United Nations Peacekeeping Operations and the Use of Force

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Let me first congratulate Dean Joel Seligman and Professor Stephen Legomsky for starting such a splendid Institute for Global Legal Studies at Washington University in Saint Louis. It is important to have conversations throughout the country about the engagement of the United States with international institutions. Most civic groups and non-governmental organizations in Washington, D.C. and New York City don’t take seriously enough the fact that this is a continental country and that there are distinguished fora throughout the American union that will have vital input on the role and the problems of multilateral organizations. So it is terrific to meet in St. Louis and I hope we do it again soon.

The question of United Nations peacekeeping and the use of force might seem to be a specialized topic. But it is at the root of much of the dissatisfaction with the performance of the United Nations – both inside the organization and from the outside. When one sees the U.N. up close, in the field and in New York, much of the unsteadiness in discharging its missions stems from the organization’s deep ambivalence about the proper use of force in international conflict resolution, and its hobbled ability to muster efficacious force.

Originally, in the midst of World War Two, the United Nations was not a building on First Avenue, but the anti-fascist alliance itself. The United Nations included America’s major allies in the world war, Great Britain, the Soviet Union and China, as well as France – opposing Nazi Germany, and fascist Italy, and (though later for the Soviet Union) an imperial Japan, the major enemy states. And so, if provenance is any guide, the United Nations was imagined to have a future as a robust organization. Indeed, if you look at the U.N. Charter of 1945 in its closing paragraphs, Article 106 posits what the alliance should do in the interim period before a U.N. security council is up and running. It supposes that the world war allies would continue to consult and take such action as they thought necessary for international peace and security, including action against any resurgence of fascism. The original scheme for the security council was to endow it with designated military forces, under agreements with member states pursuant to Article 43 of the Charter. There was even supposed to be a United Nations air force, as we see in Article 45 of the
Charter, with committed air assets from member states – even if the only air power now used by the U.N. is commercially leased surplus planes and helicopters from the former Soviet bloc and the occasional U-2 deployed by the Special Commission on Iraq (with U.S. support) to look for weapons of mass destruction secreted by Baghdad. So any association between the U.N. and a tepid response to aggression was not part of the original conception. But of course, after the world war, the confrontation with the Communist countries began. With the Cold War underway, things broke apart and the U.N.’s political machinery no longer operated as smoothly as it was supposed to. The Security Council froze up in the ideological schism of the Cold War. With veto power guaranteed by the Charter to the permanent members including the Soviet Union, very little could be accomplished through the Chapter 7 mechanism to muster armed forces in collective military action. The Council was given no committed forces under Article 43, and even now, a half century later, no country is willing to precommit its forces to U.N. deployment.

Peacekeeping was born, if you like, in the interstices of the U.N. Charter. The famous joke is that peacekeeping is authorized under chapter “6½” of the Charter – midway between the Council’s procedures for conciliation and its procedures for deploying force. (When my students go to the Charter and announce they can’t find chapter “6½”, I always tell them it’s in the fine print.) Peacekeeping was supposed to be limited in function. It was intended as an interpositional buffer, an armed observation force, designed to discourage adversaries from violating a ceasefire or peace agreement. But it was a minimal show of force, almost a form of bird watching, boundary observation by men who happened to wear uniforms. Peacekeepers could keep apart parties agreeing to a truce and discourage the small provocations of night time forays and border encounters. Having neutral observers on the border gave a bit of dignity to the fact of separation. It gave the parties a reason why they were not obliged to “have at” each other every foggy night.

