

THE UNITED NATIONS AND
MANDATE ENFORCEMENT

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CONGO, SOMALIA, AND BOSNIA

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The Martello Papers

This is the twentieth in a series of security studies published over the past several years by the Queen's University Centre for International Relations (QCIR), under the general title of the Martello Papers. “The United Nations and Mandate Enforcement: Congo, Somalia, and Bosnia” is a thorough analysis of one of the most important challenges confronting the United Nations — namely, of when and how to apply force in those situations falling between the poles of full-scale enforcement (as in Korea) and traditional peacekeeping. The author, Jane Boulden, notes that while such gray area interventions have been usually lumped under the category of “peace enforcement,” they might better be labelled “mandate enforcement” operations.

She has selected the three most significant such operations — in the Congo during the early 1960s, and in Somalia and Bosnia three decades later — to make the case that unless the international community is able to overcome the obstacles inherent in such undertakings, they will continue to be problematical for the United Nations, with profound implications not only for the world body but also for the prospects of international peace and security. Her set of cases provides valuable insight into those challenges of mandate enforcement, of which perhaps the most daunting is the maintenance of impartiality in the design and implementation of the mandate.

The publication of this monograph marks a new step; for the first time, the QCIR has joined forces with another university-based research centre in the production of a Martello Paper. Both the QCIR and its partner, the Institut Québécois des Hautes Études Internationales (IQHÉI) of l'Université Laval, are privileged to participate in the Security and Defence Forum (SDF) of the Canadian Department of National Defence. That program's generous support enables each of our centres to carry on scholarly work on issues of immediate relevance to national and international security. We remain grateful to the SDF for this ongoing commitment.

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Jane Boulden
1999

1. Introduction

Why Study Peace Enforcement Operations?

The purpose of this monograph is to examine the use of force by the United Nations (UN) in situations that fall between traditional peacekeeping operations and full-scale enforcement measures as provided for in article 42 of the UN charter. The UN's ability to use force to compel compliance with international peace and security mandates is based on the provisions of chapter VII of the charter. These provisions are part of an ongoing historical evolution of the international community's attitudes regarding the most fitting way to deal with problems of international peace and security. Recently dubbed "peace enforcement" operations, a more useful term might be "mandate enforcement" operations.

This study is based upon an examination of three cases of UN peace enforcement, the first of which occurred during the cold war and the other two of which took place in this decade. The cases — the Congo, Somalia, and Bosnia — reveal a number of common operational characteristics, associated on the one hand with the kind of choices the UN Security Council (UNSC) has had to make (mandate issues), and on the other hand with the kinds of problems and questions that arise in implementing UNSC decisions (operational issues).

Any discussion of the UN's international peace and security mechanisms might be expected to lead to some contemplation of the concept of collective security.¹ Though my study is deliberately focused on the concept and experience of the use of force to compel compliance, it does not, by definition, deal with the broader issue of collective security subsumed under full-scale enforcement measures, nor can it. By the same token, those questions associated with the UN's involvement in "internal" conflicts are also not directly addressed.² Neither does this monograph address the ethics of the use of force by the international community, or the various ends (e.g., the delivery of humanitarian aid) for which the use of force is

authorized. Instead, I direct my attention to an area of UN activity that has been, if not under-researched, arguably “under-theorized.”

Such a claim might seem surprising, given that the demise of the cold war heralded the onset of a new era for the UN, and therefore resulted in a burgeoning of the scholarly and other literature regarding the organization’s employment of force to achieve its objectives. The end of the animosity between the United States and the Soviet Union and their willingness to use the UN in the way in which it was first envisaged created an expectation that we would see deployed the full panoply of mechanisms available under the charter for dealing with international peace and security.

The willingness to use force was one of the most obvious symbols of the post-cold war changes at the UN. But the literature contains very little in the way of studies specifically focusing on the experience with the use of force in its own right, distinct from such questions as the goals involved (e.g., humanitarian intervention), or the overall results of the operation. It is this gap that my monograph is intended partially to fill.

Definitions and Assumptions

As I hope to show in this monograph, impartiality in the *implementation* of the mandate plays a critical role in the success or failure of these operations. This is distinct from the question as to whether the mandate itself is “impartial.” Let me explain.

The “agent” of my study is the United Nations,³ the charter of which invests the Security Council with “primary responsibility for the maintenance of international peace and security” (article 24). In carrying out that responsibility, the Council has a spectrum of responses available to it under the provisions of charter chapters VI and VII. The decision whether to respond to a given situation is always a political one. The decision how to respond — which mechanisms available in chapters VI and VII to use — is also political. In deciding to respond the Security Council may authorize the use of military force as a way of ensuring the implementation of a mandate. It is a fundamental assumption of my analysis that the Security Council’s “political” choices relating to the mandate of a mission — what measures should be taken and how should they be carried out — can and do condition, and even determine, the nature of the military operations it authorizes. This is proper. But problems begin to arise when in the course of a mission the reverse occurs — that is, when military operations begin to condition if not determine the UN’s political choices.

The concept of impartiality is a cardinal aspect of UN operations falling between peacekeeping and full-scale enforcement. But what does it mean to be impartial? The Oxford English Dictionary defines impartiality as “not favouring one more than another; unprejudiced, unbiased, fair, just, equitable.”⁴ This

definition coincides with provisions of article 40 of the charter stating that provisional measures taken by the Security Council “shall be without prejudice to the rights, claims, or position of the parties concerned.” The question of whether the UN is behaving impartially is applied in this analysis at two separate but linked levels.⁵ These levels are analogous to those found in the judicial system: a court makes a decision, which is then implemented. There are two distinct, though linked, actions and two different sets of actors carrying them out. With respect to the two levels I address here, in the first instance, there is the question of whether the Security Council mandate (the political choice) is impartial. In the second instance is the question of whether the implementation (the military discharge) of the mandate is impartial.⁶

Contrary to the implications of much of the post-cold war debate over operations in Bosnia and Somalia, the UN use of force in those countries represents neither a novel concept nor a new phenomenon. In fact, the so-called “grey area” between peacekeeping and enforcement has its roots in article 40 of the charter authorizing the Security Council to take “provisional measures” that are “without prejudice to the rights, claims, or position of the parties concerned.” When it has ordered action in this grey area, however, the Council has tended not to cite article 40 directly.⁷ This means of conflict resolution defies successful — or at least easy — naming, and this has caused some problems. Such operations cannot properly be subsumed under article 40 for the good reason that not all of them *have* been authorized specifically under that provision. For the same reason, the term “provisional measures” operations seems hardly to be appropriate.

For my purposes here, and notwithstanding my above-stated preference for the alternative term “mandate enforcement,” the term “peace enforcement” operations will be used. This term is taken from Secretary-General Boutros Boutros-Ghali’s proposal, in *An Agenda for Peace*, that there be created peace-enforcement units.⁸ The term was almost immediately adopted by the media to describe UN operations in Somalia and Bosnia — even though those operations were not the kind the secretary-general had in mind when making his proposal. The latter was intended specifically to relate to enforcing cease-fires, rather than to serve as a grab bag for the employment of force in circumstances stopping short of full-scale enforcement. Not surprisingly, this distinction, overtaken by events and never properly understood by the media or even a good many of the scholars, has fallen by the wayside.

The result is that “peace enforcement” has come to be widely used to describe UN operations in which force is involved *but* to a degree short of full-scale applications such as we witnessed in the UN response to the Persian Gulf war of 1990/91. This has created a situation in which the concept has been expanded on the basis of experience, without however there being any redefinition of the concept. This monograph is intended, in part, to contribute to that process of redefinition.

The aim of peace enforcement operations, as I argue in this monograph, is to bring about or ensure compliance with some aspect of an existing mandate or

agreement among the parties. These operations reside in the grey area between traditional peacekeeping, linked to chapter VI, and the enforcement measures of chapter VII, and they share characteristics of both types of operations. The UN peace enforcement operations examined here have the following four traits in common:

- authorization under chapter VII of the UN charter;
- authorization for the use of force beyond self defence;
- impartiality in intent, meaning that no judgement was made as to the claims or positions of the parties to the conflict (this characteristic also applies to peacekeeping and is a key element of article 40) and that action was not taken *against* any one state or party as is the case with full-scale enforcement responses;
- the consent of the parties to the operation was not a requirement.

A Word on Methodology

As with any such study, the choice of cases to examine involves subjective considerations. David Baldwin has argued that “[h]istory does not present itself tied up in neat bundles of facts clearly labelled ‘case no. 1,’ ‘case no. 2,’ etc. The boundaries that delimit a particular case are not ‘discovered’ by the researcher; they are created by him.”⁹ Manufactured though they may be, boundaries are nonetheless essential, for as Kal Holsti reminds us “[w]ithout such organizing devices there would be no place to begin, no limits to help research and description, and no way to determine what facts, conditions, or events are relevant to the subject.”¹⁰

Alexander George combines the methods of historians and political scientists to outline a framework — a “method of structured focused comparison” — for putting case studies to the service of theory development.¹¹ This approach involves three phases. The first, that of research design, involves identifying the questions to be asked and the theory to be tested or refined. In the second phase, the case studies are undertaken. The results of the first two phases are synthesized in the third one, where the “explanations for the outcomes and other findings regarding the nature and complexity of the phenomenon in question [are used to] assess, refine, and/or elaborate the initial theory.”¹² This method focuses on certain aspects of cases (in contrast to the historian’s approach of looking at every detail of a case) and uses a set of general questions to give structure to the analysis.

Even should we agree about where to draw the boundaries, there remains a great deal of subjectivity, for there can be “no certainty that any two observers will formulate identical hypotheses or regard the same hypothesis as relevant and sufficient in a given case.”¹³ Inevitably the choice of the case study approach as well as the cases studied must be a reflection of some basic assumptions on the part of the researcher. Below, I state those assumptions.¹⁴

The Cases

Three UN operations cases are examined in this book: in the Congo (ONUC), in Somalia (UNOSOM), and in the former Yugoslavia (UNPROFOR). These three cases represent the only examples of UN efforts to compel compliance through sustained military operations that fall within my boundary conditions — i.e., they lie between the extremes of peacekeeping and full-scale enforcement. In addition, the Congo operation took place during the cold war, which demonstrates that the idea of using force for grey area problems is not, as is sometimes argued, a post-cold war innovation.

In each of these cases force was used to achieve different objectives. In the Congo, it was authorized to prevent civil war and ensure the withdrawal of foreign military personnel. In Somalia, force was authorized to allow for the delivery of humanitarian aid, and then later to implement the disarmament provisions of the political reconciliation mandate. In the former Yugoslavia, force was authorized for the enforcement of a no-fly zone, the protection of safe areas, and the delivery of humanitarian aid.

Although these operations had different aims, all three had mandates involving an authorization of the use of force to compel compliance with certain goals established by the Security Council. The three operations also involved major sustained multinational military operations. This last consideration is a critical criterion, since it is my purpose in this monograph to examine the experience of the actual *use* of force and not the mere threat to use force.

Three other experiences might be considered peace enforcement as I define it above, but I do not include them as case studies here. They are the French-led Operation Turquoise in support of the United Nations Assistance Mission for Rwanda (UNAMIR II); the UN multinational force in Haiti; and the post-Dayton Accord missions in the former Yugoslavia. Why do I exclude these cases?

Let us start with Rwanda. In June 1994, the Security Council authorized a French-led operation in that country to provide security and humanitarian relief for displaced persons, refugees, and civilians felt to be at risk.¹⁵ The operation, known as Operation Turquoise, was intended as a temporary measure in support of UNAMIR until the latter was able to attain its desired maximum strength. I exclude this operation because the use of force was carried out primarily by France not the UN, and the operation was militarily quite limited.

On 31 July 1994, the Security Council invoked chapter VII and authorized the creation of a multinational force and the use of “all necessary means” to bring about the transition from an illegal military regime to a democratically elected government in Haiti.¹⁶ Under US leadership a large military mission was prepared, known as the Multinational Force (MNF). At the final hour, as a result of an agreement brokered by a former American president, Jimmy Carter, the military regime relented and agreed to leave, allowing the elected government to take

over and the unopposed landing of the MNF to take place.¹⁷ Because force was not used, even though authorized, I exclude this case.

The two UN-authorized, NATO-run operations that followed the Dayton Peace Accord in the former Yugoslavia — the Implementation Force (IFOR), followed by the Stabilization Force (SFOR) — are in fact peace enforcement operations. The Security Council bestowed upon each chapter VII authorization for the use of “all necessary measures” in carrying out the mission.¹⁸ Equally, the UN operation in Eastern Slavonia (UNTAES) constitutes a peace enforcement operation in that its mandate inheres in chapter VII and it could draw on IFOR military support, if needed.¹⁹ But as the actual use of force has been minimal in these cases, they too are excluded from my sample.

Notes

1. On collective security see, Inis Claude, *Swords Into Ploughshares* (New York: Random House, 1984), esp. pp. 245-84.
2. See L. Fislser Damrosch, ed., *Enforcing Restraint, Collective Intervention in International Conflicts* (New York: Council on Foreign Relations, 1993).
3. Rather than from the point of view of member states, other international organizations, or of states or groups on the receiving end of the UN operations.
4. *The Shorter Oxford English Dictionary on Historical Principles* (Oxford: Clarendon Press, 1991), 1: 1028. Note that the concept of impartiality differs from that of neutrality, which is defined as “a neutral attitude between two contending parties or powers, abstention from taking any part in a war between other states...The condition of being inclined neither way.” *Ibid.*, 2: 1399.
5. This is separate from the question as whether a Security Council decision to become involved is impartial. The right and responsibility of the Council to become involved resides in the very nature of the charter. As such, this makes the UN a political participant; it does not necessarily mean, however, that in the process of responding to international peace and security issues the UN cannot act impartially.
6. Adam Roberts and Marrack Goulding also make this distinction. Roberts notes that “[i]n UN peace-keeping, impartiality is no longer interpreted to mean, in every case, impartiality between the parties to a conflict. In some cases, the UN may, and perhaps should, be tougher with one party than another or give more aid to one side than another.... Yet there are important elements in the notion of impartiality that should not be lost, including the idea that the UN represents a set of interests, values and tasks that are distinct in some respects from those of any one belligerent.... ‘Impartiality’ may have come to mean not impartiality between the belligerents, but impartiality in carrying out UN Security Council decisions.” Adam Roberts, “The Crisis in UN Peacekeeping,” *Survival* 36 (Autumn 1994): 115. Also see Marrack Goulding, “The Evolution of United Nations Peacekeeping,” Cyril Foster Lecture 1993, Examination Schools, Oxford University, 4 March 1993.

7. For previous use of article 40 see, United Nations, *Repertory of Practice of UN Organs* (New York, 1982), 2: 386-88.
8. In the late 1940s, immediately after the creation of the UN, the term “peace enforcement” was sometimes used to describe the chapter VII enforcement provisions based upon article 42. Use of the term ceased when cold war politics virtually eliminated the possibility that the Security Council could, in fact, authorize such “peace enforcement” measures.
9. David Baldwin, *Economic Statecraft* (Princeton: Princeton University Press, 1985), p. 146.
10. K.J. Holsti, *International Politics: A Framework for Analysis* (Toronto: Prentice-Hall Canada, 1967), p. 15.
11. Alexander L. George, “Case Studies and Theory Development: The Method of Structured, Focused Comparison,” in *Diplomacy: New Approaches in History, Theory and Policy*, ed. Paul G. Lauren (New York: Free Press, 1979), pp. 43-68. In addition, see Harry Eckstein, “Case Study and Theory in Political Science,” in *Handbook of Political Science*, vol. 7: *Strategies of Inquiry*, ed. Fred I. Greenstein and Nelson W. Polsby (Reading, MA: Addison-Wesley, 1975).
12. George, “Case Studies,” p. 58.
13. Harold Sprout and Margaret Sprout, *Foundations of International Politics* (Princeton: Van Nostrand, 1962), p. 53. For a good discussion of the role of explanation and prediction, see Idem, “Explanation and Prediction in International Politics,” in *International Politics and Foreign Policy*, ed. James N. Rosenau (New York: Free Press of Glencoe, 1961), pp. 60-72.
14. This approach roughly coincides with Holsti’s description of the “traditional analysis” school. See, Holsti, *International Politics*, pp. 8-9.
15. Security Council Resolution 929, 22 June 1994, stated that the council “welcomes also the offer by Member States to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda...[and] Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States cooperating with the Secretary-General to conduct the operation...using all necessary means to achieve the humanitarian objectives...” See, S/1994/734, 21 June 1994, for the text of the offer of help from the French government.
16. Security Council Resolution 940, 31 July 1994, stated that the council “acting under Chapter VII of the charter of the United Nations, authorizes Member States to form a multinational force under unified command and control and, in this framework, to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti, and to establish and maintain a secure and stable environment...”

17. The best account of this is David Malone, "Haiti and the International Community: A Case Study," *Survival* 39 (Summer 1997): 126-46.
18. IFOR is authorized under Security Council Resolution 1031, 15 December 1995; SFOR is authorized by Security Council Resolution 1088, 12 December 1996.
19. Security Council Resolution 1037, 15 January 1996.

2. *Using Force to Compel Compliance: The Evolution of an Idea*

Introduction

For as long as the state system has existed there has been a general, albeit rough, understanding of the permissible and impermissible uses of force between states.¹ By the late nineteenth century, there had evolved an acceptance among states of the thought that war and force should not be used in certain instances. In the Hague conferences at the turn of the century states set out to codify some of these rules.

The Hague peace conferences occurred in 1899 and 1907. The resulting Hague conventions placed limits on the conduct of war, primarily by limiting the types of weapons that could be used in given situations.² The conventions also established procedures for the peaceful settlement of disputes, including commissions of inquiry and arbitration. States were to pursue these peaceful means before resorting to war, “so far as circumstances allow.”³ The restrictions the Hague conventions placed on state behaviour were limited, yet their very negotiation and codification did represent a step forward. That forward progress was overtaken by the outbreak of World War I in 1914.

The League of Nations

The covenant of the League of Nations was a product of the desire of states to find a way to prevent a recurrence of World War I. In 1918, America’s president, Woodrow Wilson, outlined his celebrated “fourteen points,” which contained a

listing of US war aims and also an outline of Wilson's vision of international relations after the war. The fourteenth point called for "a general association of nations [to] be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike." The idea of an international organization that would be geared towards preventing war found strong support among other major powers, especially Britain.⁴ The idea became part of the peace negotiations after the war, resulting in the creation of the League of Nations.

The final text of the covenant of the League was agreed on 28 April 1919, at a plenary meeting of the Paris peace conference. Because the covenant was an integral part of the Treaty of Versailles, which brought an official end to the war, it did not officially come into force until the Treaty of Versailles took effect on 10 January 1920.⁵

The primary purpose of the covenant was to prevent but not altogether prohibit war. The first lines of its preamble served to indicate that emphasis. The covenant was established "in order to promote international co-operation and to achieve international peace and security by the acceptance of the obligation not to resort to war." As for the League itself, its mandate was ambitious, nothing short of providing the international system with a functioning means of "collective security."

As I noted in the previous chapter, this monograph is not about collective security. Thus the experience of the League is of only the most restricted relevance to our purposes, which, to repeat, are to examine the issue of peace enforcement. That being said, however, the League did have some experience, and even success, in this domain.

The covenant provided a "legal drag" on the ability to go to war.⁶ The emphasis was on a requirement to pursue peaceful settlement before resorting to war. War remained permissible, however, in self-defence, or to uphold the provisions of the covenant or when all of the League provisions had been followed but had failed. The use of force short of war remained entirely open. Thus, the core axiom that war could play a legitimate role in international relations remained unaffected. What had changed was the assumption that there were certain instances in which war would henceforth be considered "illegal."

The importance of the provisions should not be underestimated. Along with the restriction on war and the requirement for peaceful settlement, the covenant provided, for the first time, for an international response when its provisions had been violated. In the event a state violated those provisions, article 16 (1) stipulated that it would be deemed "to have committed an act of war against all other Members." As a result, members were immediately to sever all trade and financial relations with the offending state and prevent "financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not." In addition, the Council would recommend "what effective military, naval, or air force the

Members ... shall severally contribute to the armed forces to be used to protect the covenants of the League.”

In theory, these enforcement measures provided a way of ensuring that states would follow the covenant requirements or face serious consequences. The practice was otherwise. From the beginning, the League struggled. The failure of the American Senate to ratify the covenant and, therefore, the absence of the United States from the League was a major setback. In addition, there were a number of difficulties in the implementation of the peace settlement provisions of the Treaty of Versailles, of which the covenant was a part.⁷ This generated disunity and uncertainty among the European great powers. The lack of decisive action that resulted contributed to a sense of a peace process and structure that was crumbling or unenforceable or both.

Still, there were some success stories. One such instance came early, with the resolution of the Greco-Bulgar crisis. On 23 October 1925, Bulgaria informed the secretary-general of the League that Greek troops had invaded Bulgarian territory. A prompt and determined response by the Council brought about a withdrawal of the Greek troops and, later, a resolution of the crisis.⁸ In part, the resolution came easily because of a fortuitous commingling of circumstances.

[T]he successful resolution of the Greco-Bulgarian clash arose from a rare unanimity among the European major powers, energetic action on their part including threats of force, the internal weakness of the Greek regime which made the bluff easy to call, and the important fact that the parties to the dispute were small states susceptible to great-power pressure.⁹

The episode demonstrated that the League mechanisms could work, at least when the great powers put their commitment behind them.

The success was a momentary one. Other crises proved less responsive to League action. Two, in the mid-1930s, made clear the degree to which key participants had become unwilling to fulfill covenant commitments. In 1931, Japan invaded Manchuria. For some time the absence of a formal declaration of war was used to support the claim that the League had no jurisdiction in the conflict. Even when that claim was revealed to be hollow, however, the great powers were slow to take action through the League, unwilling to consider getting involved militarily or to endure the economic consequences of sanctions.¹⁰ The Assembly appointed a commission of enquiry, which determined that Japan did not act in self-defence and which proposed a number of recommendations for pursuing peace, with the emphasis on conciliation not enforcement. The Council unanimously approved the report, but Japan refused to accept it and later resigned from the League.

The sequence of events was a momentous one for the League and for international relations generally. The covenant had been blatantly and openly violated with little consequence.

Its Members were pledged to maintain, against foreign aggression, the territorial integrity of all their fellow Members: the aggression had taken place, vast territories

had been torn from the victim, and yet all they had done was to refuse to recognize the new State. "War in all but name" ... had been carried on at Shanghai and from one end of Manchuria to the other: yet the chief Members of the League had never seriously contemplated the use of sanctions. In consequence, men's faith in the Covenant as an effective barrier against war had been profoundly shaken. The small powers, in particular, had learnt to doubt, not so much the efficacy of the League system, as the will of the great powers to apply it.¹¹

Shortly thereafter, the League faced another challenge when Italy began its attacks on Ethiopia in late 1934. It was not until a year later that the Council and then the Assembly would address the issue. In October 1935, a committee of the former determined that Italy had "resorted to war in disregard of its covenants under Article 12 of the Covenant of the League of Nations." The language deliberately evoked the provisions of article 16. Led by Britain, League members began to discuss the appropriate actions to be taken against Italy, beginning with an arms embargo. Considerable technical and negotiating work began on implementing sanctions and the measures of the sanctions committee received considerable support. At the same time, Britain and France advanced their own plan for resolving the conflict.

The enthusiasm and optimism accompanying these initial measures soon came to an abrupt halt. When it became clear that the sanctions committee was considering expanding the sanctions regime to include oil, steel, and coal, London and Paris began to obstruct the committee. Ensuing events, sometimes strange and ultimately disappointing for supporters of the League, gave Italy enough time to continue to pursue its objectives in Ethiopia. In effect, Britain and France, great powers looking nervously in the direction of Hitler's Germany, were unwilling to pursue actions that might further antagonize Italy; accordingly, they brought the enforcement process of the League to a standstill.¹² The result was predictable: in April 1936, Italy completed its conquest of Ethiopia.

By 1938, when the Czechoslovak-German crisis began, the League was on its last legs. It is perhaps not surprising, therefore, that when faced with the very situation the designers of the League had set out to prevent, member states made deliberate decisions not to use League mechanisms. The unwillingness of great powers to use the League contributed, as it had throughout the 1930s, to a sense of abandonment among the smaller states. A telegram from the British delegation at the League on the possibility of invoking the League's enforcement provisions against Germany gives an indication of the extent to which the lesser powers, the very states for whom collective action through the League should have offered the most protection, distrusted the organization.

It is in the view of both M. de Valera [President of the League Assembly] and M. Avenol [Secretary-General of the League] extremely doubtful whether any such decision (under Article 17) regarding aggression would be obtainable from the Council. They both think the smaller States, neighbours of Germany, represented on the

Council such as Sweden, Belgium and Latvia would be most reluctant to take any decision which might expose them to German animosity either now or later.¹³

Second Time Around? The United Nations Charter

Faced with the failure of the League and the collapse of what remained of international order, the great powers set out in the midst of World War II to develop a successor organization. With respect to the security provisions of the UN charter, the drafters took as their starting point the lessons of the earlier organization and the experience of the war. The League experience confirmed that if states were simply left to their own devices to provide forces and support to redress a crisis, the response would be minimal. This created a sense that any enforcement system must be made mandatory. The successful cooperation of the allied powers during World War II led the charter drafters to conclude that the most effective way to ensure international peace and security was by having the great powers combine to combat aggression. The system of enforcement would be mandatory, and it would be run by the great powers.¹⁴

The international peace and security provisions of the charter are contained in chapter VI (“Pacific Settlement of Disputes”), and chapter VII (“Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression”). Chapter VI outlines the obligations of states and the powers of the Security Council with respect to the peaceful settlement of disputes. States that are parties to any dispute likely to endanger international peace and security are required 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” (art. 33[1]). The Security Council can call on states to undertake these actions, can investigate any dispute or, at any stage, may “recommend appropriate procedures or methods of adjustment” (art. 36[1]). If states fail to settle a dispute by the various means outlined they are to refer the dispute to the Security Council. The latter will decide whether to recommend other procedures or methods, or recommend terms of settlement.

The differences from the provisions of the League covenant are clear.¹⁵ The specificity of the covenant became an excuse for inaction. In the charter are listed procedures that go well beyond the covenant’s calls for arbitration and judicial settlement, and the final line of article 33(1), calling upon states to use any other peaceful procedure that might work eliminates the possibility that states can use the absence of options as an excuse to do nothing or to resort to force. As well, the Security Council can intervene at any time and in almost any way, requiring states to pursue peaceful methods of settlement, or recommending them if necessary.

Chapter VII further strengthens member states’ obligations and Security Council powers. In contrast to chapter VI, which deals with situations that may lead to a breach or threat to international peace and security, chapter VII deals with the

existence of such threats, breaches of the peace, or acts of aggression. Under this chapter, the Security Council determines the existence of a threat to international peace and security or a breach of international peace and security. It has the power to take or call for provisional measures in order to “prevent an aggravation of the situation,” and has at its disposal various options short of armed force in response to a situation. Finally, and most importantly, the Security Council has the power to use force, if necessary, to deal with international peace and security problems.

Article 39, the first under chapter VII, is critical.

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Note that it is not left to individual member states to determine when a situation requires a response. It is the Security Council that makes that determination on behalf of member states, thereby obliging them to act as required in the charter.¹⁶ As evident in chapters VI and VII, the charter drafters opted for the use of the broad phrase “international peace and security” rather than “war” or even “use of force.” This avoided the problem, so acutely evident during the Manchurian crisis, of needing a formal declaration of war to trigger League involvement.

There is a clear sense of a process of responses. When chapter VI’s peaceful methods of dispute resolution fail or are resisted by states, the provisions of chapter VII can be invoked. As provided for in article 39, the Security Council determines that the situation requires action. It can then recommend provisional measures and decide what measures “not involving the use of armed force” such as “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations” (art. 41) may be needed. If these measures prove “inadequate,” the Council “may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security” (art. 42).

While a sequence of responses is evident, there is no requirement that the Security Council begin with the first step and follow with the second. If the Security Council determines that the situation immediately requires the use of force outlined in article 42, it can invoke that provision without activating any of the previous provisions. Conversely, there is no requirement for Security Council action in any given situation if that body chooses not to act.

These four articles, 39 through 42, establish the basic process of response. The remaining articles in chapter VII deal with enabling mechanisms. Under article 43, member states agree to “make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities,... necessary for the purpose of maintaining international peace and security.” These agreements are to be negotiated and concluded with the Security Council. Article 47 establishes the military staff committee (MSC), a

committee comprising the chiefs of staff of the permanent representatives of the Security Council. The MSC is to “advise and assist” the Council in matters relating to the latter’s military requirements and to provide “strategic direction” of armed forces at its disposal.¹⁷

In contrast to the League covenant, with its emphasis on peaceful settlement, the UN charter stressed enforcement provisions, providing the “teeth” that had so clearly been lacking in the earlier organization. The Security Council’s ability to intervene in disputes and potential disputes is so wide-ranging as to be almost unlimited, and its decisions represent a binding obligation on all member states. To back up its decisionmaking, the Council is supposed to be provided with military forces. At first, it was thought the permanent members of the Council would work together, as they had during the war, to provide the bulk of the forces for UN military action. In recognition of this commitment and responsibility, the permanent members of the Council were given a veto over all nonprocedural matters.¹⁸

For the purposes of this monograph, the important element in the charter is the collective willingness to meet force and even the threat of force with force. While the League covenant contained this element in article XI, it lacked the formal mechanisms and the mandatory collective response that are part of the charter.

