

## **KEEPING THE PEACE WITH NEW DIMENSIONS OF INTERNATIONAL HUMANITARIAN LAW**

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International Peacekeeping, contrary to popular belief, has undergone a number of transformations since its establishment. The United Nations-UN Charter was founded and designed largely as a mechanism for dealing with conflict between states. Increasingly, the prevailing view today is that the UN is seen as a world policeman. The ideals of the UN and the subject of an international military force are again resurfacing as an issue in the Post-Cold War years. Because, the first of the purposes of UN listed in its Charter is " To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which may lead to a breach of the peace.

Peacekeeping operations have been most commonly employed to supervise and help maintain cease-fires, to assist in troop withdrawals, and to provide a buffer between opposing powers. However, peace keeping operations are flexible Instruments of policy and have been adapted to a variety of uses, including helping to implement the final settlement of a conflict. Peacekeeping operations are never purely military. They have always included civilian personnel to carry out essential political or administrative functions, sometimes assistance to rehabilitation war hazards and damages as in the Bosnia - Herzegovina. medical teams, administrative personnel, policing activities, logistical activities and numerous civilian elements are included among these are voluntary aid organizations such as RED CROSS/ REG CRESCENT. Furthermore, the roles of Non -Governmental Organizations (NGO) such as the international Committee of Red Cross (ICR) In Peacekeeping and Peace Building are important and the coordination of their activities with the military operations is of utmost importance for success of any mission.

The following conditions should be met for these operations to be successful:

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(a) Consent of parties concerned. (b) Continued support of the agency issuing the mandate (e.g. UN Security Council). (c) Effective military force. (d) A Clear and achievable mandate. (e) Strict neutrality.

A Possible peacekeeping operation varying from deterrence to punishment may include one or more of the following:

(a) Prevention of a future or an old conflict from erupting. (b) Intervening between fighting parties and forming a buffer. (c) Restoring the situation prior to the conflict. (d) Maintaining peace in a situation where peace is ill-formed or under attack. (e) Facilitating political solution and compromise by mostly ensuring the implementation of agreements.

As defined above, peacekeeping comprises the political/military activities carried out by neutral third parties' international military force and civilian components to reduce and overcome conflict erupting between states or within a state.

Traditional peacekeeping missions are included in Chapter VI of the UN Charter. In this chapter the following missions are envisaged with the consent of the parties in conflict:

(a) Supervising Demokration Lines (b) Monitoring Cease fires (c) Controlling Buffer Zones (d) Disarming and Demobilizing Warring Factions (e) Supervising Borders.

Following 1990 the UN increased the number of military operations it conducted within the framework of peacekeeping. These are: Protection of Humanitarian Relief, Refugee Operations<sup>87</sup>.

Peacekeeping operations are set up only with the consent of the parties to the conflict in question. Their consent is required not only for the operation's establishment but also, in broad terms, for the way in which it will carry out its mandate. The parties are also, consulted about the countries which will contribute troops to the operation. It is a key principle that the operation must not interfere in the internal affairs of the host countries and must not in any way favour one party against another. This requirement of impartiality is fundamental, not only on grounds of principle but also to ensure that the operation is effective.

Peacekeeping operations have usually boon mounted only after hostilities have already, broken out. However, the Charter of the United Nations aims at a system of international relations where in the use of force as a means of foreign policy is eliminated altogether. Consequently, the Charter deals at

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<sup>87</sup> Multinational Forces Peacekeeping and NATO, Headquarters Allied Land Forces Southeastern Europe İzmir-Turkiye, p.3-8, 1994.

length with the peaceful settlement of disputes. This may be achieved by various means, including multilateral diplomatic efforts within the framework of the security Council, bilateral efforts of Member States, or through the good offices of the Secretary - General.

Peacekeeping operations are intended to be provisional and thus temporary measures. They can never, alone, resolve a conflict. They essentially have two tasks: To stop or contain hostilities and thus help create conditions in which peace-making can prosper; or to supervise the implementation of an interim or final settlement which has been negotiated by the peacemakers. Ideally, peace-keeping should move in step with peace making in a combined effort leading to the peaceful resolution of a conflict. In practice this ideal cannot always be attained.

