PANEL ON PEACEKEEPING: LEGAL AND POLITICAL ISSUES

Roy S. Lee

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I. INTRODUCTORY REMARKS FROM DR. ROY S. LEE

Lee: Welcome to this panel, dealing with one of the most important activities of the United Nations, peacekeeping operations. The Panel will focus on legal, policy and doctrinal issues and we have an excellent panel.

On my right is Mr. Hans Corell, who is the Legal Counsel of the United Nations, who came to the United Nations with rich experience in the administration of justice, law-making, and institutional management. He has been involved in all the legislative activities of the United Nations. He will discuss political and legal issues relating to peacekeeping issues.

Mr. Verheul on my left will discuss the policy issues. Mr. Verheul is a specialist in peacekeeping operations. He works at the United Nations Department on Peacekeeping Operations and he has been in charge of a number of large peacekeeping operations, particularly in Africa.
Professor Johnstone will look at this subject from the doctrinal standpoint, and he will give us the benefit of his assessment of the subject matter from both the practical and theoretical standpoint. Before he joined the United Nations, he worked at the International Peace Academy. He was then recruited to the Office of Legal Affairs, then moved to the Peacekeeping Operations Department, then the Office of the Secretary-General. Now he is an academic. After the panelists have made their presentations, the floor will be open for questions and comments.

Before I turn the floor to the panelists, I would like to give you some background information on peacekeeping. First, a story. A few years ago, I had the opportunity to congratulate a French gentleman upon his assumption of the responsibilities for a large peacekeeping operation. He was a full general in the French army and had conducted many military missions around the world.

To my surprise, he said, "Don't congratulate me, it's really an impossible job. Let me tell you why."

"First, I have a difficult mandate that will be hard to implement. It is not very realistic to expect me to maintain peace, law, and order, when both parties involved are not ready to implement a cease-fire agreement, and there is no peace to keep on the ground."

"Second, I have two thousand soldiers coming from eight different countries. They are poorly equipped, and in many cases I have to match equipment from countries A and B with the soldiers from countries of X and Y."

"Third, we are not supposed to use force except in case of self-defense."

"Fourth, they all speak different languages and have their own national commanders. Although they are supposed to be under my command, I have a suspicion that whenever there is a special situation, the first thing they do is to call their capitals."

"Finally, the territory we are in has no infrastructure. Without sufficient electricity or water, the first thing we have to do is to buy generators to produce electricity. I have no headquarters either. We will be camping in the field for at least the next six to eight months."

"Do you really want to congratulate me? Yes. I am the United Nations military commander with two thousand men, but this is worse than a general without an army."

I mention this to serve as a point of departure for our panelists. Let me now give you a few figures relating to the current peacekeeping situation. Since 1948, the United Nations has established fifty-four operations, thirty-nine have been completed, and there are fifteen existing peacekeeping operations: four in Africa, two in Asia, five in Europe, and
four in the Middle East. Five have been completed in the Americas, but none are there at present. At its peak, 78,000 soldiers and civilians were dispatched, at a cost of US$ 3.6 billion per year, with the highest fatalities experienced at its peak (between 150 and 250 soldiers a year killed). The operating costs of the existing fifteen missions are at about US$ 2.5 billion. Allow me to note that this is less than the annual budget of New York City’s sanitation department. There is a deficit of US$ 3.4 billion that member States owe to the United Nations for their contributions to peacekeeping operations. With this background we now turn to Dr. Hans Corell.

II. REMARKS OF DR. HANS CORELL

Corell: Thanks. It is a pleasure to be with you this morning and to discuss peacekeeping. I am glad to have my fellow panelists with me, as they know much more than I do about the details, being part of the Department of Peacekeeping Operations. I also recognize in the audience true experts in the field, including Oscar Schachter.

Let me start with a brief introduction, for those who know less about peacekeeping operations. Such operations are not even mentioned in the United Nations Charter. The Organization has invented them over the years. The classical situation was an international conflict with a peace agreement, and the parties to that agreement wanted the United Nations to be present. Gradually there has been a shift, and now conflicts tend to be internal. Such conflicts are always much more vicious, and more difficult to deal with. The United Nations is sent in to keep a peace that is not always present, and must deal with factions who often see the United Nations operations as partial and accuse them of taking sides.