In 1954, Julius Stone, contemplating the powers of the Security Council, described the charter as an “aborted break with history.”¹⁹ He argued that these provisions were less viable than such “primitive” provisions as the right to self-defence.

History, as it were, took its own revenge.... A premature effort to break with the immediate past can rarely escape the compulsions of continuity... The greater the power which is prematurely given to an international organisation, the more severe will be the checks which the Member States impose by way of escape from the excessive powers thus granted.... The very ambition of the Charter, therefore, turned it into a twofaced instrument. One face looks nobly towards the beginnings of a super-State well beyond the League of Nations: the other looks grimly backwards to the anarchic self-help of the old world... Which was the real face? In 1953... all men see it as a commonplace that two systems of uncontrolled national power confront each other, each inside and outside the United Nations.... These opposed power systems still operate within and under the slogans of the United Nations Charter; but it is the anarchic face, not that of world order which is now most prominent.²⁰

Stone’s portrayal is accurate enough for the first years of the UN’s existence. As had the authors of the League covenant, the drafters of the charter created an organization that responded to problems that had led to a world war, but they failed to realize that the working relationship among the five permanent members, upon which everything depended, could not be taken for granted.

The most telling evidence of the degree to which east-west problems would hamper UN action occurred in the MSC. The provision of troops, as called for in article 43, was the device by which the UN was to avail itself of the enforcement powers it had been provided in the charter. As one of its first acts, the Council

asked the MSC to examine the requirements for establishing the military agreements stipulated in article 43. The MSC began meeting in February 1946 and almost instantly reached stalemate. After two and a half years and little progress, it ceased consideration of article 43 agreements, and for that matter of anything else. Almost from the outset, then, the security mechanisms that were meant to set the UN apart from the League of Nations were called into serious question.

The Creation and Evolution of Peacekeeping

With the exception of its enforcement operation in Korea, made possible only through the absence of the Soviet Union from Security Council proceedings when North Korea invaded South Korea in June 1950,²¹ UN activities in the peace and security field prior to 1956 were limited and small scale.²²

The Suez crisis of 1956 prompted the creation of a new kind of UN operation, peacekeeping. The direct involvement of two permanent members, Britain and France, in the crisis meant that the Security Council was unable to agree on any action and the issue passed over to the General Assembly for consideration. After intense debate, the Assembly adopted a resolution creating the United Nations Emergency Force (UNEF).²³ The mandate of the operation was to secure and supervise the cessation of hostilities, supervise the withdrawal of forces, and ensure compliance with other United Nations provisions. UNEF's core function was to interpose itself between the warring parties and provide a buffer. In so doing, UNEF facilitated a withdrawal of forces and negotiations on resolving the crisis.²⁴

The creation of UNEF established some basic criteria for peacekeeping missions. UNEF soldiers were authorized to use force only in self-defence and were, accordingly, lightly armed.²⁵ The goal being to separate the parties in conflict to allow for negotiation and peaceful settlement between them, no judgement about rights or wrongs in the conflict was required or desired. No permanent members of the Security Council were involved in the operation. All these factors contributed to a sense of impartiality, the only interest of the troops being that of carrying out the UN mandate. Finally, and most importantly, the operation was only possible because it had the consent of all of parties to the conflict.²⁶

Peacekeeping has no direct foundation in the provisions of the UN charter.²⁷ The concept falls somewhere between the peaceful dispute-resolution methods outlined in chapter VI and the enforcement measures of chapter VII, prompting Secretary-General Dag Hammarskjöld to call peacekeeping operations "chapter VI and a half." The success of UNEF opened the way for a resurgence of interest in exploiting the international peace and security functions of the UN. The potential for action remained limited since Security Council — and, therefore, superpower — agreement was necessary to authorize a mission. This meant that possible areas of action were limited to those in which the US and the Soviet

Union were willing to allow UN involvement. While UN peacekeeping was a long way from the collective-security activism envisaged by the charter drafters, it did provide an opening for some action rather than none at all. UNEF was followed by a gradual though steady stream of peacekeeping missions: between 1956 and 1978, the Security Council authorized ten such operations.²⁸

By the late 1980s, the ending of the Cold War brought a new willingness on the part of the US and the Soviet Union to work together on international peace and security issues, and to use the United Nations to that end. At the same time, the new relationship between the two superpowers meant that their interests in various regions changed and they were now willing to consider, and even encourage, UN involvement in the conflicts of those regions. These developments became self-reinforcing. US and Soviet support for using the UN made success possible in areas such as Namibia and Central America, where conflict resolution had been stuck in the stranglehold of Cold War politics for years. Those successes, in turn, encouraged a belief that the UN could and should be used more often and effectively. It seemed, finally, as if the UN had come into its own and would live up to the promise of the charter.²⁹

This renewed interest in using the UN brought about two major changes in peacekeeping. The first was a new willingness to authorize missions in conflicts that were primarily internal, such as in Angola and Cambodia. The wide latitude offered in the term international peace and security and the extent to which such conflicts were indeed connected to international security issues made it possible to assert that such conflicts were linked to international peace and security.

Second, there occurred an expansion of the functions involved in the mandates assigned to peacekeeping missions. For example, peacekeeping tasks moved beyond observation of cease-fires and separation of forces to the broader work involved in peace treaty implementation. This included such functions as election monitoring, facilitating the transfer of power in government changeovers, and disarmament of warring factions.³⁰

An Agenda for Peace and the Emergence of “Peace Enforcement”

Iraq's invasion and annexation of Kuwait in late 1990 prompted the UN's second experience with full-scale chapter VII enforcement operations. The UN response to the Iraqi aggression began with a series of Security Council resolutions, authorizing the imposition of sanctions and, ultimately, enforcement measures.³¹ Absent the chapter VII procedural mechanisms intended for such instances, the Security Council acted as it had done in Korea, authorizing a group of countries to carry out the enforcement action on its behalf. Unlike the Korean case, this time there would be no UN command and no flying of the UN flag. The operation, extensively covered by the international media, provided a very strong and

public symbol of the role of the UN in the post-Cold War world, giving further impetus to the budding post-Cold War enthusiasm for using the United Nations.

Flush with success in the Persian Gulf and optimistic about the possibilities held out by the post-Cold War era, the Security Council met at the level of heads of government for the first time in its history, in January 1992.³² One outcome of this meeting was a request from the Security Council that the new secretary-general, Boutros Boutros-Ghali, prepare a report on ways of enhancing the “capacity of the United Nations for preventive diplomacy, for peacemaking and for peacekeeping.”³³ What resulted later that year was a report, *An Agenda for Peace*, addressing the wide spectrum of peace and security action, and embracing preventive diplomacy, peacemaking, peacekeeping, and peacebuilding, terms defined by the secretary-general in the following manner:

Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur. Peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations. Peacekeeping is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned. ... Peacekeeping is a technique that expands the possibilities for both the prevention of the conflict and the making of peace.... Peacebuilding [is] action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.³⁴

With respect to the use of force, the secretary-general revisited some of the original ideas of the charter’s drafters, in particular recommending that the Security Council pursue negotiations with member states to develop article 43 agreements.

The ready availability of armed forces on call could serve, in itself, as a means of deterring breaches of the peace since a potential aggressor would know that the Council had at its disposal a means of response. Forces under [a]rticle 43 may perhaps never be sufficiently large or well enough equipped to deal with a threat from a major army equipped with sophisticated weapons. They would be useful, however, in meeting any threat posed by a military force of a lesser order.³⁵

This recommendation received little attention and the Security Council never pursued it. The recommendation that received the most attention was the secretary-general’s proposal for “peace-enforcement” units. Boutros-Ghali used the example of cease-fires that had been agreed but not complied with to propose that the Council consider using

peace-enforcement units in clearly defined circumstances and with their terms of reference specified in advance. Such units from Member States would be available on call and would consist of troops that have volunteered for such service. They would have to be more heavily armed than peacekeeping forces and would need to undergo extensive preparatory training within their national forces. Deployment and operation of such forces would be under the authorization of the Security Council

and would, as in the case of peacekeeping forces, be under the command of the Secretary-General. I consider such peace-enforcement units to be warranted as a provisional measure under Article 40 of the Charter.³⁶

In the initial responses to the proposal most of the attention focused on the idea of volunteer forces for the UN, reviving past proposals for the creation of a UN standing force or legion.³⁷ A few months later, the secretary-general published an article in *Foreign Affairs* in which he clarified the idea and redirected the focus from the creation of peace-enforcement “units” to the notion of “peace enforcement” itself, i.e., as a midpoint between peacekeeping and (full-scale) enforcement.

The purpose of peace-enforcement units (perhaps they should be called “cease-fire enforcement units”) would be to enable the United Nations to deploy troops quickly to enforce a ceasefire by taking coercive action against either party, or both, if they violate it.... [T]he concept goes beyond peacekeeping to the extent that the operation would be deployed without the express consent of the two parties.... UN troops would be authorized to use force to ensure respect for the cease-fire.³⁸

Further redefinition occurred in the secretary-general’s report on the work of the organization issued in September 1993. This reiterated and elaborated upon his earlier definition of peacekeeping (“hitherto with the consent of the parties”) and stated that “[t]he concept of peace enforcement ... involves peacekeeping activities which do not necessarily involve the consent of all the parties concerned. Peace enforcement is foreseen in Chapter VII of the Charter.”³⁹

The question of definitions remains open; not everyone agrees that there *is* a spectrum of responses available to the UN. For example, Charles Dobbie, author of the British Army’s field manual on UN operations, adopts a “consent is everything” approach to UN operations. He argues that there are two kinds of operations available to the Security Council, one in which consent is present — peacekeeping — and one in which it is not — enforcement. There is and can be no middle ground between the two.⁴⁰ By contrast, Don Daniel and Bradd Hayes argue that there certainly is a middle ground between peacekeeping and enforcement, and they suggest the term “inducement” be used to capture that position. They define inducement as “a process of persuading, bringing about or causing” where the role of the mission is “to convince all concerned to assent, even if only grudgingly, without conducting widespread and sustained combat operations against anyone.”⁴¹

These are but two examples, introduced to make the point that “peace enforcement” can be and is a contested concept. The definitional debate has largely been associated with military and academic efforts to develop an operational doctrine for those UN operations falling between peacekeeping and full-scale enforcement; it has also been linked to proposals for reforming and enhancing the UN, so as to permit it to carry out more effectively such operations.⁴²

In its consideration of the secretary-general’s recommendations, the Security Council focused its attention on strengthening and developing the peacekeeping

concept and eschewed any direct approval of peace-enforcement units or the concept of peace enforcement. This apparent conservatism was in contrast to the enthusiasm manifested at the Security Council, in favour of new and creative ways to utilize the UN. Although the Council failed to endorse formally the peace enforcement idea, its authorization of the operations in Somalia and Bosnia very quickly put the emerging concept to a very practical test.

It is this experience, the use of force to compel mandate compliance in situations falling between peacekeeping and full-scale enforcement, that I examine in cases of UN operations in the Congo, Somalia, and Bosnia.

Notes

1. Good background is provided in Ian Brownlie, *International Law and the Use of Force by States* (Oxford: Clarendon Press, 1963); Albert E. Hindmarsh, *Force in Peace: Force Short of War in International Relations* (Cambridge: Harvard University Press, 1933); and Julius Stone, *Legal Controls of International Conflict* (London: Stevens & Sons, 1959). Also see Stefan T. Possony, "Peace Enforcement," *Yale Law Journal* 55 (1946): 910-49; and Gerald Fitzmaurice, "The Foundations of the Authority of International Law and the Problem of Enforcement," *Modern Law Review* 19 (January 1956): 1-13. Finally, for an in-depth legal view see, Myres S. McDougal and Florentino P. Feliciano, "Legal Regulation of Resort to International Coercion: Aggression and Self-Defense in Policy Perspective," *Yale Law Journal* 68 (May 1959): 1057-1165.
2. The conferences of 1899 and 1907 resulted, inter alia, in the Convention on the Peaceful Settlement of International Disputes, 1907.
3. The basic idea was "that if resort to war can only be postponed and the facts clarified and published, war will probably be averted altogether." James L. Brierly, *The Law of Nations* (Oxford: Oxford University Press, 1963), p. 374.
4. For background on the British views see, Henry R. Winkler, *The League of Nations Movement in Great Britain 1914-1919* (New Brunswick, NJ: Rutgers University Press, 1952). For the US position, see Ray Stannard Baker, *Woodrow Wilson and World Settlement* (New York: Doubleday, 1922); and Thomas J. Knock, *To End All Wars* (New York: Oxford University Press, 1992). An organization aimed at the prevention of war had been widely debated while World War I was raging. For a good overview of that debate, see Lord Phillimore, "Recent Schemes of Federation," appended to The Committee on the League of Nations, *Final Report*, 3 July 1918.
5. See Florence Wilson, *The Origins of the League Covenant* (London: Hogarth Press, 1928); David H. Miller, *The Drafting of the Covenant* (New York: G.P. Putnam, 1928); and Emile J. Dillon, *The Inside Story of the Peace Conference* (New York: Harper & Brothers, 1920).
6. Hindmarsh, *Force in Peace*, p. 126. Also see Julius Stone, *Aggression and World Order* (London: Stevens & Sons, 1958), pp. 38-40.

7. See Sally Marks, *The Illusion of Peace, International Relations in Europe 1918-1933* (London: Macmillan, 1976); and E.H. Carr, *International Relations between the Two World Wars 1919-1939* (New York: St. Martin's Press, 1967). For a general history see, George Scott, *The Rise and Fall of the League of Nations* (London: Hutchinson, 1973).
8. For an overview of the crisis see, Francis P. Walters, *A History of the League of Nations* (London: Oxford University Press, 1952), 1: 311-15.
9. Marks, *Illusion of Peace*, p. 75.
10. Quincy Wright, "The Manchurian Crisis," in *From Collective Security to Preventive Diplomacy*, ed. Joel Larus (New York: John Wiley & Sons, 1965), pp. 91-108.
11. Walters, *History of the League of Nations*, 2: 499.
12. Writing at the time, Sir Alfred Zimmern explained the two reasons why preventive measures against Italy were impractical. "First, because of the risks to which the individual Powers taking part in these measures would have exposed themselves at the hands of an aggrieved Great Power..... The second general reason ... was that Italy, being a Great Power, would have been exasperated rather than restrained by their adoption. She would have considered them a blow to her prestige. Great Powers may be negotiated with; they may be privately warned; they may even be subjected to pressures of various kinds behind the scenes; but they must not be coerced or intimidated in public." Sir Alfred Zimmern, "The Testing of the League," *Foreign Affairs* 14 (April 1936): 373-86.
13. Quoted in Brownlie, *International Law and the Use of Force*, p. 59.
14. The best history of the development of the UN charter is found in Ruth B. Russell, *A History of the United Nations Charter* (Washington: Brookings Institution, 1958). Also see Robert C. Hilderbrand, *Dumbarton Oaks: The Origins of the United Nations and the Search for Postwar Security* (Chapel Hill: University of North Carolina Press, 1990); and Leland Goodrich, Edvard Hambro, and Anne P. Simons, *Charter of the United Nations* (New York: Columbia University Press, 1969).
15. But for an argument challenging the claim that the UN charter represents an improvement upon the League, cf. Edward Borchard, "The Impracticability of 'Enforcing' Peace," *Yale Law Journal* 55 (1946): 966-73.
16. Under article 25, member states "agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."
17. For more on the MSC, see my "Prometheus Unborn: The History of the Military Staff Committee," *Aurora Papers* 19 (Ottawa: Canadian Centre for Global Security, 1993).
18. "Decisions of the Security Council on all other matters [than procedure] shall be made by an affirmative vote of nine members including the concurring votes of the permanent members" (art. 27[3]). During the negotiations on the charter some states attempted to eliminate this veto provision, but the permanent members would not agree to the broad security commitments of the charter without it. A good analysis of the international peace and security powers of each of the UN organs, combined with case studies, is contained in Nigel D. White, *The United Nations and the Maintenance of International Peace and Security* (Manchester: Manchester University

- Press, 1990). On the issue of the veto and its relationship to the international peace and security provisions of the charter, see Inis Claude, "The Blueprint," *International Conciliation*, no. 532 (March 1961), pp. 325-55. Claude writes that the charter "provides for the organization of collective force to frustrate aggression whenever the great powers are unanimously disposed to support such action; but it does not purport to create an enforcement mechanism capable of being used to control great powers or states backed by great powers." P. 331. Also see Idem, "United Nations Use of Military Force," *Journal of Conflict Resolution* 7 (June 1963).
19. Stone, *Legal Controls of International Conflict*, p. 279.
 20. Ibid., pp. 279-81.
 21. The UN Commission on Korea was in the border area when hostilities broke out. This meant that the news came from a reliable source and was communicated almost immediately to the Secretary-General and the Security Council. This, in turn, facilitated a quick emergency meeting of the latter. The Soviet Union was not attending council sessions at that time, in protest over the issue of Chinese representation. Its absence meant that the initial resolutions providing for UN action in Korea could pass without a veto. An excellent overview of the operation is provided in Rosalyn Higgins, *United Nations Peacekeeping 1946-1967: Documents and Commentary*, vol. 2: *Asia* (London: Oxford University Press, 1970), pp. 153-312.
 22. Between 1945 and 1956, the UN undertook three observer missions: the UN Special Committee on the Balkans, from 1947 to 1951; the UN Truce Supervision Organization, from 1948 to the present; and the UN Military Observer Group in India and Pakistan, from 1949 to the present. Although these operations predate peacekeeping as we now know it, they are generally included in lists of UN peacekeeping operations.
 23. General Assembly Resolution 1001, 7 November 1956.
 24. For a description of the experience, see *The Blue Helmets: A Review of United Nations Peace-keeping* (New York: United Nations, 1990), pp. 43-78. For a comprehensive first-hand view see, E. L. M. Burns, *Between Arab and Israeli* (Toronto: Clarke, Irwin, 1962).
 25. For more on this issue, see, Kjell Goldmann, *Peace-Keeping and Self Defence*, Monograph no. 7 (Paris: International Information Center on Peace-keeping Operations, March 1968).
 26. See the Secretary-General's analysis of the UNEF experience and the principles developed, "Summary Study of the Experience Derived from the Establishment and Operation of the Force: Report of the Secretary-General," A/3943, 9 October 1958. Also see, Brian Urquhart, *Hamarskjöld* (New York: Norton, 1994), pp. 132-230.
 27. But for the claim that the basis for these operations is clearly found in article 1(1), which provides for "collective measures" to maintain international peace and security, cf. John W. Halderman, "Legal Basis for United Nations Armed Forces," *American Journal of International Law* 56 (1962): 971-96.
 28. See *Blue Helmets*, for descriptions. Good overviews can be found in William J. Durch, ed., *The Evolution of UN Peacekeeping* (New York: St. Martin's, 1993). Also of use are Derek W. Bowett, *United Nations Forces* (London: Stevens & Sons, 1964);

- Finn Seyersted, *United Nations Forces in the Law of Peace and War* (The Hague: A. W. Sijthoff-Leyden, 1966); and Indar J. Rikhye, *The Theory and Practice of Peace-keeping* (London: C. Hurst, 1984). For an excellent reflection of the nature of international debate on the role of the UN midway through the Cold War, see Alan James, *The Role of Force in International Order and United Nations Peace-keeping*, Report of a Conference at Ditchley Park, 16-19 May 1969, The Ditchley Foundation, 1969.
29. Secretary-General Javier Pérez de Cuéllar oversaw the changes at the UN that came with the end of the Cold War. In his final report he wrote: “New vistas are opening for States to work together in a manner they did not do before. The earlier posture of aloofness and reserve towards the Organization has been replaced by more ardent participation in its endeavours. An era of law and justice may not be around the corner but the United Nations has defined the direction. If dynamic efforts are made, obstacles in the way may no longer prove insuperable. Today there are far more solid grounds for hope than there are reasons for frustration and fear.” “Report of the Secretary-General on the work of the Organization, 1991,” in Javier Pérez de Cuéllar, *Anarchy or Order, Annual Reports, 1982-1991* (New York: United Nations, 1991), p. 362. Good analysis reflecting the mood of the time is also found in Oscar Schacter, “Authorized Uses of Force by the United Nations and Regional Organizations,” in *Law and Force in the New International Order*, ed. Lori Fisler Damrosch and David J. Scheffer (Boulder: Westview, 1991), pp. 65-93.
 30. Excellent discussions on these changes are found in Adam Roberts, “The Crisis in UN Peacekeeping,” *Survival* 36 (Autumn 1994): 93-120, and Marrack Goulding, “The Evolution of United Nations Peace-keeping,” *International Affairs* 69 (1993): 451-64.
 31. See Ian Johnstone, *Aftermath of the Gulf War: An Assessment of UN Action*, Occasional Paper Series (New York: International Peace Academy, 1994), and Erskine B. Childers, “Gulf Crisis Lessons for the United Nations,” *Bulletin of Peace Proposals* 23 (1992): 129-38.
 32. S/PV.3046, 31 January 1992. The transcript of the meeting provides a good sense the expectations and hopes being placed on the UN at that time. Britain’s prime minister, John Major, chaired the meeting, and stated that “[t]he world now has the best chance for peace, security and development since the founding of the United Nations. I hope, like the founders of the United Nations themselves, that we can today renew the resolve enshrined in the Charter — the resolve to combine our efforts to accomplish the aims of the Charter in the interests of all the people we are privileged to represent.”
 33. S/23500, 31 January 1992.
 34. Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1992), para. 20. The definition of peacekeeping as involving “hitherto” the consent of the parties created a stir. According to James Sutterlin, who was involved in the drafting of *An Agenda for Peace*, the word was apparently added to take account of the preventive deployment operation in Macedonia, which occurred without the consent of local Serbs. See Don Daniel and Bradd Hayes, “Securing Observance of UN Mandates through the Employment of Military Force,” *International Peacekeeping* 3 (Winter 1996): 107. The controversial word was removed from later definitions.

35. *Agenda for Peace*, para. 43.
36. *Ibid.*, para. 44. The placement of this proposal in the section on peacemaking (which he defines as bringing hostile parties to agreement by peaceful means) contributed to a general misunderstanding of the concept.
37. For analyses of the proposal, see David Cox, *Exploring An Agenda for Peace: Issues Arising from the Report of the Secretary-General*, Aurora Papers 20 (Ottawa: Canadian Centre for Global Security, 1993), pp. 29-36; and Brian Urquhart, "For a UN Volunteer Military Force," *New York Review of Books*, 10 June 1993, pp. 3-4. For an example of the debate this generated in the international law literature, see Andrew S. Miller, "Universal Soldiers: U.N. Standing Armies and the Legal Alternatives," *Georgetown Law Journal* 81 (March 1993): 773-828.
38. Boutros Boutros-Ghali, "Empowering the UN," *Foreign Affairs* 71 (Winter 1992-93): 93.
39. Boutros Boutros-Ghali, *Report on the Work of the Organization from the Forty-seventh to the Forty-eighth Session of the General Assembly* (New York: United Nations, September 1993), para. 278.
40. Charles Dobbie, "A Concept for Post-Cold War Peacekeeping," *Survival* 36 (Autumn 1994): 121-48.
41. Daniel and Hayes, "Securing Observance of UN Mandates," p. 108.
42. Also see John Gerard Ruggie, "The UN and Collective Use of Force: Whither or Whether?" *International Peacekeeping* 3 (Winter 1996): 1-20; Roberts, "Crisis in UN Peacekeeping"; John Mackinlay and Jarat Chopra, *A Draft Concept of Second General Multinational Operations* (Providence: Brown University, 1993); and Elgin Clemons, "No Peace to Keep: Six and Three-Quarters Peacekeepers," *New York University Journal of International Law and Politics* 26 (Fall 1993): 107-41.

3. *The Congo*

Introduction

The Congo gained independence from Belgium on 30 June 1960 and almost immediately plunged into a state of conflict and disarray. It is a vast country, covering territory about the size of western Europe and including a wide variety of distinct geographic regions. Within that area is a complex and often divisive web of tribal structures.

As a colonial power, Belgium had undertaken a strong and extensive education program, making Congo the most literate country in Africa. Yet, this policy extended only to early education; schooling beyond the primary level was not encouraged, resulting in the irony of the colony's being the most literate country in Africa yet unable to boast, by 1960, of more than a dozen or so university graduates.¹ Similarly, Brussels did not encourage the involvement of locals in government or the civil service. The country was administered exclusively by Belgians: all of the top administrative cadres were Belgian, as was the officer corps of the armed forces.

Belgium had been slow to plan for its colony's independence, only beginning to consider the prospect in the late 1950s, and even then anticipating it would be a long and methodical process. That planning horizon was dramatically constricted when, in 1959, pressures from inside and outside the Congo forced Brussels to move more quickly. The degree of decolonization elsewhere in Africa at the time was beginning to have an effect in the Congo, where people began to agitate for the kind of freedom from their colonizers that others in the continent were attaining. In January 1959, significant anti-government rioting took place for the first time in the colony's history, in Leopoldville, at a moment when negative decolonization experiences of a neighbouring European country, i.e., France in Algeria, were weighing on the minds of Belgian leaders.

In January 1960, a four-year transitional plan outlined by Belgian authorities was rejected by Congolese representatives, who demanded immediate independence. In response, Brussels, apparently anticipating that its role in the country would be little changed, but also feeling pressured by mounting unrest in the Congo, announced that independence would be granted on 30 June. One author notes that “this decision was regarded by close observers as an act of panic, if not of irresponsibility.”²

It was, in retrospect, a recipe for disaster: a colonial administration unaware and unprepared for the strength and fervour of the independence movement and a colonial people unaware of and unprepared for the responsibilities and implications of government. Added to the mix was ethnic diversity of the population, comprising of a number of tribal groups with a lengthy tradition of conflict. Independence was achieved on 30 June 1960, and almost instantly the internal stability of the Congo began to deteriorate. On 2 July, tribal clashes began in the Leopoldville and Luluabourg areas. Three days later, soldiers in Leopoldville and Thysville mutinied against their Belgian officers. The resulting disorder spread to other areas and included attacks on Europeans. Belgian citizens began to panic and flee the country in large numbers. Only marginally in control of the situation, the Congo government was now also losing the core of its administrative capabilities. Over the next few days conditions became worse, with panic and violence spreading throughout the country.

A treaty of friendship, signed by Belgium and Congo at independence, provided for Belgium to continue to station troops at two bases (Kitona and Kamina) until agreements could be made for Congo to take over the bases. On 9 July, military reinforcements arrived at the bases from Belgium, an action considered by the Congo government to be a violation of the treaty. The following day, against the wishes of the Congo government, Belgium began using the troops stationed at the two bases to intervene in the Congo to restore order and protect its citizens. On 11 July, Moïse Tshombe, the head of the provincial government of Katanga, by far the richest and most economically developed province and the one with the strongest ties to Belgium, declared independence from the Congo.³

The Request for Assistance

It was in this context that Joseph Kasavubu, president of the Congo, and his prime minister, Patrice Lumumba, made a joint appeal to the United Nations for assistance, in a cable of 12 July to the UN secretary-general, Dag Hammarskjöld. Citing the arrival of “metropolitan Belgian troops in violation of the treaty of friendship,” the Congolese leaders requested the “urgent dispatch by the United Nations of military assistance.” They went on to accuse Brussels of having “carefully prepared the secession of the Katanga with a view to maintaining a hold on our

country,” and stated that the purpose of their appeal for military aid is “to protect the national territory of the Congo against the present external aggression which is a threat to international peace.”⁴

The cable itself was not a surprise to the secretary-general but its contents were. Ralph Bunche was in the Congo to represent the United Nations at the independence ceremonies and to discuss forms of technical assistance the UN might be able to extend the new country to aid its transition. On 10 July, after meeting with Congolese cabinet ministers, Bunche informed the secretary-general that the government would be requesting military technical assistance with a view to restoring internal order. The phrasing of the cable, however, with its emphasis on international peace and external aggression, took the request out of the realm of technical assistance and into the Security Council’s bailiwick, of peace and security.