United Nations peacekeeping operations can be divided into broad categories: observer missions, which consist largely of officers who are almost invariably unarmed; and peace-keeping forces, which consist of lightly armed infantry units, with the necessary logistic support elements. These categories are not, however, watertight.

In Bosnia-Herzegovina and Somalia, operations shaped through an odd succession of Chapter VI and Chapter VII resolutions, the UN forces are not universally perceived as impartial and each of the parties at one point or another have felt that they have more to gain on the battlefield than at the negotiating table. While often assigned the generic label of "peacekeeping", these missions bear scant resemblance to traditional peacekeeping, which essentially involves using military personnel to carry out Chapter VI functions related to the peaceful settlement of disputes.

#### **A CHANGING WORLD: PEACEKEEPING IN THE POST-COLD WAR ERA**

In a changing world, without Cold War guidepost as reference points, policy makers and pundits in many capitals are having a hard time redefining national interests and recalculating when these are served by interventions, whether undertaken unilaterally or multilaterally, outside of a few spots of historic involvement or geographic proximity.

We are at a pivot point of history, as the Cold War recedes into the past and a new century rushes toward us. The chief characteristic of this world is rapid change. But In today's world, when the threat forecast is more blurry and changeable, we must focus a greater share of our attention on the strategy and requirements for meeting the unknown challenges of the long term<sup>88</sup>.

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<sup>88</sup> John T. WHITE : " An Update On Quadrennial Defense Review", -National Defense Into The 21<sup>st</sup> Century: Defining The Issues", A Special Report SSI, p.8, Carlisle, June 6, 1997.

As the world approaches the XXI<sup>st</sup> century, the effects of WW-II and Cold War effects are finally being played out. Also, past should be studied to provide perspectives on the present and help solve current problems<sup>89</sup>. Perhaps especially in area of international peace and security, we can learn from the mistakes of those who have gone before us. Despite the fears of early-twentieth century leaders that war would arrive unintentionally, as a "Rolling Stone", extra ordinary military measures did not lead to fighting until international political antagonisms had become almost irreconcilable<sup>90</sup>.

The international community has unsuccessfully served as a vehicle for preventing the war disaster. With in the XX<sup>th</sup> century mankind had drawn into the two tragic big wars. They used chemical weapons, nuclear weapons, also had made ethnic cleansing, genocide and dismantling crimes which prohibited by the international law. The Europe Continent faced two big opposite pivotal hostile poles named East and West. Perhaps, inside of the Cold War. Although ,the World War III did not take place which named "Long Peace Hypotesis" but a lot of conventional armed conflicts has accured.

On the other hand, at the European Security and Defence structure, nationalism has important ideological determinant. In a of combative nationalism which stretched from 1789 to 1945, and which yoked Napoleon to Hitler, the making of military preparations an the act of fighting were two of the most important activities in the life of any state. War was the held to be not only a legitimate but also on effective means of furthering the interests of the state<sup>91</sup>.

Since the fall of the Berlin Wall, the goo-strategic environment continues to evolve rapidly. Economic strength has replaced military power as the primary indicator of global influence<sup>92</sup>. As its heart, this new Strategic Concept recognizes that security in Europe, as every where, depends on more than just military power. After the fall of communism in Eastern Europe and the end of the Cold War, the greatest threat to the security of all Europeans comes hot from the some outside aggressor but from economic decline and social instability at home<sup>93</sup>. As, George F. KENNAN says, there is nothing wrong with taking advantage of the Cold War's and to focus on economic and social

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<sup>89</sup> Donald J. PUCHALA: " The Pragmatics of International Studies Review, Vol.39, No.1, p2, April, 1999; GOLDTHORPE: "The Uses of History in Sociology".

<sup>90</sup> D.STEVENSON: "Militarization And Diplomacy in Europe Before: 1914": International Sercity,Vol.22, No.1, p.160" Summer,1997.

<sup>91</sup> John, GOOCH: "Armies in Europe", Department of History University of Lancaster, Routledge & Kegan Paul, London, 1980.

<sup>92</sup> Gen. John J. SHEEHAN, USMC: Building The Right Military For the 215it Century"; Strategic Review, p.5-13, Summer 1997.