From having been a relatively straightforward operation, peacekeeping has become quite complex. There is often also reference to Chapter VI of the United Nations Charter. Chapter VI missions however, are voluntary and are based on acceptance by the receiving State. Now, however, Chapter VII, which allows the Security Council to act without this acceptance, has been applied. The real change came when the two missions were set up for Kosovo and East Timor, because these are not ordinary peacekeeping operations, but are rather intended to govern, with all the attaching complications.

Let me focus on a few political elements. When is a peacekeeping operation born? How does it appear in reality? There is the feeling among States that something must be done and no one else is there or wants to do it. The United Nations feels this pressure to do something, when no one else is prepared to act. The problem is one of political will. Is that will
also demonstrated in commensurate resources? I am sure my co-panelists will address this matter.

Also, we should remember there are two actors here: the Security Council, which sets up the operation, and the General Assembly, which funds it through a separate mechanism. There could be tension between the two, as the General Assembly does not always feel properly consulted by the Security Council. This can affect the prospects for success of the operation.

Who will go there? The United Nations does not have any troops, but rather is dependent upon contributions from member States. It is fair to say that over the years there has been closer cooperation between the Security Council and troop-contributing countries, because the latter want information about what will happen to their troops. They do not want to put their young men and women in harm’s way. It is very important also for the government to consult at the national level with the opposition because the government does not want to be criticized by them if something goes wrong.

The scope of the mandate is also very important. A peacekeeping operation must have a clear mandate. The mandate should be seen as distinct from the rules of engagement. What are the rights and obligations of the troops, once they are sent into the field? Other elements have presented themselves, in the political context, in particular human rights. We cannot just stand by when human rights are being violated, we must speak out. Gradually, human rights have been included in the mandate of peacekeeping operations. It infuses a new culture into the area where an operation is conducted; the purpose is to create a better atmosphere.

Another element is the question of transition. We must look at the post-mission situation. Other actors must start planning for activities to be phased in, as peacekeeping operations end.

In regard to the United Nations not having any forces of their own, the drafters of the United Nations Charter took a different view from what has actually transpired. See article 43, which calls upon all members of the United Nations to make available to the Security Council upon its call and in accordance with special agreements armed forces, assistance and facilities, including rights of passage to uphold international peace and security. I do not think that this will ever come true; member States have taken a different course, setting up stand-by forces. They prefer to look at a situation when it occurs and decide on a case-by-case basis when to send them in. This is an interesting development; you can see that some provisions of the Charter never took on life.

Now, what about the United Nations’s preparedness? Are we prepared for peacekeeping operations? This is where we have a big
problem. I mentioned the Brahimi report, and there are others. There are numerous studies of peacekeeping. The Brahimi report sets out some of the weaknesses of the system. Out of this report came the conclusion that we must look at the infrastructure of the Organization, to ensure that it is equipped to deal with these difficult situations. The idea is to strengthen the Department of Peacekeeping Operations, so it can deploy peacekeepers within thirty to ninety days; there should be pre-arranged letters of assist between the United Nations and troop-contributing countries; there could be stand-by arrangements with certain member States; and most importantly, the military is not enough. Several thousand civilian police, for example, are now involved in peacekeeping operations. So, to sum up on the political side, the situation is more and more complex and the preparedness of the Organization is perhaps not what it ought to be. At the same time, the expectations of what the Organization can do are too high.

I could mention a very good example. How many of you have seen calls from the media to undertake an operation in Afghanistan? Presently, there is no way the United Nations can go in and do something useful in Afghanistan by way of peacekeeping; we would require a totally difficult situation internally in that country.

As for legal issues, I mentioned that the United Nations Charter does not touch upon peacekeeping, and also mentioned Chapters VI and VII. What I would focus on is Chapter VII. If you study the relevant resolutions, you would see that Chapter VII is only referred to occasionally in resolutions, to allow missions to protect themselves with the use of force. Sometimes though it is invoked as an umbrella over the whole resolution, allowing the whole resolution to be enforced. In some cases, as with East Timor and Kosovo, it allows the mission to govern.

The relationship between the Security Council and the General Assembly is important because the General Assembly must decide about the funds.

