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The United Nations in a turbulent world: New
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. Winrich Kiihne, SWP, Bonn
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THE UNITED NATIONS IN A TURBULENT WORLD: NEW WAYS OF PEACEKEEPING

Winrich Kahne

I. Preliminary remarks

The end of the East-West conflict was not followed by an "era of peace", but by a phase of great instability and worldwide turbulences. Violent conflicts on a smaller and medium scale cover some regions like conflagrations. The extent of human misery caused by them and the destruction of economic substance is shocking. Without the iron clamp of bipolar block confrontation ethnic, social and religious conflicts erupt everywhere. Not a "New World Order" but a "New World Disorder" is the reality of the nineties as President Mitterrand formulated it in contradiction to the former American President Bush.

The demand for a participation of the UN in solving regional conflicts increased dramatically. From 1945, the founding year of the UN, to the beginning of 1988 there were only 13 peacekeeping missions. In the subsequent four years additional 14 were approved. The beginning of a new era was particularly characterized by UNTAC in Cambodia, UNPROFOR in former Yugoslavia and by "Operation Recover Hope" in Somalia which was started in December of 1992, called in short UNITAF/UNOSOM. More than 80 000 soldiers and civilians were temporarily engaged in these three operations. This exceeds the total number of all Blue Helmets and Blue Berets at the beginning of January 1992. At the time there were 11 500 UN soldiers. In the course of 1993 the number of personnel involved in UN peace missions will possibly have surpassed 100 000.

These figures prove above all one thing: peacekeeping under the umbrella of the UN promises to be an important task of soldiers in the era following the East-West conflict. Blue-helmet operations are no longer an "exotic" marginal phenomenon of international security policy. Peacekeeping and other forms such as "robust peacekeeping" proposed in this paper are becoming pillars of an international peace and security policy. The qualitative and quantitative new challenges to peacekeeping under the umbrella of the UN give rise to a number of difficult, but extremely interesting questions. Fundamental principles of international law and the UN Charter such as the principle of non-intervention and the right to self-determination require further development and a critical appraisal. A real religious dispute has broken out among German authors concerning the "humanitarian intervention". These and other questions pertaining to the development of international law and peacekeeping under the umbrella of the UN are subject of the following paper.

II. The UN in a turbulent world of globalization and fragmentation trends

The enumeration of current potential wars of small and medium dimensions is only an inventory looking at it superficially. An analysis of trends and contradictions and their causes is necessary for the UN and its attempt to develop its instrumentarium of peacekeeping. This is not a simple task.

Usually the end of the East-West conflict is responsible for the outbreak of a number of small and medium wars. (This describes only their relevance as to global strategy, but not as to their destructiveness. The number of deaths, injured and displaced persons amounts to more than 100 000, even millions). The East-West conflict is not sufficient to explain the proliferation of violent conflicts. Under the blanket of rigid, bipolar structures Of the East-West conflict much has built up which has nothing to

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do with it. Changes at the level of the individual and his immediate social integration are at least as important as the changes in the hierarchy and the structure of relations of power politics between the states and alliances. In large parts of the world this leads to distortions, tensions and tremors of great dimensions.

At the level of the individual and groups the relations of authority are being redefined. Particularly state power is subject of contradictory dynamics of centralization and decentralization trends. This dynamics inevitably has an effect on the . work of the UN and other international organizations. The states and governments are constitutive elements for their activities. There is a process of reallocation taking place as regards authority and loyalty originally assigned to the state: either downward to ethnic, religious or other social units, or upward to international or transnational organizations such as the UN, EC, CSCE, the World Bank, the IMF or NGOs such as Amnesty International and Greenpeace.

A whole package of factors is responsible for the unrest at the micro levels of international politics. The education and training revolution which has taken place in the past decades in . almost all societies has changed the relationship with state authority. State services are appraised more critically. Where the appraisal is obviously negative, above all in developing countries, this critical attitude takes the form of rejection of all existing state structures. Similar trends can be observed in the former Eastern Bloc states although the situation is more complicated here. In view of the great difficulties involved in the process of restructuralization and democratization of these states a diffuse nostalgia in favour of the former system can be observed. All in all there also has been a change in the relationship with the state.

