

ARTICLES

THE NEW DIMENSIONS OF UNITED NATIONS PEACEMAKING

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Since its beginning, mankind has alternated between periods of peace and war. The Twentieth Century was the first one in which attempts were made to outlaw war and to establish institutions which would protect the peoples of the world against war. After the carnage of the Second World War, the United Nations was established "to save succeeding generations from the scourge of war,"¹ and the Security Council was given the "primary responsibility for the maintenance of international peace and security."² The founders of the United Nations tried to ensure that the Council would have necessary means for discharging this responsibility, and Member States agreed to make available to the Council for this purpose armed forces sufficient for maintaining peace.³

I was there when Joseph Paul-Boncour, former Prime Minister of France, presented the report of Committee 3 of Commission III on the proposals relating to the Enforcement Mechanism Measures, which became Chapter VII of the U.N. Charter. There was thunderous applause, when he stated that, after the adoption of these proposals, the United Nations would no longer be unarmed in the face of violence, and the Security Council would have placed at its disposal sufficient forces to carry out its decisions. This was "a great historical development," he said, "the keystone of the peace structure which we are in the process of building." He added that this was, from the point of view of security, "definite and considerable progress over measures adopted previously and especially over the Covenant of the League

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¹ U.N. CHARTER pmb., para. 1.

² *Id.* at art. 24, para. 1.

³ *Id.* at art. 43, para. 1.

of Nations." From now, "[m]ilitary assistance in case of aggression, ceases to be a 'recommendation' made to member states; it becomes for us an '*obligation*' which none can shirk."⁴

In commenting on this report, the President of Commission III (Mr. Morgenstjerne, Norway) emphasized that "we cannot forget for one moment that on the authority and ability of the Security Council to act with all possible dispatch and forcefulness may very well depend, at some future date, the security, the peace, and the very existence of the freedom and justice-loving nations of the world."⁵ Mr. Dejean (France) pointed out that some of the provisions of Chapter VII of the Charter took up several ideas for which France had fought for 20 years in Geneva, and which Mr. Paul-Boncour advocated strongly, as Minister of War in 1932. He regretted, however, that the text did not more strongly endorse the French idea that "it would be desirable to have an international force of all arms [land, sea and air] permanently at the disposal of the Organization, in order to help it carry out its difficult task of maintaining peace in the world."⁶

Paul-Boncour returned to this subject at the final session of the Conference, where he quoted a sentence of Blaise Pascal, the French philosopher, that "[s]trength without justice is tyrannical, and justice without strength is a mockery." The new Organization will be armed against violence. It will have unquestionable superiority over any aggressor rising alone in rebellion, thanks to the combined strength of its members, their formidable resources in men and material, together with their productive capacity. The "certainty of defeat will most probably discourage any aggressor from starting a fight." But the whole efficacy of the Charter depends on the unity of the United Nations, especially the great nations with a permanent seat on the Security Council; they must remain truly united. He then invited the audience: "In the hour when immense hope rises from our hearts, let us swear to remain faithful in peace to this unity which was our strength in war." Again there was general, enthusiastic applause.⁷

In the same spirit, President Truman started his speech closing the Conference, with the phrase: "Oh, what a great day this can be in history!" He thanked the participants for fulfilling the hope and justifying the confidence of the peace-loving people the world over. He stated: "The

⁴ Doc. 881, III/3/46, 12 U.N.C.I.O. Docs. 502, 513-14 (1945).

⁵ Doc. 943, III/5, 11 U.N.C.I.O. Docs. 12, 13 (1945).

⁶ *Id.* at 26.

⁷ Doc. 1209, P/19, 1 U.N.C.I.O. Docs. 658, 668, 669 (1945).

Charter of the United Nations which you are now signing is a solid structure upon which we can build for a better world. History will honor you for it. Between the victory in Europe and the final victory in Japan, . . . you have won a victory against war itself." He added that the Charter is "a declaration of great faith by the nations of the earth—faith that war is not inevitable, faith that peace can be maintained." He noted that this is, however, "only a first step to lasting peace," and that the Charter, like the United States Constitution, "will be expanded and improved as time goes on, . . . [c]hanging world conditions will require readjustments—but they will be readjustments of peace and not of war." He pointed out:

Out of all the arguments and disputes, and different points of view, a way was found to agree. . . . This Charter was not the work of any single nation or group of nations, large or small. It was the result of a spirit of give-and-take, of tolerance for the views and interests of others.