<sup>93</sup> John E. TEDSTROM: "NATO's Economic Challenges: Development and reform in East-Central Europe", The Washington Quarterly p.3-19, Spring 1997.

challenges at home: "What we should want, in these circumstances, is the minimum, not the maximum of external involvement."<sup>94</sup>

#### **NATO'S ROLE IN PEACEKEEPING :**

Unlike during the Cold War, providing for common defense now covers many tasks far removed from traditional military missions. The emerging security environment is placing tremendous new burdens not only on the military, but also on many of the security institutions upon which we depended during the Cold War- NATO, the United Nations and others.

Unlike the ideologically based, correlation of forces model used during the Cold War, or Its balance of power predecessor, today's security challenges are multi-dimensional and often transcend the power and authority of affected nation-states. Today, "Instability" constitutes the primary threat to security In all Its dimensions.<sup>95</sup> From the geopolitical perspective, the world in which that war might erupt may be indefinite, but It is not indecipherable. On the contrary, it promises to look much like that of the late Nineteenth Century.<sup>96</sup>

After, the collapse of authoritative socialist ideology, emerged freedom, religious fundamentalism, ethnic nationalism, mass immigration, drug, trafficking separatist terrorism. The instability of the continent of Europe is glaringly obvious : military and social conflict, conflicts of identity and culture, environmental problems, the growth organized crime networks -all these are compelling reasons why we should move credibility<sup>97</sup>.

Europe, seems further removed from the risk of general war than any time since WWII. But the path to war lead first through crises allowed to proceed unchecked recently and geopolitically the potential local threaten cores transported from Fulda-Basin to the flanks such as in Balkans, Caucasus also Middle East hot points troika. NATO's Southern Region finds itself challenged in many ways in the after math of the Revolutions of 1989. First, the collapse of the Warsaw Pact aggravates Balkan instabilities. Also, former Yugoslavia conflict and final Albania crisis has showed these threat value. Refugees and political instabilities.

NATO in the Balkans not only promotes the Alliance's leading role Europe, but also provides as important means for the members to assert a

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<sup>94</sup> George F, KENNAN: "Around the Cragged Hill: A Personal and Political Philosophy", New York: W.W. p.183, Norton, 1993.

<sup>95</sup> John, J. SHEFHAN: Ibid, p. 5-13.

<sup>96</sup> Lt. Gen. Paul Van, RIPFR, USMC, Maj. Gen. Robert SCALES, USA: "Preparing For War In The 21<sup>st</sup> Century", Strategic Review, p.14-20, Summer 1997.

<sup>97</sup> Jacques, SANITER : "The European Union's Security And Defense Policy "- How Avoid Missing The 1996 RENDEL-VOUS", NATO Review, VOL.,43, p. 4, No.6, Nov.1995.

positive influence in the Balkans. NATO reduced the level of violence against civilian population, helped securing the delivery of humanitarian aid and contributed to limiting the effects of fighting<sup>98</sup>.

The Alliance's Strategic Concept adopted at the Roma Summit recognized that the potential of dialogue and cooperation within all of Europe must be fully developed in order to help to defuse crises and to prevent conflicts. NATO Foreign Ministers announced their readiness to support, on a case by case basis in accordance with their own procedures, peacekeeping activities under the responsibility of the CSCE. NATO countries, individually and as an Alliance, to support the implementation of UN Security Council Resolutions relating to the conflict in the former Yugoslavia. The Alliance has supported the implementations of UN security Council Resolutions relating to the conflict in the former Yugoslavia. In this circumstances, NATO has supported UN Embargo in the Adriatic, to enforced the No-Fly Zone over Bosnia-Herzegovina, provided close air support also Operation Sharp Guard at three dimensions in the air, navy also on the ground forces<sup>99</sup>.

In other words, the new NATO is standing the test in Bosnia and Herzegovina. This NATO is renewed itself in spirit and structure. Four years of war and massacres in Bosnia have resulted in over 270.000 dead and more than two million refugees and displaced persons.

Almost one in three people has lost home and property. The war left behind not only ruined houses, but also broken hearts and, what is even worse, the seeds of mistrust and hatred.