Another important legal issue is the Status-of-Forces Agreement, which is concluded with the country where forces are deployed. It creates a relationship with the host country. It is very important to remember that troops contributed are still under the jurisdiction of the State that contributed them. Unfortunately not all troops behave as they should, and some have to be repatriated and may have to be brought to justice before national courts. There are also the agreements with the troop-contributing countries, to regulate the relationship between those countries and the United Nations. There you have the problem that Roy Lee pointed to, that troops may consult with their capitals before they will go along with their head of mission. This is a very delicate matter, and maybe Mr. Verheul knows more about that.
Then we have procurement; from the start, it was normally handled through the troop-contributing countries. But then in the early 1990s, the United Nations decided to head to the open market with requests for bids. Now, millions of dollars are spent on contracts supporting the missions. This can lead to disputes, which must be settled through arbitration. This has become quite an industry in the Office of Legal Affairs. My colleagues and I had to defend one case, involving a claim of $50 million against the Organization. This is a big issue for us now.

There are also many legal issues that arise during a peacekeeping mission. For example, deaths that occur during missions raise legal issues, as do accidents (car accidents injuring civilians, for example). We have crimes committed against the mission or by people in the mission. There are contracts to be negotiated at the local level, or issues if a peacekeeper is to appear before a court. Often there is a legal officer present in the field to deal with these issues on a daily basis, and sometimes issues are referred back to Headquarters. I follow the cable traffic between Headquarters and the field not only for information, but also to track legal issues, which gives me advance notice of possible formal requests from the Department of Peacekeeping Operations. The tempo of the legal work has increased dramatically.

Now, the two missions I mentioned, East Timor and Kosovo. Here we have a distinct legal difference because we govern these provinces and legislate for them. The laws (regulations) are issued by the Special Representative of the Secretary-General after being vetted in the Office of Legal Affairs. This vetting is necessary. At the national level, legislation is the product of a democratic process, but here this cannot happen since there is not yet a parliament competent to do this. We check whether the regulations are in accordance with the United Nations Charter, with the mission's mandate, i.e. the relevant Security Council resolutions, and with international human rights standards.

Lee: Thanks, now from the legal and political aspects, we turn to Professor Ian Johnstone for his assessment from the doctrinal standpoint.

III. REMARKS OF PROFESSOR IAN JOHNSTONE

Johnstone: I will look at the development of peacekeeping doctrine over the years, in particular in the 1990s. As a preliminary point, there is no universally accepted doctrine of peacekeeping. Instead, there are fifty years of accumulated experience and some effort over the years to provide some clarity as to what peacekeepers should do, what the Security Council expects them to do. Those efforts first resulted in the formulation of three fundamental principles: consent, impartiality and non-use of force, except
in self-defense. My presentation will focus on what those three principles mean in practice and how they have evolved over the years. I would also ask the question at the end as to whether these doctrinal innovations have succeeded in providing clarity.

First, consent. Peacekeeping operations were originally based on Chapter VI of the United Nations Charter, deployed on the basis of consent and depended for their success on the continuing cooperation of the parties. Peacekeepers were there to provide the parties some reassurance that the other party or parties would not cheat on their commitments and obligations.

Second, impartiality. Impartiality, as originally conceived was understood to mean that peacekeepers shouldn't take sides in a conflict or seek to alter the military balance in any way. The term impartiality was often used interchangeably with neutrality.

Third, non-use of force except in self-defense. Traditionally, peacekeepers were unarmored or lightly armed troops and not expected to use force except to the minimum extent necessary and only in self-defense. This concept was expanded in 1973 to include defense of the mandate, meaning force could be used by peacekeepers to resist forceful attempts to obstruct them in the discharge their duties. This potentially broad concept was invoked rarely by commanders on the ground because they were concerned about becoming a party to the conflict.

Now, these traditional principles worked fairly well during the cold war years. They also worked fairly well in some post-cold war operations, in Namibia and Mozambique, for example. Even though these missions were much more complex than the simpler operations of the earlier years, the parties involved were genuinely ready for peace and amenable to making the operations work.

But most of the post-cold war conflicts were much messier and the traditional principles could not be so easily applied. This changed environment for peacekeeping was recognized early on by the Security Council, and in 1992 the Council asked the Secretary-General for recommendations, leading to the Agenda for Peace, published also in 1992. The tone, if not the content of Agenda for Peace, marked a significant departure from the traditional principles of peacekeeping. The most significant concept was the idea of peace-enforcement units. The idea was to deal with situations that fell between the environment where traditional peacekeeping can take place, and outright aggression or war. In other words, they would occupy the middle ground between peacekeeping and enforcement action. In these situations, consent was not reliable, force had to be used beyond self-defense but not for the purpose of w inning a war, and impartiality was harder to maintain. In this gray area, there was
no doctrine. Troops were being deployed and asked to do things without really knowing how they should go about doing them. So, there were efforts to develop doctrine to cover this area, but events on the ground, especially in Somalia and Bosnia, were always ahead of doctrinal developments.