This is the proof that nations, like men, can state their differences, can face them, and then can find common ground on which to stand. That is the essence of democracy; that is the essence of keeping the peace in the future. By your agreement, the way was shown toward future agreement in the years to come.⁸

Have we remained faithful to this injunction? The last fifty years proved to be full of difficulties. In particular, the Cold War prevented cooperation in many fields. Nevertheless, a third World War was avoided, almost all non-self-governing territories have become independent, and in the field of human rights great progress was made. As President Truman anticipated, it proved possible to find ways to broaden the scope of the Charter without drastic revision, by adapting it to changed circumstances. This became, in particular, very important in the crucial field of peacemaking.

Although the forces planned for by Paul-Boncour and his colleagues were never established, the United Nations, in the last fifty years, has developed a variety of activities designed to facilitate the maintenance of international peace and security; these include preventive diplomacy, various methods for settling disputes (negotiations, consultations, good offices, mediation, conciliation, arbitration, and international tribunals), peacekeeping by lightly

⁸ *Id.* at 679-685.

armed troops (which, with the agreement of the parties, are used to monitor, observe and report on compliance by the parties with a cease-fire or truce agreement, or serve as a buffer between them), and peace enforcement forces (used to deter or stop aggression).

In his 1992 report on the work of the United Nations, the new Secretary-General, Boutros Boutros-Ghali, pointed out that the United Nations' main invention—peacekeeping—has during the Cold War acquired a special meaning: "the employment of troops under United Nations command in non-violent operations, with the consent of parties to a conflict, for the purpose of maintaining stability in numerous areas of tension around the world." After the end of the Cold War, "a widely varying array of resentments, ambitions, rivalries and hatreds masked for decades have come to the fore to threaten international harmony and shared purpose." To meet this demand, the United Nations responded by adapting peacekeeping to the new requirements. It ceased to be solely a military function, and recent operations included "civilian police, electoral personnel, human rights experts, information specialists and a significant number of political advisory staff."⁹ It became clear that new forms of conflict require a comprehensive approach, combining peacekeeping with preventive diplomacy and peacemaking.

The first meeting of the Security Council at the level of the Heads of State and Government, that was held in January 1992, invited the Secretary-General to prepare a report, with recommendations, on "making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peacekeeping."¹⁰ The Secretary-General prepared this report in the form of an "Agenda for Peace," a comprehensive document in which he defined the goals of the United Nations in this area as follows:

To seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results;

⁹ Report of the Secretary-General on the Work of the Organization, U.N. GAOR 47th Sess., Supp. No. 1 at 17, paras. 110-113 U.N. Doc. A/47/1 (1993) (report released on 9/11/92).

¹⁰ *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary-General, para. 1, U.N. SCOR, 47th Sess., U.N. Doc. A/47/277 (1992) [hereinafter *Agenda for Peace*].

Where conflict erupts, to engage in peacemaking aimed at resolving the issues that have led to conflict;

Through peace-keeping, to work to preserve peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers;

To stand ready to assist in peace-building in its differing contexts: rebuilding the institutions and infrastructures of nations torn by civil war and strife; and building bonds of peaceful mutual benefit among nations formerly at war;

And in the largest sense, to address the deepest causes of conflict: economic despair, social injustice and political oppression. It is possible to discern an increasingly common moral perception that spans the world's nations and peoples, and which is finding expression in international laws, many owing their genesis to the work of this Organization.¹¹

The last paragraph, in particular, broadens the scope of the concept of international security in order to include not only security of states but also human security, with its economic, social, and political elements. Peace at home and peace abroad are interconnected. International peace becomes endangered by lack of democracy, violations of human rights, social instability, and economic crisis. Strong governments, established to cope with these problems, often try to cure domestic discontent by foreign adventures.

The Secretary-General's report defined the three main peace processes (or regimes) as follows:

Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.

Peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.

¹¹ *Id.* at para. 15.