Other signals were also being sent. A request for help had gone from the Congo government to the United States, which referred it to the UN. And, in a second cable to Hammarskjöld, Kasavubu and Lumumba indicated that if UN help were not forthcoming, from the UN they would be forced to turn to the Bandung Treaty powers.⁵ This was quickly followed by a cable to Moscow, asking the Soviet leader, Nikita Khrushchev, to follow the situation “hour by hour.”⁶

The secretary-general, facing a prospect of outside powers filling the Congolese vacuum if the UN did not, invoked article 99 of the charter, calling for a Security Council meeting to discuss the issue.⁷ This was the first time article 99 had been invoked, and in so acting, Hammarskjöld set in motion the UN involvement in the Congo. That involvement took the form of an operation that remained, until the 1990s, the largest ever UN operation. It was also an involvement that prompted a crisis so deep and an experience so devastating for the world organization that once ONUC had officially ended the UN did its best not only to put the experience behind it, but to forget it altogether.

The Peacekeeping Mandate: Resolutions 143, 145, and 146

The Security Council met on the evening of 13 July and debated well into the night. Discussion did not focus on whether something should be done; that much was agreed. Instead, deliberations mainly concerned whether Belgium was an aggressor and should be so named in the resolution, and whether a specific timetable for its withdrawal should be included.⁸ In the end, neither of these issues was addressed in the resolution. Resolution 143, based on a text proposed by the Tunisian representative, was passed in the early morning hours of 14 July with eight votes in favour, none against, and three abstentions (from Britain, China, and France). The resolution called on Belgium to withdraw its troops and authorized the secretary-general to “take the necessary steps, in consultation with the

Government of the Republic of Congo, to provide the Government with such military assistance as may be necessary” for an interim period until the Congo national security forces were able to manage things themselves.

By refraining from any mention of Belgium as an aggressor or as having threatened international peace and security, the Security Council avoided having directly to invoke chapter VII of the charter. Indeed, the resolution made no specific mention of the charter and was deliberately general in its provisions. No timetable for Belgian withdrawal was set, and the UN response was couched in the ambiguous form of “military assistance as may be necessary.”

The general terms of the resolution aided its passage, but other factors also contributed. The proposed text was provided by an African state, Tunisia, thus making any negative vote a doubly powerful political statement. In addition, there was agreement that something needed to be done and that Belgian intervention was aggravating the situation. The Congo had escaped Cold War politics up to that time, and both Washington and Moscow saw an advantage in UN intervention to stabilize conditions in the near term, if only as a way of preventing their rival’s intervention, or of buying time until they could themselves get involved.

An advance unit of UN troops from Tunisia was on the ground by the next day, followed quickly by contributing troops from other nations. Major General Carl von Horn, a Swedish commander who had been serving with the UN operation in Lebanon, was appointed by the secretary-general to head ONUC.⁹ In spite of the speed of the UN response, the situation on the ground continued to worsen. The Belgian intervention had occurred with such force and rapidity that many Congolese saw it as an outright invasion. Members of the new country’s armed forces and its public responded by harassing and in some cases raping and killing Belgian and other European citizens, further exacerbating internal tensions and panic.

The situation in the breakaway province of Katanga was equally chaotic. Tshombe, having declared independence, was totally opposed to any UN presence in Katanga, arguing that the province was not part of the Congo and, therefore, not subject to the UN resolution. After initially declining to support Katangese independence, Brussels changed tack and provided military and administrative support, even though it refrained from giving the province formal recognition.

As if this were not enough, the very broad nature of the mandate served to complicate the situation on the ground for the UN forces, contributing to infighting between those running the operation.¹⁰ To deal with these problems, Hammarskjöld brought the issue back to the Security Council, for further debate.

On 22 July, the Council passed unanimously a second resolution, clarifying and adding to the earlier one. Resolution 145 noted that restoring law and order in the Congo “would effectively contribute to the maintenance of international peace and security,” and emphasized that the country had gained membership in the United Nations “as a unit.” It called upon Belgium to withdraw its troops “speedily,” and authorized the secretary-general to take “all necessary action to this effect.”

Resolution 145 did not change the nature of the mandate, but it did give the secretary-general specific responsibility for ensuring the quick withdrawal of Belgian troops. It also emphasized the restoration of law and order, linking it to international peace and security, while emphasizing the importance of the Congo's remaining intact, thereby sending a signal about Katangan secession without specifically mentioning it.

The Secession of Katanga

Much of the mandate was soon fulfilled. By the beginning of August, Belgium had withdrawn its troops everywhere except from Katanga, and law and order had been restored elsewhere in the country. As problems were resolved in these areas, however, they seemed to grow in Katanga. Tshombe steadfastly refused to allow UN troops to enter the province, from which Brussels was unwilling to withdraw its own troops, arguing that withdrawal would prompt an exodus of European nationals. Thus a "Catch-22" existed, whereby UN troops were barred from entering Katanga and Belgian troops would not leave it until such time as UN troops had entered.

The secretary-general was himself in the Congo at this time, seeking to facilitate the quick entry of ONUC troops into Katanga and the consequent withdrawal of Belgian forces. To this end, he sent Ralph Bunche, now acting as his special representative, to the breakaway province, to try to negotiate the UN entry with Belgian and Katangese authorities. Bunche left for Elisabethville, the capital of Katanga, on 4 August. Hammarskjöld's plans were, after receiving the go-ahead from Bunche, to send ONUC troops in to Katanga on 6 August. Bunche's initial meetings, however, led him to report that the situation in Katanga was such that the entry of ONUC troops would be met with violence, and therefore would necessitate the use of force.¹¹

Throughout this period Hammarskjöld was under heavy pressure from the Congolese and other governments (especially the Soviet Union's) to do just that — use force — to fulfil the mandate. Hammarskjöld did not believe that the existing Security Council mandate allowed him that choice. Faced with Bunche's insistence that a peaceful ONUC entry was impossible, the secretary-general returned to the Security Council for a new mandate. He told the Council that the opposition within Katanga "would require military initiative from the United Nations Force to which I would not be entitled to resort short of a formal authorization of the Council."¹²

Resolution 146 was passed by the Security Council on 9 August by nine votes in favour, none against, and two abstentions (France and Italy). As had resolution 145, this resolution did not change the nature of the mandate; rather, it made explicit aspects of the mandate previously thought to be implicit, thereby sending

a signal of strong Security Council resolve with respect to implementation, although stopping short of any authorization to use force. In particular, the resolution called upon Belgium to “withdraw immediately” from Katanga and declared that entry of UN forces to Katanga was “necessary for the full implementation of this resolution.” Paragraph 4 of the resolution reaffirmed, however, that UN soldiers would not be “a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise.”

The resolution initially had the desired effect and three days later, on 12 August, Hammarskjöld led the first UN unit into Katanga. The success was relative and short-lived. Having allowed this deployment, Tshombe promptly ceased all further cooperation with the UN.

Notwithstanding the latest Security Council resolution, Prime Minister Lumumba and the secretary-general entered into a protracted, sometimes personal, struggle over the interpretation of the mandate, in particular over the extent to which the UN was authorized to use force in respect of with Katanga. A Security Council meeting on 21 August confirmed Hammarskjöld’s interpretation of the mandate, although there ensued no new resolution.¹³ Lumumba, frustrated by the UN’s unwillingness to order ONUC to take Katanga by force, dispatched his own troops to Luluabourg and began an attack on Katanga on 26 August.¹⁴

The Collapse of the Congolese Government

On 5 September 1960, President Kasavubu dismissed Lumumba as prime minister. The latter promptly announced that it was he who was dismissing the president. The resulting power struggle created a constitutional crisis, and deprived the Congo of any effective government. It also triggered a wider scramble for power.¹⁵ The UN now found itself inside a country with no recognizable government, which was moreover in the midst of civil war, yet possessed of a mandate that specifically prevented it from becoming involved in internal politics!

Ironically, up to this moment the UN operation had, with the significant exception of Katanga, nearly succeeded in obtaining the withdrawal of Belgian troops and had appeared to have stabilized the internal situation. The scope of the ONUC mandate vis-à-vis Katanga continued to generate considerable debate. On 20 September 1960, an emergency session of the General Assembly resulted in a resolution being adopted that reaffirmed the secretary-general’s interpretation of the mandate.¹⁶ The Soviet Union, thwarted at the Security Council in its attempt to get the UN to take stronger action and now effectively defeated in the General Assembly, turned its fury on the secretary-general and his office, beginning a long-term campaign against Hammarskjöld and ONUC.¹⁷

On 27 November, Lumumba left Leopoldville for Stanleyville, apparently with the intent of trying to establish a rival regime based there. Until that date, he had

been under UN protection at his home in the former city, although he was free to come and go as he pleased. Sometime within the next few days, while en route to Stanleyville, Lumumba was arrested by the army. On 17 January 1961 he was transferred to Elisabethville, in Katanga.

Lumumba's arrest generated strong reactions at the UN. Many states, including but not exclusively those states that had been advocating a more forceful UN involvement, believed that ONUC should have intervened, if not to prevent Lumumba's arrest then to retrieve him from army officials after the arrest.¹⁸ At the time of the collapse of the government on 5 September, the UN had closed down radio stations, as well as the airport, in order to maintain law and order. This action was widely believed to have worked to Lumumba's disadvantage, preventing him from travelling or using the radio to rally supporters. If the UN acted in September, the argument went, then there was no reason for it *not* to act now.¹⁹ There was a growing sense that the secretary-general's policy of strict noninterference in internal affairs constituted *de facto* interference. The reaction to ONUC's inaction was so strong that a number of states withdrew their national contingents, seriously weakening the operation militarily and politically.²⁰

On 13 February 1961, the Katangan government announced that Lumumba and two men who were arrested with him had been killed while trying to escape. Lumumba's death changed the political equation entirely, creating a new resolve for action. After a lengthy and intense debate, on 21 February the Security Council passed resolution 161, authorizing the use of force in order to prevent civil war.

Resolution 161 contained two sections. One dealt specifically with the civil war, and created a commission of inquiry into Lumumba's death. The other concerned the recall of parliament and measures relating to the Congolese armed forces. In recognition of a growing problem associated with foreign military personnel technically not under the control of any country (i.e., mercenaries), the Council urged the immediate withdrawal of all Belgian and "other foreign military and para-military personnel and political advisers." It also enjoined the UN to take immediately "all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort."

This marked a very distinct change in the Security Council's attitude to mandate implementation. The use of force was, however, directed strictly toward the goal of avoiding a civil war and not toward the achievement of a specified political settlement. In the Council debate, the American representative stated that although there had been authorization to use force, it was limited by the charter, which prohibited intervention in internal affairs.²¹ Similarly, the British representative expressed the view that "force will only be used by the United Nations to prevent a clash between hostile Congolese troops. There can be no question of empowering the United Nations to use its forces to impose a political settlement."²²

There would be no further Security Council actions on the Congo until November 1961. In the meantime, events in the country took dramatic and unprecedented turns, which profoundly shook the UN. During these several months of 1961, ONUC became involved in a series of military skirmishes as well as in two major military operations. On 17 September, Hammarskjöld was killed in a plane crash while en route from the Congo to Ndola.

On 24 November the Security Council passed resolution 169, containing the strongest and most detailed language to date. Previous resolutions had called for the withdrawal of Belgian and other foreign military personnel. This time the Council specifically authorized ONUC to use force in apprehending and deporting foreign mercenaries. It called upon the secretary-general to take energetic steps, "including the use of the requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries..."

This was the final substantive Security Council resolution appertaining to the situation in the Congo. The operation ended in 1964.

Objectives and Rules of Engagement: An Assessment

The basic objectives of ONUC remained the same from the first resolution through the fifth. Each added to or elaborated upon the initial mandate, but none fundamentally changed the goals of the operation. The overall purpose of UN action remained the furtherance of two basic objectives outlined in the first resolution: the withdrawal of Belgian military personnel, and the provision of military assistance in order to ensure internal stability.²³ Both objectives were considered important for the maintenance of international peace and security: the first because Belgian actions represented outside violation of the sovereignty of an independent country, albeit a very newly independent one; the second because internal instability was such that it exposed the Congo to manipulation by other countries, especially the United States and the Soviet Union.

The methods prescribed to achieve these objectives did change, however, in response to constraints and a lack of cooperation within the Congo. Subsequent resolutions clarified or emphasized each objective and outlined the means necessary to pursue it. For example, the first resolution simply called for Belgian withdrawal. The second emphasized the need for a "speedy" withdrawal, and the third demanded "immediate" withdrawal. The fourth resolution added other foreign military, paramilitary and political advisers to the list of those who should be withdrawn, while the fifth provided for the use of force in detaining and deporting them.

With respect to restoring internal stability, the first resolution called on the UN to provide necessary military assistance until the national security forces of the

Congo were able to do so themselves. The second linked the maintenance of law and order to international peace and security and emphasized that the Congo had to be treated as a whole. The third went beyond that to specify that ONUC must enter the province of Katanga. In the fourth resolution, the Security Council authorized the use of force, as a last resort, to prevent civil war, and in its fifth resolution called for an end to Katangan secession and dismissed out of hand the claim that Katanga was a “sovereign independent nation.”

The first resolution authorizing UN action in the Congo, resolution 143, made no mention of the charter, nor did it use the term “international peace and security”; resolution 145 contained the first mention of that term. It was not until the third resolution, resolution 146, that specific charter articles were cited. In it, the Council invoked articles 25 and 49 to call upon member states to carry out and support the resolutions.²⁴ Addressing the Security Council before the passage of resolution 146, the secretary-general mentioned those two articles and then elaborated.

However, I want to go one step further and quote also Article 40 of the Charter, which speaks about actions taken by the Security Council in protection of peace and security, first of all, by certain so-called “provisional measures”... Please permit me here to remind you also of Article 41: “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions”... The resolutions of the Security Council of 14 July and 22 July were not explicitly adopted under Chapter VII, but they were passed on the basis of an initiative under Article 99. For that reason I have felt entitled to quote three articles under Chapter VII, and I repeat what I have already said in this respect ... the problem facing the Congo is one of peace or war — and not only in the Congo.²⁵

As it was the first time the UN authorized force in this way, a considerable academic and legal debate ensued over whether ONUC, because it was based on chapter VII, could qualify as an “enforcement” operation and, therefore, should have necessitated invoking article 42 of the charter, providing for members to take action by sea, air, and land to restore international peace and security.²⁶ The issue related directly to the question of noninterference, since enforcement as envisioned in article 42 overrides the protection of domestic jurisdiction provided for in article 2(7).²⁷ But the Security Council resolutions clearly avoided using language or references that could invoke article 42-type enforcement. The secretary-general was consistently and repeatedly clear in his view was that the mandates, even those including specific references to the use of force, did not involve a shift to enforcement — with an accompanying shift from noninterference to involvement in internal affairs.

This was reflected in his position on the rules of engagement. When Hammarskjöld first brought the Congo question before the Council, he told members that he believed that the principles established in the United Nations Emergency Force (UNEF) in the Suez could and should be applied to the proposed operation in the Congo.²⁸ Shortly after the first resolution was passed, the

secretary-general outlined these principles in detail, for the benefit of the Security Council:

- UN forces would be under the exclusive command of the secretary-general;
- the operation would not interfere in the internal affairs of the Congo or become involved in internal conflicts;
- UN forces were to have freedom of movement throughout the country;
- force would only be used in self-defence, and was not to be initiated by UN troops;
- national units in the UN force would only take orders from the UN command, not from their governments.²⁹

In his first report to the Security Council the secretary-general quoted directly from his report on UNEF, stating that the self-defence principle meant that UN soldiers were not to take the initiative in employing armed force, but were entitled to “respond with force to an attack with arms including attempts to use force to make them withdraw from positions which they occupy under orders from the commander acting under the authority of the Security Council and within the scope of its resolution.”³⁰

Events on the ground made it apparent that defining self-defence in such a limited fashion was risking and costing lives in the field. The September Security Council resolution opened the way for a more inclusive definition of self-defence and, therefore, broader rules of engagement, although the prohibition on the initiation of force remained. The new rules of engagement allowed for the use of force: a) if attempts were being made to force UN troops to withdraw from a position already held; b) if attempts were being made to disarm them; c) if attempts were being made to prevent them from carrying out orders given to them by their commanding officers; and d) if attempts were being made to violate UN installations or to arrest or abduct UN personnel.³¹

This approach was little changed after the February 1961 resolution authorizing the use of force as a last resort to prevent civil war. In the Security Council debate over that resolution, the US representative indicated that Washington would accept the clause on use of force, but said that “[c]learly, this resolution means that force cannot be used until agreement has been sought by negotiations, conciliation and all other peaceful means.”³² Britain’s representative expressed similar reservations, noting that “the interpretation which my delegation puts upon the words ... is that force will only be used by the United Nations to prevent a clash between hostile Congolese troops.”³³

General Indarjit Rikhye, at the time Hammarskjöld’s military advisor, prepared an analysis of the implications of the February resolution for the Congo advisory committee. There were, he said, two options for proceeding with mandate implementation. The first involved maintaining the current approach “in which force was used only in self-defence and as a last resort when all other means had failed.” The second involved using military initiative. Since the troop strength of

ONUC had been severely depleted subsequent to Lumumba's arrest in December, and given the unlikelihood of a buildup in troop levels required to consider taking the initiative, Rikyhe proceeded on the assumption that the first option would continue to serve as the basis for implementation. "I presumed that all further UN military action would follow political negotiation and mediation, as the earlier statements of many of the members of the committee had envisaged."³⁴

After Operation Rumpunch, in which the UN moved to round up mercenaries in Katanga (see below), ONUC officials proposed a further set of actions implying the prospect of force being used. This raised again the question of mandate interpretation. In response, Hammarskjöld reiterated his view of the overall guidelines for the operation in detail.

1. The mandate of the UN for the protection of law and order authorized it to deploy troops to protect civilians when they were threatened by tribal war or violence.
2. Paragraph A-1 of the Security Council's resolution of 21 February also authorized preventive action by the UN to deal with incitement to or preparation of civil war.
3. The right of UN troops to use force in self-defen[c]e covered attempts to overrun or displace UN positions. It also covered attempts to injure or abduct UN personnel.
4. The act of self-defen[c]e against attack could include disarming and, if necessary, the detention of those preparing to attack UN troops.
5. Incitement to or preparation for violence, including troop movements and confirmed reports of an impending attack, would warrant protective action by UN troops, but criticism of the UN, however pungently expressed, or peaceful demonstrations against the UN, could not be held to justify protective action.
6. The maintenance of law and order or the prevention of civil war might justify, in certain circumstances, the closing of radio stations and airports if it was clear they were being used to foment civil war or for other unlawful purposes.
7. Arrest or detention of civil leaders was only justifiable if they were engaged in overt military action or were caught *in flagrante delicto* inciting violence.
8. Political leaders could be arrested by the UN if the UN was requested to do so by *both* the Central Government *and* the provincial authorities.³⁵

After the November 1961 resolution, UN resolve strengthened, reflecting the new mandate and the more proactive approach of the new secretary-general, U Thant, who in December issued instructions to "take the necessary action to ensure

the freedom of movement of the UN troops and to restore law and order in Katanga so that the UN resolutions could be implemented.”³⁶

Mandate Implementation

By 1961, ONUC found itself in a delicate situation. Not only was it facing the rebel Katangese forces accompanied and led by foreign mercenaries, but the Congolese national forces, the ANC, had also turned against it because of its unwillingness to take Katanga by force. Complicating the situation further were clashes between the ANC and the Katangese rebels who, in the Manono region, were also fighting with Baluba tribe members. After resolution 161, Katangese gendarmerie and the foreign mercenaries leading them adopted an even more openly hostile attitude towards ONUC soldiers, resulting in several violent incidents. Katangese officials also stepped up their propaganda campaign against ONUC, encouraging demonstrations against and harassment of UN troops by civilians.³⁷

At the time of resolution 161's passage, ONUC troop strength was low, as a consequence of the troop withdrawals stemming from Lumumba's arrest. It took some time to rebuild levels to a point sufficient to permit the UN to consider taking assuming the tasks envisaged in the resolution. For the time being, the diminished ONUC forces were a source of vulnerability, which the ANC exploited to attack the UN, as well as Belgian and European nationals. ONUC was forced simultaneously to provide protection to endangered civilians and to protect itself. On 4 March 1961 a Sudanese battalion, stationed at the key UN supply point of Matadi, was forced to withdraw after being attacked by ANC troops; this left the UN temporarily without access to that critical site. The consequences were detailed in a UN report:

The withdrawal of United Nations Forces from Matadi constitutes a serious blow to the United Nations operation in the Congo by its psychological effects. This withdrawal also deprives the United Nations Force of its life line to the sea. The vital importance of this line to the outside world can be judged from the fact that in the next three weeks alone thirtythree ships with United Nations supplies are due to berth at Matadi, not counting troop transports.... Without the United Nations presence at Matadi, arms, ammunition and other war material can enter unchecked into the Congo; this, obviously, can have immeasurable consequences on the development of the civil war situation.³⁸

By early April 1961, ONUC strength began increasing, which enabled it to take a more proactive approach to the mandate. Early that month, evidence of a shift in the balance in favour of ONUC could be glimpsed in an incident involving an Ethiopian battalion, Katangese troops, and Baluba fighters. The Ethiopian battalion intervened in a clash between Katangese gendarmes and Baluba tribesmen. In the resulting exchanges of fire, some of it extremely heavy between

Katangese and Baluba, the Ethiopian contingent managed to prevent the Katangese from taking the area, this notwithstanding the latter's resort to aerial bombardment.³⁹ This action is generally considered to represent the first instance of implementation of resolution 161.

Over the course of the summer, Tshombe's unwillingness to negotiate the implementation of resolution 161, combined with the harassment of ONUC troops by Katangese gendarmes and the evidence of continuing mercenary activity, contributed to pressure outside and inside the UN for firmer action against the mercenaries. Operation Rumpunch was launched early in the morning of 28 August 1961, in Elisabethville. Taking advantage of the element of surprise, ONUC forces proceeded successfully, and peacefully, to apprehend 81 foreign military personnel. The arrests were halted when Conor Cruise O'Brien, the secretary-general's representative in Katanga, agreed to a request by foreign diplomatic consuls that they be allowed to complete the deportations. O'Brien's well-intentioned accession to this request backfired, as the foreign consuls almost immediately reneged on their commitments.⁴⁰

Operation Rumpunch, undertaken prior to the Security Council's authorization of the use of force, is important because of its role as a precursor to Operation Morthor, an unexpected, yet tragic, turning point for the entire ONUC mission. This latter operation is critical not just because it went so wrong, but also because of its connection to Hammarskjöld's death. Operation Morthor, apparently initially intended to complete the job begun with Rumpunch, turned into something quite different. The circumstances of the planning and implementation of the operation remain mired in confusion and controversy. The general sequence of events, however, can be established.

ONUC began the operation in Katanga on 13 September, with the objective of finishing the rounding up of mercenaries. In fact, the intention of ONUC planners in the area, or perhaps their hope, was that the operation might go further than that, and result in an end to Katangan secession. The operation did not have Hammarskjöld's direct authorization, and began while he was en route to the Congo.

Operation Morthor was very much along the lines of Rumpunch. As a result, once it began, Katangese gendarmes were able to anticipate UN moves and respond quickly. Almost from the start, the operation went badly for the UN, as fighting erupted with the Katangese gendarmes. At a press conference late that first day, O'Brien announced that the secession of Katanga was over. The declaration, evidently premature, was widely interpreted as a signal that the UN had ended Katangan secession by force. O'Brien's announcement is cited by some as proof of the contention that ONUC in-country decisionmakers did seek an end to secession under the cover of an operation ostensibly geared toward rounding up foreign mercenaries.

Fighting continued sporadically over the next few days, resulting among other things in an Irish unit being pinned down at Jadotville.⁴¹ On his arrival in the

Congo the secretary-general was caught off guard by the turn of events and immediately directed his attention to trying to end the fighting. To that end, Hammarskjöld agreed to meet Tshombe in Ndola, just across the Rhodesian border, to discuss a cease-fire. As it was approaching the Ndola airport the secretary-general's plane crashed, killing everyone on board.⁴² Shortly thereafter, on 20 September, Mahmood Khiary, head of ONUC's civilian operations, signed a cease-fire agreement with Tshombe.

The events surrounding Operation Morthor and Hammarskjöld's death had far-reaching consequences. In Katanga, the resulting cease-fire agreement was treated as a victory over the UN. The apparent poor communication and lack of unity of purpose among UN officials, as manifested so clearly by Operation Morthor, encouraged further anti-UN political and military activities. At UN headquarters in New York, the personal and institutional void created by Hammarskjöld's death was immense. U Thant was named his successor on 3 November, allowing attention to return to the Congo. In the meantime, the political positions of certain important states had changed,⁴³ which in combination with increasingly blatant and violent attacks on ONUC personnel resulted in a new determination among member states to resolve the Congo problem.⁴⁴ This new political determination contributed to the strength and passage of resolution 169 in late November.

Katanga Fighting Intensifies

In Katanga, Tshombe's gendarmes continued their harassment and attacks on ONUC, in flagrant violations of the cease-fire. ONUC issued stern warnings about the consequences of such violations, which included Katangese attacks on the ANC as well as on ONUC. As the UN officer-in-charge reported to U Thant:

ONUC has the responsibility to stop such violation, first by calling on the Katangese authorities to halt such operations and secondly, if that fails, to take additional measures consistent with the basic mandate of ONUC.... The provincial authorities were therefore put on notice that, if all Katangese military aircraft were not at once immobilised, those positively identified as engaged in offensive military operations in Kasai would be brought down. If necessary they would be pursued into Katanga and destroyed. Finally, failure to heed this warning would justify further necessary counteraction, which could include bringing down such aircraft operating in Katanga and eventually destroying them by air to ground action.⁴⁵

After the passage of resolution 169 in November, the tempo of harassment of ONUC, along with cease-fire violations, picked up. The Katangese gendarmes were not merely taking the initiative, they were holding it. UN officials began to fear that ONUC might go down to military defeat in the province. By early December, with Katangese activity apparently presaging the coming of a full-scale attack against ONUC, the secretary-general instructed UN officials in Katanga to

“act vigorously to establish law and order and protect life and property” in the province.⁴⁶

Tshombe had left the country for Brazil, leaving his minister of the interior, Godefroid Munongo, in charge. There was an increase in Katangese sniper attacks, bombings, and ground assaults, as well as in the detention of UN personnel. At the same time, Katangese gendarmes began establishing roadblocks in and around Elisabethville, isolating UN units from one another and prohibiting their movement. “United Nations officials began to suspect that the setting up of the road-blocks was part of a well-laid plan to cut the various United Nations camps off from each other so that they could be dealt with one by one.”⁴⁷

General Rikhye, military adviser to the secretary-general summarized the UN perspective.

The UN command had no choice but to remove the road-blocks to gain freedom of movement. This operation was named Unokat. Realising that more troops and ammunition were needed to deal with the deployment of the gendarmerie, who outnumbered them, the UN plan called for a defensive operation with limited efforts to reopen surface communications.... Once the reinforcements were in position, the UN command could press forward to remove all road-blocks.... The instructions from U Thant were clear and precise: to take the necessary action to ensure the freedom of movement of the UN troops and to restore law and order in Katanga so that the UN resolutions could be implemented.⁴⁸

From 5 to 15 December, therefore, ONUC military activity concentrated upon holding existing positions while awaiting reinforcements. As fighting between UN and Katangese troops increased, the secretary-general, responding to allegations from Belgium about UN actions, outlined the principles guiding ONUC military action. The UN intended, he said, “to regain and assure our freedom of movement, to restore law and order, and to ensure that for the future the United Nations forces and officials in Katanga are not subjected to such attacks...” This meant UN forces would “react vigorously in self-defence to every assault on our present positions, by all the means available to us.” Military operations would continue until the objectives had been accomplished, “either by military or by other means, and we have satisfactory guarantees in this regard for the future, not only in Elisabethville but over the whole of Katanga.”⁴⁹

The reinforcements were in place by 15 December, allowing ONUC to begin taking direct action to deal with the roadblocks and to reestablish its freedom of movement. During the course of this campaign Tshombe agreed to meet with Prime Minister Adoula. That meeting took place on 20 December, and resulted in the two signing the Kitona accord, formally recognizing the authority of the Congo government over all of the country’s territory. The agreement appeared to be a major breakthrough, signalling the end to Katanga’s aspirations for independence and capping a successful military operation for the UN. In the event, it seemed that Tshombe’s agreement was simply a tactic to buy time rather than a commitment to give up the struggle for secession.