The trend towards questioning state authority is also evident at another level. The breathtaking communicative closeness of the world thanks to modern electronics, the media and means of transport and a high densification of global economic interaction and cooperation relativize the significance of territorial borders and authority of the nation state. The world appears to be a village. Events in the South do not leave the people in the North untouched in their mental emotional state, events in the North influence the people in the South. The call for equalization, for equally good living conditions, for peacekeeping and humanitarian aid in Somalia and in Bosnia, for more international cooperation and more efficient international organizations can be heard everywhere. Ecological interdependence moves more and more into the foreground which requires global responsibility and organization. Diverse areas of living together in a world community can be sensibly regulated only on a global scale. The call for a conversion of international politics into a world internal policy is therefore popular. If one looks at the contradictory trend towards globalization more closely, there are several question marks.

For just as powerful are the decentralizing trends which in extreme cases lead to a fragmentation of whole states and regions. Individuals and local communities fear that they lose their emotional-cultural identity as a consequence of global centralization and organization. The aversion against the Maastricht Treaty arising all of a sudden shows that this fear is a factor which politics has underestimated. The Mexican writer and diplomat Carlos Fuentes speaks of "cultural identity against the speed of worldwide integration which would leave us without an image". Moreover, the immense offer of rapid worldwide communication and information has not produced the mature and rational international citizen. On contrary, the flood of photographs and information overtax the cognitive and affective capacities of most people:

particularly of those who still live in traditional societies. They react with defensiveness and withdraw to traditional patterns of their immediate environment. As a consequence we see a trend towards local or regional possibilities of identification. There is a renaissance of ethnic and religious ties which had been considered antiquated in the course of "modernization". In a post-ideological age ethnicity and religion become the most important catchment basins for social, economic and political frustrations. Up to now the wealthy Western Europe has been spared such trends.

In Africa, the Near and Middle East, the Balkans and in vast areas of the former Soviet Union and Asia the situation is clear. Uncontrolled population growth, the gap growing worldwide between poor and rich, migration movements, conflicts about water and finally the abundance of light and heavy arms inherited from the East-West conflict turn the tension between globalization and fragmentation, between regression and modernization into an explosive mixture.

III. Further development of international law as an important element of international peacekeeping

The expansion of ethno-national and similar conflicts meet the international law and the UN Charter, and thus the legal bases of international peacekeeping, rather unprepared. Peace is jeopardized not so much by inter-state, but by internal conflicts or a mixture of such conflicts. It is difficult or almost impossible to differentiate between the search for democracy and autonomy by individual population groups to be considered as internal affair, or the right to self-determination which is expressly laid down in Article 1 para 2 of the Charter of the UN, which is more of an international affair. At least this is so, if the right to self-

determination is understood in the sense of a right to secession and statehood and pursued with force of arms. Something which was considered an internal problem affecting a minority, within days or weeks is turned into an international conflict. This happened in former Yugoslavia.

The line between internal and international conflicts is thin. The international community is no longer ready to tacitly accept such conflicts because of their peace-jeopardizing effect and their devastating consequences as regards the protection of human rights. Conventions for the protection of human rights, ban on genocide and racism etc. which the majority of states has signed, commit the world community to react to calls for assistance, how inadequate they may be in the individual case.

The difficulty lies in the fact that politics and international law are suddenly confronted with a type of conflict whose settlement in the past was neither subject of international law nor of the UN Charter. This partly explains the present uncertainty of the UN to further develop its instrumentarium for peacekeeping. The most important model so far for ending armed conflicts, the deployment of Blue Helmets, was strictly subject to the approval of the parties to the conflict. This was in line with the understanding of sovereignty and non-intervention prevailing in the past.