Peace-keeping is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.¹²

In addition, a new category—*peace-building*—was defined as “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.”¹³ While much has been written about preventive diplomacy and peace-keeping, the other two processes—peacemaking and peace-building—have often been neglected. In the past, peacemaking has been used as an all-embracing process, of which the other regimes were interrelated parts. But the *Agenda for Peace* goes beyond this definition, which referred to the ordinary means for settling disputes enumerated in Article 33 of the Charter.¹⁴ After listing the various resolutions of the General Assembly which implemented the provisions of Chapter VI of the Charter by several codificatory, generally accepted declarations,¹⁵ the report concluded that many conflicts remained nevertheless unresolved, because of the unwillingness of the parties to use the available means and the inability of the international community to make them use these means.

The situation has, however, changed recently. The Secretary-General pointed out that the end of the Cold War and the development of greater unity among the members of the Security Council may enable the Council to use economic sanctions against the party or parties unwilling to comply with a decision of the Council or General Assembly requesting them to resort to peaceful settlement of specific disputes endangering peace. His report even envisaged the possibility of using military forces for this

¹² *Id.* at para. 20.

¹³ *Id.* at para. 21.

¹⁴ See *supra*, p. 13.

¹⁵ These include: the Manila Declaration of 1983 on the Peaceful Settlement of Disputes, annexed to G.A. Res. 10, U.N. GAOR, 37th Sess., Supp. No. 31, at 261 (1983) and the 1988 Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and the Role of the United Nations in this Field, annexed to G.A. Res. 51, U.N. GAOR, 43rd Sess., Supp. No. 49, at 276 (1988).

purpose, under Article 42 of the Charter.¹⁶ Also, in situations where peacekeeping forces are not able to maintain or restore a cease-fire, more heavily armed peace enforcement units might be used by the Security Council, under Article 40 of the Charter, as a provisional measure to prevent the aggravation of the situation.¹⁷ Finally, peacemaking may be a prelude to peacekeeping, as the presence of peace-enforcement units may facilitate resort to the other means of settling disputes; and its use after the termination of a conflict may serve as a prerequisite for peace-building.¹⁸ Thus, a peacemaking force, in case of civil strife, may disarm the previously warring parties, assist in removing land mines from former combat zones, restore order, help in repatriating refugees, provide assistance and training to local security personnel, monitor elections, and help in protecting human rights. This peace-building process may even assist in reforming and strengthening government institutions, and promote formal and informal processes of political participation.¹⁹ Thereby democracy may be built or restored.

This ambitious program was based on experience acquired by the United Nations in recent missions in several areas of the world, which either were successful, or could have been successful if proper peacemaking means were available. Nevertheless, the possibility of employing military forces in peacemaking did not receive a friendly reception, and in his annual 1993 report on the work of the United Nations, the Secretary-General barely mentioned this aspect of peacemaking. Instead, he broadened the concept of preventive diplomacy to include "efforts designed to prevent the occurrence of armed conflict, such as fact-finding, good offices and goodwill missions, the dispatch of special envoys to tense areas, and efforts to bring parties to a potential conflict to the negotiating table." He pointed out that "the variety of challenges faced by the United Nations has led to a more intensive and creative use of such familiar techniques," several of which in the past were considered as peacemaking processes.²⁰

Similarly, the Secretary-General noted that just as preventive diplomacy and conflict resolution "have taken on new dimensions, so the term peace-

¹⁶ *Agenda for Peace*, *supra* note 10, at paras. 34-43.

¹⁷ *Id.* at para. 44.

¹⁸ *Id.* at para. 45.

¹⁹ *Id.* at paras. 55-59.

²⁰ Report of the Secretary-General on the Work of the Organization, U.N. GAOR, 48th Sess., Supp. No. 1 at 37, para. 279, U.N. Doc. A/48/1 (1994) (report released in September, 1993).

keeping now stretches across a heretofore unimagined range of United Nations activities and responsibilities. As peace-keeping is a United Nations invention, this concept need not be a static one, but reflecting the changing needs of the community of States, peace-keeping has to be reinvented every day."²¹ As a result, "there are as many types of peace-keeping operations as there are types of conflict."²² President Truman's prophecy has thus become fulfilled. As a Latin scholar said: *Tempora mutantur nos et mutamur in illis*. (Times change and we change with them.)