Throughout 1962, Tshombe consistently backtracked on his Kitona commitment, and evidence continued to mount that the push for independence would be renewed. Katangese secession became, once again, a critical issue for ONUC. In October, intelligence reports confirmed that Katangese gendarmes and the mercenaries leading them were preparing to resume fighting — in General Rikhye’s words “[t]hey were spoiling for a fight.”⁵⁰ In response, the UN began its own preparations.⁵¹

As had happened the year before, harassment of UN personnel began to escalate. In December, with Katangese officials demonstrating a complete unwillingness to pursue U Thant’s reconciliation plans for reintegrating their province into the Congo, the UN changed its strategy.⁵²

After consultations with the Congo Advisory Committee, U Thant switched from his policy of persuasion in dealing with Tshombe to pressure, just short of resorting to force. Two methods were decided. First, measures to implement decisions relating to integration were introduced, whether or not Tshombe agreed. The second series of actions were to be taken by the UN troops for their own security. They had withstood harassment and provocative road-blocks, and now they would assume a vigorous posture to remove them to regain their freedom of movement. Our men were not to use force except in self-defence, if fired upon first.⁵³

The Katanga military eliminated the need for the UN to take the offensive by beginning its own offensive against the latter. An attack on Ethiopian troops by Katangese gendarmes on 24 December marked the beginning of four days of fighting directed against ONUC positions. ONUC troops responded either not at all or only to the extent required for self-defence. The extent and type of military actions undertaken by the Katangese gendarmes, in combination with formal statements from Katangese authorities, made it evident that the gendarmes were intending to take ONUC on militarily. In response, the secretary-general ordered a new military campaign, Operation Grand Slam, which began on 28 December 1962.⁵⁴

The purpose was to restore the security of UN forces in the Elisabethville area and to ensure their freedom of movement, by eliminating the gendarmerie road-blocks from which UN troops had fired upon. The operation had two phases. The first focused on Elisabethville, and sought to eliminate the roadblocks there and the positions being used to attack ONUC. The second involved an expansion of UN control in the province to Kipushi and Jadotville. In fact, the first phase of the operation was successfully completed by 30 December. The following day, U Thant told the Security Council:

Some may say loosely that there was a “third round” in Katanga. That was not the case. There would have been no fighting at all if the Katangese gendarmerie had not made it unavoidable by indulging in senseless firing for several days. In view of the results of the ONUC operation, there may be some who would be inclined to refer to

a United Nations “military victory.” I would not like this to be said. The United Nations is not waging war against anyone in that province.⁵⁵

On the basis of that initial success, ONUC was given orders to expand outwards as far as possible. The success in Elisabethville and environs was mirrored by quick success elsewhere in the province.

The ease of the expanded operation was so unexpected that an Indian battalion moved very quickly to, and then across, the Lufira river, exceeding initial orders. They then proceeded to Jadotville, securing the area without incident. This advance, though unopposed, generated considerable controversy because the commander had clearly exceeded orders. The UN report notes that “the exact timing and speed of the move came as a surprise to United Nations Headquarters.”⁵⁶ The following week, Ralph Bunche investigated the “serious breakdown in effective communication and co-ordination between United Nations headquarters and the Leopoldville office.”⁵⁷ Bunche’s report remains a relevant description of the problems associated with communication in UN military operations, given the time-sensitive nature of so many of those operations. He concluded that

[T]he underlying cause of the difficulties ... was that the United Nations troops and the ONUC organization suddenly encountered far less resistance and far more local encouragement than they had anticipated ... and that this happened more quickly than they could digest it.... I have found beyond doubt that it is our machinery that is at fault, far more than individuals.⁵⁸

In early January, Tshombe alternately seemed willing to concede defeat and to threaten a scorched earth policy. ONUC troops continued to consolidate their freedom of movement and to secure major towns and industrial locations at this time. Eventually, and with some prompting from Belgium, Tshombe met with ONUC officials on 17 January 1963 and agreed to facilitate ONUC’s entry into Kolwezi, a region containing significant mining and electrical power installations and the only remaining area under his control.

By January 1963, the United Nations Force had under control all important centres hitherto held by the Katangese and was quickly restoring law and order at all places. The Katangese gendarmerie had ceased to exist as an organized fighting force. The military actions begun on 28 December 1962 had thus ended.⁵⁹

Conclusions

The willingness to use force in the Congo was a first for the UN, occurring in the early days of that body’s involvement with peacekeeping. Some of the logistical and communication problems associated with the operation, therefore, can be attributed to a general lack of experience and procedures. Command and control problems, for example, such as those associated with the final unexpected push into Jadotville, which surprised headquarters, fall into this category.

In any operation where force may be used there is a risk that states will disagree about the degree of force to be applied, or the extent to which their troops can be allowed to be put at risk. ONUC remains unique in UN experience: in the Congo there was strong pressure from a number of states for *more* rather than less force to be used, and some members withdrew their troop contingents not because of the mission's action, but rather because of its inaction.

The desire for a stronger resolve may have been at the source of the communication problems associated with Operation Morthor. The fact that the operation went badly may have been related to poor military planning or execution, or both. Both the political and military problems can be attributed, at least in part, to inexperience with UN military operations. Whatever the origins of the operation, it demonstrates how the use of force in such situations can have far-reaching and unexpected outcomes.

Congo's period of constitutional crisis, resulting in the disappearance of the government that had requested ONUC's presence in the first place, effectively meant the UN operated in a political vacuum, with no legitimate political entity to give consent to its continued presence or its withdrawal. For some, this vacuum provided an opportunity for ONUC to take bolder steps to secure the objectives established in the mandate. Hammarskjöld, however, thought doing this would constitute interference in the internal affairs of the country, so he chose to put ONUC in a kind of holding pattern, maintaining mandate implementation to the extent possible while awaiting and facilitating a political solution.

In balancing means and ends, Hammarskjöld always weighted heavily the end of non-interference. This implied, and required, a very cautious approach to mandate implementation. Hammarskjöld was also scrupulous about maintaining the integrity of the mandate established by the Security Council, returning to the Council for clarification when issues of interpretation arose. For those who advocated that ONUC take a stronger role early on in the operation, this aspect of his approach proved frustrating. They believed that the mandate was sufficiently broadly defined to allow for interpretation without continual clarification from the Security Council, and worried that returning to the Council consumed much time and without always generating any results. By contrast, U Thant was far less concerned with the means used than with mandate implementation, giving direction primarily about the desired outcome(s), while leaving the choice of means to the operational decisionmakers.

It could be argued that U Thant did not need to be as concerned with definitional issues relating to the use of force, as a result of the changes in the mandate that had already been made by the Security Council. The use of force by ONUC under Thant, however, was initiated and carried out for the purposes of ensuring troop security and restoring ONUC's freedom of movement. These objectives paved the way for moving fully into Katanga and for bringing an end to the mercenary problem. Ironically, the civil war was ended and the mercenary problem solved

not because the Security Council had authorized force to achieve these ends, but rather because basic operational goals, whose authorization was available to ONUC from the beginning, were being pursued.

Hammarskjöld was the first secretary-general forced to deal with such a complex puzzle as the Congo, and to do so at a time when the UN's experience conducting military operations was very limited, in large measure because cold war politics were so strong. Hammarskjöld's determination that ONUC not interfere in the situation in the Congo was a persistent, even overwhelming, theme in his approach to the crisis. As I noted in chapter 1 of this monograph, in choosing to become involved in a situation the Security Council effectively does make a decision to "interfere," at least in the sense of becoming a participant with a political agenda. Implementation of a mandate to end civil war and to detain and expel foreign military personnel, by definition, was hardly going to be — or be *seen* — as noninterference by anyone supporting or believing in Katanga's independence. Equally, the decision not to use force with respect to Katanga was seen by Congolese government officials as favouring the Katangese, and prompted their decision to use military force themselves, further complicating the situation for the UN.

In these respects, for those on the receiving end, ONUC *was* interfering. That did not mean, however, that the UN failed to act impartially with respect to the nature and implementation of the operation. Again, as I outlined earlier, the Security Council's political agenda (the mandate), can itself be impartial (without prejudice to the positions of the parties in the sense of article 40 of the charter), as can the implementation of the mandate. In that sense, therefore, Hammarskjöld's concern about "noninterference" was a concern about the maintenance of impartiality in the operation itself.

This may explain his conviction that the use of force was almost, in and of itself, the equivalent of interference in internal affairs; he did believe that force was likely to affect the positions of the parties and would, accordingly, not be impartial in application. It is interesting, in this respect, that under U Thant ONUC found success in returning to the very basic objective of resorting security and freedom of movement, rather than by focusing on the broader civil war and mercenary objectives.

Given the relative ease with which ONUC was able to proceed, once a decision to use force to reestablish freedom of movement had been made, and with the considerable benefit of hindsight, we can say that had Hammarskjöld been willing to take the risk of being more forceful in implementing the Security Council mandate, he might have been able to bring an end to the Katangese problem sooner rather than later.

Notes

1. Colin Legum, *Congo Disaster* (London: Penguin, 1961), p. 44. The Belgian policy was not to allow local Congolese to go overseas to university, yet there were no local universities until 1954.
2. Ernest W. Lefever, *Crisis in the Congo: A United Nations Force in Action* (Washington: Brookings Institution, 1965), p. 8.
3. Katanga accounted for nearly half of the Congo's revenue and foreign trade, and a third of all domestic production. It produced 60 percent of the world's cobalt and 8 percent of its copper. It was also the base of Union Minière, a Belgian mining company with exclusive mining rights in Katanga and controlling economic interests in most of the other economic enterprises in the province. Catherine Hoskyns, *The Congo Since Independence, January 1960 to December 1961* (London: Oxford University Press, 1965), pp. 14-19.
4. Cable dated 12 July 1960 from the president of the Republic of the Congo and supreme commander of the national army and the prime minister and minister of national defence, addressed to the secretary-general of the United Nations. S/4382, 13 July 1960.
5. The Bandung powers comprised 29 Asian and African states. They originally had come together at a meeting in April 1955, held in Bandung, Indonesia. Membership included Communist China, which had yet to be recognized by Washington. Many of the members were newly decolonized states who shared a conviction for further decolonization. Hammarskjöld, who placed great importance on making the UN a viable forum for dealing with the concerns of newly independent African and Asian states, was anxious that this crisis be dealt with in New York.
6. Quoted in Hoskyns, *Congo Since Independence*, p. 127.
7. Under the article, the secretary-general "may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security."
8. S/PV.873, 13 July 1960.
9. The initial contingent of troops included battalions from Ethiopia, Ghana, Guinea, Morocco, and Tunisia, for a total of 4,000. These were joined soon after by units from Argentina, Brazil, Canada, Ceylon, Denmark, India, Ireland, Liberia, Mali, Norway, Sweden, and Yugoslavia. In all, 30 countries would contribute to ONUC at one time or another through its mandate. The operation reached its maximum strength of 19,828 in July 1961. See *The Blue Helmets: A Review of United Nations Peace-keeping* (New York: United Nations, 1990), pp. 221-22, 435-36.
10. See, for example, Carl von Horn, *Soldiering for Peace* (London: Cassel, 1966), esp. pp. 157-160; and Lefever, *Crisis in the Congo*, p. 35.
11. For the secretary-general's public comments about his plans, his instructions to Bunche, and the latter's reasons for delay, see S/4417, 6 August 1960. General von Horn reported: "I do not know what transpired in Elisabethville, but on 5 August Ralph returned a shaken man." Von Horn, *Soldiering for Peace*, p. 171. Also see Brian Urquhart, *Hammarskjöld* (New York: W.W. Norton, 1994), pp. 418-19.

12. S/PV.884, 8 August 1960, para. 12.
13. S/PV.887-889, 21-22 August 1960.
14. This situation became even more complicated when, in the process of attacking Katanga, Congolese troops massacred members of the Baluba tribe.
15. Players in this scramble included Joseph Mobutu, then the chief of staff of the military, and Antoine Gizenga, who would later try to establish his own regionally based regime.
16. General Assembly Resolution 1474 (ES-IV), 20 September 1960. The resolution passed by a vote of 70-0, with 11 abstentions.
17. Thus was begun the Soviet attempt to replace the secretary-general's office with a "troika" arrangement that would include a representative each from western, eastern, and nonaligned blocs.
18. The secretary-general declared that the UN had "neither the power nor the right to liberate Mr. Lumumba from his captors." SG/1008, p. 3.
19. For this debate, see S/PV.912 through S/PV.920, December 1960. Also see the General Assembly debates of the same period.
20. Guinea, Mali, Morocco, Sudan, and the UAR withdrew from ONUC. See *Blue Helmets*, p. 436.
21. S/PV.941, 20 February 1961, para. 83.
22. S/PV.942, 20 February 1961, para. 21.
23. Some analysts separate the internal-stability objective from the issue of Katangan secession. See Rosalyn Higgins, *United Nations Peacekeeping 1946-1967: Documents and Commentary*, vol. 3: *Africa* (London: Oxford University Press, 1980); and R. Simmonds, *Legal Issues Arising from the United Nations Military Operations in the Congo* (The Hague: Martinus Mijhoff, 1968).
24. Article 25 requires members of the UN to "accept and carry out the decisions of the Security Council in accordance with the present Charter." Article 49 requires them to "join in affording mutual assistance in carrying out the measures decided upon by the Security Council."
25. S/PV.884, 8 August 1960, pp. 4-5.
26. See, for example, Higgins, *United Nations Peacekeeping*, p.57; Simmonds, *Legal Problems*, pp. 63-64; and Finn Seyersted, *United Nations Forces in the Law of Peace and War* (The Hague: A. W. Sijthoff-Leyden, 1966), p. 137.
27. Article 2(7) states that nothing in the charter "shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state ...but this principle shall not prejudice the application of enforcement measures under Chapter VII."
28. S/PV.873, 13 July 1960, para. 28.
29. SCOR, Fifteenth Year, Supplement July, August, September, 1960, S/4389, 18 July 1960.
30. S/4389, 18 July 1960, p. 5.

31. Outlined in Hoskyns, *Congo Since Independence*, pp. 294-95, based on an unofficial summary given to her at UN Headquarters.
32. SCOR, 16th Year, 941st meeting, 20 February 1961, p. 17.
33. SCOR, 16th Year, 942nd meeting, 20 February 1961, p. 6.
34. Indar Jit Rikhye, *Military Adviser to the Secretary-General* (New York: St. Martin's, 1993), pp. 200-1.
35. Quoted in Urquhart, *Hammarskjöld*, pp. 561-62.
36. Quoted in Rikhye, *Military Advisor*, p. 295.
37. This resulted in some crowd scenes similar to ones that would be encountered many years later, in Somalia. For example, on 4 April 1961, after a speech by Tshombé, a crowd estimated at between 10,000 and 15,000 went to the Elisabethville airport and destroyed airport and UN equipment. Later, a crowd attacked a convoy of four ONUC cars, wounding five UN personnel. See, S/4791, 15 April 1961.
38. S/4761, 8 March 1961, para. 29-30. In the same report, a vivid account of the Matadi incident is given by a Canadian, Captain Bélanger, who was part of a Canadian signals detachment located with the Sudanese, and who hid in a nearby ravine during the fighting.
39. S/4791, 15 April 1961, para. 17-23.
40. For his own version of events, see Conor Cruise O'Brien, *To Katanga and Back* (London: Hutchinson, 1962), pp. 195-225.
41. For a description of the attacks on UN troops see, S/4940, 14 September 1961. Insight into the initial confusion and chaos can be had from reading news reports. See, for instance, Thomas J. Hamilton, "U.N. Endorsed Use of Force in Congo," *New York Times*, 14 September 1961, p. 3; and Henry Tanner, "Katanga Key to Unity in Congo," *ibid.*, 17 September 1961, p. E5.
42. The report from the UN commission of inquiry into the accident is A/5069, 24 April 1962.
43. For a discussion of the political dynamics, see Hoskyns, *Congo Since Independence*, pp. 440-44; Alan James, *Britain and the Congo Crisis, 1960-63* (London: Macmillan, 1996); Madeleine Kalb, *The Congo Cables: The Cold War in Africa from Eisenhower to Kennedy* (New York: Macmillan, 1982); and Stephen R. Weissman, *American Foreign Policy in the Congo, 1960-1964* (Ithaca: Cornell University Press, 1974).
44. On 11 November, 13 Italian airmen serving with the UN were beaten and shot. Their bodies were then cut into pieces and distributed to a watching crowd. For the UN report on this incident, see S/4940/Add.13, 15 November 1961.
45. "Report on Action Taken in Implementation of the Protocol of Agreement Between the Katanga Authorities and ONUC Subsequent to the Cease-fire and on Other Matters," S/4940/Add.12, 2 November 1961, para. 8,10.
46. Kennett Love, "Thant Threatens Force to Restore Peace in Katanga," *New York Times*, 4 December 1961, pp. 1, 3.

47. Hoskyns, *Congo Since Independence*, p. 451. Also see, Henry Tanner, "U.S. Planes Halt Katanga Flights After One is Hit," *New York Times*, 8 December 1961, pp. 1, 3, which describes the fighting within the city.
48. Rikhye, *Military Adviser*, pp. 293-95.
49. Telegram of 15 December 1961 from the secretary-general to the minister for foreign affairs of Belgium, B.III, S/5025, 15 December 1961.
50. Rikhye, *Military Adviser*, p. 301.
51. "Remarks to the Advisory Committee on the Congo," *Public Papers of the Secretaries-General of the United Nations*, vol. 6: *U Thant, 1961-1964*, ed. Andrew Cordier and Max Harrelson (New York: Columbia University Press, 1976), pp. 272-74.
52. "It was becoming ever more obvious that the reintegration of Katanga, under the Secretary-General's plan or otherwise, was far removed from the minds of the secessionist leaders." *Ibid.*, para. 27. For the reconciliation plan, see, Annex I, S/5053/Add.13, 29 November 1962.
53. Rikhye, *Military Adviser*, p. 303.
54. In his memoirs, the secretary-general recalled that "[a]t last ... I authorized the ONUC military actions." U Thant, *View from the UN* (New York: Doubleday, 1978), p. 142.
55. "Statement with Regard to Recent Events in the Elisabethville Area," *Public Papers of the Secretaries-General of the United Nations*, 6:276.
56. The situation was made more complicated by the fact that the secretary-general had promised Belgium's UN ambassador that UN troops would not cross the Lufira River to Jadotville. See, "Interview with Jonathan Dean," UN Oral History Collection, Yale University Library, p. 11.
57. "Special Report Dated 10 January 1963, Addressed to the SecretaryGeneral by Mr. Ralph J. Bunche, Under-Secretary for Special Political Affairs, on the Subject of Communication and Co-ordination between United Nations and ONUC Headquarters, with Specific Reference to the Jadotville Operation," Annex XXXIV, S/5053/Add.14, 11 January 1963, para. 1.
58. *Ibid.*, para. 9. In spite of Bunche's conclusions the question of the authorization of the operation remains open. First-hand accounts continue to suggest that local UN officials deliberately used the slow communications system to sit on the orders not to proceed to Jadotville until it was too late for the troops to turn back. See, for example, interviews with George Sherry, General G. McMahan, and Sture Linner; UN Oral History Collection; Yale University Library. The communications problems faced by ONUC were very difficult. Officially, ONUC communications went through the Congo post office. Unofficially, ONUC officials used the US embassy to communicate with New York, although they always kept up the routine of going to the post office so as "not to give the impression that we were relying on other forms of communication." Linner, UN Oral History, p. 13.
59. S/5053/Add.15, 30 January 1963, para. 37.

4. *Somalia*

Introduction

In the late 1800s, the territory now known as Somalia was colonized by Britain, France, Italy, Egypt, and Ethiopia. By the turn of the century the political map had settled somewhat, with Britain holding the northern portion of what is now Somalia and Italy governing most of the area bordering on the Indian Ocean.¹ The border between British and Italian Somaliland ran through the area inhabited by the Ogaden clan, arbitrarily separating the clan and setting in place a division that was to become a longstanding problem. After conquering Ethiopia in 1935, Italy went on to take British Somaliland (thus reunifying the Ogaden). Britain counter-attacked in 1941 and laid claim to the entire area, in the process driving the Italians out of Ethiopia and reinstating Emperor Haile Selassie.

After the war, a commission made up of the victorious allied powers tried, but failed, to determine the future of Somalia. In the end, it was unable to agree on Somalia's future and turned the issue over to the United Nations. In November 1949, the General Assembly made southern Somalia a trust territory under Italian control, stipulating that the country be made independent by 1960. Britain continued to hold its area as a protectorate. The British and Italian sectors both gained independence in 1960 and merged to form one country. At this point the country entered into a period of parliamentary democracy.²

The democratic experiment was short-lived. In 1969, President Abdirashid Ali Shirmarke was assassinated. Taking advantage of a sense of frustration and dissatisfaction with governmental corruption, the army, in cooperation with the police, seized power. From the army group, Mohammed Siad Barre emerged as the leader and was installed as president and head of the Supreme Revolutionary Council (SRC). The SRC suspended the constitution, dissolved the National Assembly, disbanded political parties, and arrested most of the civilian politicians.

In the mid-1970s, the regime of Haile Selassie in Ethiopia collapsed and the emperor was overthrown by military officers. During the ensuing civil strife, Siad Barre availed himself of the opportunity to regain the Ogaden area, sending Somali troops across the Ethiopian border in late 1977. The war, which Somalia lost after the Soviet Union chose to end its support of Somalia and side with Ethiopia,³ set in motion the internal discontent and clan-based insurgency that would lead to Barre's overthrow as leader of Somalia. Members of the Isaak clan, in exile in London, formed the Somali National Movement (SNM) in 1981. The SNM established a base in Ethiopia from which it began guerrilla activity. By the mid- to late-1980s other clans formed their own movements. The Ogaden clan formed the core of the Somali Patriotic Movement (SPM), and the Hawiye clan formed the United Somali Congress (USC).⁴ Barre's response to these movements was to send the military to the regions where the clans were based and launch vicious and lethal attacks on the civilian population. The government's tactics were physically devastating to the agricultural base and generated new support for the rebel movements.

By the end of January 1991, fighting in and around Mogadishu forced the collapse of the now barely functioning government and Siad Barre fled to his home area in the south, near the Kenyan border. Rather than banding together in victory, the final collapse of the government brought disunity to the various rebel groups. From that time, Somalia became a state without a government in the midst of a civil war. Throughout 1991 various attempts were made by regional actors as well as clan elders to find a resolution to the crisis, with no success.

The SNM, in large measure the key player in bringing about the collapse of the Barre regime, and certainly the longest serving of the rebel groups, once again faced the prospect of a national government dominated by the south. In May 1991, in order to distance themselves from the in-fighting of the other clans, and trying to hedge off the possibility of domination by stronger southern groups, the SNM declared the independence of the Republic of Somaliland in the north. In August, meetings in Djibouti resulted in agreement on the Djibouti Accords, the essence of which was to accept Ali Mahdi Mohammad as interim president on the condition that he take steps to end the conflict, develop a basic civil infrastructure, and reconstitute a national army. The accords were never implemented, and the situation continued to deteriorate.

In the absence of any clear political settlement and with the widespread availability of arms and ammunition, the conflict continued at a low level. In September 1991, the two USC factions in Mogadishu fought for three days until the intervention of a sub-clan brought an end to the flare-up. The fighting resulted in 300 to 400 deaths and 700 to 1500 wounded. In spite of several further efforts to resolve the crisis, the split between the Mahdi and Mohammad Farah Aidid factions of the USC could not be overcome. In mid-November fighting between these groups resumed in Mogadishu.

During this year of anarchy and fighting, conditions throughout the country deteriorated dramatically. A drought exacerbated the food situation, which had been thrown into crisis by the effects of the war, particularly the destruction of livestock and water supplies carried out by Barre's forces. The war also generated massive population dislocations in all parts of the country, further worsening the food shortage. As that crisis developed, refugee flows increased, including to strife-torn Mogadishu, where the influx only served to make a very bad situation much worse.⁵

Arms Embargo and Peacekeeping

The UN response to the Somalia crisis oscillated, swinging from total disregard to total involvement, then back to total disregard. Formal involvement in the conflict began a full year after the fall of the Barre government, when the outgoing secretary-general, Javier Pérez de Cuellar, wrote to apprise the Security Council of the situation, informing it that he was sending his undersecretary-general, James Jonah, to Somalia, in early January 1992. He also asked that the Security Council consider the situation in Somalia with a view to encouraging a peaceful resolution to the conflict, as had been requested by the prime minister of Somalia and the secretary-general of the Organization of African Unity (OAU).⁶

The Security Council included Somalia on its agenda for the first time on 23 January 1992, when it unanimously passed resolution 733 (1992), demanding all states to "immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Security Council decides otherwise." The resolution also called for a cease-fire and action on a political settlement, and for all parties to facilitate the delivery of humanitarian assistance. An arms embargo was a traditional and, given the Somalia situation, understandable first response to the conflict. It was also clearly a step without any hope of implementation and as such it represented a very minimal response.

In mid-February, Jonah supervised three days of talks in New York under the auspices of the UN, the OAU, the Arab League, and the Islamic Conference. Aidid and Mahdi never met during these talks but they did agree to a cease-fire. Jonah returned to Mogadishu at the end of February and the formal cease-fire document was signed by Aidid and Mahdi on 3 March 1992.⁷ This agreement included provisions for a UN monitoring role. On 17 March, the Security Council unanimously passed resolution 746, approving the secretary-general's proposal to send a "technical team" to Somalia to develop a plan for a UN monitoring mechanism and for the unimpeded delivery of humanitarian aid, the latter becoming ever more difficult as deliveries were increasingly hijacked by armed gangs.

On 24 April, the Security Council authorized an initial peacekeeping mission to Somalia (UNOSOM). Resolution 751 called for the immediate deployment of

50 military observers to Somalia to monitor the cease-fire. The Security Council also agreed "in principle" that a force of 500 military personnel be established under the direction of the secretary-general's special representative, to provide security for UN personnel, equipment, and supplies at the port and the airport in Mogadishu and to escorting humanitarian aid deliveries from there to distribution centres.⁸

Over the next few months the situation on the ground in Somalia continued to deteriorate. In spite of the initial agreement by Aidid and Mahdi to the deployment of military observers Aidid was reluctant to give final agreement for their deployment, doing so only on 25 June 1992. Deployment of the observers began in mid-July, more than two months after the initial authorization. In two reports to the Security Council, one in July and a second in August, Boutros Boutros-Ghali proposed new measures to deal with the situation.⁹ In particular, he pushed for a broadening of UN action beyond its focus on the south, to take in the whole country through the establishment of four operational zones in which a "consolidated" operation would carry out the basic activities of establishing a secure environment, ensuring humanitarian aid delivery, and monitoring the cease-fire. He suggested this would involve deploying a maximum of 3,500 troops (including the original 500) as part of the UNOSOM operation. In arguing for this expansion the secretary-general stated:

The complexity of the situation and the inherent dangers of working in Somalia, combined with the almost total absence of central, regional or local government, pose enormous operational difficulties for the United Nations in establishing a large-scale effective presence. None the less, the threat of mass starvation facing large segments of the population and the potential renewal of hostilities which could affect peace and stability throughout the Horn of Africa region require an immediate and comprehensive response from the United Nations and the international community.¹⁰

The Security Council approved these proposals in resolution 767, on 27 July 1992, and in resolution 775, on 28 August 1992. The first resolution also called for a massive humanitarian aid effort, requesting the secretary-general to "make full use of all available means and arrangements, including the mounting of an urgent airlift operation,... in accelerating the provision of humanitarian assistance to the affected population." This last provision reflected increased concern about the depth of the humanitarian crisis in the country.

At the end of August, the secretary-general reported that:

Present estimates, which may be conservative, indicate that as many as 4.5 million Somalis [65 percent of the population] are in desperate need of food and other assistance.... The United Nations and its partners are ready and have the capacity to provide substantially increased assistance but they have been prevented from doing so by the lawlessness and lack of security that prevail throughout Somalia, often including Mogadishu itself. Heavily armed gangs overrun delivery and distribution points and loot supplies directly from docked ships as well as from airports and

airstrips.[O]n 16 August, while the technical team was in Somalia, armed gangs looted the first large-scale [World Food Program (WFP)] shipment to Kismayu, as well as the entire consignment of diesel oil, which is essential for the transport of food to distribution centres. Current security conditions do not permit the assured delivery of humanitarian assistance by overland transport and are thus the main cause of the current food crisis in Somalia.¹¹

Implementation of the measures approved by the Security Council continued to be a problem. General Aidid, the holdout in terms of giving consent to the deployment of UN troops, agreed only in August to the deployment of the 500-strong security force approved by the Security Council back in April. As it was, the troops did not arrive until the beginning of October, and once on the ground Aidid blocked their deployment within the city. Pakistani peacekeepers managed to take control of the airport by 10 November 1992, thus enabling the secure arrival of aid deliveries by plane, but they were unable to extend their control beyond the airport itself and came under attack a few days after securing the area.¹² The UNOSOM mission, though limited, was effectively doomed as soon as the cooperation and consent of Aidid disappeared. Vastly outnumbered and outarmed, and limited to using force only in self-defence, the Pakistan contingent very quickly found itself almost entirely focused on maintaining its own security, with mandate implementation a secondary consideration.