Prime Minister Lester Pearson of Canada, Under-Secretary-General Ralph Bunche, and Secretary-General Dag Hammarskjold invented the institution of peacekeeping for situations such as the Sinai and Cyprus, and (with less success) for the Congo. Its funding initially was quite problematic. France and Russia were unhappy with the operations in Sinai and the Congo and refused to pay their dues, leading to the famous advisory opinion of the World Court, holding that peacekeeping was not an *ultra vires* occupation for the United Nations. But in the course of the decision, at least one judge on the International Court of Justice
cautioned that the U.N. should not become so expensive that its members couldn’t afford membership.\textsuperscript{3} Perhaps in response to that problem, the United States and the other permanent members of the Security Council have traditionally paid an extra amount for the expenses of peacekeeping, which rose to almost four times the U.N. regular budget in the mid 1990’s.

The classical account of peacekeeping – the view of older U.N. hands such as Sir Marrack Goulding and Sir Brian Urquhart, and the reason why some people in the U.N. fervently believed that the organization should not go into Bosnia – says that at least three conditions must be met for peacekeeping to work. First, consent of the parties to peacekeepers’ presence, upon entry and throughout the mission. Second, the minimal use of force, mustering arms only in self-defense. And third, neutrality between the parties – for peacekeeping was not an attempt to change the outcome of a war or conflict. (The moral adequacy of “neutrality” has been contested when the U.N. deploys in circumstances where one side is the aggressor or abuses the laws of war.)

Peacekeeping was also shaped by the Cold War. It was assumed that superpowers should not take part in peacekeeping because they were not neutral. Smaller countries, often the neutrals of Scandinavia or developing nations, were the stalwart troop contributors for peacekeeping. The deployment of peacekeepers was a method of preventing the irritant of small conflicts from becoming occasions for major power confrontation. (In the 1990’s, with the end of the Cold War, surrogate conflicts fueled by the conflicting sympathies of major powers were newly capable of solution, and peacekeepers deployed to places such as Cambodia and Central America.) Peacekeeping had its own disappointments even in the early classical phase. Peacekeeping in Cyprus worked reasonably well in the 1960’s, but the U.N. was powerless to prevent enosis, the attempt of Athens to integrate the island into Greece, or to resist the Turkish military intervention in 1974. There were also complaints that the blue line of peacekeepers permanently divided the island and froze the conflict, and gave each side an excuse why it did not have to negotiate. The Congo intervention was a bloody mess, as Sir Brian Urquhart’s wonderful memoir makes plain. Sir Brian’s recollections, entitled \textit{A Life in Peace and War}, limn the larger-than-life quality of some of the early U.N. figures. He notes drollily that on one troop transport, a blue U.N. flag was draped across the train engine. The entourage was greeted by the question of a Congolese official: “L’ONU? C’est quel tribu?” –“what tribe is the U.N.?” \textsuperscript{4} Even in the 60’s there was the problem that the U.N. did not necessarily translate into credibility on the ground.
But after the end of the Cold War, the Security Council appeared to work again, and there, was great anticipation of what its potential might be in the 1990’s. Many supposed that the U.N. would be able to act vigorously and with unity, and this optimism was fueled by the unity of response in 1991 against Iraq’s invasion of Kuwait and as well by the rather unique period when a whole series of local conflicts began to wind down because there were no longer major patrons from the east-west struggle. A peace agreement was reached in Cambodia, with cooperation from China and the ASEAN countries. The civil conflicts in Nicaragua, El Salvador and Guatemala, Mozambique and Angola were no longer freighted with east-west rivalry, although the world soon learned that ethnic rivalry could be equally contentious. There was astronomical growth in the number of peacekeepers deployed on the ground – up to 70,000 in the mid 1990’s. The U.N.’s peacekeeping operations department was not equipped to handle the logistics of so many operations, and was often unable to find properly trained or disciplined troops, or to marry up third world brigades with modern equipment. Of course, as the numbers increased, the cost increased as well. It was largely the soaring cost of peacekeeping that provoked the American refusal to pay its assessments.