An additional consequence of this development was that traditional conditions relating to advance agreement of the parties, their continuous consent and cooperation, and the minimum use of force are no longer strictly observed. "United Nations peace-keepers have been sent to areas where there are no agreements, where Governments do not exist or have limited effective authority and where the consent and cooperation of the parties cannot be relied upon."²³ For instance, in addition to their basic duty to keep apart the warring parties, peacekeepers are obliged to protect humanitarian aid convoys, to assist in supervising elections, and to monitor human rights.²⁴

The range of responsibilities of the United Nations is not only vast, but also open-ended; the United Nations has to cope with situations radically different from the early ones. The crises it faces transcend traditional boundaries of theory and practice; food, water, land-mines, disease and ethnic cleansing, on the one hand, and on the other hand, democratization, protection of human rights and sustainable development have become inextricably intertwined. It is not enough to deal with particular issues; "a comprehensive vision of the whole" is required.²⁵ There is also a link between the peace processes and humanitarian emergencies. Humanitarian emergencies, by causing mass migrations of people, may constitute threats to international peace and security, or aggravate existing threats; on the other hand, disturbances of the peace may give rise to humanitarian crises.²⁶

When the 1994 report on the work of the United Nations arrived, this link between peace and other problems became reflected in the title of the new

²¹ *Id.* at para. 293.

²² *Id.*

²³ *Id.* at para. 295.

²⁴ *Id.* at para. 296.

²⁵ *Id.* at para. 410.

²⁶ *Id.* at para. 481.

report. It is no longer only an agenda for peace, but for building peace and development.²⁷ The report points out that it is a common misperception that the United Nations is dedicated primarily to peace-keeping, while in fact economic and social questions have long occupied the major parts of United Nations efforts. At the same time, it is increasingly recognized that most conflicts have economic and social origins. It is appropriate, therefore, for the United Nations, in the midst of its efforts to contain and resolve immediate conflicts, “[to deepen] its attention to the foundations of peace, which lie in the realm of development.”²⁸ Crimes against humanity of a hideous nature, such as genocide, and ethnic cleansing, have returned to haunt the world community, and an effective means for putting an end to them has not yet been found. Only some suffering in those states can be alleviated by the United Nations. Meanwhile, “corrosive economic and social problems erode the authority and sovereign power of [other states] and spread across political borders.” Thus, the United Nations has the double duty to “strengthen its commitment to work in the economic and social fields as an end in itself and as the means of attending to the sources of conflict.” The definition of national security “is no longer limited to questions of land and weapons,” but includes “economic well-being, environmental sustainability and the protection of human rights,” which in turn are linked to development as “the long-term solution to the root causes of conflict.”²⁹

How do preventive diplomacy and peacemaking fit into this new situation? They are not easy to apply, as one or another of the parties may refuse to allow the United Nations to play a role in helping to resolve a potential or actual conflict. On the other hand, if preventive diplomacy and peacemaking are accepted by the parties and prove successful, they become highly cost-effective. “The sums they require are paltry by comparison with the huge cost in human suffering and material damage which war always brings,” and they also compare favorably “with the less huge, but nevertheless substantial, cost of deploying a peace-keeping operation after hostilities have broken out.”³⁰

The new report returns to the traditional meaning of peacemaking—defusing a situation before it deteriorates into conflict, or preventing a

²⁷ Report of the Secretary-General on the Work of the Organization, U.N. GAOR, 49th Sess., Supp. No. at 1, para. 1, U.N. Doc. A/49/1 (1995) (report released in September, 1994).

²⁸ *Id.* at para. 1.

²⁹ *Id.* at paras. 3-4.

³⁰ *Id.* at para. 411.

conflict's escalation into armed hostilities, or persuading the parties to accept a truce or cease-fire. The United Nations has applied, and often invented, a variety of means to achieve this result. To make the United Nations operations more efficient, the Secretary-General reorganized the U.N. Secretariat drastically. Now, all political peacemaking functions are concentrated in the Department of Political Affairs, which is divided into six regional divisions (two for Africa, two for Asia, and one each for the Americas and Europe), which have primary responsibility for preventive diplomacy and peacemaking, and an advisory role on other political matters. The Centre for Disarmament was also included in this Department to facilitate the application to peacemaking of techniques developed in the field of arms control, such as confidence building measures and various methods of verification.

