments in using them on a far smaller scale evolved almost by accident. Small groups of **unarmed military observers** formed part of the United Nations missions in Greece in 1947, in West Asia and India/Pakistan in 1949. This became a regular feature of United Nations peacekeeping missions, and continues to this day, even in missions where **armed military contingents**, mandated to use force, are deployed.

What needs to be stressed is that there is no specific provision for **peacekeeping** in the United Nations Charter. It is an invention of the United Nations Secretary General and the Secretariat, and evolved as a non-coercive instrument of conflict control, at a time when Cold War constraints precluded the use of the more forceful steps permitted by the Charter. During the Cold War, neither of the two superpowers was amenable to United Nations intervention against their allies or within their spheres of influence. Hence, an improvisation – **peacekeeping without combat connotations** – emerged.

As it evolved over the years, peacekeeping became an extraordinary art that called for **the use of the military personnel not to wage war but to prevent fighting** between belligerents; to ensure the maintenance of ceasefires, and to provide a measure of stability in an area of conflict while negotiations were conducted. To that extent, it is important to distinguish between the concept of “collective security” and peacekeeping in the international environment. Whereas “collective security” is a punitive process designed to be carried out with some degree of discrimination, but not necessarily impartially, “UN peacekeeping” is intended to be politically impartial and essentially non-coercive. Hence, peacekeeping was, and has always been, based on a triad of principles that give it legitimacy, as well as credibility; namely, **consent of the parties to the conflict, impartiality**

of the peacekeepers, and the use of force by lightly armed peacekeepers only in self-defence.

The premise then being that violence in inter-state and intra-state conflict can be controlled without resort to the use of force or enforcement measures. Needless to say, there are many theorists, and one may dare say, a few practitioners, who are of the view that force needs to be met with force. An objective analysis of the history of conflicts would probably reveal that the use of force and enforcement measures, particularly in internal conflicts, tends to prolong the conflict rather than resolve it speedily. This is not, however, to suggest that the use of force is to be ruled out altogether. In certain circumstances, use of force may well be called for as a catalyst for peaceful resolution. An observation attributed to Al Capone the notorious Chicago gangster (in the early 20th Century) though probably not quite the appropriate authority to be quoted in the context of UN peacekeeping, is entirely relevant in today's circumstances: "You can get a lot more done with a kind word when you have a gun in your hand, than with a kind word alone".

The Cold War Era

In the first 45 years of the existence of the United Nations, in so far as conflict resolution is concerned, there were many significant instances where peacekeeping was not applied. In superpower confrontations like the Berlin and Cuban missile crises, the United Nations had only a peripheral role. In situations where superpower interests were directly involved, as in Czechoslovakia and Hungary, as also in some Latin American conflicts, the United Nations played only a marginal role. The West European nations did not permit any significant role for the United Nations in conflicts like Northern Ireland, the conflict between the United Kingdom and Iceland over fishing rights, and the Falklands War. Similarly, the United Nations was excluded from a role in a number of conflict situations in Asia and Africa: the Chinese occupation of Tibet, the Sino-Indian and Sino-Soviet border conflicts, the war in Indo-China, the Vietnamese action in Kampuchea, the Chinese action against Vietnam, and the conflict in the Horn of Africa. Notwithstanding these exclusions, United Nations peacekeeping operations covered various corners of the globe in furtherance of one of the primary purposes of the

United Nations Charter; namely, “maintenance of international peace and security”.

The Post Cold War Era

With the end of the Cold War, United Nations activities in the maintenance of international peace and security increased considerably, the impact being both quantitative and qualitative. There was a brief period of retrenchment in the latter half of the 1990s due to perceived inadequacies of the peacekeeping missions in Somalia, Rwanda, and Bosnia-Herzegovina. Even so, the United Nations has mounted 71 peacekeeping operations to date; of this, 13 were established in the forty years from 1948 to 1988 **when UN peacekeepers were the recipient of the Nobel Peace Prize**, whereas 58 have been mounted since. In January 1988, 11,121 military, police and civilian personnel were deployed in United Nations peacekeeping operations, and the annual budget for peacekeeping was \$230.4 million. In September 1994, at the height of the United Nations peacekeeping commitment in the 20th century, 78,111 personnel were deployed and the annual budget was \$ 3.6 billion. The numbers declined thereafter but started going up again as we entered the 21st century. As of December 31, 2015, the total number of military personnel and civilian police monitors deployed is 106,830; the total deployment including civilian staff (international, local and volunteers) being 125,097 in 16 peacekeeping operations. The corresponding figures for the number of countries contributing contingents showed an increase from 26 in January 1988 to 74 in 1994, which then went down to 37. With the revival in commitment, the number of troop contributing countries now is 123; **but what stands out is that the contribution from the developed world is marginal**. The budget for the period July 01, 2015 to June 30, 2016 is US\$ 8.27 billion; with outstanding contributions being about US\$ 1.6 billion.

The qualitative change is more significant, in that most of the recent conflicts have taken place, or are taking place, within states, or between elements that were part of unitary states till they began to fall apart. They have not always been fought by national armies, but by para-militaries and irregulars; in which process, civilians have been the main victims (90 percent today against 10 percent four decades ago). In many cases, state institutions have collapsed; in a few cases, there are no governments. As a result, humanitarian

emergencies have forced the international community to intervene. This is why the demands on United Nations peacekeeping have gone well beyond traditional peacekeeping. They now encompass activities like demobilisation of troops and armed para-militaries or irregulars, promotion of national reconciliation, restoration of effective governments, the organisation and monitoring of elections, provision of broader support to humanitarian aid missions, including protection of “safe areas” and escort of relief convoys, and so on. The focus in the last few years is on ‘protection of civilians’ in the mission areas. United Nations peacekeeping operations have, therefore, become more expensive, more complex, and more dangerous.