Without doubt it cannot be accepted in future that dictators, fanatic ethno-nationalists or local warlords have an absolute veto right against the implementation of aid transports etc., only to be in conformity with this understanding of sovereignty and non-intervention. Articles 1 and 2 of the UN Charter do not mention the sovereignty and non-intervention of those governing or of warlords, but of "peoples" (UN Members). This has been forgotten in the past decades. Abdul Mohamed, in charge of

humanitarian aid at the Horn of Africa, has asked the UN and its Member States to revise their attitude: "It is absolutely immoral for the UN and the world to listen to warlords who talk of sovereignty while they fail to feed their people or provide basic law and order." The Secretary-General of the UN, Boutros Boutros-Ghali who in the "Agenda for Peace" considered peacemaking in the case of inter-state conflicts as the actual task of the United Nations (and who advocated a conventional understanding of sovereignty and non-intervention) has in the meantime agreed to this trend. At a conference in New York he recently stated: "It is a fact that the nations today are more at war with themselves than with other regions. The fact that such devastations occur within national borders is no excuse for non-action."

The development of a broader understanding of sovereignty and non-intervention is an important prerequisite to more effectively design peacekeeping missions of the UN and of regional institutions in a world of ethno-national and similar conflicts. The discussion pertaining to the intervention of the international community regarding the conduct and securing of assistance measures for the population suffering in these wars and regarding the safeguarding of humane and democratic minimum standards has centered around the slogan "humanitarian intervention". Authors of diverse political opinions are either for or against humanitarian intervention. One or the other is in danger of losing contact with the real possibilities of Western politics.

The term intervention is not a good choice, even if one agrees to it. It is part of the vocabulary of big power politics of the 19th century. The American expert of international law Tom J. Farer quite correctly points out that in no case in the second world war a state has intervened in another country primarily for humanitarian reasons. Nothing has changed as regards the improper use of the term.

The Charter of the UN does not include the term humanitarian intervention. But it should be the point of departure of all future considerations. It is widely agreed in international law that the Security Council can extensively interpret the term "threats to peace" in Article 39. Genocide, displacement and other massive human rights violations are without doubt a threat to peace. If the Security Council sees such a threat to peace, as has happened in the case of Somalia and Bosnia, it can provide for sanctions, also military measures as stated in Chapter VII of the Charter. It may still be desirable that the parties to the conflict give their general approval for pragmatic reasons; from the viewpoint of international law it is not necessary. .

When proceeding according to Chapter VII the following point is important: only a multilateral procedure based on the Charter offers a certain protection against the abuse of "humanitarian intervention" by individual powers as has often been the case in the past.

Relativization of the principle of sovereignty and of non-intervention is only one aspect of the extension of international law. At the same time the right to self-determination of peoples as laid down in Article 1 para 2 of the UN Charter which is to serve the development of friendly relations between peoples and which . is to safeguard universal peace is in danger of being perverted and to become a "right" to suppression, displacement, or even elimination of other peoples. According to Boutros-Ghali "there must be a reasonable delimitation of the right to self-determination of the people." But what should a delimitation look like? This is a topic which is complicated from the viewpoint of international law and politics with which we cannot deal here.

Iv. Boutros-Ghali's start into a new era: the agenda for peace
In June 1992 Boutros-Ghali presented to the Security Council a document entitled "Agenda for Peace". This report to the Security Council currently is the most important contribution to the development of peacekeeping and other instruments of the UN. The Secretary-General differentiates in the "Agenda for Peace" four fundamental tasks of achieving peace: preventive diplomacy; peacemaking, i.e. the process up to the conclusion of a ceasefire and even a peace treaty; peacekeeping, i.e. the deployment of Blue Helmets, election observers, police, etc. for the purpose of implementing a ceasefire and a peace agreement; and finally post-conflict peacebuilding which sets in after the conflict has been settled. Finally a fifth category has to be mentioned: enforcement on the basis of the resolutions of the Security Council according to Chapter VII of the UN Charter, although it hardly plays a role in the report of the Secretary-General. Furthermore the S G suggests concrete measures for the improvement of peacekeeping: the early warning system of the UN is to be extended and possibilities for fact-finding missions are to be improved. Even preventive deployment of troops shall be possible in the case of internal conflicts or if border-crossing attacks are imminent, but only with the approval of the governments and parties to the conflict. The establishment of demilitarized zones and their safeguarding by UN troops was seen as another possibility to prevent wars. The gist of the proposals is a fundamental demand, i.e. the supplementation of traditional peacekeeping to become a form of "robust peacekeeping". The S G did not expressly cite this in the Agenda for Peace. But his attitude in the case of Somalia confirms this. For it was primarily Boutros-Ghali who pushed the US and the Security Council to upgrade military presence in Somalia.