In 1995, military intervention by the Alliance and the diplomatic success of DAYTON brought about the transition from war to peace. NATO has demonstrated determination and unity, and the United States its leadership. IFOR the implementation Force led by NATO, proved its worth in this respect. IFOR has also made a considerable contribution to freedom movement and to civil reconstruction, for example through clearing mines, repairing damaged bridges, streets and railway lines. The children of Sarajevo can play again without fear of snipers. When shopping in the old town, people no longer need to be afraid of being shelled. At the beginning of this year, IFOR handed over to SFOR, established Force. All the participating nations have decided to continue supporting the peace mission an exceptional sign of solidarity. SFOR is maintaining a safe environment at a military level, so that this can occur. On this basis, local authorities and police forces, with the support of the

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<sup>98</sup> "United States Security Strategy for Europe and NATU", P.24-25, Department of Defense Office of International Security Affairs, June, 1995.

<sup>99</sup> NATO Handbook Partnership And Cooperation, p.58-68, NATO Office Of Information And Press Brussels October 1995.

International Police Task Force (IPTF), are required to protect people from violence and crime actions<sup>100</sup>.

## **NEW LEGAL AND POLITICAL RULES FOR PEACEKEEPING :**

New international environmental realities call for by some of the scholars and many other people's discussions about the principles that must be adhered to if a peacekeeping force is to achieve success in its outlined mandate in legal and political objections. The new security dimensional phenomena is taking shape in Europe is one that will still be in flux for a long time. Because, although a mostly cooperative environment exists between states, many conflicts have arisen withing states, especially those with weak institutions or threatened by dissolution. This progress datelined acceptance of a number of new principles and reevaluate critical legal principles.

### **1.THE USE OF FORCE**

The key element which characterizes the distinction between an enforcement mission from a traditional peacekeeping operation is the use of force. The Peacekeeper's Handbook illustrates the generally accepted rules governing the use of force by United Nations peacekeeping troops:

A peacekeeping soldier may use his weapon only in defence of his life or in conjuction with his fellow soldiers to defend UN positions and/or property against attack. Such action is only meant to be taken in the event of physical attack and then only as a last resort; it is not for the UN troops to initiate the action<sup>101</sup>.

Yet, the question of "use-of-force" leaves the actions of UN troops open to challenges. How should UN troops perspond in a situation where initiating force can make a difference? For example, if they are made aware of an ongoing massacre and are in a position to act, what should their course of action be? Should they put aside the above-mentioned principle and act out of moral necessity? Humanitarian imperatives may call for enforcement or more precisely for prevention of starvation, cruelty and injustice, but when it moves into enforcement the UN badly stumbles politically and operationally<sup>102</sup>.

Only the American doctrine deviates slightly from this last aspect, for it recognizes that force can be used with restraint " in defense of the mandate from interference." The French doctrine defines impartiality in terms of the mandate,

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<sup>100</sup> Volker, Ruhe (German Defense Minister): "New NATO, New Bundeswehr And Peace In Bosnia And Herzegovina" NATO Review, Vol.45, No. 3, May-June, 1997.

<sup>101</sup> Peacekeeper's Handbook (New York, N.Y: Pergammon Press,1984), p.38.

<sup>102</sup> David C.F. Daniel and Bradd C. Hayes, ed., Beyond Traditional Peacekeeping (New York, NY: St. Martin's Press,1995), p.340.

not the parties. Peacekeeping not only involves observing and reporting violations and mediating between the parties when violations occur, but using or threatening force to compel the parties to meet their obligations to the mandate when negotiating fails<sup>103</sup>. There are several options for the use of military force in UN operations. For example, in according to the Harold Lasswell and Abraham Kaplan, "Peacekeeping" used to refer to the employment of an international military contingent under United Nations control in order to help belligerents maintain a cease-fire<sup>104</sup>.