A further significant setback came with the resignation of the secretary-general's special representative, Mohammed Sahnoun, at the end of October, in protest over the lack of support from the UN for the operation and the inordinate time it was taking to implement approved measures.¹³ Sahnoun was well regarded and widely considered to have won the confidence of the various factions in Somalia, to understand the Somali way of doing things, and consequently, to be extremely well placed to further the UN operation. His resignation created a void in the operation at a critical juncture.¹⁴ Ismat Kittani replaced Sahnoun on 8 November. By the end of November, the humanitarian and security situation had deteriorated so significantly¹⁵ that the secretary-general wrote to the Security Council about the possibility of changing the parameters of UNOSOM.

[I]n the absence of a government or governing authority capable of maintaining law and order, Somali "authorities" at all levels of society compete for anything of value in the country. Armed threats and killings often decide the outcome. Looting and banditry are rife. Amidst this chaos, the international aid provided by the United Nations and voluntary agencies has become a major (and in some areas the only) source of income and as such is the target of all the "authorities...." In essence, humanitarian supplies have become the basis of an otherwise non-existent Somali economy.... The net result is that, while massive amounts of relief supplies have been readied in the pipeline for the implementation of the 100-day action programme, the humanitarian assistance that reaches its intended beneficiaries is often barely more than a trickle.... I am giving urgent consideration to this state of affairs and do not exclude the possibility that it may become necessary to review the basic premises and principles of the United Nations effort in Somalia.¹⁶

The Decision to Use Force

The secretary-general's letter was discussed informally by Security Council members on 25 November and the need for re-evaluation of the operation was generally supported. Council members requested that the secretary-general prepare a series of options for new ways forward. On the same day, Lawrence Eagleburger, the acting secretary of state for the outgoing Bush administration, informed the secretary-general that

[I]f the Security Council were to decide to authorize Member States to use forceful means to ensure the delivery of relief supplies to the people of Somalia, the United States would be ready to take the lead in organizing and commanding such an operation in which a number of other Member States would also participate.¹⁷

On 29 November, the secretary-general provided the Security Council with five options to consider. The first was to continue pursuing the efforts to deploy UNOSOM as originally authorized, as a peacekeeping operation and therefore dependent on the consent and cooperation of the parties to the conflict. The second was to give up pursuing any kind of military-related operation, leaving the NGOs and humanitarian agencies to deal with the situation as best they could. The secretary-general found these two options inadequate. The remaining three options all involved varying degrees of the use of force.

The third option proposed involved using UNOSOM to "undertake a show of force" in Mogadishu as a way of creating the conditions for humanitarian aid delivery and achieving local cooperation for the deliveries. The secretary-general expressed his opinion that the situation was such as to require a country-wide rather than just a Mogadishu-based response. The fourth option, therefore, was a "country-wide enforcement operation undertaken by a group of Member States authorized to do so by the Security Council." This option was directly connected to the US offer delivered by Eagleburger. The final option, and the one the secretary-general himself preferred, was a country-wide operation carried out under UN command and control.

Four days later, on 3 December 1992, the Security Council, deciding in favour of the fourth option, unanimously approved resolution 794, stating that the "magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security." Acting under chapter VII, it authorized "the Secretary-General and Member States cooperating to implement the offer [from an unnamed member state] to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia." The resolution also emphasized the Council's determination to "restore peace, stability and law and order with a view to facilitating the process of political settlement." But the driving force behind the Security Council actions and the operation it authorized was the humanitarian crisis.

This was the first time the Security Council had determined that a humanitarian emergency *in and of itself* constituted a threat to international peace and security. In passing the resolution, many Council members spoke of the “unique” situation in Somalia resulting from the absence of government and the inability to deliver humanitarian aid. The representative of the United Kingdom stated that “food and security have thus become inextricably linked.”¹⁸ As a result of the dire circumstances, members agreed with Boutros-Ghali’s conclusion that they had “no alternative but to decide to adopt more forceful measures to secure the humanitarian operations in Somalia.”¹⁹ The US representative stated that

our point should be clear: our mission is essentially a peaceful one, and we will endorse the use of force only if and when we decide it is necessary to accomplish our objective.... By acting today to provide a secure environment for the delivery of humanitarian relief to the people of Somalia, the Council has once again taken an essential step to restore international peace and security.... But in the case of Somalia, and in other cases we are sure to face in the future, it is important that we send this unambiguous message: the international community has the intent and will to act decisively regarding peacekeeping problems that threaten international stability.²⁰

The specific mandate, as outlined in resolution 794, was to take “action under Chapter VII of the Charter of the United Nations ... in order to establish a secure environment for humanitarian relief operations in Somalia as soon as possible.” The mission, titled Unified Task Force (UNITAF), established a unified command under US leadership, but did not operate under the UN flag or use the traditional peacekeepers’ blue helmets. The resolution established an ad hoc commission of Council members to monitor its implementation and invited the secretary-general to attach a “small operational liaison staff” to the field headquarters of the unified command.

The US Central Command (CENTCOM) was assigned command of UNITAF. The text of the mission statement issued by CENTCOM stipulated:

When directed by the National Command Authority, USCINCCENT will conduct joint/combined military operations in Somalia, to secure major air and sea ports, to provide open and free passage of relief supplies, to provide security for relief convoys and relief organizations, and to assist the United Nations/nongovernmental organizations in providing humanitarian relief under UN auspices.²¹

Although in many ways this resolution represented a logical extension of previous Security Council resolutions, it was by no means an expected outcome. The US had not previously expressed a willingness to lead or participate in such an undertaking. In fact, during the debate on the various resolutions earlier in the year, the US had sought to downplay the possibility of UN military involvement because of concern about Congressional unwillingness to accept the escalating costs of American involvement. But by the autumn, several factors converged to bring about a change in the attitudes of the Bush administration. Increasing press coverage, especially of the famine, generated public pressure; a bipartisan

resolution calling for deployment of UN peacekeepers even without Somali consent passed both houses of Congress; and President Bush himself became convinced of the need for action, and even though — or perhaps because — he had lost the November presidential election, became determined that the US take action.²² As well, there had developed a new enthusiasm in the Security Council itself for action, reflected in its unanimous approval of the resolution.

The Transition to UNOSOM II

UNITAF was intended as an interim measure. Once the situation was stabilized, UNOSOM or some version thereof would resume control. By March 1993, the situation had improved but not enough for Boutros-Ghali to recommend that the planned shift to a peacekeeping operation occur. Instead, he argued that the next phase of the operation should continue to be under chapter VII.

It is clear to me that the effort undertaken by UNITAF to establish a secure environment in Somalia is far from complete and in any case has not attempted to address the situation throughout all of Somalia. Moreover, there have been, especially recently, some disheartening reverses. Accordingly, the threat to international peace and security ... is still in existence. Consequently UNOSOM II will not be able to implement [its] mandate unless it is endowed with enforcement powers under Chapter VII of the Charter.²³

The secretary-general proposed that the new UN operation — UNOSOM II — be given a wide-ranging mandate and that it apply to the entire country, one that would enable the re-establishment of the Somali institutional structure, “achieving national political reconciliation, recreating a Somali State based on democratic governance and rehabilitating the country’s economy and infrastructure.”²⁴

In an historic move, the Security Council adopted virtually all of these recommendations for UNOSOM II’s mandate, establishing, for the first time, a combined peace-building and peace-enforcement mission under the direction of the secretary-general in order to deal with a situation that “continues to threaten peace and security in the region.” Speaking before the resolution was put to a vote, the US representative to the Security Council, Madeleine Albright stated:

The United States does not want to understate the tasks ahead; as great as the challenges in Somalia have been, those before us are even greater.... It is now time for the United Nations to complete the work begun by the Unified Task Force. By adopting this draft resolution, we will embark on an unprecedented enterprise aimed at nothing less than the restoration of an entire country as a proud, functioning and viable member of the community of nations.... At the same time, we are soberly conscious of the fact that this draft resolution engages the world community to provide the most comprehensive assistance ever given to any country, but to do so with few lessons and no models to guide our path.²⁵

Resolution 814, passed unanimously on 26 March 1993, had three sections. The first dealt with humanitarian and political rehabilitation measures, asking Boutros-Ghali, through his special representative, to undertake a variety of “assistance” tasks. These included providing assistance for economic rehabilitation, repatriation of refugees, political reconciliation, re-establishment of a Somali police force, and development of a de-mining program. The second section authorized a long series of military tasks, including preventing the resumption of violence; controlling heavy weapons; seizing small arms of “all unauthorized armed elements”; maintaining security of ports, airports, and lines of communication for humanitarian aid deliveries; protecting “as required” UN, ICRC, and NGO personnel, installations and equipment; undertaking mine-clearing; assisting in refugee repatriation; and “other functions as may be authorized by the Security Council.” The third section of the resolution dealt exclusively with financial and administrative issues.

The day after the resolution’s passage, fifteen faction leaders reached agreement in Addis Ababa on the broad outlines of national reconciliation.²⁶ The accord was welcomed by the UN as the basis for progress. Three days later, however, the factions signed another agreement relating to how members of a transnational council (TNC) were to be chosen. The new agreement differed from that struck in Addis Ababa. The UN stuck to its support of the former, without acknowledging the latter, even though the same group of faction leaders had reached the second agreement and the procedures agreed therein represented a completely different approach to the TNC. This, in conjunction with the passage of resolution 814 in advance of an agreement among the factions, encouraged the view that the UN was seeking to impose its own political solution on the Somalis.

The Arrest Mandate

Subsequent to the UNITAF-UNOSOM II transition in May 1993, and notwithstanding the high hopes, there would turn out to be trouble with virtually every aspect of the mandate. The issue of a secure environment was the most problematic. After the handover to UNOSOM II the security situation deteriorated and there were an increasing number of incidents between UN troops and Somali gunmen. On 5 June 1993, after the first-ever arms inspection carried out by UNOSOM II troops, Pakistani troops were attacked in two different locations in Mogadishu, resulting in the death of 24 of them.²⁷

In response, the Security Council unanimously approved a resolution the following day that, in strongly condemning the “unprovoked armed attacks,” reaffirmed

that the Secretary-General is authorized under resolution 814 [establishing UNOSOM II] to take all necessary measures against all those responsible for the armed attacks ...

including those responsible for publicly inciting such attacks, to establish the effective authority of UNOSOM II throughout Somalia, including to secure the investigation of their actions and their arrest and detention for prosecution, trial and punishment.²⁸

The tracking down and arrest of “those responsible” was, therefore, added as another task to the UNOSOM II mandate. The Council also reemphasized the importance of disarmament and of “neutralizing radio broadcasting systems” contributing to the violence and attacks on UN troops. In view of the attacks, it also urged states to contribute “on an emergency basis” military equipment and support, especially in the form of tanks and attack helicopters in order to give UNOSOM II a better capability to “confront and deter” armed attacks. This resolution brought about a major shift in the UNOSOM II operation and its implementation led to a new emphasis on the use of force.

The Security Council did not make any further changes to the mandate for the rest of 1993. The situation within Somalia did not improve during ensuing months, and international commitment quickly began to wear thin. UNOSOM II troops had difficulty implementing their mandate, as attacks against them by various Somalia militia persisted and strengthened. In October, a raid by US troops who were not under UN command but were in Somalia to pursue the mandate to arrest Aidid (see below), resulted in a vicious firefight. Eighteen US soldiers were killed, 73 were wounded and one was detained by Somali fighters. Under the glare of television cameras, one of the dead soldiers was dragged through the streets in victory by groups of Somalis. The overall effect was to bring an effective, though not immediate, end to the US commitment to the UNOSOM II effort. With the American withdrawal from the mission foreordained, other states also announced their intention to withdraw.

At the start of 1994 Boutros-Ghali reviewed the UNOSOM II mission. Noting that “there are unmistakable signs of fatigue among the international community,”²⁹ he advocated a scaling back of the UNOSOM mandate to bring it into line with the likely military support available from member states. The mandate remained multifaceted and included the basic elements initially authorized. The provision for the use of force was not eliminated. But the secretary-general did suggest that UNOSOM II would not use “coercive methods but would rely on the cooperation of the Somali parties” except in protecting itself. The Security Council approved this more modest approach, in resolution 897. UNOSOM would still act under chapter VII, but forceful means would no longer be employed in relation to disarmament, being primarily reserved for troop protection.³⁰

Throughout 1994, the UNOSOM II mandate was maintained in a holding pattern that awaited the inevitable winding down of the mission. On 4 November, the Security Council extended the UNOSOM II mandate one last time, until 31 March 1995, maintaining the chapter VII provision and calling for a “secure and orderly” withdrawal. UNOSOM II forces were specifically authorized “to take those actions necessary to protect the UNOSOM II mission and the withdrawal of

UNOSOM II personnel and assets, and to the extent that the Force Commander deems it practicable and consistent, in the context of withdrawal, to protect personnel of relief organizations.”³¹

Charter Basis for the Use of Force

As would be the case with the mandate for Bosnia (see next chapter), the Security Council and Boutros-Ghali did not cite any specific charter articles in relation to the mandate and its development. Clearly, the initial determination that a threat to international peace and security existed related to article 39 and provided the basis for the use of chapter VII. In authorizing UNITAF, the Council deemed the humanitarian crisis in Somalia to be of such magnitude as to constitute a threat to international peace and security. Along with the sheer scale of the humanitarian problem, the particular combination of a lack of a viable government, the level of violence, and the double frustration of thwarted peacekeeping efforts and of humanitarian-aid deliveries contributed to this determination.

But the creation of UNITAF was due, in the first instance, to the offer of Washington to undertake a military operation. A chapter VII authorization was needed to make such an operation possible under UN auspices. Although there was widespread acceptance of the Security Council view that the situation had become “intolerable,” the exact link to international peace and security was controversial. Under the terms of the charter, the criterion for deciding when a situation threatened international peace and security is simply a decision by the Security Council that such a threat exists. The Council’s decision that Somalia represented a threat to international peace and security reveals the power inherent in chapter VII. If the Security Council describes a threat to international peace and security, then the mechanisms of the Charter can be activated, regardless of the specific nature of the situation.

The rules of engagement (ROE) for UNITAF reflected the chapter VII context, especially the primary goal of establishing a secure environment. They applied to all countries participating in UNITAF, and were established by CENTCOM, the US command in charge of the operation, using its own peacetime ROE as a basis. These were modified to take into account the abundance of weapons in the control of unstable persons or groups in Somalia and the need to create a secure environment.

Crew served weapons are considered a threat to UNITAF forces and the relief effort whether or not the crew demonstrates hostile intent. Commanders are authorized to use all necessary force to confiscate and demilitarize crew served weapons in their areas of operations. If an armed individual or weapons crew demonstrates hostile intentions, they may be engaged with deadly force.... Within areas under the control of UNITAF Forces, armed individuals may be considered a threat to UNITAF and the relief effort whether or not the individual demonstrates hostile intent. Commanders

are authorized to use all necessary force to disarm individuals in areas under the control of UNITAF. Absent a hostile or criminal act, individuals and associated vehicles will be released after any weapons are removed/demilitarized.³²

With respect to weaponry, therefore, the basic ROE policy amounted to implementing four “nos” — no technicals (trucks with mounted weapons), no banditry, no roadblocks, and no visible weapons — an approach that created security by eliminating weapons from open display.³³ Beyond self-defence, a minimum and proportionate use of force could be used in responding to attacks or threat of attacks. The ROE card given to all soldiers stressed that “the United States is not at war,” that all persons were to be treated with dignity and respect, that minimum force should be used in carrying out the mission, and that soldiers should “always be prepared to act in self-defence.”³⁴

In the outcome, a minimum of force was used. UNITAF made a determined effort to get the ground rules publicized and to ensure that they were well understood by the faction leaders. Soldiers generally approached individuals and crew-served vehicles without using force and disarmed them with little trouble. Within a short period of time, weapons were not carried, and technical vehicles were not operated, in the streets of Mogadishu, not openly at least.

These same ROE were maintained by UNOSOM II when it took over in May 1993. Almost as soon as the transition occurred, however, the security situation in Mogadishu began to collapse. This prompted the UNOSOM II commander, Lt. General Cevik Bir, to issue “Fragmentary Order 39,” amending the ROE to allow for the use of force on a much broader basis. Specifically, “organized, armed militias, technicals and other crew-served weapons are considered a threat to UNOSOM Forces and may be engaged without provocation.” This marked a change from the previous ROE where “deadly force” was authorized against crew-served weapons only when they demonstrated hostile intent. In addition, the Fragmentary Order allowed for air attacks on “‘armed Somalis in vehicles moving from known militia areas’ at night, after obtaining approval from the Quick Reaction Force Commander.”³⁵

Mandate Implementation: UNITAF

On 9 December 1992, UNITAF had made a successful, unopposed landing on the beaches at Mogadishu. The operation had four phases: establishing a base in Mogadishu, including gaining control of ports and the airport; moving inland, and securing areas there; further expansion, especially to Kismayo; and finally, handing over the operation to the follow-on operation. The unopposed landing characterized the general reception for the mission. There were relatively few instances where force was used as UNITAF sought to establish itself in Mogadishu. By 28 December, ahead of schedule, the first two phases of the operation were

complete. By mid-January UNITAF was reporting to the Security Council that it was time to begin preparation for the transition to UNOSOM.

Almost from the moment the UNITAF mandate was approved the US and the secretary-general had disagreed about whether or not the disarmament of armed Somali factions was a mandate task. The secretary-general regarded disarmament to be a fundamental aspect of the mandate, represented by the call for a secure environment and the establishment of a cease-fire. Washington's view was that disarmament was a secondary, operational decision to be made by the field commander rather than a fundamental part of the mandate.

The UNITAF policy of "no visible weapons" did constitute a kind of *de facto* disarmament but only by placing the weapons out of sight. This was not what the secretary-general had in mind. In his initial letter to the Security Council outlining the possible options for action, he stated that one of the objectives of an operation using force should be to ensure

that the current violence against the international relief effort was brought to an end. To achieve this, it would be necessary for at least the heavy weapons of the organized factions to be neutralized and brought under international control and for the irregular forces and gangs to be disarmed.³⁶

This became a consistent theme with Boutros-Ghali. Nonetheless, UNITAF command and US policymakers remained steadfast in refusing to undertake such a broad and definitive approach to the issue, arguing that, in any case, the equipment and personnel requirements for such a mission exceeded their capabilities. For example, Brig. Gen. Anthony Zinni, the deputy for operations in UNITAF, stated that a broader disarmament policy would be costly. "You would take a lot of casualties, and you would kill a lot of Somalis, and you would be in a running gun battle continuously, especially in places like Mogadishu."³⁷

There is considerable debate whether a serious disarmament effort would have made a difference to the situation in Somalia in the long term. In retrospect, there is certainly agreement that the UNITAF operation provided the only window of opportunity for disarmament to be carried out.

The dispute over disarmament was at the heart of problems associated with the transition from UNITAF to UNOSOM II. Washington, from the very beginning of the operation, was determined that UNITAF should be short term — dealing with the worst elements of the humanitarian crisis and then handing the operation back to the UN.³⁸ The secretary-general argued that a transition to UNOSOM II could not be considered until the secure-environment aspect of the mandate was fulfilled and that this required the kind of disarmament he had always understood to be part of the mandate. In addition, he wanted the operation to cover all of Somalia rather than just the southern portion of the country. In his March 1993 report outlining a possible mandate for UNOSOM II, Boutros-Ghali wrote that "[i]t is clear to me that the effort undertaken by UNITAF to establish a secure environment in Somalia is far from complete."³⁹

The US, however, was determined to bring UNITAF to an end. In part, this was a function of the “Vietnam syndrome.” In part, it was driven by the Bush administration’s commitment to the incoming Clinton administration that US troops would be in and out quickly. The combination of US/UNITAF determination to keep the mission short and the secretary-general’s conviction that it was too soon to consider a transition meant that the UN was ill-prepared to take on the UNOSOM II mandate, especially one as broadly based as that authorized in resolution 814.

UNOSOM II: Force and Disarmament

The formal transition from UNITAF to UNOSOM II occurred on 4 May 1993. Although the transition had been anticipated, the full departure of the final elements of the UNITAF force had not.⁴⁰ The rapidity of the departure and the lack of extensive prior planning meant that UNOSOM II began its mission scrambling and waiting for resources, including troop contributions, with only a basic plan for mandate implementation. Even before UNITAF drew to a close the security situation in Somalia had become more tenuous with increasing clashes between militia and UNITAF troops. Because of a lack of sufficient military support when UNOSOM II began, activities such as patrols in Mogadishu were scaled back. The local militias responded accordingly, taking advantage of the changed atmosphere.

Most of those involved in the operation fully expected that the local militias would very quickly try to test the strength and resolve of the UNOSOM II mission. That test was not long in coming. On 6 May, Col. Omar Jess, an ally of Aidid, tried to retake Kismayo, only to be pushed back by UNOSOM II troops.⁴¹ The conflict and the loss by Jess entrenched an already strong anti-UN attitude among Aidid and his followers. This anti-UN mood was reinforced by UNOSOM II’s political approach, in particular its handling of a peace conference for central Somalia from which Aidid felt he was being shut out.

During this time, broadcasts by Radio Mogadishu, controlled by Aidid, became more virulent and more directed to inciting violence against UN troops. UNOSOM II seriously considered closing down the station. By the end of May, planning was in motion for UNOSOM II to begin implementing the disarmament aspects of the mandate. On 4 June, UNOSOM II personnel delivered an inspection notice to representatives of the SNA. The inspections were to be of authorized weapons storage sites associated with Radio Mogadishu property. The notice was delivered on the Islamic day of rest and was received by a member of the SNA, who responded that his organization would need time to respond, and said that if the inspection went ahead as planned it would mean war. This warning was not passed along to the Pakistan contingent preparing to carry out the inspection.

The inspection began early the following morning and was carried out successfully. But on returning from the inspection site (also the site of Radio Mogadishu)

the Pakistani troops were ambushed and attacked. Reinforcements coming from headquarters were also attacked. More or less simultaneously, other Pakistani troops manning a feeding point were also attacked. Troops sent to their aid were fired upon en route. In an initial attempt to assist, Italian attack helicopters shot and wounded three Pakistani soldiers. The skirmishes ended early that afternoon, leaving 24 Pakistani soldiers dead, and 57 wounded; one Italian and three US soldiers were also wounded.⁴²

The battles were a major turning point for the UNOSOM II operation. The next day the Security Council passed resolution 837 calling for the arrest of those responsible. Although not directly naming General Aidid, it was widely assumed that he was going to be subject to arrest. On 17 June, Admiral Jonathan Howe, the special representative of the secretarygeneral (SRSG), publicly issued that arrest warrant.⁴³ The Security Council resolution was drafted and passed almost completely on US initiative and with little or no consultation with those in the field.⁴⁴

The Summer Military Campaign

The events of 5 June and the decisions made in response marked the beginning of a UNOSOM II military campaign and a fundamental change in the mission. Technically the military campaign was oriented to the disarmament aspects of the mandate, with the arrest of Aidid being a secondary objective. In practice, however, these two objectives were hard to keep separate, especially in the media which reported on the hunt for Aidid very closely.

UNOSOM military action began on 12 June with a combined air and ground attack against three weapons sites and sites associated with Radio Mogadishu. Further air and ground attacks against weapons targets continued over the next couple of days with the primary objective of initiating the disarmament process and neutralizing all heavy weapons.⁴⁵ On 17 June — the day Admiral Howe announced that UNOSOM was formally seeking to apprehend Aidid — Moroccan, Pakistani, Italian, and US UNOSOM troops undertook a well-rehearsed (thus well-observed) cordon and search operation in an SNA enclave. The Moroccan troops came under attack during the operation — an attack in which Somalis used women and children as human shields. The resulting battles lasted several hours. Five Moroccan soldiers died, including the battalion commander, and 40 were wounded.

This first week of attack and counterattack set the tone for the rest of the summer. Aidid remained elusive. The stepped-up UN military activities contributed to resentment of it on the part of Mogadishu residents who were resistant to supporting the actions taken against Aidid. Moreover, UN military efforts were complicated by serious command and control issues. In addition to Admiral Howe's being named as SRSG, the deputy force commander of UNOSOM II was US Maj. Gen. Thomas Montgomery. Besides his UN duties, Montgomery commanded the US Quick Reaction Force (QRF). Comprising 1,150 troops, the QRF was

available to support UNOSOM II activities but remained solely under the command of Montgomery and was, therefore, not responsible to Gen. Bir, the overall commander of UNOSOM II.⁴⁶ Three thousand US logistics personnel also supported UNOSOM II, operating under its command.

UNOSOM II was also beset by more than the usual problems associated with a multinational command.⁴⁷ In spite of the chapter VII authorization of the operation, some national contingents participated only to the extent of being involved in implementing the assistance tasks. In addition, a number of contingents would not carry out orders from Gen. Bir before checking them through their own national commands at home. This had a negative effect on the “unity of effort” aspect of the operation, and created serious time-constraint problems in situations where decisions had to be made quickly. In particular, the Italian contingent’s disagreement with the forceful approach of UNOSOM II led to a deliberate refusal to carry out Bir’s orders, prompting the UN command to ask that the Italian commander be sent home. Though the dispute was eventually cleared up without the Italian commander returning home, it revealed some serious, and embarrassing, internal strains in the operation.⁴⁸

Turning Points

On 12 July, QRF troops attacked Abdi House, considered a SNA command and control centre, where it was believed a number of militia leaders were meeting. The raid was carried out without consultation with UNOSOM headquarters and other UNOSOM troop contributors and, in contrast to previous military activities, without prior warnings to the local population. UNOSOM estimates are that 20 adult Somali males were killed; the ICRC put the number at 54. Four journalists reporting on the raid were also killed, by Somalis.

Prior to the raid the heavy UN emphasis on military tactics had been generating criticism from within and without the operation, not just because of the use of force but also because the military raids required large numbers of personnel, leaving fewer available for humanitarian and other tasks.⁴⁹ In addition, the distinction between activities carried out by the UN as opposed to those carried out by the US was often obscured in press coverage, leaving the impression that if UNOSOM II was not actually being run by the US it was certainly dominated by it. The 12 July raid brought some of these brewing tensions to the surface, straining an already tenuous sense of unity at precisely the moment when UNOSOM was experiencing its highest level of military activity.⁵⁰

Following the 12 July raid the impetus for action switched to the SNA militias, who engaged in a variety of attacks against UN and US forces. The July raid pushed the SNA from a diffuse anti-UN/US posture to a very determined one. Attitudes among the general Somali population also hardened.

The change in the atmosphere was evident; the effect of the raid irrevocable. Any question of SNA accommodation with the United States or United Nations was overtaken by the impact of the carefully planned attack, which affected Somali attitudes as much as the attack on the Pakistanis had influenced attitudes within UNOSOM.⁵¹

In response to this change in the environment, UNOSOM's posture and activities took on a more defensive orientation, with humanitarian tasks being de-emphasized. Many NGOs left the city because of the high tension and anticipation of more violence. Nonetheless, Boutros-Ghali evinced determination about UNOSOM II's objectives, reiterating that "the international community has known from the beginning that effective disarmament of all the factions and warlords is *conditio sine qua non* for other aspects of UNOSOM's mandate, be they political, civil, humanitarian, rehabilitation or reconstruction."⁵²

Discontent about the nature of the mission was also brewing within the US, especially in Congress. When the mandate for the arrest of "those responsible" was originally authorized in June, Adm. Howe and Gen. Montgomery requested the Pentagon to send special forces, helicopters, and tanks. Some attack helicopters were despatched, but that was all.⁵³ The Clinton administration feared that sending more military assets to Somalia, especially tanks, would make it appear as if the US were becoming more deeply embroiled in Somalia, resurrecting troubling images of past "quagmires."

During August, two remote-controlled mine detonations used against US troops brought about a change in policy.⁵⁴ The second attack, on 22 August, prompted President Clinton to order that the initial request from Howe and Montgomery for special forces be fulfilled. The addition of Delta Force commandos and Army Rangers, together named Task Force Ranger, added new complications to the already difficult command and control arrangements. The task force was under a separate chain of command that extended through the commander of US Special Operations to CENTCOM.⁵⁵ Task Force Ranger's main objective was the arrest of Aidid and other top SNA leaders.

The arrival of the special forces had a two-fold effect, simultaneously reinforcing the focus on the arrest of Aidid and the perception that the UNOSOM II operation was essentially being run by the US. The SNA stepped up its attacks on US and UNOSOM II forces. There were now daily attacks of one kind or another against UNOSOM troops who were, of necessity, very much in a defensive posture.

The Olympia Hotel Raid

The pivotal event for UNOSOM occurred on 3 October 1993, when Task Force Ranger conducted a raid on the Olympia Hotel believing that a meeting of top Aidid advisors was taking place there. The action, begun in the mid-afternoon,

resulted in 24 arrests. As it was ending, a Black Hawk helicopter was shot down. American troops, by helicopter and on foot, attempted to rescue those in the downed helicopter, only to find themselves coming under heavy attack. The resulting battle between Somalia militia and US and then UN troops lasted through the night. Since no prior notification had been given of the raid, no reinforcements had been readied in advance. Reinforcements from UNOSOM troops, therefore, took time to arrive and were not as prepared as they might have been.⁵⁶

In total, 18 US soldiers and one Malaysian soldier were killed, and 73 US soldiers were wounded. Estimates of Somali dead and injured vary widely from 300 to 500 killed, and 700 wounded. The body of one US soldier was dragged through the streets of Mogadishu by triumphant crowds. This event, filmed by television crews, was broadcast widely by the international media. Another American soldier was taken hostage and pictures of him in captivity became a feature of international media attention in the days that followed.