The peacekeeping of the 1990’s was a new kind of operation. It was not just interpositional observation, monitoring a peace accord. It often involved attempts to scale back a conflict and demobilize opposing forces even before there was any assurance of a binding ceasefire. Peacekeeping was attempted where there was no peace to keep – so the saying went. U.N. forces were asked to provide security for a host of new tasks in civil reconstruction—the demobilization of guerrilla and government forces, the collection and caching of arms, emergency assistance to refugees and internally displaced persons, and organizing democratic elections for post-conflict governments. The U.N. attempted to become a full service provider for broken societies, in awkward coordination with regional agencies and frameworks such as the Organization for Security and Cooperation in Europe and the Organization of American States. Multifunctional peacekeeping was not just the work of soldiers but of many other agencies of the UN, including many that depend on voluntary contributions rather than mandatory dues. The High Commissioner for Refugees, for example, proved to be a key figure in this period.

U.N. Secretary-General Boutros Boutros-Ghali had high expectations for peacekeeping in the 1990’s, outlined in An Agenda for Peace. He even supposed that the U.N. might finally obtain assigned troops, deployable at will, under Article 43
agreements. That did not come to pass. Even the hope for standby
troops earmarked for U.N. operations by member states was prey
to the realities of local politics and reluctant publics. Willingness
to intervene with national contingents depended on the sympathies
of a particular conflict, as well as the likelihood of success, and the
standby list was often a dance card for countries’ right to say “no”
– eighty or more countries would happily field telephone calls
from the 38th floor of the U.N. Secretariat building, and then say it
was not the right struggle for them. But there was a mood of
anticipation in the early 1990’s about what the U.N. and the
accepted warrant of its authority for intervention might mean.

Disillusionment followed rather shortly thereafter. First, these
conflicts involved a different kind of warfare. Ethnic wars engaged
non-state actors, single-minded groups lacking the full panoply of
interests and linkages that often moderate the behavior of
governments. Conflicts were fueled by opportunistic mercantile
warlords such as you now see in Sierra Leone, Liberia, and the
Congo, where diamonds and timber keep insurgencies going.
These all-terrain conflicts do not lend themselves to interpositional
peacekeeping. Indeed, there are often no organized command
structures with which to negotiate. Intermingled populations,
unconventional warfare, the deliberate targeting of civilians, the
strategy of threatening peacekeepers and even taking them hostage,
make this unconventional peacekeeping and often the U.N. has not
known how to cope. Blue berets were exchanged for blue helmets.
The sense of vulnerability reached an apex in missions such as
Rwanda, where the Hutu Interehamwe deliberately killed Belgian
peacekeepers and propelled their withdrawal, and Somalia, where
the urban forces of Mohammed Aidid (later shown to have been
trained by Osama bin Laden) killed eighteen U.S. Rangers. This
was not the tactically simpler task of interpositional peacekeeping,
but rather an attempt to counter forces that know how to exploit the
concerns of western democracies about casualties among their
citizen soldiers.

Equally troublesome was the apparent incapacity of U.N.
troops to provide protection to the civilian populations they were
sent to aid. The deadly attrition of the Bosnian war killed 200,000
civilians out of a population of four million, also displacing
800,000 people as refugees or internally displaced persons. The
siege of Sarajevo saw Serb forces on the surrounding hills
heartlessly sniping at civilians and bombarding the town. The
Sarajevo government was suspected by some (even inside the
U.N.) of enhancing the visuals for a CNN war by setting up their
own civilians as targets. And, ultimately, the tragedy of Srebrenica
in the Drina Valley, where lightly armed Dutch peacekeeping
forces did not (and perhaps could not) protect the civilian population, and 7,000 combat-age Muslim men and boys were summarily executed by the Bosnian Serbs.\textsuperscript{6}

Equally, in Rwanda, the United Nations and its member states disappointed many observers by failing to act in the face of the Hutu genocide against the Tutsi. The Secretariat disregarded warnings early in 1994 that genocidal plans might be in preparation. And when the killing began, the U.N. forces of the “UNAMIR” mission were pulled out by their national commands, including the Belgians, Ghanaians, and Bangladeshis, and no other intervention force was mounted by the Security Council.\textsuperscript{7}