Types of Operations

A study of the operations undertaken in the late 1990s and the early 2000s suggests the need for a detailed review of future trends and prospects in so far as the conduct of international intervention and peace operations, including United Nations peacekeeping, are concerned. The Kosovo intervention by the North Atlantic Treaty Organisation (NATO) forces in May 1999 and the unilateral invasion of Iraq by the USA and UK together with others in 2003, both without the endorsement of the UN Security Council, were in many ways a **challenge to the collective security mechanism** that, despite all its infirmities, the United Nations system had come to effectively represent since the end of World War II. In recognition of the limitations of the United Nations and in the context of sharing of responsibilities, other intervention operations have been undertaken though with the endorsement of the Security Council. These range from the insertion of NATO forces in Bosnia-Herzegovina after the Dayton Accord in November 1995, the Australian led operation in East Timor, and the multi-national operation in Afghanistan since October 2001, to the brief action by a force from the European Union in the Ituri District of the Democratic Republic of the Congo in June 2003 and more recently in Mali.

Under the circumstances, it is possible to speculate that, at least in the next two or three decades of the 21st Century, operations for the maintenance of international peace and security are likely to take the following forms:

- Classic **United Nations Peacekeeping Operations (UNPKO)**, overseeing agreement in inter-state disputes, as currently in Cyprus and Lebanon.
- **United Nations peacekeeping operations** in intra-state conflict at the request of, and after agreement with, the belligerents, **wherein the use of force to implement the terms of the agreement is mandated by the UN Security Council, and adequate resources for the purpose are made available to the UN forces.** It needs to be stressed that United Nations forces should only be inserted for such operations after an agreement between the belligerents has been arrived at. After insertion, if sporadic acts of violence are initiated by elements not responsive to the signatories, like warlords acting on their own, the United Nations mission should be prepared to use military force to restore peace; and obviously **be provided the resources to do so.**
- Classic **Chapter VII** multi-national **enforcement actions** like Operation Desert Storm in 1991 under a lead nation like the USA that has the capability and the political will. Hopefully, with the endorsement of the UN Security Council. It may be useful to clearly underscore that Chapter VII enforcement operations are not operations that should be undertaken by “blue-helmeted” military forces.
- In cases where the government of a country seeks international assistance to deal with an internal rebellion or insurgency, or in failed or failing state scenarios, **or where genocide is taking place, or there is a humanitarian situation that calls for action,** the United Nations Security Council may determine that intervention is essential. In such instances, multi-national **stabilisation operations** mandated by the UN Security Council may need to be launched. Recent examples are the initial stages of the East Timor operation and the recently wound up operations in Afghanistan. **The aspect that merits emphasis here is that these operations are required to be undertaken under Chapter VII and, hence, need to be multi-national combat operations under a lead nation or regional organisation. They should NOT be United Nations “blue-helmeted” peacekeeping operations.**

A point that merits emphasis in the context of the seeming ambiguity of interpretation in the conduct of United Nations peacekeeping operations under Chapter VI of the Charter is that since there is no specific provision for UN peacekeeping in the Charter and it is an innovation that has come to be accepted, there is **no reason why the United Nations system should impose on itself unwarranted restrictions in regard to the use of force in such operations. Provided there is good reason to believe that use of force is required in the better interests of the mission, the mandate is conferred, and the resources of men and material provided.** The flexibility of the Charter and its interpretations should be exploited to ensure implementation of the mission objectives. Chapter VII “enforcement actions” should clearly remain what they were intended to be; **namely, undertaking UN Security Council mandated multi-national combat operations when international peace and security are under serious threat.**

Dilemmas and Challenges

Power Dynamics

We are passing through a decisive stage in the history of the international system. Though the threat of war between great states or nuclear confrontation between major powers are well behind us and, in fact, fading in our memory, new and diverse forms of threats, some clear and present, others only dimly perceived, test our resolve and question the validity of our existing mechanisms. Developments at the international level over the last decade and a half have exposed deep divisions within the membership of the United Nations over fundamental policies on peace and security. They have included debates on how best to prevent the proliferation of weapons of mass destruction, and combat the spread of international terrorism, the criteria for the use of force and the role of the UN Security Council, the effectiveness of unilateral versus multilateral responses to security, the notion of preventive war, and the place of the United Nations within the emerging international power equations.

These debates emerge after several years of agonising debate on issues of no less importance. Such as our collective response to civil wars; the

effectiveness of existing mechanisms in responding to genocide; so-called ethnic cleansing and other severe violations of human rights; changing notions of state sovereignty; and the need to more tightly link the challenges of peace and the challenges of development. There is little doubt that aspects of restructuring and institutional reform of the UN machinery and its organs to meet the new challenges need to be addressed without further delay. The changes called for are not merely a matter of the functioning of the UN Secretariat and other such administrative details. **The changes need to focus on the world body's character and ethos.**

Preventive Diplomacy and Preventive Deployment

There is a unanimous view that meeting the challenges of today's threats means getting serious about prevention. Preventing wars between states and conflicts within some of them is in the collective interest of all of us. If the international community is to do better in the future in this context, the UN will need real improvements in its capacity for preventive diplomacy, mediation and **preventive deployment**.

In this context, the mechanism of preventive deployment is without doubt a most useful tool. The author can vouch for this from personal experience in the context of the preventive deployment undertaken in Macedonia at the request made by President Gligorov in November 1992. Whereas the Security Council agreed to his request and authorised deployment, the actual arrival of resources was, as is usual for all UN deployments, taking its own time. Fortunately, one was in a position at that time to redeploy some existing resources under command soon after reconnaissance and consultations with the Macedonian authorities, because a contingent made available for execution of an earlier mandate could not be deployed to its intended location due to lack of agreement with one of the parties. Equally fortunately, the Nordic contingent (comprising troops from Denmark, Norway and Sweden) was relatively quick to arrive, in early January 1993. This is not always so; it generally takes anything up to three months for contingents to arrive in a mission area after the Security Council takes a decision to set up an operation. One has watched with dismay over the years that this useful tool of preventive deployment has not been exploited at all by the Security Council or the UN Secretariat.