There were significant United Nations failures or at least setbacks, in Somalia, Bosnia and Rwanda. These failures led to serious questioning and rethinking of involvement in this gray area. This rethinking led to a supplement in 1995 to the Agenda for Peace, which was not meant to revise the earlier document, but does represent some significant backtracking. The main lesson drawn in the Supplement is that peacekeeping and peace enforcement should not be mixed, as they were in Somalia and Bosnia. As noted by Shashi Tharoor, head of the Yugoslavia desk in DPKO at the time, it is no easy task to make war and peace with the same people on the same territory at the same time. The Security Council was adding mandate after mandate, some of which required the cooperation of the parties, and some of which required coercion. How could peacekeepers do both at the same time? The incoherence of this approach was most dramatically illustrated by the fall of the safe areas in Bosnia. Civilians in the safe areas expected to be protected by thinly deployed peacekeepers, with only the threat of air strikes, made less credible by the vulnerability of peacekeepers to being taken hostage.

The Supplement reflected the mood in the Secretariat and among Member States at the time, but it was not the final word. In 1999-2000, three very important reports were produced: one on Srebrenica, and two on Rwanda (the Srebrenica and first Rwanda report are United Nations documents; the second Rwanda report is an OAU report). These reports drew some of the same conclusions as the Supplement, but said something else as well. The failures were not just a matter of inadequate means or mandate, but a question of how peacekeeping itself is carried out - the whole ideology of peacekeeping. These three documents prompted the Secretary-General to establish the Brahimi panel, which convened in early 2000 and drafted a report, against the backdrop of the ongoing crisis in Sierra Leone. In Sierra Leone, peacekeepers were being taken hostage - just like in Bosnia - and there were concerns that the situation was getting out of control.

The Brahimi report reaffirms the traditional principles of peacekeeping, but qualifies each in significant ways. On consent, the report says that consent can be manipulated, and goes on to list a range of circumstances where you can't count on it. On impartiality, it redefines the concept to mean not neutrality but impartiality in the execution of the mandate. On the use of force, the report says that the operations must be
prepared to take on spoilers, parties or other actors who try to undermine a peace process. Spoilers must be met with a credible threat of force. The implication of the report is that the United Nations or its operations must be prepared to conduct robust peacekeeping. Many of the institutional recommendations are intended to prepare the United Nations to do this.

Does the report provide clarity on the traditional principles? Is it a step forward in terms of doctrine? Does it make distinctions that are useful in trying to devise concepts of operations and carry out missions in the field? My answer is that yes, it does provide some clarity; it doesn't provide full answers to the doctrinal debates of the last ten years, but points to some possible directions forward.

On consent, implicit in the report is the idea that the only clear distinction is between situations where consent is initially granted and those where it is not. Intervention in the latter situation is not peacekeeping or peace-anything, it is war and those engaged in it should be prepared to conduct war. In the first situation, where consent is granted, sometimes it is reliable, more often it is not. The message of the Brahimi report is that peacekeepers should not assume that consent is always reliable. This implies a need to build on the initial consent and work to sustain it over time.

Another implication is that if consent is not reliable all the time, you may need to use force against spoilers. While it is not explicit, the Brahimi report seems to distinguish three situations in which force may be used: in self-defense (that is traditional peacekeeping); to take on spoilers and compel them to comply with an agreement; and to defeat an enemy (that is enforcement action).

That brings me to my third and final point, on impartiality. If force is used against spoilers, is it possible to maintain impartiality? I think it is possible if impartiality is defined as it is in the Brahimi report, i.e. not neutrality, but impartiality in execution of the mandate. An important corollary of that is at the heart of challenges faced by peacekeepers. If the guiding principle is impartiality in execution of a mandate, the mandate must be clear to all concerned - the parties, the peacekeepers and external actors. You can look back at all the resolutions adopted in the 1990s on peacekeeping mandates and clarity is rare. So the challenge is not really a legal or doctrinal one, but a political challenge for intergovernmental bodies. The application of the principles of peacekeeping will follow naturally from mandates set by the Security Council. The challenge for the Secretariat, as the Brahimi report points out, is to insist on this clarity.