In according to Dag HAMMARSKJÖLD, "a peacekeeping force is paramilitary in nature, not a Force with military objectives " its functions would be restricted to those necessary to secure peaceful conditions on the assumption that the parties to the conflict take all necessary steps for compliance" with UN resolutions. Strategic consent is evidenced In the initial cease fire or peace agreement as well as the follow-an agreements about when and how the UN force will arrive, where it will garrison, and the like. On the part of the UN elements, and going beyond self-defense to compel compliance at the strategic level vice simply dealing defensively with sporadic local opposition. Nevertheless, there is not any uniform agreement as to what should be included in the enforcement option. Some (including proponents of a middle option) have a narrower perspective. They see the enforcement option as consisting essentially of "all-out warfare" or "large-against an identified aggressor. Of the peace enforcement concept arose out of a perceived need for an option midway between peacekeeping as described above and UN-sanctioned warfare against an identified aggressor. UN troops would be authorized to use force to ensure respect for the cease-fire. Others expanded on the purposes guiding the use of peace agreements; the protection of humanitarian relief activities; control of the possession, movement, or use of weapons establishment of basic social services and governmental structures in war-torn states<sup>105</sup>.

## **2.PREVENTIVE DIPLOMACY**

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<sup>103</sup> Stephen John Stedman: "Consent, Neutrality, and Impartiality in The Tower of Babel and on the Frontlines: United Nations Peacekeeping in the 1990's", *Managing Arms In Peace Processes: The Issues*, UNIDIR/96/46, p.35-56.

<sup>104</sup> Lasswell and Abraham Kaplan, *Qower and Society: A Framework for Political Inquiry*, New Haven and London: Yale University Press, 1950, p.16-28.

<sup>105</sup> Second and final report of the Secretary-General on the plan for an emergency international United Nations force requested in resolution 998 (ES-1) adopted by the General Assembly on 4 November 1956, " A/330216 November 1956, pares. 10 and 12 as found in Robert C.R. Siekmann (ed.) *Basic Documents on United Nations and related Peace-Keeping Forces*, Dordrecht: Martinus Nijhoff Publishers, 1989, p.5; Clement Adibe, *Managing Arms in Peace Processes: Somalia*, Geneva: United Nations, 1995, p.35-36.

Without question, the terms "Confidence Building" and "confidence - and security building " are now commonplace in the vocabulary of international law and diplomacy.

With each outbreak of a new international conflict, a question is raised: Why did the international community dedicated to the promotion of peace and equipped with the powerful tools of political analysis and monitoring overlook this dangerous development? This question is of a particular concern for the United Nations. The *raison d'être* of the world Organization is to "maintain international peace and security", thus not to allow the use of arms. A failure to do that means that the international mechanism of preventive action needs to be further improved and perhaps some basic ideas in the approach of the world community to conflict prevention should be reconsidered. The aim of my present statement is to share my views on the problems which the United Nations encounters when undertaking preventive diplomacy and the ways and means of their improvement. With the end of the cold war a new international environment has emerged, opening new opportunities as well as posing additional challenges for the United Nations in the field of preventive action. The new concept of United Nations preventive action was outlined in the report of the Secretary-General! "An Agenda for Peace".

Preventive action in the new sense, as it is described in the report, includes four main elements, the so called "four P's" preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building. The latter is a new concept which means creating socioeconomic foundations for peace and security. Thus, preventive diplomacy is part and parcel of the broader and more fully developed concept of preventive action. The concept of preventive diplomacy has been strongly supported by Member States.

Practical action undertaken by the United Nations in the field of preventive diplomacy usually is aimed at a number of objectives: to actually ease tension between the parties to the conflict or, if the conflict has already broken out, to contain it and to resolve its underlying causes; to monitor developments; and to demonstrate the concern of the international community with the situation in the conflict zone. It is Important that practical actions be comprehensive and cover not only the political and military aspects of the conflict, but also the economic, social and humanitarian aspects as well. Today, one of the most important issues which arises with almost every conflict is the problem of refugees. It should be addressed at all stages of conflict-resolution efforts.

Preventive diplomacy is closely connected with peace-making. Some of the fact finding missions were actually engaged not only in collecting information but also in actively participating in the search for ways of settling the conflict.