There can be little argument that prevention sometimes fails. And when that happens, threats will have to be met by military means. The use of force should obviously be considered only after all other options have been exhausted. And the fact that force can be legally used does not always mean that it should be used.

Protection of Civilians

The aspect of the responsibility of the international community to protect innocent civilians who are victims of conflict, is a most sensitive one. In particular, in the context of the fact that state sovereignty is still a very important subject for most developing countries that have emerged from colonial rule not too long ago. Notwithstanding all the developments at the global level, the concept of state sovereignty remains at the root of the international system. Even so, there appears to be some consensus that in the 21st century, such sovereignty cannot be absolute. The emerging norm of a collective responsibility to protect civilians from large-scale violence has been endorsed: a responsibility that lies first and foremost with national authorities. When a state fails to protect its civilians or is incapable of doing so, the international community would appear to have a responsibility to act, through humanitarian operations, monitoring missions, and diplomatic pressure; **and with force, if necessary, as a very last resort.** The abiding truth, unfortunately, is that the international community remains largely indifferent unless the vital interest of one or more of the important players is directly affected. Even when there is consensus that force has to be applied, resources are invariably not readily made available or forthcoming.

Deployment of Peacekeepers

Deploying military and police personnel for peacekeeping and enforcement has proven to be a valuable tool in restricting conflict and helping to secure states in their aftermath. However, the demands on the international community for this form of deployment seem to be growing exponentially. From indications available today, just to do an adequate job of keeping the peace in existing conflicts may require almost doubling the number of UN peacekeepers around the world. **Developed countries have particular responsibilities to do more to provide military and police personnel**

for deployment to UN peace operations. And if we are to meet the challenges ahead, states will have to place more contingents on stand-by for UN purposes, together with air transport and other strategic lift capacities to assist peace operations. There is no greater legitimacy for the use of military forces, and for that matter, civilian police, than for the maintenance of international peace and security. It should, therefore, be a matter of honour and privilege for countries to provide forces for such peace missions. However, the practical experience in this context is rather dismal. The inordinate delay in the arrival of troops in the mission area is always a most frustrating feature of the missions that are being set up.

Principles of UN Peacekeeping

Any meaningful dialogue on how to effect improvement in the planning and conduct of UN peacekeeping operations needs to focus on the following basic parameters:

- Should the consent of parties to the conflict remain one of the cardinal principles of UN peacekeeping? The Brahimi Panel Report recommended it should; and 15 years on, there appears to be no reason to suggest otherwise. A number of subsequent reports and papers put out by UN Department of Peacekeeping Operations (DPKO) do, in fact, reiterate the principle. A useful modification suggested by former Under Secretary General (USG) DPKO Jean-Marie Guehenno was that “consent of **at least the major parties to the conflict** could be made the criterion”.
- Impartiality is another cardinal principle that must NOT be compromised if the UNPKO is to continue to have credibility and legitimacy. This is, of course, under severe strain in many missions where “blue helmets” are deployed in support of government forces that have questionable authority and even less credibility. In many instances, government forces are as culpable as the rebel forces, if not more so, in targeting the civilian population.
- Use of force by “blue helmets” is being increasingly mandated for the protection of civilians. Whereas this is a legitimate task that should be undertaken by UN peacekeepers when required, the mission must, firstly, be equipped to do so; and, secondly, do so without taking sides.

Implying that they should act not only against ‘rebel’ forces, but also if necessary, against government forces that are violating the terms of the agreement arrived at. The problems that surface from such actions must be met with determination and political will by the UN and regional organisations.

Noting that the United Nations was not organised to handle peacekeeping operations on a large scale without substantial reorganisation of its capacity (which has not yet been achieved, nor is it likely to be achieved in the foreseeable future), a major recommendation the Brahimi Panel made with some emphasis was that it should not be tasked to go everywhere. Notwithstanding the best intentions, there can be little doubt that the UN has serious limitations. **Since there are many in the mission areas and some within the international community who seem to believe that the UN should be prepared to fight their battles for them, it may also be useful to remember that the UN does not wage war.** The UN does not, and should not, have an “enemy” state against whom it needs to prosecute “offensive operations”. Where enforcement action is required against a state (or renegade elements) that violate international norms, **the UN Charter clearly suggests that ‘multi-national’ operations under Chapter VII be undertaken.** And these are without doubt, combat operations.

Peace-building Activities

The Brahimi Panel had specifically identified that activities like reintegrating former combatants into civilian society, strengthening the rule of law mechanisms, including police and judicial oversight, improving respect for human rights through the monitoring and investigation of past and existing abuses, providing technical assistance for democratic development, and promoting resolution and reconciliation techniques, and so on, fall under the broad framework of **peace-building**. However, it appears that the trend today is to make all this part of UN **peacekeeping**. As a consequence, peacekeepers are tasked to take on more than they are mandated, trained and equipped for, and remain in the mission area till eternity, as it were.

The Way Ahead

Use of Force

As mentioned earlier, most missions today are being deployed with mandates that provide for the use of force, that may also be referred to as 'robust' peacekeeping. There can be little discussion about the need to evolve a coherent understanding and policy on this concept, as in most cases today, it accords with the needs of the ground situation in most mission areas. It is, however, imperative that there is clarity on the interpretation of the term, and an understanding about its many ramifications.