The heart of the failure was a minimalism in the use of force. Whether a matter of philosophy or political skittishness, the U.N. and its members have often proved unwilling to use armed force in circumstances where a robust deployment might be effective. This is often ascribed to member states’ reluctance to jeopardize their forces. Failure to deploy robustly may also signal an implicit sympathy with one of the sides in the conflict. But it is engendered as well by an ethos of nonviolence within the United Nations itself – a lingering doubt about the necessary use of defensive force in the international community, perhaps a belief that the thin personality of a multilateral organization cannot sustain the morally contentious choices that are made by nation states in defense of their own existence.\textsuperscript{8} So U.N. forces were put on the ground in Bosnia with the very limited mandate of delivering food and humanitarian assistance. To some, this seemed to be a replay of the moral indifference that characterized Europe during the rise of fascism – peacekeepers standing by as terrible things were done, because it wasn’t their department to stop it. And ultimately, when Boutros-Ghali went to the Security Council and asked for the creation of internal safe areas with Bosnia for the protection of civilians, he was not given the troops he wanted. Seven thousand troops were allocated, instead of the thirty-four thousand recommended by the military advisors of the Secretary-General. At that point, many thought that the Secretary-General should have resigned, or at least have said that he could not be party to a deception and refused to implement the safe area mandate. With great melancholy, I can recall my visit to the Hague in July 1995, in the early months of operation of the International Criminal Tribunal for the former Yugoslavia. We had a pleasant dinner with prosecutor Richard Goldstone in his apartment and then listened with horror to the news on the television about the fall of Srebrenica. The Dutch contingent was placed inside the safe zone with deliberately scaled down equipment, armored personnel carriers stripped of the 20 millimeter cannons that are standard
issue for NATO equipment. This, after all, was peacekeeping. So, too, the Canadian troops who preceded the Dutch had been helpless to prevent the Muslim forces in Srebrenica from taking up positions behind U.N. observation posts, and firing out to draw incoming Serb fire. This was a debacle of peacekeeping in its classical mode, with minimal use of force, the pretense of consent, neutrality between the parties, and above all, the attempt to avoid antagonizing the local combatants in a way that might endanger U.N. personnel. After Srebrenica, of course, “neutrality” came to seem a hollow word, and some began to entertain the idea of peacekeepers’ right (or even duty) to use force for mission accomplishment, including the mission of protecting civilians.

The experience in Somalia was, of course, a major source of American anxiety over peacekeeping. The peacekeeping mission began with famine relief, but devolved into an attempt to restore a democratic structure to Somalia, without understanding how deeply rooted the clan structure was. Secretary-General Boutros-Ghali’s past career in the Egyptian foreign ministry, with responsibility for Egypt’s policy towards Africa, thwarted the U.N.’s acceptance as a local mediator, since Egypt had had distinct sympathies for Siad Barre, a prominent rival to Aidid. Somalia became a cataclysmic event for American engagement with peacekeeping. Pakistan peacekeepers were ambushed while on a food delivery mission in Mogadushi in June 1993, and 24 peacekeepers were killed. Then in October 1993, American Rangers attempted to raid an arms cache and were ambushed in a shootout in downtown Mogadishu. Eighteen Americans were killed and 75 wounded. The news was punctuated by a terrible photograph of a slain American GI whose body was degraded in the streets. Somalia became a watershed event, diminishing American support of U.N. peacekeeping. The trauma of Somalia was in large part responsible for the subsequent hesitation to support any intervention to stop the Hutu genocide in Rwanda. The United States declined to support any follow-on force to UNAMIR, and the genocide rolled on unabated until the Tutsi military advance succeeded. When the Hutu fled to the southwest, the French mounted a unilateral mission that gave them shelter as they crossed the border into Zaire. Yet even after, as the Hutu fled from refugee camps besieged by the Tutsi, there were scenes of needless violence, with the same U.N. passivity. A memoir by an Australian aid worker,\(^9\) recounts how Australian peacekeepers were instructed to hold their fire when Tutsi forces began to shoot into an encampment of Hutu civilians at Kibeho. Two thousand to four thousand civilians were killed, witnesses reported, though the official U.N. figure is much lower.
The U.N. is sometimes inclined to airbrush its disasters, avoiding the repercussions and lessons of traumatic or embarrassing events. In that, the organization does itself a disservice. In *An Agenda for Peace*, Boutros-Ghali had hoped that regional organizations might take on much of the burden of peacekeeping. There was a period in the mid-1990’s when many thought that existing regional organizations were up to the task. Nigeria and Ghana intervened in the civil conflict in Liberia under the aegis of a subregional organization called ECOWAS – the Economic Organization of West African States, and its military arm called ECOMOG. The Security Council ultimately commended the intervention, despite the creditable argument that the exercise prolonged the conflict. But it was not immediately perceived that the peacekeepers themselves could be a source of disorder. The ECOMOG forces were poorly disciplined, and too often abused local civilians.