In peace-making, which goes hand-in-hand with preventive diplomacy, it is important, in addition to political and diplomatic tools, to more actively employ legal remedies for the peaceful settlement of disputes. In particular, I would like to stress the potential of the international judicial bodies, such as the International Court of Justice, which remains an under-utilized tool for the peaceful adjudication of disputes. May I remind you that, according to the Charter of the United Nations, the Court is "the principal judicial organ" of the Organization. It is worth noting that the predecessor of the United Nations, the League of Nations, had some interesting and relevant practice in this field. At times, it would set up commissions of prominent jurists to settle disputes between States. United Nations efforts in preventive diplomacy also presuppose close cooperation between the world Organization and different regional bodies. The United Nations has encouraged a rich variety of supporting efforts with regional organizations. In the Former Yugoslavia the United Nations works with the European Community, in Somalia<sup>106</sup>.

### 3. IMPARTIALITY

Another characteristic which is essential to the success of a peacekeeping mission is in its purest form entails a third party acting in the capacity of an impartial referee to assist in the settlement of a dispute between two or more other parties also the perception of unbiased department by the deployed force<sup>107</sup>.

Impartiality and objectivity are essential -peacekeeping is a symbol of international commitment in a conflict area and the willingness of Member States to use their influence to bring about a peaceful solution. The norms that have been suggested as a basis for any peacekeeping operation have been articulated in the following way: the operation should not prejudice the solution of controversial questions; should not change the political balance, affecting the efforts to settle the conflict; and should not modify the prior status juris<sup>108</sup>.

To be impartial means acting without prejudice or bias, yet it is necessary to distinguish intent from effect. Concern for intent leads to an emphasis on blind impartiality or impartiality toward a mandate, including one which calls on UN forces to facilitate implementation of an agreement to which parties gave their prior consent. It involves a good faith effort to fulfill the

<sup>106</sup> Vladimir, PETROVSKY: Preventive Diplomacy and Conflict-Resolution: Redefining the Role of the United Nations, Disarmament, Topical Papers I7, p. 13-19, United Nations New York 1993.

<sup>107</sup> Indar Jit Rikhye, Michael Harbottle and Bjorn Egge, The Thin Blue Line: International Peacekeeping and its Future (New Haven, CT: Yale University Press, 1974), p.10.

<sup>108</sup> Oscar Schachter: "The Uses of Law in International Peacekeeping," Virginia Law Review 50 (1963), p.1105.

provisions of the mandate or referenced agreement irrespective of the negative consequences to any party called to task for not abiding by those provisions. Determining what the provisions require would be the product of a neutral process vice accepting one party's unilateral interpretation or desires. Each party would be treated equally, but the impacts would not necessarily be equal. In other words, UN forces acting without prejudice could nevertheless prejudice the interests of one or the other of the parties.

Conversely, UN forces could focus on not prejudicing the interests of any party in order to guarantee that they retain each party's consent and cooperation. Because UN elements represent international community interests vice those of any, of the parties, their role initially in the face of resistance is to negotiate, insist, please, or cajole, but unless they are capable of forcing cooperation, their ultimate choices are to cease their activities or to work within the limits of what the parties allow. Thus, one can speak of impartiality toward the parties or symbiotic impartiality because of the link with consent.

Of the two general varieties, blind impartiality seems to have risen in salience over the last few years. As one study put it, "the notion of impartiality had to be reconceived as no longer pertaining to the parties, whose lack of clear consent would frustrate an operation thus reliant, but as a reference to the integrity with which a mandate would be implemented<sup>109</sup>.

#### **4.DISARMAMENT**

Historically, the disarming of combatants was not an element in the mandate of peacekeeping missions, which typically involved monitoring the separation of belligerent forces according to an agreement, however fragile, that the belligerent themselves had accepted<sup>110</sup>.

The end of the Cold War generated profound mobility within the global system. The ensuing break-up of alliances, partnerships, and regional support systems brought new and often weak states into the international arena. Many regions are now afflicted by situations of violent intrastate conflict, and this occurs at immense humanitarian cost. The massive movement of people, their desperate condition, and the direct and indirect tolls on human life have, in turn, generated pressure for international action, most notably from the UN.

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<sup>109</sup> Adam, Roberts: "The Crisis in UN Peacekeeping," Survival 36.3 (Autumn 1994) p.115: Impartiality is no longer interpreted to mean, in every case, impartiality toward the parties ... In some cases, the UN may ... be tougher on one party than another ... (That is,) impartiality' may have come to mean ... impartiality In carrying out UN Security Council decisions.