How 'robust' is robust? How far do the peacekeepers go? Do 'blue helmets' actually engage in combat? Would they be dealing with an **'enemy'**? In this context, it is relevant to refer to some recent observations made on the subject. In his statement to the Special Committee on Peacekeeping Operations on February 20, 2015, Under Secretary General Herve Ladsous is reported to have stated, among other things: **"Missions are also increasingly deployed to places where there is no peace to keep and no peace agreement to support. This means that many missions must first attempt to bring about the cessation of hostilities, while also providing protection to civilians, before they can focus on long-term, sustainable peace"**. Does this imply that UN peacekeepers would be required to undertake combat operations against belligerents to impose a ceasefire agreement? If so, we are, without doubt, going well beyond the parameters on which UN peacekeeping has been premised.

In another part of his statement, Under Secretary General Ladsous states: **"Confronted with the scale of human suffering in many places we are deployed, the international community has a collective responsibility to act, and peacekeepers are in many cases the tool for this purpose.....We must, however, constantly reinforce the notion that the primary responsibility to protect civilian populations remains with the State"**. Is it being suggested that implementing the concept of the "Responsibility to Protect (RtoP)" is intended to be mandated to UN peacekeepers? In the context of the fact that the RtoP concept, as endorsed at the 2005 World Summit, applies to four specific aspects of 'genocide', 'war crimes', 'crimes against humanity' and

'ethnic cleansing', and the use of military force is to be the option of "last resort", it may be appropriate to suggest that **tasking of UN peacekeepers with operationalising the RtoP concept be analysed with some circumspection and in some detail; desirably, in consultation with troop contributors.** In the particular context of the fact that such efforts appear to be propelled by some governments, organisations and activists in the developed world that would prefer that the UN be made to assume the responsibility, rather than a multi-national framework mandated under Chapter VII of the UN Charter as envisaged under the terms of the concept as endorsed at the 2005 World Summit.

A third aspect pertains to the deductions to be drawn from some writings on the deployment of the 'intervention brigade' in the Democratic Republic of the Congo. Whereas the aspects of its operational effectiveness will no doubt be analysed in some detail, what merits attention by policy makers, is that this force was apparently mandated to "**....fight back and conduct offensive military operations against the rebels....including pre-emptive operations**".

Not that such operations cannot be undertaken by a UN peacekeeping force, as evident when recalling the combat operations undertaken by 'blue helmeted' UN forces in the Congo—*Opération des Nations Unies au Congo* (ONUC)—in 1961 when the rules of engagement were modified to cater for **use of force in defence of the mandate, in carrying out humanitarian tasks, and in countering rebels and mercenaries.** Combat operations were launched by the Indian forces from mid-1961 till December 1961 against secessionist rebel forces led by Moïse Tshombe. These operations are historically significant in the context of the animated discussion today on the subject of the "use of force" in the conduct of UN peacekeeping operations. In as much as they highlight the fact that such a concept is not new. It was implemented five and a half decades ago with great success, albeit at a considerable price in terms of casualties suffered by the UN forces: 39 Indian personnel lost their lives in the operation, and 124 were wounded; Capt GS Salaria of the 3rd Battalion of the 1st Gorkha Rifles of the Indian Army, was posthumously awarded the Param Vir Chakra, the highest Indian military honour for bravery in battle. **The point to note, however, is that the requirement for the use of overwhelming force arose well into**

the conduct of the mission and not as part of the mandate that set up the mission. Hence, while this is not a new concept or phenomenon, it needs to be carefully calibrated and located within a credible political framework, both locally and internationally.

This invariably poses problems because of inadequate political support to missions that are set up. Regional players, as also the major powers, pursue their own agendas that in many cases do not necessarily complement the mission mandate. Another example that could be studied is that of “Operation Khukri” carried out by the UN peacekeeping force in Sierra Leone in July 2000, where again, combat operations were launched by Indian troops among others, to rescue hostages taken by the rebel forces.

It is imperative that the peacekeeping forces (and troop contributors that provide such forces), are aware that they would be dealing with ‘spoilers’; usually rebel forces, but on occasions, these could even be ‘government forces’. Hence, much discretion is required; for which clear rules of engagement must be enunciated. And incorporated in training by building on the experience of peacekeepers who have been through situations that called for the use of force. It probably needs no elaboration that not all troop contributors would be comfortable with the concept of the “use of force”. A point to be made with some emphasis is that troop contributors should be apprised of the possible rules of engagement prior to making forces available, and be made aware of the fact that their troops could well be engaged in operations that entail ‘**inflicting**’ as also ‘**accepting**’ casualties.

One of the major infirmities of the UN system is that it does not have the capacity to provide ‘strategic’ direction so essential in the conduct of combat operations where lives are at stake. Particularly when national authorities decide to play a dominant role in such situations. Which is the reason for the Chapter VII provision mandating such combat operations to a lead organisation or nation state.

Use of force is not necessarily a panacea for all the problems in mission areas. Experiences of combat operations undertaken in Iraq, Afghanistan, Libya, and so on, clearly suggest that the use of force has to be complemented and supplemented by political efforts for reconciliation and by peace-building activity for restoration of governance, infrastructure, rule of law mechanisms, etc. To that extent, it may be desirable that the use of force by peacekeepers

be limited to actions required to be taken for the “protection of innocent civilians”. Use of force by UN peacekeepers means appropriate resources must be available. In almost all UN missions deployed today, this is wanting because those who have the resources, both in terms of trained manpower and equipment, namely, the countries of the developed world, are not participating in UN peacekeeping operations. ***If UN peacekeeping is to remain effective, the developed world must return to the commitment.*** And this should go beyond the present arrangement of seeking positions in senior management and command, to provision of “boots on the ground” and equipment resources.