The battle had the most profound effect on UNOSOM II. The immediate impact was President Clinton's announcement, a few days later, that he would be augmenting US forces in Somalia but that all American troops would be withdrawn from Somalia within six months, by 31 March 1994.⁵⁷ Clinton also instructed US forces to cease the hunt for Aidid, bringing an end to that aspect of the mission although there was no formal revocation of this aspect of the Security Council mandate. His announcement spelled the end of commitments for a number of other troop contributors, who had linked their own involvement directly to that of the US; this left UNOSOM confronting a future of dramatically reduced forces.⁵⁸ The announcement was also a major psychological blow for those involved in the operation, to whom it seemed as if the effective end of the operation was coming just at a point when they felt things had begun to change for the better. UNOSOM officials would subsequently reverse their policy on Aidid, seeking once again to work with him as a means of ensuring a safe and smooth withdrawal, and in order to re-establish some form of political reconciliation.⁵⁹

As it became clear that the proactive use of force by UNOSOM was ending, the SNA and other Somali militias seized their opportunity to act. Before long, the streets of Mogadishu looked as they had prior to UNITAF's involvement, teeming with arms and technicals. UNOSOM redoubled its self-defence efforts, with the overriding objective becoming force protection rather than mandate implementation. Snipers from the 13th Marine (MEU) were sent to Somalia as part of strengthening the US commitment in anticipation of withdrawal. They became a core element in ensuring UNOSOM security until the US departure.

By the end of October 1993 major parts of the city were off limits to US forces, and no patrolling was conducted due to the increased threat. UNOSOM forces, as well as their US protectors, were essentially confined to their strong points and compounds, where periodic fire into the compounds, including occasional mortar rounds, was a real threat. Marine snipers ... were placed at key intersections and in overwatch

positions above the UNOSOM/US Forces compounds. Snipers began to engage targets, whether or not they demonstrated a hostile act or showed hostile intent.⁶⁰

The Security Council's authorization of a change in mandate was simply a reflection of what had become UNOSOM policy since October. The mandate remained a chapter VII undertaking, but this was primarily to allow for a strong self-defence capability.

When UNOSOM left Somalia on 31 March 1995, its original mandate was far from fulfilled: Somalia had no effective government and a bitter conflict continued between the Mogadishu factions. Considerable progress had been made, however, in dealing with the humanitarian situation, although as Boutros-Ghali pointed out, without a functioning government Somalia would be vulnerable to even minor emergencies.⁶¹

Aidid died, apparently of a heart attack on 1 August 1996. Leadership of his faction has been taken over by his son, Hussein Aidid, a former American soldier. As of this writing, Somalia remains without an effective government.

Conclusions

UNOSOM II's command and control arrangements provide a good example of how not to design an efficient and useful command structure for peace enforcement. The traditional problems associated with conducting a multinational operation were exacerbated by the separation of certain US forces, with fatal consequences during the raid on the Olympia Hotel. Because no prior notification had been given by the US forces, there was no ability to prepare for support and reinforcement from other troops. These problems were symptomatic of the UN decision to subcontract the UNITAF operation, and then to accept heavy US involvement and control in UNOSOM II in order to keep American assets involved.

In the wake of the mission, the US used the UN as a scapegoat. President Clinton and other policymakers did not make it clear that the ranger operation was solely an American one, thereby insinuating that the UN was somehow to blame for putting US soldiers in harm's way. While it may have been politically expedient to do so at the time, administration officials reinforced an already deep-seated mistrust of the UN among the American public and political class, with considerable short-term implications for future UN operations.⁶²

Because of the UN resistance to the end of UNITAF and the US insistence on leaving, the planning for the transition from UNITAF to UNOSOM II was haphazard. The sudden, and (to some) surprising, withdrawal of the remaining UNITAF forces on 4 May 1993 left the UNOSOM II command scrambling. A formal transfer of command had not been organized and only a small proportion of the personnel and equipment required for the mission had arrived. UNOSOM II began, therefore, in a state of disarray at precisely the time that it most needed to resemble a united, coherent initiative.

One of the effects of the ending of the cold war has been that the US has taken on the role of leading major power in the Security Council; in simple resource terms, this was a fact of life for the UN. It has had the consequence, however, of creating a kind of overdependence on the US for major operations. Such was the case with respect to the UN in Somalia. In particular, a heavy reliance on the state that has taken on the bulk of the operation creates two tracks of thinking when it comes to planning and implementation, so that the UN finds itself having to concede on issues such as command and control, and timing decisions (e.g., the UNITAF-UNOSOM II transition) — all because of an overwhelming need to keep the US in the picture. With respect to the use of force, this means that American concerns become UN ones. As evidenced by the events surrounding the Olympia Hotel raid, the UN thus becomes hostage to the reality that the US can have trouble staying the course when things get difficult, especially in the absence of a perceived vital interest.

The military and political goals of UNITAF were clear: the need to deal with the massive humanitarian crisis through the use of force to enable order to be restored. Under the UNOSOM II mandate the specific political goals were less clear. As a result of the nature of the situation, the political objectives of the mission were general in nature. Unlike other UN operations such as Cambodia and Central America, there had been no formal agreement or understanding among the warring groups that the UN mission was seeking to implement. UNOSOM's mandate was only loosely tied to the agreements made by faction leaders at Addis Ababa. The fact that the Security Council authorized resolution 814 just prior to the signing of new accords at Addis Ababa and that it did not recognize the agreements made three days later, after the end of the UN-sponsored part of the meeting, is evidence of the tenuousness of that connection.

The absence of a clear set of political goals on behalf both of the UN and the parties to the conflict contributed to an intertwining of the political and military aspects of the mission, making it possible for the latter to supersede the former. Ideally, political objectives should prevail, but given the breadth of the mandate, i.e., of facilitating political reconciliation and nation-building, and the increasing use of force, this proved impossible. Initially, any use of force in UNOSOM II was to be directed to the disarmament, protection, and refugee-resettlement aspects of the mandate. Ideally, disarmament provisions were to be carried out voluntarily. Given the ongoing conflict and lack of political progress this proved to be illusory.

For those on the receiving end — the “disarmees” — this meant that the same entity that was coercively enforcing weapons inspections and seizures, and later arresting people, was also charged with the task of facilitating political reconciliation. Not surprisingly, that fostered a perception within Somalia that the UN was working to impose a political solution on the country. Indeed, what was happening was a shift towards using military methods to bring about political results. Boutros-Ghali's insistence, for example, that disarmament would lead to the

creation of conditions “of peace, stability, law and order”⁶³ indicates clearly the drift in UN thinking.

A consequence of this mixing of military and political goals was the creation of problems regarding impartiality. The latter, as I have argued earlier in this monograph, is critical to a peace-enforcement operation. Even before the 5 June attacks, the impartiality of UNOSOM II vis-à-vis Aidid and the SNA had already come into question. But any lingering trace of UNOSOM II impartiality, to those on the ground, disappeared when the Security Council passed the mandate to arrest “those responsible,” followed by Aidid’s being named as the target. The commission that investigated the attacks against UNOSOM determined that the arrest mandate had “resulted in a virtual war situation between UNOSOM II and the SNA.”⁶⁴

Come July, when the SNA began to take the military initiative, UNOSOM II orders referred to “enemy forces,” a change from the previous term, “hostile forces.” The arrest mandate added another coercive element to the mix. Military efforts to arrest Aidid coincided with disarmament efforts that often involved the use of force, contributing to perceptions that UNOSOM II was using force to bring about its own desired outcome to the conflict. With the loss of the perception of impartiality, UNOSOM II also surrendered its ability to play a credible role in the political process. The sequence of armed clashes that followed and the resulting retreat to defence-oriented activities, at the expense of mandate objectives, were results of, and testimony to, that change.

Notes

1. For descriptions of the different colonial experiences, see Robert L. Hess, *Italian Colonialism in Somalia* (Chicago: University of Chicago Press, 1996); E. Sylvia Parkhurst, *Ex-Italian Somaliland* (New York: Greenwood, 1951); E. A. Bayne, *Four Ways of Politics* (New York: American Universities Field Staff, 1965); UK Ministry of Information, *The First to be Freed: The Record of British Military Administration in Eritrea and Somalia, 1941-1943* (London: His Majesty’s Stationery Office, 1944).
2. For overviews of this period, see especially, Helen Chapin Metz, ed., *Somalia: A Country Study* (Washington: Federal Research Division, Library of Congress, 1993); Ian M. Lewis, *A Pastoral Democracy* (London: Oxford University Press, 1982); Rakiya Omaar, “Somalia: At War with Itself,” *Current History*, May 1992, pp. 230-34; and Said Y. Abdi, “Decolonization in the Horn and the Outcome of Somali Aspirations for Self-Determination,” in *The Decolonization of Africa: Southern Africa and the Horn of Africa* (Paris, UNESCO, 1981), pp. 97-107.
3. Mohammed Ayoob, *The Horn of Africa: Regional Conflict and Super Power Involvement*, Canberra Papers on Strategy and Defence, no. 18 (Canberra: Australian National University, 1978); Marina Ottaway, *Soviet and American Influence in the Horn of Africa* (New York: Praeger, 1982).

4. For descriptions of the formation of the various rebel groups see, Andre Tulumello, "Rethinking Somalia's Clanism," *Harvard Human Rights Journal* 6 (Spring 1993): 230-34; Omaar, "Somalia: At War With Itself"; John Markakis, *National and Class Conflict in the Horn of Africa* (Cambridge: Cambridge University Press, 1987).
5. For the famine and refugee problem, see Jeffrey Clark, *Famine in Somalia and the International Response: Collective Failure* (Washington: US Committee for Refugees, November 1992); and Steve Hansch et al., *Lives Lost, Lives Saved: Excess Mortality and the Impact of Health Interventions in the Somalia Emergency* (Washington: Refugee Policy Group, November 1994).
6. Jonah's visit has been criticized as too long in coming, and when it did occur Jonah was said to have been poorly prepared for what he faced. See Jonathan Stevenson, "Hope Restored in Somalia?" *Foreign Policy*, no. 91 (Summer 1993), p. 144.
7. The cease-fire agreement is reprinted as Annex III, S/23693, 11 March 1992.
8. S/23829, 21 April 1992, para. 27-29.
9. S/24343, 22 July 1992; S/24480, 24 August 1992.
10. S/24343, 22 July 1992, para. 55.
11. S/24480, 24 August 1992, para. 11-12.
12. Jane Perlez, "Food Piling Up in Somali Port as Many Starve," *New York Times*, 2 November 1992, pp. 1, A8; also, S/24859, 27 November 1992, p. 3. As well, see the UN concept of operations, Document FA000323, Commission of Inquiry into the Deployment of Canadian Forces to Somalia, *Information Legacy* (Ottawa, 1997).
13. In particular, the secretary-general's recommendation to deploy a further 3,000 troops was approved by the Security Council on 28 August 1992, just after Sahnoun managed to get Aidid's agreement to the initial 500. This apparently occurred without any prior consultation or even notification to UNOSOM staff in Somalia. See, Mohamed Sahnoun, *Somalia, The Missed Opportunities* (Washington: USIP Press, 1994), esp. pp. 37-41; and Idem, "Prevention in Conflict Resolution: The Case of Somalia," *Irish Studies in International Affairs* 5 (1994): 5-13.
14. Jane Perlez, "Top UN Relief Official in Somalia Quits over Dispute," *New York Times*, 28 October 1992, p. A6; "UN Envoy to Somalia Says His Ouster is Official," *ibid.*, 30 October 1992, p. A7; "Aide's Departure Another Blow to UN in Somalia," *ibid.*, 31 October 1992, p. 2. For a discussion of Sahnoun's accomplishments see Stevenson, "Hope Restored in Somalia?," and John L. Hirsch and Robert B. Oakley, *Somalia and Operation Restore Hope* (Washington: USIP Press, 1995), pp. 29-31.
15. An October 1992 assessment of the situation found that "[a]lmost one million Somalis are on the brink of death by starvation and disease, and millions more may die if urgent assistance is not forthcoming. Furthermore, hundreds of thousands of Somalis may be forced to join the one million Somali refugees who have already fled.... Over the past months conditions in many parts of Somalia have continued to deteriorate exponentially. Against this grim backdrop of urgent needs and an escalating death rate from starvation and disease, relief efforts continue to be impeded by looting and diversion of relief supplies. The onset of the rains in many places has further exacerbated a desperate situation. Unless humanitarian assistance programmes are accelerated as many as 250,000 Somalis may die before the end of this year." United

- Nations, "100-Day Action Programme for Accelerated Humanitarian Assistance for Somalia," 6 October 1992.
16. "Letter Dated 24 November 1992 from the Secretary-General Addressed to the President of the Security Council," S/24859, 27 November 1992.
 17. S/24868, 29 November 1992. For more on the US decision to make the offer, see John R. Bolton, "Wrong Turn in Somalia," *Foreign Affairs* 73 (January/February 1994): 56-66; Hirsch and Oakley, *Somalia*, pp. 35-47; "A 'Seamless' Transition: United States and United Nations Operations in Somalia — 1992-1993," Parts A and B, CO9-96-1324.0, CO9-96-1325.0, Case Program, John F. Kennedy School of Government, Harvard University, 1996.
 18. S/PV.3145, 3 December 1992, p. 34.
 19. S/24868, 30 November 1992.
 20. S/PV.3145, 3 December 1992, pp. 36-38.
 21. Quoted in F. M. Lorenz, "Law and Anarchy in Somalia," *Parameters* 23 (Winter 1993-94): 40, note 2.
 22. An overview of the Congressional response is provided by Harry Johnston and Ted Dagne, "Congress and the Somali Crisis," in *Learning from Somalia*, ed. Walter Clarke and Jeffrey Herbst (Boulder: Westview, 1997), pp. 191-204.
 23. S/25354, 3 March 1993, para. 58.
 24. *Ibid.*, para. 9.
 25. S/PV.3188, 26 March 1993, p. 19.
 26. Addis Ababa Agreement of 27 March 1993, reprinted in *The United Nations and Somalia, 1992-1996* (New York: United Nations, Department of Public Information, 1996), pp. 264-65.
 27. "UN Demands Arrests in Ambush," *Globe and Mail*, 7 June 1993, p. A1; "New Fighting erupts in Somali Capital," *ibid.*, 8 June 1993, p. A10.
 28. Security Council Resolution 837, 6 June 1993.
 29. S/1994/12, 6 January 1994, para. 46.
 30. Security Council Resolution 897, 4 February 1994.
 31. Security Council Resolution 954, 4 November 1994.
 32. Rules of Engagement for Operation Restore Hope, para. (10) (U), (11)(U), in Department of the Army, *Peace Operations*, FM 100-23, December 1994.
 33. Kenneth Allard, *Somalia Operations: Lessons Learned* (Washington: National Defense University Press, 1995), p. 36.
 34. The ROE card is reprinted in *Joint Task Force Commander's Handbook for Peace Operations*, Joint Warfighting Center, 28 February 1995, p. 76.
 35. The Fragmentary Order is reprinted in F. M. Lorenz, "Rules of Engagement in Somalia: Were They Effective?" Staff Judge Advocate, I Marine Expeditionary Force, Camp Pendleton, California, n.d. Also see *Idem*, "Forging Rules of Engagement: Lessons Learned in Operation United Shield," *Military Review* (November-December 1995): 17-25.

36. S/24868, 30 November 1992.
37. Quoted in "A 'Seamless' Transition," p. 23.
38. Note the statement of the US representative when resolution 794 passed: "In offering to contribute to the effort authorized by this resolution, the United States has no other objective. Once deployed, our military forces will remain in Somalia no longer than is necessary. We look forward to the early transition to an effective United Nations peacekeeping force." S/PV.3145, 3 December 1992, p. 37. Also see "CDS Discussion with General Powell," Document no. 810800, in *Information Legacy, A Compendium of Source Material from the Commission of Inquiry into the Deployment of Canadian Forces to Somalia* (Ottawa, 1997).
39. S/25354, 3 March 1993, para. 58.
40. The final withdrawal of troops on this day came as a complete surprise to the UN secretariat, as well as to many in Washington. See *Somalia and Operation Restore Hope*, p. 112. Elizabeth Lindenmayer recounts that on receiving the information by phone that the US troops had left, secretariat officials responded: "What do you mean the Marines have gone? How can 2,000 Marines leave just like that?"
41. In February, UNITAF became involved in a struggle between Jess's forces and those loyal to General Siad Morgan (who favoured Siad Barre). "Ultimatum Issued to Somali Warlord," *Globe and Mail*, 24 February 1993, p. A13.
42. A number of accounts of these events exist. Two "independent" analyses done for the UN provide good overviews of the sequence of events. See the report by Tom Farer, S/26351, 24 August 1993, and the report of the independent commission established under resolution 885, S/1994/653, 1 June 1994.
43. Howe received considerable criticism, first for not authorizing the immediate arrest of Aidid, when he could have easily been picked up, and then for actually naming Aidid, thus bringing a formal end to UNOSOM II's impartiality. "'Seamless' Transition," Part B, pp. 6-8.
44. Admiral Howe was virtually alone in his resistance to the military option, but eventually gave in during a marathon meeting among UNOSOM II leadership. See Jarat Chopra, Åge Eknes, and Toralv Norbø, *Fighting for Hope in Somalia* (Oslo: Norwegian Institute of International Affairs, 1995), pp. 97-98; Donatella Lorch, "Tension Growing in Somali Capital," *New York Times*, 9 June 1993, p. A13; and Douglas Jehl, "US Is Sending Planes to Bolster UN in Somalia," *ibid.*, 10 June 1993, pp. A1, 12.
45. S/26022, 1 July 1993, para. 22; Donatella Lorch, "US Aircraft Again Attack Somali Faction's Arms Sites," *New York Times*, 15 June 1993, p. A12; Michael Gordon, "US Intensifies Attack to Oust a Somali Clan," *New York Times*, 17 June 1993, p. A14; "Somali Targets Hit by New Air Strikes," *Globe and Mail*, 15 June 1993, p. A8.
46. For command and control charts and discussion, see *Fighting For Hope*, p. 86; and William J. Durch, "Introduction to Anarchy: Intervention in Somalia," in *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s*, ed. William J. Durch (New York: St. Martin's, 1996), p. 337.

47. For a good overview of the operational issues facing a US commander in both UNITAF and UNOSOM II, see Joseph P. Hoar, "A CINC's Perspective," *Joint Forces Quarterly* (Autumn 1993): 56-63.
48. For press coverage see, for example, "Italy Seeks Halt to Peacekeepers' Fighting," *Globe and Mail*, 13 July 1993, pp. A1, A2; and A. Cowell, "Italy, in UN Rift, Threatens Recall of Somalia Troops," *New York Times*, 16 July 1993, pp. A1, A2.
49. Geoffrey York, "Somali 'Success' Nearing Disaster," *Globe and Mail*, 16 June 1993, p. A1; Donatella Lorch, "In an Edgy Mogadishu, Relief Efforts Are in Jeopardy," *New York Times*, 23 June 1993, p. A3; "Food Rots as UN Troops Focus on Military Action," *Globe and Mail*, 12 July 1993, pp. A1, A2.
50. "UN Raids Somali Clan's Base; A Mob then Kills 2 Journalists," *New York Times*, 13 July 1993, pp. 1, A8; Donatella Lorch, "UN Finds Peace Elusive with Somali Leader at Large," *ibid.*, 15 July 1993, p. A10; "Angry Somalis Attack UN Sites," *Globe and Mail*, 15 July 1993, p. A6; Geoffrey York, "What Went So Wrong in Somalia," *ibid.*, pp. A1, A6.
51. Hirsch and Oakley, *Somalia*, p. 121.
52. S/26317, 17 August 1993, para. 73.
53. US Congress (Senate), *Current Military Operations*, Hearings, 103-440, 4, 7 October 1993. See esp. the testimonies of Lt. Gen. John Sheehan, and Rear Adm. Michael W. Cramer, pp. 39-104.
54. Karen de Witt, "Four U.S. Soldiers Are Killed by Mine in Somali Capital," *New York Times*, 9 August 1993, pp. 1, A6; Michael R. Gordon, "In a Shift, U.S. Sees Wider Somali Role To Stop Clan Leader," *ibid.*, 10 August 1993, pp. 1, A6; Madeleine Albright, "Yes, There Is a Reason to be in Somalia," *Backgrounder* 93-25 (Ottawa: US Embassy, 11 August 1993).
55. According to Allard, Task Force Ranger's chain of command "extended directly back to CENTCOM without going through either U.S. or U.N. channels." Allard, *Somalia Operations*, p. 57.
56. S/1994/653, 1 June 1994, pp. 86-89. For very detailed coverage see the four-part series, "Mission to Somalia," by Patrick J. Sloyan, *Newsday*, 5-8 December 1993. Also see "Blackhawk Down," *Philadelphia Inquirer*, 16 November 1997.
57. "Address to the Nation on Somalia," *Weekly Compilation of Presidential Documents* 29 (7 October 1993): 2022-25. For a sense of the American mood, see Thomas L. Friedman, "Clinton Sending More Troops to Somalia," *New York Times*, 7 October 1993, pp. A1, A10; and Douglas Jehl, "Clinton Doubling U.S. Force in Somalia, Vowing Troops Will Come Home in 6 Months," *ibid.*, 8 October 1993, pp. A1, A14.
58. "Frustration and Anxiety at UN as US Puts Somalia Operation on 6-Month Notice," *International Documents Review* 4, 35 (11 October 1993): 1-2.
59. This shift of attitude towards Aidid, predictably, was the source of considerable criticism. See, for example, Ken Menkhaus, "Getting Out vs. Getting Through," *Middle East Policy* 3, 1 (1994): 158.
60. Lorenz, "Rules of Engagement," p. 5. Also see John H. Cushman, "How Powerful U.S. Units Will Work," *New York Times*, 8 October 1993, p. A14.

61. S/1995/231, 28 March 1995, para. 38.
62. For example, a US ship, the *Harlan Cleveland*, withdrew from the Port-au-Prince harbour in Haiti on 11 October 1993 rather than confront an angry crowd on the dock. And the experience in Somalia fed a general unwillingness on the part of the US government to use its soldiers on the ground in Bosnia.
63. S/26738, 12 November 1993, para. 59.
64. S/1994/653, para. 125.

5. *Bosnia*

Introduction

A product of World War I, Yugoslavia was formed in 1918 as the Kingdom of Slovenes, Croats, and Serbs, ruled by a monarchy. In 1944, upon Yugoslavia's liberation from the Germans, the monarchy was deposed in favour of Marshal Tito, the man who had successfully led the partisans against the Germans during the war. Between then and 1991, Yugoslavia existed as a federation of six republics as well as, after 1963, two autonomous provinces, Kosovo and Vojvodina. The republics were Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia.

Consequent to the ending of the Cold War and the opening up of the political process throughout Central and Eastern Europe, Yugoslavia began to fall apart. Secession referendums held in Slovenia and Croatia in 1990 were followed the next year by declarations of independence, prompting a military response from the Yugoslav government. The Yugoslav government, under the leadership of Slobodan Milosevic, seemed willing enough to let Slovenia go: not so for Croatia, however, where Milosevic was determined to protect pockets of Serb populations. There, bitter fighting intensified during the late summer of 1991. During August, fighting within Croatia between JNA troops and those loyal to an independent Croatia intensified.

When the Yugoslav crisis began to unfold in 1990 various European institutions became involved. Having Europe take the lead suited most of the major international actors, including and especially the United States. The European Community sought to prevent further fighting and maintain a unified Yugoslavia in some form. By the autumn of 1991 EC efforts were stalemated.¹ At the initiative of Belgium, France, and the UK the matter came before the UN Security Council in late September 1991.²

UNPROFOR: From Croatia to Bosnia

Security Council resolution 713 was the first UN action on the conflict. Noting its concern that the “continuation of this situation constitutes a threat to international peace and security,” the Council urged all parties to abide by cease-fire agreements. Acting under chapter VII, it imposed an immediate “general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia until the Security Council decides otherwise.” No further Council action occurred for two months.

By November, though the situation was little improved, the idea of a peace-keeping force began to be floated in UN headquarters. On 27 November, the day after a formal request from the Yugoslav government for such a force was received, the Security Council passed its second resolution on the crisis. Resolution 721 agreed with the general idea of a peacekeeping force but emphasized its deployment must await the implementation of the cease-fire agreement signed by the parties on 23 November.

In mid December 1991 the Council approved a “small mission” to make initial preparations for peacekeeping. Failure of the cease-fire to hold translated into delay in the deployment of peacekeepers during the beginning of 1992. In mid February, the new secretary-general, Boutros Boutros-Ghali, proposed to the Security Council that a peacekeeping mission go ahead even in the absence of a firm cease-fire. This remarkable recommendation was based on the conclusion that

the danger that a United Nations peace-keeping operation will fail because of lack of cooperation from the parties is less grievous than the danger that delay in its dispatch will lead to a breakdown of the cease-fire and to a new conflagration in Yugoslavia. In reaching this conclusion I have made the assumption, which I recognize could also be questioned, that the Yugoslav parties are ready to engage seriously in the difficult task of negotiating an overall settlement ... the United Nations Force would remain in Yugoslavia until a negotiated settlement was achieved.³

The Security Council approved the secretary-general’s recommendation in resolution 743 on 21 February, establishing the United Nations Protection Force (UNPROFOR) in Croatia for a period of 12 months.

During the autumn of 1991 some European countries, especially Germany, began to discuss the possibility of recognizing Slovenia and Croatia as independent states. International recognition of the two republics raised two concerns, first about the status of areas with large minority populations, and secondly about the impact of recognition elsewhere in the collapsing Yugoslav federation, especially Bosnia-Herzegovina and Macedonia. Despite these concerns, Germany, with the EC trailing somewhat reluctantly behind it for the sake of unity, announced on 23 December 1991 that the republics had met the conditions for recognition established earlier that month by the EC; formal recognition would be accorded them on 15 January 1992.⁴

After the recognition of Slovenia and Croatia the situation in Bosnia-Herzegovina deteriorated quickly as both Yugoslavia and Croatia turned their attention to the status of their “people” and their land in Bosnia. With most Bosnian Serbs boycotting it, a referendum on Bosnia’s independence of 29 February 1992 easily carried, with 99.4 percent voting in favour of independence. On 2 March 1992, President Alija Itzbegevic declared Bosnia-Herzegovina independent. The US and the EC, hoping that recognition might act as a stabilizing factor, recognized Bosnia’s independence on 7 April.

Their hope was frustrated. Fighting intensified, particularly in areas close to borders with Croatia and Serbia and in the capital city, Sarajevo. In a report to the Security Council on 12 May 1992, the secretary-general spoke of the deteriorating situation and in particular of the “concerted effort by the Serbs of Bosnia-Herzegovina, with the acquiescence of, and at least some support from [the Federal Yugoslav Army — JNA] to create ‘ethnically pure’ regions.” Boutros-Ghali spoke of the worrisome prospect of Croats and Serbs carving the new country up between them, leaving a minimum of territory for the Muslim population.⁵

The headquarters for the UNPROFOR operation had been located in Sarajevo, although the operation was entirely based in Croatia. This choice was intended to send a stabilizing signal. Notwithstanding, there were serious problems associated with locating a headquarters some distance from the operations in the field, and these became further complicated when Sarajevo itself became a zone of combat. The descent to conflict in Bosnia and the resulting humanitarian emergency created enormous complications for UNPROFOR.

Increasingly, the Security Council turned its attention to Bosnia. On 15 May 1992, it passed resolution 752, demanding an end to the fighting there, an end to all forms of outside “interference,” the withdrawal of JNA and Croatian army units, and the disbanding and disarming of all “irregular” forces. Two weeks later, resolution 757 deplored the failure to comply with resolution 752, and declared that the situation in BosniaHerzegovina and other parts of the former Yugoslavia constituted a threat to international peace and security.

The Council imposed economic and diplomatic sanctions on Yugoslavia and demanded that all parties provide for the unimpeded delivery of humanitarian supplies and establish a security zone around Sarajevo and its airport. Ten days later, on 8 June, it passed resolution 758, approving Boutros-Ghali’s proposal that UNPROFOR’s mandate be extended to include “operational responsibility for the functioning and security of the Sarajevo airport.”⁶ Through July and into the first part of August, the Council authorized two further increases in strength for UNPROFOR, but took no other action aside from continuing to call for cease-fire compliance and unimpeded humanitarian aid. It appeared to have little interest or inclination in taking action with respect to the conflict itself, even though the conflict had been deemed to be a threat to international peace and security.