The real peacekeeping lesson of the last ten years is that the idea of separating chapter 6½ from chapter 7 is not realistic. Peacekeeping is not segregable from robust peace enforcement. Too many situations quickly turn sour, and one cannot always predict the course of events in advance. One almost needs a “Powell-Weinberger” doctrine for the U.N. itself – a willingness to go in with overwhelming force, in the confidence that the capacity to respond is the best guarantee of cooperation. It is an illusion that the international personality of the U.N. will suffice to deter combatants in civil conflicts, and the illusion has repeatedly led to disaster. There is now quite a change of view in New York, a chaste feeling that the capacity to do peacekeeping in challenging environments is limited. The recent events of Sierra Leone have certainly justified that modesty. At the same time, other problems have developed. There has been resentment among developing countries that the staffing of the U.N. peacekeeping operations department was enlarged through loaned and donated personnel from the first world. The General Assembly was not unjustified in its concern for fair representation of poor as well as prosperous countries. But at a time of budgetary strictures and burgeoning peacekeeping operations, the General Assembly imposed a flat rule that seconded personnel could no longer assist in peacekeeping support and coordination. This meant that the peacekeeping operations department was stripped of key operators with institutional knowledge, and the Assembly’s precipitous action diminished the ability to provide effective support to field operations. The presence of seconded personnel had also been important in building effective liaison with key militaries active in peacekeeping.
The hard questions for the U.N. are several. There is a philosophical discussion that needs to occur on the use of force. Inadequate force structures are often ascribed to the reluctance of member countries to contribute troops. But it is more than that. It amounts to an unwillingness to admit that collective security requires robust action, that the United Nations cannot substitute itself for nation states and hope to eschew the modalities found necessary by nation states. The tradition of nonviolence and neutrality in peacekeeping might, in honor of some of its founders, be called a “Nordic minimalism.” It is a Kantian ideal that words should be sufficient, but they are often not. It also betrays an ambivalence about the moral personality of multilateral organizations – doubt whether they are competent to use the tools of military force because violence is an instrumental evil. It means that peacekeeping has become a temporizing tactic, a lowest common denominator, in lieu of more effective action.

Second, there is a question of competence. In real life, the national contingents that take part in peacekeeping do not answer to the force commander. If the U.N. commander wants to move a battalion ten miles down the road in a disputed area, he has to wait for the head of the national contingent to call home to get permission. There really is no such thing as an integrated U.N. military force. The absence of effective logistics, transport, and on-the-ground intelligence means that peacekeepers are often vulnerable targets, sitting ducks, justifiably worried about unit safety, hardly able to focus on mission accomplishment. If you cannot do peacekeeping well, perhaps you should not try to do it at all. Certainly, when the U.N. interjects itself into situations and promises people that their lives will be protected, there needs to be realistic assessment of the capacity to muster defensive force.