The connotations of the use of force must be clearly understood by Security Council members who mandate it, the staff at the UN Headquarters (HQ), and by troop contributors; and the concept imaginatively evolved. Peacekeepers must be mentally and physically attuned to the fact that the use of force will mean inflicting casualties on belligerents. And that casualties may well be incurred by members of the force itself.

In this context, the senior leadership and command and control aspects assume added significance: to ensure that junior leaders and personnel in the field are not made ‘scapegoats’ when the mission is asked to account for casualties that may be caused to belligerents who seek to target innocent civilians, including women and children. In that context, whereas ‘protection of civilians’ is fine, how is ‘protection of peacekeepers’ against human right activists and belligerents who exploit the situation, to be ensured? This is a command responsibility that will need particular focus.

And, finally, on this aspect, it is relevant to reiterate that, should the international community conclude that the government of a country in the throes of conflict needs to be supported against ‘rebel’ forces, Chapter VII provisions on “enforcement action” should be invoked, and a multi-national force under a lead nation or organisation mandated to undertake combat operations (as in Afghanistan). Or, alternatively, a regional organisation may be authorised to do so.

Provision of Forces

One of the measures instituted by the UN following the Brahimi Panel Report in 2000 to overcome the shortcomings has been the earmarking of “stand-by”

forces by member states. This is most commendable and needs full support. However, it is a moot point whether such “stand-by” forces would, in fact, be available immediately on demand. The Rwandan experience (and many others since) indicates that political expediency and domestic compulsions will invariably dictate the responses of member states. Therefore, while the arrangement must stand, it would be pragmatic to work on the assumption that forces under this arrangement can only be put together in an extended timeframe; possibly about three to six months or so; subject, of course, to political acceptance by member states. To expect forces any earlier is unrealistic under the prevailing conditions.

The Case for a Standing UN Rapid Deployment Force

There is little need to dwell at any great length on the point that a military force of modest dimensions (together with police and other civil affairs and humanitarian aid personnel where necessary) inserted into a conflict zone as soon as some semblance of agreement between belligerents is negotiated, can achieve much more in terms of implementation of the terms of the agreement, than a much larger force introduced three to six months later. Given the fact that during such delay, the political situation within the mission area can change dramatically, hostilities could well have resumed, and the ground situation so much changed as to reduce the chances of peaceful resolution. If this is so clearly evident, it would appear that reservations about having a suitably organised, structured and equipped force that is readily available to the UN when required are somewhat misplaced.

Whereas this idea has been mooted in the past on several occasions, including by veteran peacekeepers like former Under Secretary General in charge of peacekeeping, Sir Brian Urquhart, and there is general agreement to the concept in principle, a point often made in New York by those who do not lend their support to such a proposal is that it is unlikely to receive the endorsement of member states of the UN on the grounds of costs of establishing and supporting such a force, as also on the grounds of political acceptance of the idea. To the objective analyst, these postulations seem quite unconvincing. In this author’s view, reluctance to endorse such a concept, particularly by the more powerful countries of the developed world, is primarily because they would not like to see their own influence and ability to manipulate

events, diluted by the provision of such ready capability to the United Nations. To that extent, much of the talk about strengthening the UN and making it more effective is largely rhetoric. The point is probably underscored by the increasing reluctance of the developed world over the last few years to provide military personnel for UN peace operations, particularly in difficult missions in Africa. Governments of the developed countries of the Western world seem to prefer making available their well-equipped and trained forces to NATO or European Union (EU) sponsored interventions even in missions outside their area of operations, to complement UN peacekeeping operations rather than being part of such operations.

In the context of ready availability of forces for United Nations peace operations, the only real answer for meeting crisis situations that call for speedy deployment of military forces, civilian police, and some civil affairs and humanitarian aid personnel for the maintenance of international peace and security, is to raise and maintain a **Standing United Nations Rapid Deployment Force** based on the broad parameters set out in the succeeding paragraphs.

Organisational

- Ideally, it would be best if a division size force (which in military terms means about 12,000 personnel) with a headquarters is raised. We could, however, start with a brigade sized group (approximately 3,500 personnel).
- In addition to military personnel, it should have a civilian police component, civil affairs personnel and personnel with experience in humanitarian aid activities, human rights aspects, legal issues, etc.
- It should comprise volunteers from the militaries and police of member states deputed to serve in their individual capacities. Hence, member states would have no liability (or authority) in regard to their employment or the conditions of service. The political connotations regarding possible casualties to personnel in the conduct of operations would, therefore, not be the same as for such casualties occurring within national contingents.
- To preclude the possibility of the force becoming a bunch of “gladiators” and thereby suffering from the infirmities of lack of initiative and

accountability that are perceived within the UN system as it exists today, it is imperative that **no individual in such a force be allowed to serve more than a maximum tenure of three years**. They must revert to national duties after the deputation without exception.

- The force should be organised, equipped and trained as a single entity under the aegis of the UN and be so located as to be available for immediate deployment in full or in part, when authorised to do so by the Security Council.
- Transportation into the proposed mission area should desirably be provided by countries particularly in the developed world, that have the capability. For which purpose, the required resources should be earmarked and kept in stand-by readiness.
- When the members of the force are not deployed in mission areas, they should be deputed to assist in the training of personnel and contingents of member states and provision of advice.

Operational

The deployment and employment of the UN Rapid Deployment Force must be premised on the following:

- The ability to deploy into a mission area within four to seven days of a Security Council decision. Which means the commander of the force and some of his staff must be associated with the negotiation and decision-making processes. In many ways, practical military advice to the Security Council should be forthcoming from these quarters in addition to inputs from the Department of Peacekeeping Operations.
- Should transportation resources not be forthcoming from those member states that have the capacity, the UN Secretariat would need to charter resources from private sources on payment.
- **The force deployed must be replaced by a regularly constituted peacekeeping force put together from the ‘stand-by’ capability set apart by member states. In no case should this replacement take more than six months. The elements of the force should then revert to earlier ‘rapid deployment’ status.**
- A few key members of the force, military, civil affairs and humanitarian aid personnel, may well be temporarily left behind for some period of

time to assist the regular peacekeeping force components in settling down to the mission tasks.