The reasons for the necessity of the development of a robust peacekeeping are obvious. In Bosnia, Somalia, Angola, Cambodia and West Sahara traditional Blue Helmet missions got into great difficulties.

So-called governments, conflict parties, regional and local warlords, even gangs play cat and mouse with the United Nations. Ceasefires which have just been agreed upon, are broken one after the other; the agreements on armistices are overtures for more battles, more victims among civilians. The presence of the UN itself becomes a problem. Humanitarian transports, also agreed upon, are attacked deliberately and forced to return. The director of an international aid mission in Somalia was shot by the very "guardians" whom he had enlisted for such transports. They considered their payment inadequate.

The voices who wanted to put an end to this absurd game are becoming louder. One was Sir Brian Urquhart, one of the fathers of the traditional peacekeeping missions. In December 1991 he called for a new category of UN armed forces. Their most important task would be to safeguard armistices, humanitarian aid and the negotiation process as a whole against uncontrolled violence. This catalogue of tasks could be extended, for example, to the securing of airports and ports for humanitarian transports, of vital utilities, dams and nuclear power plants whose destruction would cause widespread damage, and the prevention of massive "ethnic" cleansing, rape and other crimes against humanity.

Therefore it is necessary to develop an additional robust (or protective) type of peacekeeping which does justice to the specific requirements of ethno-national and similar conflicts. The mission to Somalia is a step in the right direction, even if it raises many problems as to the details.

This type clearly differs from combat missions as for example those waged in the Gulf War which served the purpose of combatting an aggression from another state. The idea that ethnic and religious conflicts can be settled by a large-scale military operation, is an illusion. It may be right in the short term but not in the long run.

Protective peacekeeping differs from traditional peacekeeping by the supplementation by elements of military enforcement depending on the individual case. They must be previously laid down in a mandate by the Security Council according to Article 39ff of the UN Charter. It is the aim of robust peacekeeping to gradually lead the conflict parties out of their confrontation by safeguarding (1) a stable, "therapeutic" negotiation framework, (2) a humanitarian minimum standard, humanitarian aid measures, (3) vital institutions etc.

Bosnia has shown how difficult the establishment of such a framework can be. In Somalia the process is simpler. A conclusive appraisal would be premature. The fighting in Mogadishu between the UN troops and those loyal to "General" Aidid during which 20 Pakistani Blue Helmets died shows how difficult it is to bring peace to the country. In Cambodia the process may come to a successful end which is unexpected for many. The question of a "therapeutic" framework of negotiations based on practical experience in the mentioned and other cases have to be discussed in detail.

V. The misunderstood relationship between military and nonmilitary means

The military robust peacekeeping does not replace nonmilitary means of conflict management and peacebuilding. Rather it should facilitate their effectiveness by the use of military elements.

It will be one of the most difficult tasks of this type of mission to develop coordination of military and nonmilitary elements in accordance with the individual case. In Somalia we are at the beginning of such a development. Nobody knows the outcome of the experiment.

Discussions in Germany, notably among peace researchers, have difficulties to relate military and nonmilitary means to peacebuilding. Their thinking is black and white. Unfortunately it proved in the past that economic sanctions and other embargo measures are not successful instruments in the short or medium term. Even if they are initiated in the early phase of the conflict which is often not the case, they are effective only in the long run. But people whose lives are in danger or who are threatened by rape, expulsion and other brutal acts cannot wait. They would not survive until the sanctions become effective. Rational cost-benefit considerations which would let the conflicting parties react in the short term, are not conceivable in an atmosphere of ethnic and religious conflicts, especially not, if there has been bloodshed.