There was a passing discussion in the mid-1990’s about having a standing army for the U.N., a multinational rapid reaction force of perhaps 5,000 soldiers. The idea was tabled on grounds of budget and difficulty, as well as concern about political control. It would be no simple task to take volunteer soldiers from different military backgrounds and form a coherent unit, even after joint training. A unit’s coercive force also will depend on what its backup consists of, and that again leaves the U.N. in the position of dialing for doughboys. Even the numbers were not persuasive – 5,000 slots do not go as far as one might suppose. In military deployments there is a rotational system, usually with a three-to-one ratio, with one soldier on the ground in the mission, one training to replace him, and one returning. The operational limits of a 5,000 man force are also shown by another divisor – the so-call “tooth to tail” ratio. To field a soldier at the sharp end of the
stick requires numerous support and logistical personnel. Depending whether you are European or American, that accepted ratio is between 3:1 and 6:1. Thus, a stand-alone base force of five thousand would yield a quite modest number of infantry peacekeepers on the ground – no more than six hundred. And military deployments cannot safely be mounted in an ad hoc fashion like a “pick-up” basketball team. People have to be trained together over a long period of time. A standing force would have to be some sort of foreign legion, not just an occasional ingathering of retired military personnel. With these daunting problems, it is not surprising the idea was tabled.

Since that time, no one has known quite what to do. The U.N. has relied on “coalitions of the willing” made up of national military units, but even here, since there is no occasion to have practice deployments, there are real problems of competence. The U.N. recently inquired into what went wrong in Sierra Leone – in particular, how the Zambian contingent was taken hostage by an insurgent group known as the West Side Boys, stripped of their uniforms and weapons, and threatened with the death of their unit commander. The Zambians deployed into Sierra Leone and were directed to enter an area where their Nigerian predecessors had not dared to tread. They were inadequately briefed about the nature of the threat. They had one radio and an out-of-date map. The force commander with a small contingent was proceeding in advance of the rest of the Zambian column. The West Side Boys – child soldiers – confronted the Zambian commander at a roadblock, took him to see their own commander, and informed him that his soldiers must surrender to avoid a Salomé-like decapitation. Since the commander had the only radio, he could not warn the rest of his troops. Several hundred Zambian soldiers were forced to lay down their arms, their uniforms were stolen, and the West Side Boys used the Zambian uniforms as camouflage in later attacks against Nigerian peacekeepers elsewhere in the back country. (To distinguish themselves from the masquerading “peacekeepers,” the Australians then removed all U.N. insignia from their own uniforms.) The U.N. hoped that fielding a large force in Sierra Leone would be sufficient to restore order, but the Indian force commander did not get along with the Nigerian contingent, the Jordanian and Indian contingents ultimately were withdrawn, and the British chose to remain entirely outside the U.N. command structure. The problem of multinational cacophony is hard to solve other than by using prior existing military organizations such as NATO or Partnership for Peace brigades that have practiced together and developed a common ethos.

Why did U.N. forces not go into Rwanda? In part it was
American objections after the events of Somalia, wary of an adversary that had already murdered Belgian peacekeepers for political effect. But as well, there was no viable combination of troops and equipment. Some African countries were willing to supply troops, but had no vehicles or armored personnel carriers. Even if equipment had been immediately supplied, unfamiliar troops needed to be trained in its operation. One practical long-term response is to train regional forces, and the U.S. is now doing that in Senegal and elsewhere.