Security Council Responsibility

The imperative need for the Security Council to deliberate over decisions for the setting up of peace operations cannot be over-stated. **United Nations peacekeeping operations must only be introduced in a setting where there is peace to keep.** The parties to the conflict must, either of their own accord, or under pressure from the powerful players at the international level, agree to a cessation of hostilities, and ask the international community represented by the United Nations, to oversee this process. The dialogue and negotiations to set the stage for the deployment of United Nations forces may well be prolonged. But **it is better to take time rather than setting up peace operations under pressure without agreement and adequate preparation.** Decisions pertaining to the setting up of missions, the mandates conferred, the composition of the force, the rules of engagement, reviews of conduct and performance of such missions from time to time, and so on, **cannot, and must not,** be the sole prerogative of a few powerful members of the international community. The decision-making process must be more broad-based, and the consultative process even more so. Troop contributor countries have a major role to play and must be brought into this process from the very early stages. To this end, reform of the Security Council should seek to achieve four main objectives: clarification of the role and mandate of the Council; **reconstitution of its membership;** broadening of the base of participation and transparency in the work of the Council; and strengthening the effectiveness and credibility of the Council.

In this context, it may be relevant to suggest that **there is an imperative need for provision of military advice to the Security Council.** The Military Staff Committee as envisaged in the Charter is more or less defunct given the fact that the five permanent members have not made any elements of their armed forces available to the Security Council for the maintenance of international peace and security. It would appear that more objective military advice would be forthcoming from the Military Adviser in the Department of Peacekeeping Operations at United Nations Headquarters assisted by the commander of the Rapid Deployment Force.

Political Support

In the practical experience of Heads of Missions and Force Commanders, political support for the UN missions that are set up is a subject of comment, more for the inadequacy, than for the support extended; to that extent:

- Major players, particularly the P5, and other members of the Security Council, must ensure sustained political support to a mission that is deployed. If that is not forthcoming, the mission should be wound up.
- Major players, including the P5 should avoid interfering themselves and prevent interference in the mission area by other actors, particularly neighbours; this can be effected through political pressure; sanctions; withholding aid; etc.

Rules of Engagement

The provisions of the rules of engagement for a mission are among the more misunderstood aspects of United Nations peacekeeping operations. Since the concept of peacekeeping does not find mention in the Charter and is, in fact, a creation of the system, the restrictions or limitations often quoted are self-imposed. There is nothing to suggest that United Nations peacekeeping operations totally preclude the use of force other than in protecting one's own self. No amendment is required to the Charter to permit resort to the use of force in execution of the provisions of a mandate, subject to clarity in this regard and acceptance by troop contributor countries, of some inherent dangers of retaliatory action by belligerents. Based on a clear mandate laid down by the Security Council, the rules of engagement for each mission are drawn up by the Force Commander or Head of Mission. Needless to say, this will be based on the resources available to the force; the terms of the agreement arrived at with the parties to the conflict; the prevailing ground situation; and so on. In all operations other than those that fall in the category of Chapter VII enforcement actions, it is to be assumed that the use of force will be restricted to the minimum necessary to deal with a given situation, and without any bias. In the light of experiences of dealing with intra-state conflict situations over the last two decades, it would appear prudent to ensure that all peacekeeping contingents are equipped for the "**worst case**" scenario so that they can respond appropriately in self-defence in case challenged or attacked.

In this context, it may be **advisable to also undertake a detailed**

review of the role of unarmed military observers. This category of personnel formed the core of United Nations peacekeeping in earlier years and has served the organisation well. By their competence, professional skills, and mental agility, unarmed military observers have performed remarkably well in otherwise difficult and tense situations. Theirs is really a saga of dedication and commitment. However, in the changed circumstances of intra-state conflict, belligerents are often para-militaries and armed gangs of warlords not necessarily under any recognised authority. In situations where the UN peacekeeping force is mandated to use force when necessary, it is for consideration whether the concurrent deployment of unarmed military observers is viable.

Command and Control

Command and control of United Nations operations (or regional or multi-national operations for that matter) is a vital aspect that needs to be understood by all member states and governments; in as much as there can be no compromises. There is only one option in so far as operational control of a mission is concerned. All forces deployed in a mission area, must take their orders from the Head of Mission or the Force Commander, and implement them in the correct spirit. It is for the Head of Mission or the Force Commander to be discreet in decisions that are sensitive. Some guidance from United Nations Headquarters in New York may be necessary on occasions, but backing for the Mission Headquarters must be unqualified. All this, however, means that the United Nations hierarchy, and the mission headquarters, must be so organised and structured, as to breed confidence in the contributor nations, and personnel who form part of a mission. The practice wherein commanders and staff are gathered together at short notice and whose allocation was based on equitable representation related to troop contributions rather on competence, may have worked when the pressures on operations were not as significant as they are today. Such an arrangement is not workable under present day conditions, increasingly dangerous as they are. Heads of Missions and Force Commanders must be appointed early, and be associated with the negotiating process that precedes the setting up of the mission, and with the framing of the mandate by the Security Council. This would assist considerably in ensuring that an achievable mandate is given to

the force, and realistic rules of engagement are drawn up. Equally, a nucleus staff of military, police and civilian personnel for the headquarters must be drawn from existing United Nations organisations (like the proposed UN Rapid Deployment Force), where personnel would have worked together for some time, and, therefore, understand one another, and have a working knowledge of United Nations procedures.