Why should the leaders in the conflict (or dictators) who, as happened in Bosnia or Somalia, are ready to bring disaster on their country and the entire population be impressed by economic sanctions?

VI. Rapid deployment forces for the United Nations?

The further development of traditional peacekeeping raises a number of difficult new problems. Two are already subject of lively discussions: First, how does the UN get the necessary troops for the increasing number of traditional and robust peacekeeping operations? The current system which prescribes for each Blue Helmet operation that the necessary units have to be negotiated

among the states concerned, is too inflexible and too slow. Second, under whose political and military control should these troops be?

In the opinion of the Secretary General the UN does not need a standing army, but rather a rapid deployment capacity. According to Article 43 of the Charter all members have been asked since 1945 to conclude special agreements in which precise conditions are to be regulated for the deployment of troops under the UN flag. This Article became a victim of the Cold War. There is not one agreement. This should be changed in the opinion of the Secretary General since the Cold War has ended. The fact that the UN has a standing army could alone be a deterrent against the breach of peace. The troops made available by the member countries would be made up of volunteers. They would have to be more heavily armed than the Blue Helmets and would have to undergo comprehensive training in the armed forces of their countries. Their deployment would be subject to authorization of the Security Council. They would be under the command of the Secretary General, although they would no longer be the traditional Blue Helmets. President Mitterrand had made a similar suggestion before Boutros-Ghali. At the summit of the members of the Security Council he stated that France would be ready to provide troops for UN missions of whom 1000 would be ready within 48 hours and another 1000 within another week. Other states were expected to follow this example. On behalf of the Russian Federation Boris Yeltsin was in favour of organizing troops which would be ready for rapid deployment under UN command. The Bush Administration in the US and British leadership were skeptical to put these troops under the command of the Secretary General.

Special attention was paid to the rather detailed proposals by Richard N. Gardner, Professor at Columbia University. In the summer 1992 he published an article in which he advocated UN standby forces. All permanent members of the Security Council should commit themselves according to Article 43 of the Charter to have a brigade (ca 2000 soldiers) ready for rapid deployment. Ca 30 additional UN members were to have ready a battalion (600 to 700 soldiers). This would result in a force of up to 30 000 soldiers. They would be prepared for their deployment by joint training, common equipment, and joint manoeuvres. The permanent members of the Security Council would be requested to make available the necessary air and sea transport capacities.

In the meantime Bill Clinton has become the President of the United States. His government has not taken up a final position concerning the UN troops. Secretary of Defence Les Aspin stated at his first meeting with Boutros-Ghali before the press that the American government is currently studying three options: (1) a standing UN army; (2) various countries keep national forces ready for the UN; (3) an international volunteer army in line with the example of the French Foreign Legion. Already now it can be predicted with an amount of certainty that only option (2) has chances of being realized. Options 1 and 3 will fail to obtain the approval of many states, also, of those which are members of the Security Council.

VII. The problem of political-military control of UN operations
A heated discussion has centred around the political-military control of UN operations since the Gulf War. During this mission the US and its allies had refused to concede to the UN any political or military control or codetermination. The general contents of the resolutions of the Security Council was the yardstick. Therefore the troops did not fight under the UN flag.

This is different in the case of the traditional Blue Helmet operations. The composition of the troops is multinational, to the extent possible. The supreme command is not in the hands of national staffs, but the Secretary General viz. the force commander appointed by him. For the legitimacy and authority of the UN this was a big advantage vis-a-vis the conflicting parties. The reproach that the UN is helper of one power or a small group of states, does not hold true.

Neither principle can be upheld if during the operations armed conflict is to be expected with a view to the enforcement of the mandate. Such operations require well-trained cooperation among the troops and rigid leadership which is not disturbed by political tussle. This is feasible only at national level and with reservations, in NATO (in the UN some are in favour of close cooperation with NATO).