The third problem is a version of the Hippocratic oath – “First do no harm” – the physician’s ethic. There has to be a moral self-consciousness about the U.N.’s duty to avoid damaging the areas in which it intervenes. The troubling reports of peacekeeper misconduct are anecdotal, back hallway talk – you do not find it written down. How were troops recruited for Cambodia? At least one U.N. member state took men out of jail, gave them blue berets, and sent them off. Some contingents were eventually sent home because they were not helping anybody and were looting the countryside. The problems of corruption among UNPROFOR contingents in Bosnia were well-known; some Eastern European troops used their armored personnel carriers to smuggle consumer appliances into the city for resale. Or examine the politically difficult issue of HIV-positive troops. Some years ago, even before the AIDS crisis was so acute, the U.N. inadvertently obtained the full medical files of a national peacekeeping contingent and discovered that 65 percent of the blue berets were HIV-positive. The Secretariat sent the contingent home quietly by redesigning the areas of operation. But the U.N. declined to institute any policy of testing, or even asking for the voluntary disclosure of medical information from troop-donating countries. There are some good reasons. What if the consequence of testing is to force a military man into unemployment, with no treatment for him or his wife? Why HIV testing and not liver function testing? Yet there is the problem of men with guns, far from home. Certainly in the choice among national contingents, the epidemiological hazard is a possible consideration.

Another part of the Hippocratic oath is not to abandon people who have relied on a promise of protection. An Atlanta lawyer named Michael Hourigan has been arguing this point. He brought a claim against the U.N. stemming from the Rwanda massacres, on behalf of two families. One was the family of the former chief justice of Rwanda and the other was the family of the former minister of labor and social affairs. UNAMIR troops had been assigned to guard the homes and safety of these two families, but when the Hutu militia came up, the troops allegedly left and the
families were killed. Hourigan’s claim is that if an organization promises protection, it has a moral and perhaps a legal duty to make good on the promise. The U.N. initially answered that such a claim sounded in public law, not in private law, and therefore lacked an available claims procedure. Mr. Hourigan quickly recast the claim within the private law language of wrongful death. Whatever the resolution of this particular claim, the larger point is that the U.N. too often has been satisfied with the appearance of peacekeeping – a charade of protection instead of effective protection of civilian populations. The lack of credibility in U.N. deployments undermines every other function, including post-conflict reconstruction. You will not see refugee return to the areas from which minorities are “cleansed” when there is no real assurance of safety. The arrest of war criminals in Bosnia and the control of organized crime in East Timor and Kosovo depend on a willingness to use force in policing. Even thwarting corruption, which has throttled the economy of Bosnia, requires a force strong enough to suppress possible retaliation. Several international corporations have tried to go into Bosnia to revive industrial work and provide employment but have been frustrated by the tangle of political control of the economy by the nationalist political parties and the rank and repetitive corruption. Why can’t the international community confront this more directly? Even arrest people for corruption? Part of it is diffidence, but part of it is danger. One doesn’t dare because security on the ground is ineffective.

A few final thoughts in closing. There is now a serious conversation about international policing, and how to restore a minimum degree of law and order in post-conflict arenas. George Bush’s foreign affairs adviser Condoleezza Rice has noted her concern about the mid-level security gap in post-conflict areas. When peacekeepers eschew the tasks of policing and CIVPOL personnel assigned to the U.N.’s volunteer international police force limit their functions to giving advice on “principles of democratic policing” and lack unit-wide training, then we will continue to have situations of tenuous stability such as Bosnia today. We must address how to develop a more robust police capability, international personnel who are trained in the use of fire power and in the special competencies needed for policing including investigative experience and language capability. One may wish to have specialized constabulary forces within NATO. But it is time to get beyond the fiction that a thrown-together CIVPOL force is sufficient for all challenging situations.