The Department of Political Affairs in its peacemaking role has a five-fold mandate. First, it collects information about potential or actual conflicts through a variety of sources: "from Governments, the media, the academic community and non-governmental organizations."³¹ Second, this information is then analyzed in order to pinpoint situations in which the United Nations, with the agreement of the parties concerned, could play a useful preventive or peacemaking role. Third, whenever an appropriate situation is found, recommendations are prepared for the Secretary-General about the appropriate specific role that the United Nations may play in that situation. Fourth, authority is sought from the relevant intergovernmental body, normally the General Assembly or the Security Council, to implement the proposed peacemaking action. Fifth, once authorization is obtained, there is the task of executing the approved policy.³²

Whenever the contemplated peacemaking action involves measures likely to require support of a peacekeeping operation, or is related to such an operation already deployed, it is, of course, necessary for the Department of Political Affairs to work closely with the Secretariat's Department of Peacekeeping Operations. Similarly, there is cooperation with the Department of Humanitarian Affairs that is in charge of alleviating the suffering caused by the conflict in which peacemaking measures are being applied. Apart from these three Departments, coordination with the Department of Administration and Management and the Office of Legal Affairs is usually required.³³

³¹ *Id.* at para. 414.

³² *Id.*

³³ *Id.* at para. 415.

The Secretary-General eagerly exploits every opportunity for using preventive diplomacy and peacemaking measures, employing for this purpose special representatives or special envoys, often from outside the Secretariat. They lead fact-finding or goodwill missions, and sometimes even take up residence in the area where a conflict threatens or has already broken out. This proved to be necessary in particular in internal conflicts, such as those in Africa and Europe, where the United Nations was obliged to engage in preventive diplomacy and peacemaking on a large scale in order to prevent dangerous deterioration of several difficult situations.³⁴

While some of these efforts were gratifyingly successful, in others the United Nations suffered setbacks. In any human venture this is unavoidable, but it does not mean that these useful tools should be abandoned.³⁵ On the contrary, each case needs to be carefully analyzed to see what did work or why something went astray. By keeping careful track of steps taken and issues neglected, a treasury of do's and don'ts might be assembled, which at some point should be codified in the form of guidelines for future operations.

A first step has been taken in that direction by the Secretary-General by preparing a supplement to "An Agenda for Peace" in 1995. In it, he suggests, *inter alia*, that a special envoy engaged in peacemaking should be permitted to leave on the ground a small support mission on a full-time basis that would be able to watch local developments, to brief the envoy on interim developments when he or she arrives on a next visit, and to assist the envoy more effectively by having become better informed about the local situation.³⁶

Another novel feature of the supplement is a proposal for a rapid reaction force that the Security Council would have available for use in case of an emergency requiring a peacekeeping force. It might be composed of battalion-sized units that might be put at the Council's disposal by a number of countries. They would be stationed at their home countries and must be kept at a high state of readiness. These units would be trained to the same standards, would use the same operating procedures, would be equipped with

³⁴ *Id.* at para. 416.

³⁵ *See id.* at para. 417.

³⁶ *Supplement to An Agenda for Peace: Position Paper by the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, U.N. Doc. A/50/60-S/1995/1 (January 3, 1995), para. 31. This document was reprinted with numerous relevant decisions of the Security Council and the General Assembly implementing the Agenda for Peace in *An Agenda for Peace 1995* (2d ed. 1995), U.N. Publication, Sales No. E.95.1.15, at 5.

integrated communications equipment, and would take part in joint exercises at regular intervals.³⁷ It may be hoped that a sufficient number of United Nations Members would be willing to comply with a request by the Security Council for such units, without requiring additional negotiations about each assignment. Once in existence, such a force might be also used in assisting a peacemaking mission, should it get into some difficulties.

Unlike peacekeeping, most preventive measures and peacemaking activities do not require large armed forces and expensive financing. Often just one person, with small staff, can stop the deterioration of a situation, prevent start of hostilities, save the lives of many persons, and prevent destruction of cities. What is needed is to ensure the presence of the right person at the right place at the right time. The steps taken by the Secretary-General to ensure that this would happen should be generally applauded, and all peace-loving governments should assist him in perfecting these instruments for peacemaking, often neglected in the past but put to good use by him. To paraphrase the Bible—*Beatus pacificus*, "Blessed is the peacemaker."³⁸ We are fortunate to have had Boutros Boutros-Ghali as the chief peacemaker during such a crucial stage in United Nations development.

³⁷ *Id.* at para. 44.

³⁸ *The Vulgate*, Gospel according to St. Matthew, 5:9.