In the case of robust peacekeeping two contradictory demands must be balanced as regards troop composition and authority of command: on the one hand military effectiveness, and on the other multilateral legitimacy and authority according to the UN Charter. In the Resolution 8/794 of the Security Council of 3 December 1992, which regulates the Somalia mission, a step has been made in this direction. In para 13 of this Resolution the Secretary-General and the troop-deploying states are requested "to establish appropriate mechanisms for coordination between the United Nations and their military forces". Furthermore ad hoc commission of the Security Council is established for monitoring the implementation of the resolution; a small UNOSOM liaison staff is sent to the unified command which has the military command over UNITAF (para 14 and 15). Boutros-Ghali answered in the affirmative when asked whether he sees a precedence in this for a model in dealing with conflicts following the end of the Cold War.

Future operations will be based on a pragmatic development of this mixed form. of decisive importance is the mandate which the Security Council has given UNOSOM II in resolution 814 of 26 March 1993. In the mandate which refers to a report of the Secretary-General with regard to the details, the tasks, operation conditions and form of political and military control by the UN are described relatively precise.

The supreme command no longer lies with the US, but with the UN. UNOSOM II is legitimized to use force for enforcing its mandate as was the case in Mogadishu against followers of Aidid. In addition to the organization of the supreme command in the field it is furthermore necessary to improve the military consulting capacity at UN headquarters in New York (communication, 24 hours storage area; personnel has been increased recently). A permanent Military Advisory Committee which advises the Secretary General and the Security Council would have to be established or the "Military Staff Committee" (Article 47 of the Charter) would have to be extended in this sense. Members of this Committee would be military personages who have gained experience in UN operations, among them representative of the permanent members of the Security Council. Military representatives of states which are involved in ongoing operations would have to participate on an ad hoc basis.

The Committee has a twofold task. On the one hand it would advise the Secretary-General and the Security Council with regard to the formulation of the mandate in line with the military necessities of the individual case and it should see to it that this will be adequately considered in the text of the resolution. On the other hand, it would be authorized to turn the mandate of the Security

Council into practicable operational guidelines for the commanders in the field. The texts of the resolutions will remain relatively general for political reasons and will continue to be open to interpretation.

VIII. Conclusion

This paper has opened the window only partially to the wide range of possibilities of UN peacekeeping. It has not dealt with the civil components of peacemaking, peacekeeping and peacebuilding. One thing however, has become clear: The UN is in danger of collapsing under the burden of settling ethno-national and similar conflicts. The reason is not the failure of the organization per se but the half-heartedness which the majority of the states show in connection with the tasks of the organization; however it is admitted that criticism in organizational details is justified. Although they are two of the most powerful nations of the world as regards economy, politics and the military Japan and Germany belong to the group of half-hearted states. The argument that the past has taught us that their troops should not participate in peacekeeping missions is not convincing any more.

For a certain period of time this was justified due to the historical burden of both countries. Without the active involvement of Japan and Germany the UN will not be able to cope with the increasing number of violent conflicts (or, Boutros-Ghali warned, it will degenerate to an instrument dominated by the US). If the UN fails, as can be seen already, the renationalization of national security policy is imminent. Such a development is not desirable from the viewpoint of German or Japanese peace and security policy. This would actually mean that the conclusions drawn from the past are not taken into consideration.

A constitutional clarification of the deployment possibilities of the German armed forces is urgently needed. It would also put an end to the fixation of the role of the German "Bundeswehr" concerning the German contribution within the framework of UN peace-keeping. The discussion on the use of nonmilitary means has been lost out of sight, although this discussion is at least as important.

The outline for a compromise is obvious. The German Socialist-Democratic Party must make a step forward towards the participation of the "Bundeswehr" in all operations under the UN flag, the coalition government must make a step backward.

At present it is not urgently necessary to go beyond the framework of the UN. This could even be a step in the wrong direction. Moreover, German politics and the "Bundeswehr" will have problems anyway to meet quantitative and qualitative requirements in connection with UN operations. The "Bundeswehr" reserves of troops and capacities have already been used up with the two bataillons deployed to Somalia. The idea of the German "Bundeswehr" operating worldwide is not realistic at all.