On the American role in peacekeeping, I tell my students that one amongst them should found a new political party to be called
the Liberal Hawks. Washington’s dissatisfaction with peacekeeping stems in part from the challenges of our military demobilization since the end of the Cold War. Both the United States and its NATO allies have scaled back their forces, responding to domestic constituencies that prefer to cut budgets, tempted by the crumbling of the Soviet Union. But facing a belligerent North Korea and Iraq, there is still a need for an army that can effectively fight land battles. There is rightful concern about wasting training and overtaxing American military personnel. If you take combat recruits and train them up to operate Bradley fighting vehicles and Abrams tanks in an integrated land-air campaign, and then take them off their equipment and turn them into peacekeepers and cops, and then after their Bosnia rotation, try to recoup their combat skills all over again, you are wasting a lot of time and manpower. In addition, the Executive Branch has generally not been willing to ask Congress for money up front for peacekeeping missions. Instead the White House often has found it more convenient to raid readiness and training money, and then ask the Congress to restore these essential funds. Admittedly the White House may have feared that Congress would just say no if asked to appropriate peacekeeping money as such. But the consequence has been an unhappy cycle of robbing Peter and underpaying Paul, putting pressure on U.S military readiness. We need to recognize that these missions are expensive, that they do take manpower, that they do have an operations tempo which wearies military personnel, burdens their family life, and causes people to leave the services to join the private economy. To sustain these missions, in the configuration of our democracy, one needs to muster public support, so that the Congress can be persuaded to fund peacekeeping in a planned way that does not deride our other military needs. We cannot keep doing it through the backdoor. Though the Congress is appropriately concerned about the safety of American personnel, the sensible provision of funds is necessary even where the United States is involved in supportive functions such as logistics, airlift, and intelligence.

We also need to consider what local political solutions are viable, given the constraints of our peacekeeping capacity. Should we accept solutions such as the soft partition of Bosnia, where the so-called “inter entity boundary line” separates the Bosnian Serbs from the Muslims and Croats, because that allows a military mission much closer to the low-impact interpositional peacekeeping of yore? Can you change the political culture of a post-conflict society through a top-down Fabian solution, as we are attempting in Bosnia – where the new state structure and constitution were implemented as part of the Dayton Plan but never endorsed in any popular ballot? There is a real challenge for
political scientists and sociologists to assess how you can craft a solution that allows civic reeducation to take root.

Finally, there is a worry that the international community may have been naïve in supposing that elections are the answer to everything. Premature parliamentary and municipal elections may in fact reify the power of the nationalist political parties, such as the SDS and HDZ in Bosnia. Indeed, a popular mandate allows these parties to wrap their obstruction in the flag of sovereignty. If we had been a bit more bloody-minded in Bosnia and entertained a transitional structure more akin to a protectorate, one might begin to displace the role of organized crime and organized ethnic thuggery.

The people who work inside the United Nations are often wonderfully talented. They work for very little money in dangerous places. But the most gallant of U.N. officials are among the most frustrated critics of the obstinacy of the institution, and its failure to come to grips with its deficiencies. There is little close newspaper coverage of the U.N. as an institution, and thus no feedback loop to improve agency performance. Too few people know enough about the place to point fingers and name names, or even make workable suggestions. There is no room for romantic multilateralism if we want the United Nations to be able to do its job.
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1 See The United Nations Declaration, Jan. 1, 1942, Dept. of State Pub. 1732, U.S. Exec. Agreement Ser., No. 236 (Washington 1942) (“Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war.”); The Moscow Declarations, Oct. 30, 1943, 9 Dept. of State Bull. 307ff (1943).


3 Id. at 302 (dissenting opinion of Judge Bustamante) (“at the time of the signature of the Charter, … [n]obody foresaw that the increase in expenditure of the United Nations could one day endanger the solvency of national budgets.”).


8 When military force is not used in an intelligent and morally responsible way, it sometimes leads the international community to use other forms of coercion, such as economic sanctions, which can be much harder on a civilian population, as we have seen in
Haiti and Iraq. Attitudes towards the discrete use of military force must take account of the often greater cost of alternatives.

9 **STEVE PRATT, DUTY OF CARE** 74-76 (2000).

10 *See generally* FUNMI OLOMISAKIN, REINVENTING PEACEKEEPING IN AFRICA (2000).