Lee: From the doctrinal perspectives, we now turn to Mr. Verheul for his operational experience.
V. REMARKS OF MR. ADRIAAN VERHEUL

Verheul: Thanks, with an eye on the time, I will keep this brief. I will do two things: characterize peacekeeping as the intensive care unit of the international community, and describe the prerequisites of the surgeons who must deal with the patient. The objective of peacekeeping is not to create a perfect situation, but the conditions that will allow the patient to walk out on his own two feet and continue treatment elsewhere. This means establishing a security regime, building institutions in the field of governance and human rights that are lacking, participating in psychological wound healing, promoting processes that put countries back on their feet, like elections, and creating conditions that would enable reconstruction, like disarmament.

This is what peacekeeping can potentially offer. As Ian has pointed out, sometimes the patient is less than willing to undergo treatment, which is why you need a couple of well-built nurses to keep the patient down from time to time. Robust peacekeeping is needed, as it was in Sierra Leone. Regarding the doctor, it is not correct to say that peacekeeping is in the hands of the United Nations Secretariat alone. Its success depends on five players working together. If one is missing, the risk of failure is real. First, the willingness of the parties to undertake a peace process is essential. Consent is important at the strategic and technical level. Second, the Security Council must demonstrate a measure of unity and common understanding of the tasks ahead. If the Security Council is divided, this division can be exploited. Third, the support of troop-contributing countries is essential, to ensure that troops who can actually do the job are deployed. This has been a crisis; the experiences of the 1990s have deterred western countries from participating. The risks, political and otherwise, are real. So it is increasingly harder to put together a force that reflects all the members of the United Nations. We more often get troops from countries that cannot come up with the equipment necessary to sustain themselves on the ground. This is a huge logistical problem. We must go to the market to meet this need, a task in and of itself. This is a bigger problem though because it does not reflect the needed unity of the member States. The Security Council sets the mandate, then expects poorer countries to send their troops to run the risks in trying to fulfill the mandate. Fourth, the international community must support the peace process through injections of funds and programs, to help the rehabilitation, reconciliation, and redevelopment processes. Another aspect to this is that peacekeepers alone cannot provide everything. The World Bank, the World Food Program, and others must bring their unique skills and programs into play. There must be a
complementarity of efforts. We have only now really begun in the last half year or so to make this a more operational concept. This is difficult because it means changing the culture of the organizations in question. We are slowly but surely making progress in this area. Fifth and finally, the United Nations Secretariat plays a central role. The Department of Peacekeeping Operations will soon grow to around 600, but this is not nearly enough to support the operations currently in the field. No government or corporation would allow this logistics ratio to stand. We are getting a few more tools, in part due to the Brahimi report, but it remains a relatively tight operation. These are the links of the chain, and the overall context is as strong as the weakest link.

VI. QUESTIONS AND COMMENTS FROM THE FLOOR

A. Does the United Nations engage in strategic planning or “wargaming” to better plan for peacekeeping operations?

Corell and Verheul both addressed this question. Corell noted that the Secretary-General had established an Executive Committee on Peace and Security, to advise him on matters in this field. He had also attempted to establish a new unit in the Department for Political Affairs in order to be able to gather information more effectively, in particular to be able to make better analyses before the creation and implementation of peacekeeping operations. This effort had met with some resistance in the General Assembly, some members are reluctant to share too much sensitive information with the Secretariat. Verheul noted that wargaming is difficult in situations where there are so many actors, their motives are often hidden or unclear, and much necessary information is lacking. The United Nations must rely on member States to provide much of the requisite information, aside from what the United Nations can learn from its staff who operate in the field. Taking into consideration these limitations, the United Nations Department of Peacekeeping Operations does undertake this kind of strategic thinking on a daily basis and works to develop templates that will render peacekeeping operations more effective and successful.
B. Have the member States of the United Nations and in particular of the Security Council abdicated their responsibility to fulfill article 43 of the United Nations Charter, to make available to the United Nations the "armed forces, assistance, and facilities" necessary to maintain international peace and security?

Verheul and Johnstone responded to this question. Verheul noted that abdication of responsibility is not simply an issue regarding provision of troops, but also in prompt payment of assessments. Where States pay their assessments in a timely manner, their troop contributions are less essential. Also, provision of logistical support is critical. Johnstone referred to the mission in Eastern Slavonia as worth mentioning because the Belgians had learned lessons in Rwanda, which they were able to successfully apply in Eastern Slavonia. Specifically, they agreed to be involved only if necessary resources would be made available to the mission and if they could exercise a certain degree of control over the operations. Verheul added that a major difference between Rwanda and Eastern Slavonia was that, in the latter case, NATO was close at hand, and prepared to intervene on behalf of the United Nations at the first sign of trouble. NATO was not and is not engaged in Africa.

