

THE UNITED NATIONS AND
MANDATE ENFORCEMENT

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CONGO, SOMALIA, AND BOSNIA

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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,

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] explain”

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.

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 and from

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.

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

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.

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

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 peace-keeping.”³³ What resulted later that year was a report, *An Agenda for Peace*, addressing the wide spectrum of peace and security action, and embracing pre-

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);

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,

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

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 men-

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

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.

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

Congo were able to do so themselves. The second linked the maintenance of law

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

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

“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

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

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.

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.

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, nte5gH7(h1J -eeeMeas(tion wn2f5(uA4S]TJ ller)0.0 l(37i125.4.4 -i)-8.a.4.1scIXr069 T,)5

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-

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-

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 optionem-

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

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

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

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

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

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.

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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 atti-

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

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

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.”

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,

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*

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.

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 Yge see 1993, pN Sid 4F633 0 T03me29 Tw

61. S/1995/231, 28 March 1995, para. 38.
62. For example, a US ship, the *Harlan Cleveland*

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

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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

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

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

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

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 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 (y tlose) peace-keeping

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

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

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.

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

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 confer-

most vocal advocate of stronger action; on the other, it criticized Europe's han-

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.

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

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 Me0883 p. Stronghold in Northwest

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

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 investi-

6. *Conclusions*

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

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

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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