<sup>110</sup> David, COX: "Peacekeeping and Disarmament: Peace Agreements, Security Council Mandates, and the Disarmament Experience", Managing Arms in Peace Processes: The Issues,p.83, United Nations New York and Geneva, 1996.

It is time to stress that disarmament and weapons management must be seen as part of a wider political process aimed at resolving underlying and structural sources of conflict. In other words, if it is true that no conflict can be resolved through the implementation of a disarmament process alone, it is also true that no conflict resolution process can be completed without serious intent to manage and reduce weapons. The management of weapons should go hand in hand with political and conflict mediation initiatives. The consequences of underestimating the implementation of effective weapons management not only threaten peace processes, but also post-conflict reconstruction patterns<sup>111</sup>.

The security dilemma of disarming factions or individuals is the foremost obstacle to successful implementation of disarmament commitments. Peace support missions have to be prepared to provide a minimum amount of security to the parties and the local population that are within the area of application of disarmament programs. It is clear that this imposes a heavy burden on peace missions dealing with disarmament.

Disarmament in peace support missions should be carried out within a clearly established normative environment only, both on a strategic and tactical level<sup>112</sup>.

In order to obtain maximum effect, relations must be coordinated between and within the civil affairs, military, and humanitarian groups which comprise a peace operation. A minimum of coordination must also be achieved between intra- and inter-state mission commands, the civil and military components at strategic, operational and tactical levels, and the humanitarian aid organizations working in the field. These components must cooperate with each other if the mission is to reach its desired outcome. And finally, if problems with mission coordination are overcome, many secondary difficulties could also be avoided, including lack of joint management, lack of unity of effort, and lack of mission and population protection mechanisms, all of which were present in one form or another in Bosnia/Croatia.

Difficulties in establishing a secure environment and coordinating interactions in peace missions also highlight a second category of problems related to the changing nature of UN peace operations and the way they are conducted by the parties implementing the mission.

One of the principal conclusions of this section is that the enforcement of weapons control at the tactical level during operations, when there is strategic

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<sup>111</sup> Virginia Gamba and Jakkie Patgieter: "Concluding Summary: Multinational peace Operations and the Enforcement of Consensual Disarmament, *Managing Arms in Peace Processes: The Issues*, p.204-205, New York, 1996.

<sup>112</sup> Fred, TANNER: *Consensual Versus Coercive Disarmament, Managing Arms in Peace Processes: The Issues*, p.204, *ibid*.

and operational consent, is possible. Here, to implement their mandated tasks, peacekeeping and multifunction missions unlike peace enforcement operations rely on having the consent of the belligerent parties, at least at the strategy and operational levels. For this reason, these types of missions depend on consent-promoting techniques for their success.

It should be clear from the above discussion that a number of obstacles reveal themselves as a peace operation is implemented. Although agreements and mandates are clear on disarmament issues at the strategic level, they seem to disappear on the way down to the tactical level. Agreed-upon cantonment, surrendering of arms and equipment, and weapons control measures are seldom executed in the agreement. Arms in good condition are often kept in caches by belligerent parties, whole units are hidden out of sight of UN military observers and, worse, individual combatants keep arms and ammunition to use for economic or political gain.

Thus, the establishment of viable stability requires that three primary aspects be included in every approach to intrastate conflict resolution: First, the implementation of a comprehensive, systematic disarmament program as soon as a peace operation is set-up; second, the establishment of an arms management program that continues into national post conflict reconstruction process; and the encouragement of close cooperation on weapons control and management programs between countries in the region where the peace operation is being implemented.

## **5. PUBLIC OPINION AND MEDIA PARTNERSHIP**

Information gathering, media, and civil-military interactions represent a set of needs that have not been addressed so far in peace processes. Among these, the first and foremost is that of information gathering for the successful maintenance of a secure environment and for effective disarmament and demobilization during peace operations. A second Issue relates to the role and influence of the media during peace operations. The final issue refers to the status of civil -military interactions during a mission.