EC-brokered peace negotiations went nowhere throughout the spring of 1992. With Britain holding the EC presidency as of June, the negotiations entered a new

phase, one that witnessed a more formal partnership and coordination between EC and UN efforts. The two organizations undertook joint sponsorship of a second peace process, which became the International Conference on the Former Yugoslavia (ICFY).

Delivering Humanitarian Aid

Throughout that summer, the conflict worsened, allegations of ethnic cleansing increased, and humanitarian aid shipments were consistently blocked. The international community, under pressure from the public to do something, began to debate the use of force to deliver humanitarian aid.⁷ This prospect had already been raised by the secretary-general in his reports to the Security Council. In May 1992, Boutros-Ghali had concluded that the Bosnian conflict was not “susceptible to the United Nations peace-keeping treatment.”⁸ He dismissed sending a UN “intervention” force without the consent of all the parties involved, fearing among other things that member states would be unwilling to contribute the necessary forces and equipment to the operation. He did raise the possibility of using UN forces to protect humanitarian aid deliveries, but concluded that doing that would jeopardize the consent required for the ongoing peacekeeping operation in Croatia.⁹ Nonetheless, public pressure for intervention continued to mount.

On 13 August 1992, Security Council resolution 770 authorized the use of force to ensure the delivery of humanitarian aid. The Council specifically linked the delivery of humanitarian aid to international peace and security, and it directed members

to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina.¹⁰

This was the first authorization of the use of force to deliver humanitarian aid, and marked the first time the Council would link humanitarian aid to international peace and security. It was a significant step. Invoking chapter VII and approving the use of force through “all measures necessary” demonstrated the Council’s resolve, at least on paper.

On the ground, there was little change. The major European powers and the United States remained reluctant to provide the necessary troops. The resolution had been passed without any articulated military or political plan for its implementation. This represented a break from usual Security Council practice. Usually, approval of a new operation comes after a secretary-general report outlining military and political options. As a result, implementing the resolution had to await development of a plan, which Boutros-Ghali unveiled a month later. He called for a much narrower mission than might have been anticipated from the wording of

resolution 770, suggesting that UNPROFOR “support” the delivery efforts of the UN High Commission on Refugees (UNHCR), the lead humanitarian agency, acting where and when UNHCR considered such protection necessary. In carrying out their mission, UNPROFOR troops would

follow normal peace-keeping rules of engagement. They would thus be authorized to use force in self-defence. It is to be noted that, in this context, self-defence is deemed to include situations in which armed persons attempt by force to prevent United Nations troops from carrying out their mandate.¹¹

Security Council resolution 776 of 14 September 1992 approved the secretary-general’s plan. While this resolution made reference to resolution 770, there was no specific mention made to chapter VII. For that reason, resolution 776 can be said to have effectively downgraded the enforcement aspect of the earlier resolution.

The No-Fly Zone and Further Extensions of the Mandate

Soon after the Security Council signalled its commitment to ensuring humanitarian deliveries, an Italian airplane carrying aid between Split and Sarajevo was downed by a missile, killing the four Italians on board. Also in early September came reports that Bosnian Serb aircraft were following relief flights and using them as a cover in order to launch military attacks.¹² This prompted France to propose a ban on military flights over Bosnia. On 9 October 1992, Security Council resolution 781 established such a ban, in order to ensure the safety of humanitarian aid deliveries. Although the resolution did not name those responsible for the overflights, the ban was effectively directed against the Bosnian Serbs, the only party to the conflict with significant access to military aircraft. The resolution asked UNPROFOR to monitor the ban, placing observers at airfields where necessary.

There were no provisions for any kind of enforcement of the ban beyond a Council commitment to consider enforcement measures if the ban was violated. This was the result of a compromise between the US, which was in favour of immediate enforcement, and Britain and France who feared the consequences to their troops on the ground if the ban was enforced. This different approach between the US and its major European allies became a major impediment to Security Council decisionmaking during the ensuing three years.

For their part, the Bosnian Serbs hardly took the ban seriously, consistently and continually violating it for several months.¹³ The bombing of two villages near Srebrenica in mid March 1993, apparently by Serbian aircraft, finally propelled the Security Council to action. On 31 March, acting under chapter VII, the Council extended the flight ban to include all fixed-wing and rotary-wing aircraft and authorized member states “acting nationally or through regional organizations or arrangements, to take ... all necessary measures in the airspace of the Republic of

Bosnia and Herzegovina, in the event of further violations, to ensure compliance with the ban.”¹⁴ NATO, which had offered, back in December, to take on the job of enforcing the ban, was entrusted with carrying out the Council’s wishes, which it sought to do through Operation Deny Flight, commencing 12 April 1993.¹⁵

A combination of events on the ground and at the peace negotiations prompted two interim extensions of the UNPROFOR mandate in early 1993. At this time there were significant compliance problems with respect to the protected areas in Croatia, and in both Croatia and Bosnia UNPROFOR encountered significant freedom of movement problems that hindered its ability to fulfil its mandate. Resolution 807 expressed the Council’s determination “to ensure the security of UNPROFOR,” and resolution 815 added “freedom of movement” to the same list. Both resolutions invoked chapter VII.

So did a resolution passed by the Council in the early autumn of 1993. Resolution 871, on 4 October, specifically gave UNPROFOR the power, when operating in Croatia, “acting in self-defence, to take the necessary measures, including the use of force to ensure its security and its freedom of movement.” Over time, Council resolutions on Bosnia consistently, indeed almost automatically, called for UNPROFOR freedom of movement. This, coupled with the Council’s increasing focus on “safe areas,” meant that freedom of movement would become linked to, and difficult to distinguish from, the safe-area concept.

Safe Areas: Srebrenica, Sarajevo, Tuzla, Zepa, Gorazde, Bihac

In mid March 1993, Bosnian Serb forces began a general campaign in the area of eastern Bosnia involving a number of cities. Srebrenica became a focal point for the struggle in the area. Initial attention focused on the city when the commander of UNPROFOR in Bosnia-Herzegovina, French General Philippe Morillon, installed himself and announced that he intended to stay in Srebrenica until the Bosnian Serb siege was lifted. Morillon’s determination received mixed reviews from the UN hierarchy, but it did attract considerable media attention. Morillon’s success was short-lived. After initial aid deliveries got through he left, and the Bosnian Serbs resumed the siege, though this time under the glare of significant international media attention. The pressure to get aid to the town or evacuate its citizens continued, especially as the Bosnian Serb assault intensified.¹⁶

On 16 April 1993, the Security Council unanimously adopted resolution 819, strongly condemning Bosnian Serb paramilitary units for their attacks against UNPROFOR, their unwillingness to grant UN troops freedom of movement, their creation of a “tragic humanitarian emergency” in Srebrenica, and their “deliberate actions ... to force the evacuation of the civilian population” in Srebrenica and other areas of Bosnia-Herzegovina. Henceforth, all parties to the conflict were to treat Srebrenica “and its surroundings” as a “safe area.” As such, Srebrenica was to be free from armed attack and Bosnian Serb paramilitary units were to withdraw.

Yugoslavia was required to stop supplying arms and services to Bosnian Serb units in Bosnia-Herzegovina. The Council further requested that the secretary-general increase UNPROFOR's presence in Srebrenica.

Though strongly worded, the resolution did not represent much of a change: no further troops or resources were being authorized for UNPROFOR, nor were any specific enforcement measures outlined. The effectiveness of the resolution and the safe area concept depended entirely on the voluntary compliance of the parties involved — precisely the kind of “compliance” whose absence had led to the Srebrenica mess in the first place. Predictably, the resolution had little overall impact beyond bringing a brief halt to the shelling as the Serbs temporarily shifted their focus elsewhere.¹⁷

A Security Council mission visited Bosnia-Herzegovina in late April 1993. Its report described Srebrenica as the “equivalent of an open jail in which its people can wander around but are controlled and terrorized by the increasing presence of Serb tanks and other heavy weapons in its immediate surroundings.”¹⁸ Despite this pessimism, the members did recommend the Council give serious consideration to creating further safe areas. The recommendation was very clearly conditioned, however.

The Mission recognizes that such a decision would require a larger UNPROFOR presence, a revised mandate to encompass cease-fire/safe area monitoring and different rules of engagement; but it would be a step that stops short of the sort of military strike enforcement measures that are now being so openly debated. It would not rule out eventual consideration of such measures — but at a next stage, if the Serbs simply ignored the integrity of Security Council safe areas; nor would it, on the other hand, automatically predetermine a move to military strikes.... The Mission reckons with the fact that these actions would represent a significant strengthening of the UNPROFOR role. Designation of Security Council safe areas would have to be done with the clear intent that they would, once established, be enforced or defended if need be.¹⁹

In line with this recommendation, the Council, on 6 May, passed resolution 824, declaring Sarajevo, Tuzla, Zepa, Gorazde, and Bihac to be safe areas, along with Srebrenica. This time the Council authorized an increase in UNPROFOR strength, but of only 50 military observers for the purposes of monitoring the humanitarian situation in the safe areas. So while it may have followed the letter of the mission's recommendations it hardly adhered to their spirit. Its timidity could have resulted from its counting on the success of the ongoing peace negotiations to help ease the pressure. At the beginning of May, Bosnian Serb leader Radovan Karadzic, under heavy pressure from Milosevic, and in the midst of talk from the US of air strikes, signed the Vance-Owen peace plan. But a referendum held in mid-May among Bosnian Serbs, resulted in a rejection of the plan, effectively ending its viability.²⁰

The rejection of the peace plan was a particularly low point in the peace negotiations. The fighting was intensifying between Bosnian Croats and Bosnian

Muslims, and a serious rift between the United States and several European allies over the proper response to the turmoil was beginning. The new Clinton administration evinced a willingness to have some impact on the conflict, albeit from a distance, through a so-called “lift and strike” strategy. The “lift” involved removing the arms embargo on the Bosnian Muslims; the “strike” meant bombing the Serbian heavy weapons being used to shell Sarajevo and other Bosnian towns. European allies with troops on the ground, as well as Canada, disapproved this strategy, fearing it would inevitably result in serious repercussions against their vulnerable UNPROFOR personnel.²¹

It was in this context that the Security Council took its next action on the safe areas. On 4 June 1993, resolution 836 expanded the safe area mandate. Now UNPROFOR would be tasked

to deter attacks against the safe areas, to monitor the ceasefire, to promote the withdrawal of military or paramilitary units other than those of [Bosnia-Herzegovina] and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population.

The resolution invoked chapter VII but, in contrast to the previous resolutions on safe areas, the invocation this time was made unreservedly. To implement the new functions the resolution authorized UNPROFOR,

acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys.

The Council authorized member states to take “all necessary measures, through the use of air power, in and around the safe areas ... to support UNPROFOR in the performance of its mandate” relating to the safe areas.

The overall goals of Security Council action were consistent from the beginning: sanctions on the one hand to apply pressure and punishment, and on the other, the delivery of humanitarian aid and establishment and maintenance of cease-fires to alleviate the human suffering caused by the conflict. The ban on military flights over Bosnia and the establishment of safe areas were means to that end. The various efforts to enforce safe area provisions and to ensure the freedom of movement and security of UNPROFOR troops, while they often came to seem as ends in themselves, were also means to that same end.

Although the Council added odds and ends of tasks and functions to the UNPROFOR mandate — many of which were never implemented — this framework remained the primary focus. After resolution 836 in June 1993, even as the war continued and even intensified, the Security Council fiddled and added to the mandate but did not alter its basic nature.

The Mandate and Its Enforcement: An Interim Analysis

The UN's response to Bosnia differed from that of the Congo. Neither the secretary-general nor the Security Council seemed inclined to link mandate decisions to specific articles in the UN charter, or to define more closely the basis for decisions relating to force beyond the general invocation of chapter VII. The focus was on crossing the perceived line between peacekeeping and enforcement. As discussed above, although the situation on the ground did not meet peacekeeping criteria, the UNPROFOR operation was launched under that rubric. Over time, the absence of a cease-fire and consent posed increasingly significant problems for the operation. This eventually prompted the shift to a peace-enforcement role for the operation although only for specific aspects of the mandate.

The interesting choice the Security Council made was to "enforce" the humanitarian aid delivery provisions of their previous resolutions rather than to enforce the cease-fires, especially those made under formal signed agreements, which were routinely broken. The enforcement of cease-fires was the kind of action envisaged in the secretary-general's *An Agenda for Peace* proposal; had it been implemented, it would have established the conditions the Council was seeking when it chose to use force to protect the delivery of humanitarian aid.

The rules of engagement for UNPROFOR reflected the peace-keeping nature of the operation even when a more forceful approach was authorized. As with any peacekeeping operation, the primary rule was that soldiers were permitted to use force in self-defence, meaning defence of UNPROFOR troops themselves, other UN personnel, and people under their protection.²² Peacekeepers were also authorized to resist attempts by forceful means to prevent the fulfilment of the mission's mandate. In addition, the ROE contained a specific provision allowing for the use of weapons to resist "deliberate military or para-military incursions into the United Nations Protected Areas."²³

Having prepared in advance for the possibility of taking on the enforcement of the no-fly zone over Bosnia, NATO had contingency plans already in place when resolution 816 was passed on 31 March 1993. The rules of engagement for the operation were not designed for strenuous enforcement; they restricted NATO pilots from attacking ground installations even if they were being fired on. Military aircraft violating the zone were to be engaged and told to leave the zone; if they did not obey, warning shots would be fired, and if there was still no response NATO planes could shoot them down.²⁴ The reasons for the fairly circumscribed nature of the enforcement were twofold: to avoid provoking a direct conflict with the Bosnian Serbs, and to meet the concerns of troop-contributing countries, worried about repercussions against their troops on the ground.

A year passed before the enforcement operation resulted in the first use of force. On 28 February 1994, four NATO fighters engaged six military aircraft; the NATO fighters downed three of the aircraft, with a fourth being shot down by

a second set of NATO fighters.²⁵ This was not only the first enforcement of the no-fly zone; it was also the first use of force since NATO's creation. In general, the enforcement of the no-fly zone was fairly successful, although there did continue to be numerous violations of the zone by noncombat aircraft.

Overall, the actual use of force in providing "protective support" to humanitarian aid convoys was fairly minimal, in part due to a lack of resources. Although reinforcements were approved along with the new mission they were slow to arrive and never achieved numbers really required. In addition, the relationship between UNPROFOR and UNHCR — which, to recall, had been given the lead role in deciding when military protection was needed and when and where humanitarian aid would be delivered — generated, on occasion, a certain level of frustration for the military.²⁶

By far the most significant impediment to the delivery of humanitarian aid remained the unwillingness of the fighting groups to allow aid convoys through to besieged areas unless it suited their overall goals. The downgrading of the original authorization of the use of force in resolution 770, at the secretary-general's suggestion and with the Security Council's agreement, meant that UNPROFOR troops continued to be dependent on the consent and cooperation of the fighting factions to permit the delivery of aid. As the war spread, humanitarian aid deliveries grew more dangerous. Although the humanitarian aid mission became somewhat subsumed by the safe areas focus, UNPROFOR continued to provide convoy protection for humanitarian aid delivery, with varying success, until the end of the mission.²⁷

Whatever else the safe area concept may have achieved, the decision to create six of these protected entities concentrated the attention of the international media, and, therefore, Western public opinion. As they suffered through the cycles of the war, these enclaves, most especially Srebrenica and Sarajevo, became symbols of the worst aspects of the conflict. In that respect they became the focal point for public pressure on policymakers.

The decision to "enforce" the safe areas, contained in resolution 836, was made as the conflict was deepening, especially as relations between the Bosniacs and the Croats were souring to the point of fighting. At the international level, the rift between the US and Europe was becoming increasingly public and damaging. In this context, resolution 836 provided a way of giving the appearance of action. But there was little in the way of initial physical support for the change in mandate; the expansion was decreed before any military estimates could be made as to the requirements. After the passage of 836, Boutros-Ghali reported on those requirements, as developed by UNPROFOR military personnel.²⁸ In order to ensure "full respect for the safe areas," some 34,000 additional troops would be necessary. As an alternative, the secretary-general proposed a "light option" with a minimal troop requirement of 7,600.

While this option cannot, in itself, completely guarantee the defence of the safe areas, it relies on the threat of air action against any belligerents. Its principal

advantage is that it presents an approach that is most likely to correspond to the volume of troops and material resources which can realistically be expected from Member States and which meets the imperative need for rapid deployment.²⁹

The light option was a reflection, not of minimum military requirements, but of the minimum willingness of states to support, in real terms, the new tasks. The Council approved the light option increases to UNPROFOR in resolution 844, of 18 June 1993. By 16 March 1994, the secretary-general would report that “even this minimum requirement [was] not met immediately by Member States. Efforts by the Secretariat to find creative solutions to the lack of equipped troops proved unavailing.”³⁰

The response was less tepid when it came to using air power to back up the safe area mission. On 10 June, in response to an official UN request, NATO agreed to undertake “air cover” tasks for the UN, as a means of remedying the shortfall on the ground.³¹ In order to preserve a UN role in deciding when to resort to air power, a “dual-key” system was established, under which approval was required from both NATO military authorities and the UN secretary-general.

The shift to using air power constituted a very high-profile aspect of mandate implementation. The use of air power also came to be easily and sometimes deliberately confused with the use of air strikes. An internal UNPROFOR memo, intended to clarify the distinction, outlined of the role of air power with respect to the safe area mandate.

In [Bosnia and Herzegovina], Close Air Support is clearly the use of air power in self-defense, not offensively. The authority to employ Close Air Support equals the authority to protect UNPROFOR and associate forces. The Force Commander’s idea is that in BIH, airpower has two aspects: that of deterrence ... and that of actual use to save lives.³²

Air Strikes and the Exclusion Zones

Through the summer of 1993 the Bosnian Serbs increased their pressure on Sarajevo, moving in on Mount Igman near Sarajevo. As the Serb pressure on Sarajevo increased so did the US pressure to use air strikes. As part of a broad policy shift on the situation in the Balkans and in response to their failure to get the arms embargo lifted for the Bosnian Muslims, the Clinton administration had moved on from its previous “lift and strike” proposal to straightforward advocacies of a punitive policy of strike.³³

The debate came to a head at a special NAC meeting on 2 August 1993 in Brussels. After considerable discussion, NATO decided in favour of a shift towards a wider use of air power. The communiqué issued after the meeting indicated NATO’s decision

to make immediate preparations for undertaking, in the event that the strangulation of Sarajevo and other areas continues, including wide-scale interference with

humanitarian assistance, stronger measures including air strikes against those responsible, Bosnian Serbs and others, in Bosnia and Herzegovina. These measures will be under the authority of the United Nations Security Council and within the framework of relevant U.N. Security Council resolutions, and in support of UNPROFOR in the performance of its overall mandate.³⁴

On the surface it is difficult to escape the conclusion that the NATO threat and determination to use air power was a significant factor in achieving a Bosnian Serb pullback from the positions on Mount Igman and Mount Bjelasnica. But it is less clear what broader objective was served in the process. UN military commanders, in an unusual display of outspokenness, made clear their dislike and disapproval of the air strike options.³⁵ For the most part, their objections were the same as those of the troop-contributing countries, and expressed a concern about retaliation against vulnerable UN troops on the ground. But the objections also reflected anxiety about the effect of air strikes on UNPROFOR's impartiality.

After the air strikes threat and the Serbian pullback in September, international activity settled down through the rest of the autumn and early winter. The peace negotiations limped along and the conflict continued unabated, taking a new turn with an upsurge in the actions and capabilities of Bosnian Muslim forces. Through this time the longstanding divisions within NATO continued to simmer, prompting another major debate when NATO met in early January 1994. The communiqué resulting from the meeting made particular mention of the situation at Srebrenica, where a planned UN rotation of troops was being blocked, and Tuzla, where the airport was being kept closed, halting the delivery of humanitarian aid.³⁶

The secretary-general requested his special representative, Yasushi Akashi, to undertake an urgent study of the Srebrenica and Tuzla problems. On the basis of this study, Boutros-Ghali reported that "air power would be used, if necessary, in self-defence against a deliberate attack upon UNPROFOR by any party. Should UNPROFOR be attacked in the implementation of the plans, I would not hesitate to initiate the use of close air support without delay." In a new tone marking a shift away from his usual emphasis on UNPROFOR as a peacekeeping mission, he added:

It is obviously desirable that the plans should, if possible, be implemented ... by mutual agreement. The parties should, however, be aware that UNPROFOR's mandate for the safe areas has been adopted under Chapter VII of the United Nations Charter. Accordingly, UNPROFOR is not obliged to seek the consent of the parties for operations which fall within the mandate conferred upon it under Security Council resolutions 836(1993) and 844(1993).³⁷

On 5 February 1994, a mortar attack on a marketplace in Sarajevo resulted in 68 deaths. The next day, the secretary-general asked NATO for urgent assistance in preparing air strikes against positions outside Sarajevo being used to attack the city.³⁸ The North Atlantic Council (NAC) quickly acceded to the request, doing so in the context of an ultimatum to the Bosnian Serbs, who were told to lift their

siege, and place under UNPROFOR control, within ten days, all their heavy weapons within 20 kilometres of the city centre.³⁹

At the same time, UN officials negotiated and got agreement from the Bosnian Serbs on an exclusion zone. The UN-brokered agreement provided a way for the Bosnian Serbs to bow out gracefully, but it was significantly overshadowed by the heavy media coverage given to the NATO "ultimatum." The political situation was made more complicated by the fact that initial analyses of the mortar crater in the marketplace suggested that the shell could have been fired by Bosnian government forces. Even a hint at this possibility in public would have thrown negotiations on all fronts into disarray. Every effort was made, therefore, to keep this information as closely guarded as possible within official circles.⁴⁰

By 21 February 1994, the expiry of the heavy weapons deadline, the Bosnian Serb forces had complied sufficiently with the exclusion zone provisions to enable UN officials to accept that the spirit of the agreement had been upheld. Shortly thereafter the focus shifted to the safe area of Gorazde, where the Bosnian Serbs began a bombardment in late March. This was the first test of the safe area mandate outside of the Sarajevo context, forcing UNPROFOR to develop clear criteria for what kind of actions would generate a response. The resulting guidelines determined that, in order to prompt a response, an attack against a safe area must be unprovoked, deliberately targeted against a civilian population, and of sufficient intensity and duration to distinguish it from the usual day-to-day military skirmishes.

After an initial pause in the shelling, with no NATO response, the Bosnian Serbs resumed their attack. On 10 April, a day after a warning from the secretary-general, General Michael Rose requested close air support to protect UNPROFOR personnel. The request was approved by Akashi, and NATO jets attacked Serbian military targets in the area that day and the next. The long predicted Bosnian Serb retaliation came quickly, as 155 UN troops were detained; as well, the Bosnian Serbs closed UN access routes to Sarajevo and cut off all contact with UNPROFOR. On 15 April, they renewed their attacks on Gorazde.

On 18 April 1994, Boutros-Ghali asked NATO to authorize an extension of its Sarajevo air strike authorization to the other five safe areas.⁴¹ NATO responded positively, also establishing a heavy weapons exclusion zone around Gorazde, and authorizing, in advance, a similar zone around the other safe areas if those areas came under heavy weapon attack or were threatened by such an attack. The Security Council passed resolution 913 the same day, demanding a cease-fire in Gorazde and a Bosnian Serb pullback from the area. NATO established a deadline of 27 April for the withdrawal of heavy weapons from the exclusion zone and called on Bosnian forces not to launch offensive action from within the safe area.⁴² The Bosnian Serb forces complied with the deadline and no air strikes were authorized.

The Year of Decision: 1995

One of the outcomes of this phase of the war was the creation of the Contact Group, establishing the diplomatic importance of two critical players, Russia and the US, and helping to bring the former more clearly into the decisionmaking process. The battle over Bihac toward the end of 1994 intensified a concerted international response. The geography of Bihac made the creation and enforcement of an exclusion zone difficult, especially as the precise boundaries of the latter had not been defined by the Security Council. UNPROFOR troops on the ground were minimally armed and vulnerable.

On 18-19 November, serious attacks on the city, including the use of napalm, prompted Security Council action. On 19 November, resolution 958 extended the previous provisions for “all necessary measures through the use of air power” to cover Croatia as well. Two days later, NATO attacked runways at the Udbina airport in Croatia, which were being used by Serb aircraft to attack Bihac.⁴³ The Bosnian Serbs again retaliated by detaining large numbers of UNPROFOR personnel and the emphasis switched back to negotiation between the parties and the UN, although fighting continued into the next year.

While the Bihac episode was a relatively minor incident militarily, *politically* it represented a “last straw” (of sorts), which would have important implications in 1995. Bihac also triggered a major debate among the key international players, highlighting the two major faultlines of the Western position: the inherent contradictions in very idea of the “safe area,” and the tension in a US policy that advocated much stronger use of force without an accompanying willingness to risk American lives. Bihac represented a moment of pause, enabling a general rethinking of the situation. The short-term effect was to intensify the search for a comprehensive, countrywide, cease-fire. As well, at UN headquarters in New York, there was serious talk of withdrawing UNPROFOR altogether.⁴⁴

With the help of former US president Jimmy Carter, on 23 December 1994 a four-month cease-fire agreement was signed by warring factions. This was, by and large, respected and provided a breathing space for all parties, internal and external. For the combatants, the break provided a chance to regroup and re-equip for the next phase of fighting. This next phase came in Sarajevo where, once the cease-fire ended in early May, Bosnian Serb shelling resumed. Fighting in the Sarajevo area over the next two weeks, coupled with Bosnian Serb removal of more artillery from weapons-collection points, prompted, initially, a UN ultimatum and, when this was not met, NATO air strikes were carried out on 25 and 26 May, against ammunition depots and other military sites near the Bosnian Serb headquarters at Pale.⁴⁵ These attacks marked the first time that force had been used against military targets other than those specifically linked to violations of the mandate and indicated a significant shift in UN strategy.

The Bosnian Serbs responded by declaring the UN an enemy, taking UNPROFOR personnel hostage — this time placing them as highly visible “human

shields” at possible air-target locations — and attacking other safe areas (including a strike in Tuzla that killed 71 people at a café). They also shut down access to Sarajevo and overran UN weapons-collection points. The hostage situation created a highly charged crisis atmosphere, while the thought that Sarajevo could be considered a “safe” area vanished with the seizure of the weapons-collection facilities. As expected, tensions between the US and troop-contributing countries were exacerbated.

Once again, the UN agonized. As in the previous autumn, there was much talk of UNPROFOR withdrawing. More significantly, however, was action taken by France, the Netherlands and Britain, who, pushed to the limit by the actions being taken against their soldiers in the field, established a rapid reaction force (RRF) to be placed at the disposal of UNPROFOR. This force consisted of two well-armed, mobile battalion groups, and was intended to enable UNPROFOR to respond to the levels of retaliation the Bosnian Serb forces had been adopting. The Security Council approved the inclusion of the RRF in UNPROFOR in resolution 998 on 16 June 1995. Deployments of some elements of the RRF had already begun at that point, but the force did not become fully operational until late July.

The safe area concept, having been previously exposed as vulnerable, was now destroyed for Sarajevo. It was not long before the Bosnian Serbs moved on to the other safe areas. On 12 July the Bosnian Serbs took control of Srebrenica. Thousands of people fled and thousands of others were massacred by Bosnian Serb forces.⁴⁶ On 25 July, a second safe area, Zepa, fell to the Bosnian Serbs. A very limited air strike was launched at Srebrenica as the Serbs advanced, but to little effect; UN fears about the safety of UNPROFOR troops kept the response minimal. The RRF, only just operational, was not in a position to be shifted to either safe area and in any case, it was not clear that the political will to do so existed. In both cases, UNPROFOR troops on the ground were few in number with only limited protection and had no choice other than to stand aside or be detained while the Serbs advanced.

On 21 July, the North Atlantic Council met and decided to authorize a “firm and rapid response of NATO’s air power”⁴⁷ in the event of any similar moves by the Bosnian Serbs on Gorazde, the area generally considered to be their next target. By singling out Gorazde, NATO effectively doomed Zepa to defeat but, according to Richard Holbrooke, the lead US negotiator, the NATO decision represented a kind of “line in the sand” for the alliance, marking a point beyond which they would not allow the Bosnian Serbs to proceed.

On 4 August, the Croatian military launched Operation Storm and attacked the Krajina area at a number of points. This campaign had been prefigured earlier in the year, as the Croats assumed the offensive in the area of the UNPA West. They very quickly got the upper hand, and the almost immediate collapse of Serb resistance brought an end to the idea of their invulnerability. Similarly, Operation Storm met with little resistance: within a few days the Croats had captured the territory they wanted and halted their operation.

The changes in the territorial status quo since the end of the four month cease-fire were significant. They came with a staggeringly high price in precisely the level of population displacement, human suffering, and death that the United Nations had set out to stop. Along the way the contradictions and vulnerabilities of the United Nations operation had been exposed and used by the combatants, and the credibility of the mission was severely damaged.