Absence of Exit Strategies

As things stand, it would seem that once a UN peacekeeping mission is set up, it carries on into eternity. This, from the point of view of practitioners with whom one has had occasion to interact, is largely due to the vested interests of the various players in the political arena, within the UN system and in the mission area. The military and the civilian police generally have fixed tenures of six months to one year depending on national policy. Others deployed in the mission area would seem to have little motivation to see the termination of the mission. Possibly because many of them would be out of a job! This applies to some of the international UN staff as well as to all locally employed staff. Equally, the local leaders of at least some of the parties to the conflict are dependent on the continued presence of the UN to sustain the patronage they can provide to ostensibly boost the economy as well as to ensure retention of their status. Some regional and even global players need the UN in place to deflect adverse criticism of their inadequacies or for manipulation of the local situation in their own interests. These aspects need to be factored in while evolving appropriate exit strategies.

Training Standards

All of us who have had the privilege of heading peacekeeping missions are aware of huge variations in training standards of the military and police units and personnel deputed by member states. This inadequacy obviously needs attention and constant monitoring. However, it is debatable whether the Department of Peacekeeping Operations can provide all the answers in this context. Notwithstanding the intense and dedicated efforts the department puts in, it cannot muster the desired degree of competence nor can it wield any authority with troop contributors. Putting in place increased staff members and producing voluminous papers and reports cannot produce

solutions. The real answer is to selectively and judiciously use the expertise available in countries with established competence, globally and within regions. To that end, more effective use of the capacity available in the various UN peacekeeping centres around the world would serve the system well. Together with more delegation of authority to Mission Heads, this would reduce staffing at UN HQ, effect economy, and add to efficiency.

Role of Regional Organisations

Whereas the role of regional organisations is recognised in the UN Charter through Chapter VIII provisions, in the Cold War years and for some time after the end of the Cold War, not much was attempted by such organisations in the maintenance of international peace and security. The few such organisations that existed devoted their efforts to economic and social issues, and probably rightly so under the circumstances. In recent years, however, with the impact of globalisation and a realisation that ethnic conflict and conflict generated through terrorism and drug trafficking, recognises no borders, a number of regional organisations in Europe, South America, Africa and Southeast Asia are gearing themselves towards playing a role in the maintenance of international peace and security. Many of these organisations have contributed to peacemaking activities aimed at bringing belligerents to the negotiating table with varying degrees of success. The unfortunate part of the process is that many regional/sub-regional players themselves are responsible for the continuance of the conflict or have a vested interest in the outcome. Even so, the efforts made by regional organisations like the African Union (AU) and sub-regional organisations like the Economic Community of West African States / Southern African Development Community (ECOWAS/SADC) are commendable and need to be encouraged in context of the fact that the UN cannot (and should not) go everywhere.

A development in this regard that merits some comment is the role played by NATO in the last two decades. As a military alliance, NATO does not strictly fall under the provisions of Chapter VIII of the UN Charter. However, by repeated claims to the effect in the ubiquitous Western media, it has assumed the role of a regional organisation. The fact that it arrogated a role for itself in the Balkans was not in itself a bad thing, notwithstanding the fact

that the sequence of activity there was ill conceived. In as much as the NATO led force should have been deployed to force the belligerents to make peace and only after that should the UN peacekeeping force have been deployed. In the event, under pressure from some of the European countries and with the tacit backing of the USA, the UN was railroaded into deploying first. What does, however, give cause for some concern, particularly in the developing world, is the fact that having declared the United Nations incompetent in the conduct of peacekeeping operations, rather than strengthening the UN by providing forces and the wherewithal in logistics, the developed Western world represented by NATO, has withdrawn its military commitments to the international organisation and set itself up as a replacement in the conduct of peace operations.

Two major aspects merit mention in regard to the use of regional capability for the conduct of peace operations. The first relates to the capacity of most of the regional organisations other than the European ones. They will need financial and equipment resources that they can themselves ill afford. They will also require assistance in training; of the militaries, civilian police, civil affairs personnel, and so on. To some extent, this is being undertaken, but much too tentatively and selectively to convey a message of effectiveness. The second aspect is more seminal in that it relates to procedures. Once various regional and sub-regional organisations are able to set up such capability and earmark rapid deployment forces as envisaged in the Charter of the African Union, **is it envisaged that the executive organs of the respective organisations will have the authority to undertake preventive action including preventive deployment, peace-making, intervention/stabilisation operations, peacekeeping and peace-building without necessarily seeking the approval or endorsement of the UN Security Council?** The provisions of the UN Charter are clear on the subject and should be adhered to.

Comments and Observations on the Horta Panel Report

General

The Horta Panel Report that was put out in the public domain last year, makes an effort to address some of the issues. It, however, goes beyond

UN peacekeeping to the wider spectrum of “Peace Operations”, of which peacekeeping is only a part. Even so, the recommendations mostly reiterate the points made in the late Boutros Boutros Ghali’s 1992 Agenda for Peace document, and the Brahimi Panel Report of 2000.

Use of Force

References in the Horta Panel Report to “a designated enemy”, “preemptive use of force”, etc, seem somewhat disturbing. Equally, bringing “Responsibility to Protect” (RtoP) interventions into the debate on UN peace operations is not only misplaced, in my view, but positively dangerous. Where the ‘bad guy’ has been identified and needs to be dealt with, the option for the international community is not a UN peace operation, but Chapter VII combat operations undertaken by multi-national forces under an agreed lead nation or organisation. Recent examples are: Operation Desert Storm (against Saddam Hussein in 1991); and in Afghanistan (against the Al Qaeda led by Osama Bin Laden) in October 2001, following the terrorist attacks in New York in September 2001.