### **A. Information Gathering**

In order to manage arms during peace missions, military commanders need to be able to detect the movement of belligerent forces, determine the location of hidden arms caches, and anticipate the plans and tactics of those who intend to violate agreements and threaten the execution of the mission mandate.

First, the UN should develop and implement an information gathering system to provide the mission HQ with political and military intelligence. This system must provide for tactical and strategic intelligence to change the concept

of the operation to a pre-emptive rather than a reactive posture on both the political and military fronts.

Second, commanders can promote transparency by sharing the information with all parties concerned. This act of distributing intelligence can be viewed as a confidence building measure in two respects: (a) between the peace operation and the parties to the conflict; and (b) enhance confidence among the various parties themselves. For this to be effective however, the intelligence community however, must define information gathering requirements for supporting the military commitment as early as possible. This is crucial because the redeployment and planning phases of the operation require optimum support.

Third, measures should be taken to ensure force security. To this end, the commander must have the capability to quickly disseminate critical indications and warnings to all echelons. A robust theater architecture must be in place to provide accurate and timely all source information. This information must be formatted clearly and be at the disposal of the entire force deployed. Related to this point is the clear need to improve the observation skills of the peacekeepers.

#### **B. The Interaction Between the Peace Mission and the Media**

Peacekeeping operations are carried out under the full glare of public scrutiny. By using satellites and other modern communications technology, the press is able to distribute reports and pictures faster than ever before.

The issue of the relationship between the media and the peace operation is of great importance. This was clearly the case in both Somalia and the former Yugoslavia, to give but two examples. UN Missions must accept the fact that the media will be present in any theater of operations, and accept the fact that it plays a major role in keeping families informed and in determining, to a great extent, how the world public will perceive the operation<sup>113</sup>.

#### **CONCLUSIONS**

Without question, the terms "confidence-building", "peacekeeping" and "humanitarian law affairs" are now commonplace in the vocabulary of international community.

The Charter regime on collective security provides for a system of peaceful settlement of disputes under Chapter Six or action taken or authorized by the Organization under Chapter Seven to enforce peace. The regime was

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<sup>113</sup> Virginia Gamba and Jakkie Potgieter: "Concluding Summary: Multinational Peace Operations and the Enforcement of Consensual Disarmament, Managing Arms in Peace Processes: The Issues, p.205-220, Ibid.

created not to abolish conflict but to resolve it by persuasion or by force if necessary.

Although the above mentioned in common security positive developments, including both peacekeeping and humanitarian assistance programmes, UN is increasingly suffering from the lack of qualified enough personnel, budget problems, refugees, rapid deployment forces and quick decision maker mechanisms, etc. in postcold war conflict.

Since the establishment of the institution of peacekeeping by the United Nations in 1948, over 750.000 military and civilian police personnel, contributed by over 110 nations, have served in the 41 peace-keeping operations launched by the Organization. Approximately 1.500 were killed in the service of the United Nations and tens of billions of dollars spent.

The changed face of conflict today requires us to be perceptive, adaptive, creative and courageous, and to address simultaneously the immediate as well as the root causes of conflict, which all too often lie in the absence of economic opportunities and social inequities. Perhaps above all it requires a deeper commitment to cooperation and true multilateralism than humanity has ever achieved before. The Organization is ours, all of us humanity. The question is, what were some of the obstacles to achieving international peace and security through peacekeeping and humanitarian law<sup>114</sup> The whole indications show that UN regime is in need of rapid radical reforms. These structural changes may be answered to the humanitarian emergencies deal with strategical, political, financial, administral, tactical & operational also diplomatical dimensions within the new era. But in my opinion initially we must change the public opinion and general views about the UN humanitarian law philosophy. In other words, if international community can believe that any aggressive action or criminal violence against the human being and international law rules, will absolutely be punished in according to the criminal justice and equity principles, also criminal precautions will deter the quietly. If we can accomplish this, UN PLANE-TREE will last forever....

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<sup>114</sup> Lamin J.SISE: United Nations Peacekeeping Operations : Obstacles and Prospects, Third Seminar of Legal Seminar of Armed Forces and Humanitarian Law, Sponsored by International society for Military Law And The Law of War, Brussels, Belgium, p. 4-18.,23 October,1996.