Operation Deliberate Force

Earlier in the summer, the Clinton administration, having promised a contribution of US troops to assist in a UN pullout if necessary, faced the prospect of having troops on the ground in Bosnia during an election year, involved in a tricky and possibly costly ground war to extract UN forces. This prospect, along with public pressure and the seriousness of the rifts within NATO caused by its previous policies on the use of air strikes, prompted a major policy shift.⁴⁸ The American determination to get deeply involved in finding a solution to the crisis, one way or the other, brought new momentum to the whole process. Most importantly, the new focus brought the two streams of international response — the UNPROFOR operation and the peace negotiations — firmly together into one overall strategy and decision-making process for the first time.

On 28 August 1995, in a series of statements by US officials, the US sent out a message that implied (though it did not necessarily say so explicitly), that a failure to make progress on a peace plan could result in a series of repercussions, including lengthy bombing campaigns.⁴⁹ That same day a mortar attack on the same Sarajevo marketplace that had been the scene of the February 1994 bombing, killed 37 people and wounded 88. The UN established very quickly that the mortar had been launched by the Bosnian Serbs. The moment this was established the secretary-general gave NATO authorization to conduct air strikes against Bosnian Serb military targets. Based on that authorization of 30 August 1995, NATO launched Operation Deliberate Force, the stated objective of which was to

reduce the threat to the Sarajevo Safe Area and to deter further attacks there or in any other Safe Area. We hope that this operation will also demonstrate to the Bosnian Serbs the futility of further military actions and convince all parties of the determination of the Alliance to implement its decisions.⁵⁰

In an instance that is one of those historical moments that have more to do with coincidental timing than anything else, Boutros-Ghali was travelling and, therefore, out of touch at the time and Kofi Annan, then head of the department of peacekeeping operations, was acting secretary-general. He instructed his officials not to use their authority to veto air strikes for a limited time period, thus temporarily eliminating the dual-key system. Potential problems with NATO approval also did not materialize. NATO's secretary-general, Willy Claes, only just having

taken on the job, agreed with the US proposal for a bombing campaign and informed his colleagues of his decision, rather than calling a meeting to get their approval of his decision. Thus the decision-making on military action was left in the hands of two US officers, Gen. George Joulwan, Supreme Commander of NATO, and Adm. Leighton Smith, head of NATO's Southern Command.

The Bosnian Serbs were given a set of now familiar conditions to meet involving a cease-fire, freedom of movement for UNPROFOR troops, the opening of the Sarajevo airport and withdrawal of heavy weapons from the Sarajevo exclusion zone. The air strikes were suspended from 1 to 4 September, in order to provide some time for diplomatic solutions and for the Bosnian Serbs to move their heavy weapons. When neither occurred, the NATO bombing campaign resumed on 5 September.

Operation Deliberate Force involved two weeks of bombing coordinated with ground action involving the RRF. A total of 3,515 sorties were flown over 11 days, with 1,026 bombs dropped against military targets.⁵¹ While the bombing was going on, the US negotiating team, led by Richard Holbrooke, was involved in intensive negotiations with the various parties to the conflict. On 8 September 1995, in the midst of the air campaign, the basic outlines of a settlement were reached. Under the terms of the agreed principles the parties agreed that Bosnia-Herzegovina would exist with its currently recognized boundaries, and that as an entity Bosnia-Herzegovina would consist of two units: a Bosniac/Croat federation and the Republic of Srpska. The division of territory, yet to be determined, was to be based on the ratio of 51/49 as between the federation and the Republic of Srpska.

Shortly thereafter, on 5 October, the US negotiating team announced that a full cease-fire agreement had been reached, set to begin on 10 October; it would last 60 days or until the completion of peace negotiations. A full-scale peace conference began at the Wright-Patterson Air Force Base in Dayton, Ohio, where a final accord, the General Framework Agreement for Peace in Bosnia and Herzegovina, was signed on 21 November 1995.⁵²

Conclusions

UNPROFOR suffered from beginning to end from insufficient troop contributions. The inability of the secretary-general to muster sufficient troops to ensure mandate fulfilment reflected the basic political dilemma of the Yugoslav crisis — states wanted the conflict stopped and resolved but did not want to be physically part of that process. The most blatant instance of this problem, and its repercussions, was the Security Council decision, after already having approved an expanded mandate, to approve the so-called “light option” for augmenting UNPROFOR for the purposes of carrying out the new safe-area mandate. The critical actor in this respect was Washington. On the one hand, the US was the

most vocal advocate of stronger action; on the other, it criticized Europe's handling of the conflict and the actions of the UN commanders, remaining steadfastly unwilling to consider contributing US ground troops to the operation. US experience in Somalia, along with a visceral political fear of another Vietnam, fed that unwillingness.

Another issue was the dual-key system, established to keep the UN connected to the decision-making on the use of force. Any decision employment of air power had to be approved by both the NATO commander and by the UN secretary-general. The latter later delegated this power to his special representative, Yasushi Akashi. After the fall of Srebrenica this key was handed to UN military authorities in the field who, under instructions from Kofi Annan, agreed not to block the September bombing campaign.

This system was guaranteed to make of the UN the scapegoat when air strikes were requested but not authorized. It also contributed to an unavoidable time lag in decision-making, with attendant military inefficiencies. Nonetheless, the dual-key system was important in maintaining the link between the UN and NATO on use of force. Over time, operational considerations outweighed political needs and contributed to a streamlining of the system. The more streamlined it became, however, the more the decisionmaking base for the use of force shifted to NATO.

A third issue, and one of the fundamental characteristics of a peace enforcement operation, is the UN's impartiality. This is in contrast to full-scale enforcement in which the UN's actions are directed against a clearly identified aggressor state or party. Since these operations tend to be in high tension situations or where fighting is ongoing this presents a very fine line to be walked for the operation.

In the case of Bosnia, several factors turned that fine line into a tightrope. Aid tended to benefit Bosnian Muslims more than any other party and aid was certainly portrayed in that light in the Western press. In a conflict in which civilians were almost a unit of exchange, aid, because it benefited those civilians, was equally political. The parties to the conflict used humanitarian aid as a form of local power. Allowing or preventing its delivery became part and parcel of the general strategy of conflict in given instances. The very concept of safe areas, which protected populations that were primarily Bosnian Muslim, fed into rather than diminished this equation.

Toward the end of the UNPROFOR operation, as the US became more deeply involved in the decision-making about employing force, the latter ceased to be a peace enforcement tool and became a part of a broader strategy to bring the war to an end. Both David Owen and Richard Holbrooke maintain that the US deliberately encouraged the warring parties to engage in military action on the ground in order to bring about a territorial division that reflected the 51/49 split agreed to in the peace negotiations. Holbrooke claims that he sent a very specific message to both the Bosnian and Croatian governments about continuing their offensives in early October within certain limits.⁵³

A fourth issue concerned contradictions within the mandate. Having established the criteria for recognition with respect to Croatia and Slovenia, the EC had little choice but to recognize Bosnia-Herzegovina when it met the same criteria. The acceptance of Bosnia-Herzegovina as an independent state created a contradiction in the UN approach. With recognition and UN membership, Bosnia-Herzegovina was entitled to all of the protections provided by the UN charter, and yet the UN followed an approach to the conflict that required it to maintain impartiality in its dealings with the various combatants, some of which were clearly external. Full-scale enforcement, with no obligation of impartiality, was always a theoretical option after Bosnia-Herzegovina received international recognition and became a UN member, but the Security Council never contemplated it.

The one overriding characteristic of the Council's approach to the conflict was its complete and consistent reactive nature. Mandates were passed and new tasks were added as events, such as the two marketplace bombings and the resulting public outcry, generated pressure for action. This created a very unstable and contradictory structure of tasks. Some tasks were unimplementable, while for others implementation was never even attempted.

Nowhere were the mandate complications and contradictions more evident than in the Council's safe area policy. In a war fought over the possession of territory, the safe areas were intended to protect populations of one of the combatant parties but not of others. They would protect some towns and some civilians while leaving the rest of the country "unprotected." The policy was dependent on the compliance of the warring parties and the willingness of the international community to provide sufficient troops and resources for implementation. Neither condition was forthcoming, nor, it could be argued, was there a reasonable expectation of either condition being met at the time the mandates were passed. When military power was used, therefore, to enforce these mandates, it is not surprising that it resulted in the mission's being compromised and stalemated.

In the initial phases of the conflict the Security Council was quite careful about its invocations of chapter VII, and when it expanded its understanding of when force might be used, within the concept of self defence, it did so in carefully detailed ways. Beginning in early 1993, however, the Council adopted a stance of invoking chapter VII virtually automatically, something that contributed to a degree of public misperception (inside and outside Bosnia) about the extent to which UNPROFOR was mandated to use force. This invocation conveyed the impression of a resolute response that could not help but generate false expectations of action. The mandate contradictions and additions, compounded by persistent undermanning and underequipping problems, created serious credibility problems for the UN and almost brought about the complete failure and withdrawal of the mission. The result was a serious erosion of UN credibility that extended well beyond the Balkans.

In sum, the Security Council strategy reflected an early and unchanging decision to try to alleviate the worst civilian consequences of the conflict while steering

clear of actually addressing their basic cause — the conflict itself. Rather than acting as a forum for mobilizing the international response to a threat to international peace and security, the Council became a kind of caretaker of the civilian victims of the war. It deliberately chose to enforce measures whose purpose was to alleviate suffering, rather than to enforce the cease-fires, so often agreed and violated. Enforcing an agreed cease-fire would not have required a shift to full-scale chapter VII enforcement. In deciding not to enforce something as fundamental to the peace process as a cease-fire, the Security Council sent a signal to warring parties about its attitudes and expectations, making it clear that cease-fire infringements were deemed less important than the blocking of humanitarian aid.

But the Council did retain a basic consistency in its mandate that made it possible for it to remain on the tightrope of impartiality, if barely. Specifically, it established clear objectives, toward whose implementation UNPROFOR was able to direct its efforts. Like the Katangese gendarmes just prior to the final UN military push in the Congo, the Bosnian Serbs handed the UN an opportunity for military action by shelling the Sarajevo marketplace. This act made it possible for the UN to carry out Operation Deliberate Force as an operation that was technically seeking to compel compliance with the Security Council mandate and thereby avoid allegations that it was taking a military initiative with a view to forcing a solution to the conflict.

By sticking to the humanitarian aspects of the conflict in its shaping and enforcing of mandates, the Council also — deliberately — created a certain distance between the peace negotiations, in their various forms, and the UN response to the conflict. With the direct involvement of the US in both the peace negotiations and the policy on use of force, those two aspects were brought much more firmly together than they had been previously, resulting in a cease-fire and eventual peace treaty.

It is tempting to examine the sequence of events in the last six months of the conflict and draw the conclusion that air strikes were fundamental to bringing about an end to the war. The analysis of this chapter suggests that the use of force was important in establishing a sense of purpose and determination regarding the objectives of the international community; more particularly, it also suggests that the critical factor was the linkage of that newly found sense of purpose and commitment to the conflict itself, and not just to alleviating the problems it caused.

Notes

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2. S/23060, 23 September 1991.
3. S/23592, 15 February 1992.
4. Stephen Kinzer, "Slovenia and Croatia Get Bonn's Nod," *New York Times*, 24 December 1991, p. A3.
5. S/23900, 12 May 1992, para. 5.
6. S/4075, para. 4.
7. "U.S. Hints at Bosnian Intervention," *Globe and Mail*, 7 July 1992, p. A1; Craig R. Whitney, "Leaders in Munich Warn Rival Force in Bosnian Strife," *New York Times*, 8 July 1992, p. A1; Paul Bedard, "7 Richest Nations Threaten Force," *Washington Post*, 8 July 1992, p. 1.
8. S/23900, 12 May 1992, para. 25.
9. *Ibid.*, para. 30, and S/24000, 26 May 1992, para. 21.
10. Security Council Resolution 770, 13 August 1992.
11. S/25450, 10 September 1992.
12. Michael R. Gordon, "U.S. Says Serbian Warplanes Use Relief Flights as 'Cover'," *New York Times*, 11 September 1992, p. A10.
13. By 17 March 1993, there had been 465 recorded violations of the no-fly zone. Statement by the President, Security Council, 17 March 1993.
14. Security Council Resolution 816, 31 March 1993.
15. Jeff Sallot, "NATO Officials Prepare to Enforce No-Fly Zone," *Globe and Mail*, 16 December 1992, p. A13; Paul Lewis, "NATO to Help U.N. on Yugoslav Plans," *New York Times*, 16 December 1992, p. A3; "NATO Agrees to Enforce Flight Ban Over Bosnia Ordered by U.N.," *ibid.*, 3 April 1993.
16. In early April, an attempted UN evacuation of Muslim civilians from the town failed when a Bosnian officer refused to allow it, on the grounds that it would empty the town for a Serb takeover. John F. Burns, "Muslim Officer Stops U.N. Evacuation of Srebrenica," *New York Times*, 5 April 1993, p. A3. Also see "U.N. Plans to Evacuate 20,000 Besieged Muslims," *ibid.*, 6 April 1993, p. A14; Paul Koring, "Canadians Try to Save Town," *Globe and Mail*, 8 April 1993, pp. A1, A13; and "UN Plans Huge Rescue Operation from Doomed Srebrenica," *Manchester Guardian Weekly*, 11 April 1993, p. 7.
17. See, for example, Stephen Kinzer, "Serbs Attack Muslim Stronghold in Northwest Bosnia," *New York Times*, 28 April 1993, p. A11.
18. S/25700, 30 April 1993, para. 18.
19. *Ibid.*, para. 47, 48.
20. John F. Burns, "Nationalist Says Serbs' Rejection of Pact Means the End of Bosnia," *New York Times*, 17 May 1993, p. A1, A6; "Bosnian Serbs' Leaders Meet to Ratify Vote Rejecting Peace Plan," *ibid.*, 20 May 1993, p. A12.
21. Elaine Sciolino, "Christopher Fails to Win Consensus," *New York Times*, 7 May 1993, p. A12; Paul Koring, "PM Opposes Bosnia Air Strike," *Globe and Mail*, 12 May 1993, p. 1.

22. UNPROFOR Chief of Staff, Force Commander's Policy Directive no. 13 (Revised), 24 June 1994. Also, United Nations Protection Force, Force Commander Directive no. 1: Rules of Engagement, 24 March 1992.
23. Ibid. For more on the rules of engagement, see Jane Boulden, "Rules of Engagement, Force Structure and Composition in United Nations Disarmament Operations," in *Managing Arms in Peace Processes: The Issues* (Geneva: UNIDIR, 1996), pp. 135-68.
24. Dick Leurkijk, *The United Nations and NATO in Former Yugoslavia, 1991-1996* (The Hague: Netherlands Atlantic Commission, 1996), p. 31.
25. AFSOUTH, "Operation Deny Flight," *Fact Sheet*, 13 January 1995.
26. Age Eknes, *Blue Helmets in a Blown Mission?* (Oslo: Norwegian Institute of International Affairs, 1994), pp. 56-62. Also see John F. Burns, "Most Relief Operations in Bosnia are Halted by U.N. Aid Agency," *New York Times*, 18 February 1993, pp. A1, A8; and Paul Lewis, "U.N. Chief, Overruling High Aide, Orders Bosnian Relief to Resume," *ibid.*, 20 February 1993, pp. 1, 2.
27. See, for example, S/1994/300, 16 March 1994, paras. 20-22. Also see United States General Accounting Office, *Humanitarian Intervention, Effectiveness of U.N. Operations in Bosnia*, April 1994.
28. S/25939, 14 June 1993.
29. *Ibid.*, para. 5.
30. S/1994/300, 16 March 1994, para. 25-26.
31. "In response to UNSC Resolution 836 ... we offer our protective airpower in case of attack against UNPROFOR in the performance of its overall mandate, if it so requests." NATO, Final Communiqué, Ministerial Meeting of the North Atlantic Council, Press Communiqué M-NAC-1(93)38, Athens, Greece, 10 June 1993. The interesting, and overlooked, aspect of this decision was that it extended protection not just to UNPROFOR in the safe areas but to UNPROFOR generally in the performance of its mission.
32. UNPROFOR Interoffice memo, 29 January 1994.
33. See Clinton press conference, in *Weekly Compilation of Presidential Documents* 29 (15 June 1993: 1083. Also see Richard Holbrooke, *To End a War* (New York: Random House, 1998); and S. Woehrel, *Bosnia-Herzegovina: Summary of the Debate on a Unilateral Lifting of the Arms Embargo*, CRS Report for Congress, 95-477 F, 11 April 1995.
34. NATO, "Press Statement by the Secretary General," Brussels, 2 August 1993.
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36. Declaration of the Heads of State and Government Participating in the Meeting of the North Atlantic Council Held at NATO Headquarters, Brussels, on 10-11 January 1994, 11 January 1994.
37. S/1994/94, 28 January 1994.

38. S/1994/131, 6 February 1994.
39. Decisions taken at the Meeting of the North Atlantic Council in Permanent Session, NATO Headquarters, Brussels, 9 February 1994.
40. Interview with Canadian military official. The very basic report of the UN investigation team is contained in S/1994/182, 16 February 1994.
41. S/1994/466, 19 April 1994.
42. NATO, "Decisions on the Protection of Safe Areas Taken at the Meeting of the North Atlantic Council on 22nd April 1994," *Press Release* (94)32, 22 April 1994.
43. S/1994/1389, 1 December 1994; Roger Cohen, "NATO, Expanding Bosnia Role, Strikes a Serbian Base in Croatia," *New York Times*, 22 November 1994, pp. A1, A14.
44. Owen, *Balkan Odyssey*, pp. 329-31, describes the Bihac crisis as the "nadir in UN-NATO and US-EU relations." Also see, Michael R. Gordon, "U.S. and Bosnia: How a Policy Changed," *New York Times*, 4 December 1994, pp. 1, 20.
45. Roger Cohen, "After a 2d Strike From NATO, Serbs Detain U.N. Forces," *New York Times*, 27 May 1995, pp. 1,4.
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47. "Press statement on Gorazde by Secretary General Willy Claes following North Atlantic Council meeting on 25 July 1995," *NATO Review* (September 1995): 7.
48. See, for example, Holbrooke, *To End a War*, pp. 65-68.
49. *Ibid.*, 90-91; Steven Greenhouse, "U.S. Officials Say Bosnian Serbs Face NATO Attack if Talks Stall," *New York Times*, 28 August 1995.
50. NATO, "Statement by the Secretary General of NATO," Press Release, 95(73), 30 August 1995.
51. NATO, "Operation Deliberate Force, Background," November 1995. The operation was NATO's largest combat operation ever, until the war against Serbia in the spring of 1999.
52. Elaine Sciolino, "Accord Reached to End the War in Bosnia; Clinton Pledges U.S. Troops to Keep Peace," *New York Times*, 22 November 1995, pp. A1, A10.
53. This was not necessarily a policy agreed to or known by the full Clinton administration, as Holbrooke later found out. See Holbrooke, *To End a War*, pp. 172-73.

6. *Conclusions*

Common Characteristics

The three cases I examined in this monograph involved challenges that were primarily of an internal rather than an external provenance; in each, the state was in some form of collapse. In the Congo and Somalia the UN was also dealing with an absence of government. The mandates of all three operations included humanitarian and political assistance tasks of some kind. In the Congo one of the main objectives of the operation was the reestablishment of law and order. In Bosnia and Somalia humanitarian and political assistance were major aspects of the mission. In all three, the protection of civilians and of UN personnel was a major function of the operation.

By far the most salient common characteristic is that the use of force mandates in these cases sought to deal with the effects of the conflict rather than the conflict themselves. In the Congo the operation was a response to the destabilizing effects of the quick shift to independence and the resulting Belgian intervention. In Somalia, UNITAF was established to create a secure environment for the delivery of humanitarian aid, while the UNOSOM II operation was intended to broaden that objective to the entire country, as well as to carry out various military and political tasks aimed at facilitating political reconciliation. In Bosnia, the mandate to use force was impelled by the horrific humanitarian crisis created by the conflict.

The above observations suggest that peace enforcement operations may be something the Security Council turns to when full-scale enforcement is not an option yet when there exists strong public pressure to “do something.” In contrast to peacekeeping operations of the classical sort, which tended to be relatively straightforward and more or less noncontroversial, the very nature of peace enforcement operations renders them controversial; as a result, the secretary-general tends to play an important role in such aspects of peace enforcement.

Flowing directly from the complex and controversial nature of peace enforcement is another common characteristic: all three of the cases reveal the potential for damage that can be done to the UN. The experience in the Congo and in Somalia prompted major crises, as we have seen. In the former case, a major political rift with the Soviet Union was created, as well as a financial crisis. Moreover, the death of the secretary-general shook the organization to its core. The result was a lengthy pause in the willingness of the organization to authorize any more peace enforcement operations. UNOSOM II may have ended Somalia's immediate humanitarian crisis, but it otherwise left the country pretty much as the UN had found it. Again, the result was to foster a general hesitation to consider new operations. As for UNPROFOR in Bosnia, media images of helpless peacekeepers — both as hostages and as bystanders in the face of the events in Srebrenica and Sarajevo — did little to bolster the UN's public credibility, especially in the US. Given that country's importance to the UN, this was a serious problem.

Lessons Learned Regarding the Use of Force?

Among the principal lessons would seem to be the following: 1) unless there is an overwhelming cause, such as the humanitarian disaster in Somalia, there will be a limit to the material commitment member states will wish to make to peace enforcement operations; 2) authorizing the use of force in Security Council resolutions and not following through on the ground undermines UN credibility; 3) the real or apprehended absence of consent to intervention from the warring parties implies a likelihood that someone will attack UN personnel, meaning that there is a high probability of the latter having to use force in self-defence; 4) the UN effectively becomes a participant in the conflict.

All of the above suggest that rather than calling these operations "peace enforcement," it would be more accurate to label them "mandate enforcement," operations. Why should this be so? Because peace enforcement implies that enforcement is being used in aid of peace; and while this term might suit one case (the Congo) I discuss in this paper, it is hardly germane for the other two. In the cases of Somalia and Bosnia the mission really was not to enforce a "peace" that had not been arranged; it was something else, namely the provision of humanitarian assistance in the midst of a nonexistent peace.

The *Agenda for Peace* proposal, with its later qualifications, focused on the idea of cease-fire enforcement. The concept had its roots in the provisions of article 40, which gives the Security Council, under chapter VII, the power to take "provisional measures" that are without prejudice to the parties involved. Article 40 is broad in scope and does not specify what those measures might be. The three experiences examined here suggest that a broader concept (beyond cease-fire enforcement) has been put into practice, without being specifically identified

as such. This broader concept is nothing other than “mandate enforcement.” This means that force is to be used to enforce compliance with provisions in Security Council mandates. These provisions may, it is true, embrace an agreed cease-fire (as the secretary-general originally proposed), but they could also include delivery of humanitarian aid, other international commitments, humanitarian law provisions, and other goals. Significantly, mandate enforcement is entirely consistent with the UN charter.

The above-mentioned lessons compel renewed discussion of the rules of engagement, for it is these specific guidelines, more so than the mandate itself, that reveal how force is likely to be used in pursuit of UN objectives. Self-defence remains the bedrock of peace enforcement operations, even when proactive force is authorized. In fact, the case studies indicate that there is not necessarily a direct correlation between mandate changes and changes in the ROE. In all cases, even when the use of force aspect of the mandate was ultimately strengthened, there was little if any change in the latter, often as a result of troop and equipment constraints in the field. Even when the Security Council modifies a mandate to enable more robust application of force, commanders in the field may not be able or willing to upgrade their ROE if they are undermanned and underarmed. This, then throws the spotlight on the issue of troop strength.

The case studies demonstrate the consistency of one phenomenon: undercommitment of member states. This lack of commitment meant a lack of troops and equipment, with obvious implications for military choices in the field. In Bosnia, UNPROFOR’s role in protecting the safe areas and delivering humanitarian aid was severely compromised by this phenomenon. In Somalia, UNOSOM II experienced similar problems. In some instances, especially near the beginning and end of the latter operation, UN troops were only able to provide for their own protection. Nor was ONUC any exception to the rule.

To some extent the problem stems from the political sensitivity of the operations. In all three cases, member states threatened to pull out, did pull out, or declined to become involved at all, because they rejected either the means or the ends, or both, of the mission. Even taking this into consideration, the cases of Bosnia and Somalia lead to the conclusion that the international community has a finite pool of resources that can be applied to such operations. This is so notwithstanding that in the post-Cold War period there was a general willingness to utilize the UN more in such situations. If, in this more favourable climate a robust military commitment to the UN could not be generated, then it is unlikely that such a commitment can be found in a period characterized by reduced enthusiasm for UN peace (or mandate) enforcement operations.

This trend of undercommitment, can, in special circumstances, be overridden temporarily. This occurred with Operation Grandslam in the Congo, Operation Deliberate Force in Bosnia, and the UNITAF landing in Somalia. The latter was probably the most successful of the operations under examination here, for it took place at the height of international commitment to the UN, and benefited from a

strong international response to an unusual and devastating humanitarian crisis. But it was very much an exception to the rule.

Related to the problem of undercommitment is the general reluctance of the Council to follow through with its mandate authorization. This was especially evident during the Bosnian crisis, when the Council enjoyed invoking chapter VII as a way of giving the appearance of resolve even when there it had no intention of backing up its so-called “commitments” with meaningful action. This lack of follow through was on full display when the Council adopted the “light” option for protecting the safe areas, authorizing a troop deployment known to be only a quarter of what the mandate required.

The Mandate: An Unfinished Script

In all three cases, the development of a mandate for peace enforcement was a transitional, evolutionary process. The Security Council’s initial response to each crisis took the form of a peacekeeping operation. As conditions worsened, the Council’s response shifted to some form of peace enforcement. In Somalia, this meant commencing an entirely new, and major, military operation — first UNITAF, then UNOSOM II. In ONUC the transition was effected less dramatically but it occurred nonetheless, as more troops and equipment were deployed. For a short time in the Congo case, and notwithstanding the generic problem of undersupport, there was even an international commitment to use force that exceeded that of both the secretary-general and the Security Council. In Bosnia, the transition from peacekeeping to peace enforcement was a tortuous one, with success coming in the end only as a result of the change in US policy, allowing NATO to bring its weight to bear in backing up the peace enforcement aspects of the mandate.

In chapter one I noted that peace enforcement fell into the “grey area” between peacekeeping and full-scale enforcement measures. The examination of the case studies suggests that from a definitional and operational perspective the two most important characteristics of these operations are *impartiality* and *consent*. Impartiality is required both in peacekeeping and in peace enforcement, suggesting that a straightforward transition from one to the other kind of operation should be possible. However, consent is not required in the latter sort of operation, complicating matters and rendering it unlikely (though not inconceivable) that a peacekeeping operation could fulfill the mission required by peace enforcement.

Both peace enforcement and full-scale enforcement have in common the lack of need for consent; however, they differ in that the latter is not expected to be impartial — indeed, in full-scale enforcement the UN is an active belligerent. But in peace enforcement, it is expected to be impartial. This expectation, in turn, has important repercussions for the troop contributors on the ground.

In what sense can the UN be expected to remain “impartial” in peace enforcement? Let us return to the distinctions I introduced in chapter one. To be sure,

when the Security Council makes a decision to become involved in a conflict it *does* become a participant, pursuing the political goals of maintaining international peace and security established in the Charter. Its active participation, however, is a separate issue from the question of its impartiality in designing and implementing the mandate — in the article 40 sense of being “without prejudice” to the positions of the parties.

Can the UN act “without prejudice” in situations in which there is less than full consent? This, it will be recalled, was the dilemma with which Hammarskjöld grappled. My examination of the three cases leads me to answer the question in the affirmative, although acting without prejudice is always a delicate balancing act. Though it sounds counterintuitive (if not provocative), it might even be claimed that, on a very general scale of success and failure, UNOSOM II might be classified as a failure, while both UNPROFOR and ONUC could be regarded as successes; for in the case of the latter pair, there was — eventually — a mandate fulfillment of sorts, while UNOSOM II departed Somalia having achieved little of its mandate. The reason for the difference inheres in the language and the implementation of the mandates for Bosnia and the Congo: there were clear goals in the mandate upon which the use of military force could be and was focused; and those goals were not themselves directed against any one of the parties.

As discussed previously, it is the political ends of Security Council mandates that should determine the military means. UNOSOM II demonstrates that when the military means come to create the political ends, impartiality quickly vanishes. For UNOSOM II the drift towards military solutions both in the mandate and in the implementation of the mandate had a negative impact on the impartiality of the mission, and, in turn, upon its credibility. To be sure, in compelling compliance there must always be some risk of diminished impartiality, hence of credibility. But, if the mandate remains clear and if the military measures used in its implementation are clearly directed to those ends, it is possible to maintain that delicate balancing act.

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