Preventive action must be the focus of the UN as always, if the organisation has to regain its considerably eroded credibility and legitimacy. In that context, the first pillar in the Brahimi Panel’s definition of “peace operations”, namely “peace-making” (diplomatic engagement, mediation, negotiation, etc) assumes significance; the other two pillars being “peacekeeping” (deployment of military and police to provide stability in a mission area); and “peace-building”. It would appear that a vital element of prevention, namely ***preventive deployment***, has not received much attention; the Horta Panel also does not seem to have addressed this aspect with any seriousness. My personal experience of such deployment in December 1992 on a request made by then President Gligorov (of Macedonia) to Cyrus Vance, the UN Security General’s (SG’s) Special Envoy at the European Conference on the former Yugoslavia, and implemented by the UN Protection Force (UNPROFOR) of which I was then the Head of Mission and the Force Commander, leads me to believe that this tool needs to be better exploited.

Conclusion

It may be appropriate to conclude with some personal reflections on a

couple of important aspects in this context. There is a perception among the troop contributor countries of the developing world to United Nations peacekeeping that there is reluctance in the militaries of the developed world to participate in United Nations peacekeeping missions on the grounds of possible casualties to personnel. This is a perception that needs to be removed if the credibility of United Nations peacekeeping is to be sustained. The author has had the great honour and privilege of commanding military personnel from 34 countries of the world (as also a large number of civilian police and international and local civilian staff). The ground experience is that no self-respecting soldier, sailor or airman generally has any reservations whatsoever about participating in a peacekeeping operation. Provided the mandate is clear and achievable; adequate resources are provided; and he or she is assured that it has the political backing and support of the international community. The very purpose of deputing military personnel and civilian police into a mission area is that there is an element of danger. Which, because of their training and conditioning, these personnel are reasonably well equipped to handle. If there is no danger, there is no reason why a group of unarmed civilians cannot undertake the task. Having stated that, however, it needs to be emphasised that because the military and civilian police as well disciplined forces undertake an allotted mission without questioning its political merits and demerits, a greater responsibility devolves on those who confer the mandate and send them into a mission area. The problems really arise with the political dispensation in the contributor countries, obsessed as they are with the need to respond to their electoral constituencies.

United Nations peace operations are a most useful area for effective and increased military-to-military cooperation, which, if properly orchestrated, could lead to better understanding and appreciation even between personnel of contingents from countries that are otherwise in a state of hostility with each other. There are many examples of the understanding and camaraderie built up between otherwise antagonistic armed forces personnel when operating under the United Nations flag. With the nomination of “stand-by” forces by member countries for deployment in United Nations peace operations, and the proposed raising of a UN Rapid Deployment Force, the scope for periodic interaction and training increases. This lays the foundation for more effective joint participation in international operations.

As we move forward in the 21st century, therefore, it is essential that we do not allow the perceived inadequacies of some past operations to cloud our judgement, and swing from one extreme of attempting to undertake too much, to undertaking too little. There is so much the international community can do to ensure the maintenance of international peace and security, and there is no way it can absolve itself of that responsibility.

Another vital issue, one has been raised at every conceivable forum over the last couple of decades, merits reiteration. Namely, that the developed world must get back to UN peacekeeping if such operations are to be effective, and the organisation is to retain any credibility. (Legitimacy is another matter altogether, given the current lack of representation from Africa and South America in the permanent membership category in the Security Council.) Because, it is the countries of the developed world that have the equipment resources and trained manpower so desperately required to make UN peacekeeping effective. To suggest that the countries of the Western world prefer to operate under the auspices of NATO because of the “inefficiency” or “incompetence” of the UN system is, in my view, **hypocrisy** of the highest order. I have not noticed any such reluctance by countries of the Western world in garnering **senior command positions** in the UN missions that are deployed, or in securing senior military and police staff positions at **the headquarters** of the missions now deployed.

A point often made in justification of this arrangement is that the countries of the Western world are the ones that make significant financial contributions to the UN, and, hence, they are entitled to such positions in UN HQ and mission areas. This is a myth that I address from personal experience. Besides being the Force Commander of UNPROFOR, I was also the Head of Mission, in which capacity, the civil affairs department, the civil police, as also the administration were under my oversight. I, therefore, know for a fact that, at that time (1992/93), every single contract, whether it was for provision of aircraft, helicopters, vehicles, provisions, bottled water, maintenance of equipment, communication equipment, or whatever, was in the hands of the countries of the developed world. Which, therefore, got back from the UN system as much if not more, than the contributions their governments ostensibly made as financial contributions to the organisation.

And, finally, about Europe's experience in the Balkans often being quoted as the reason for the reluctance to be part of UN peacekeeping operations today. That is another myth. Whether the disintegration of what was Yugoslavia was deliberately engineered or otherwise, is a matter for separate analysis. But there is little doubt that the developing situation in 1991 was poorly handled by the European Economic Community (EEC), as it then was. And having messed things up, the EEC 'dumped' the problem on the UN. The further irony is that having pushed the UN into deploying a peacekeeping force, instead of giving it the political backing and support that was required, the European countries, and in due course, the USA, pursued an agenda that often compromised the efforts of the UN mission. It is nobody's case that the UN structures are as effective as those of national governments or organisations like NATO, in providing strategic direction to the conduct of operations. The UN is just not geared for that. But the countries of the Western world are part of the organisation, and, in fact, more often than not, have a major role in the decision-making apparatus in New York. As such, it is morally wrong and politically hypocritical to decline to participate in UN missions because of the infirmities of the UN system. The abiding truth of the Yugoslav situation is that the sequence of intervention was all wrong. The EEC and the USA should have threatened the use of, or actually used NATO forces, to bring the political leadership of the warring parties to the negotiating table as they finally did at Dayton; and then deployed a UN mission to oversee the implementation of agreements; or done it under EEC auspices.