C. What might be the future role of the United Nations in Afghanistan, if the Taliban regime loses power? Do activities undertaken by member States to eliminate offensive capacity of a government or to eliminate the government qualify as self-defense under article 51 of the United Nations Charter?

All three speakers responded to this question. Corell noted that he could not speak extensively on the subject; he referred instead to the ongoing work of the Secretary-General's Special Representative on Afghanistan, Mr. Brahimi. Specifically on the subject of article 51, he noted that the Security Council is actively seized of this matter, and has invoked article 51 in its resolution of September 12. The two States taking action under article 51, the US and the UK, are responsible for reporting on their actions under this article to the full Council and thus far have met with no criticism. Verheul noted that peacekeeping in Afghanistan wouldn't necessarily be the United Nations's first step, but rather it should focus on the provision of humanitarian aid. A new coalition of States might also have to be encouraged to form, to address security-related and political issues. It is essential to create the environment that will support a successful peacekeeping operation. Johnstone agreed, noting that the United Nations would have considerable difficulties in executing any
operations in Afghanistan, given the lack of security that country will experience, should the Taliban be ousted from power.

D. What are the prospects for the creation of world government, given the successes and failures of the United Nations?

Verheul and Corell responded to this question. Verheul remarked that the idea of world government is an old dream that many have expressed. The way the United Nations is built would contradict that dream. It is an organization of member States, each of which are sovereign and unwilling to give up that sovereignty. So, to ask whether the United Nations could put in place a world government is a contradiction in terms. This question should not be directed at the United Nations, but at the member States, whether they would be willing to work towards world government. He personally could not see it happening for the next century or so, but was reminded that the United Nations is seen by many people in different ways. Some see it as a Machiavellian body of member States that scheme and conspire; while for others it remains a symbol of hope. The United Nations has a strong role to play in pursuing the hopes and dreams of mankind. Corell noted that he personally could see no alternative to the sovereign State, as the basic building block of the international system. The State is most capable of providing order and guaranteeing peace; boundaries help to create order. The United Nations's role is in helping to ensure that member States are represented by governments that truly hold the mandate of their people. The more democracies in the United Nations, the better will the Organization be able to deal with States that occasionally "flip out". The question that remains unanswerable regarding the prospects of a world government is the Roman query: who supervises the supervisors?

E. How can the relations between the United Nations Secretariat, including the Secretary-General, and the Security Council be improved, given the difficulty the Secretariat has experienced in executing the Security Council resolutions pertaining to Bosnia and Rwanda?

Johnstone responded to this question, also touching upon a quote from the Brahimi report that was raised several times: that the United Nations Secretariat must be prepared to tell the Security Council what it needs to know, not what it wants to hear. Johnstone argued that the Secretariat cannot outright refuse to implement a Security Council resolution, but can advise against action that is ill-advised. The Secretariat also plays a key role in encouraging troop-contributing countries to participate in
operations, and so the Secretariat must be onboard with whatever the Security Council decides. In the end though, Johnstone saw the Brahimi quote as a message to the Security Council rather than to the Secretariat. It is to be hoped that the Security Council has learned lessons from the peacekeeping operations of the 1990s and that the Council would be much more reluctant to draft unimplementable resolutions, as it has done in the past.

F. What are the prospects of a peacekeeping operation in Palestine, either authorized by the Security Council or by the General Assembly, the latter following the precedent of the Uniting for Peace resolution which sent troops to Korea?

Corell responded to this point, noting that the question was highly political and so he was limited in how he could respond. He added that many actors are engaged in trying to resolve problems relating to Palestine, and that he hoped that the situation would be resolved soon.

G. What is the future of peacekeeping, if so many States have become disillusioned by its failures?

Johnstone responded to this question, noting that the perception of peacekeeping has shifted many times between the idea that it is a panacea to the idea that it is impossible. He expressed the hope that the Security Council had learned lessons from the operations of the 1990s, which failed in part because of the incoherent behavior of the Council. He indicated that it would be instructive to see what happens with Afghanistan, given that many see the United Nations as the only reasonable post-conflict actor capable of addressing the needs of that country and region.

H. What are the objections that inhibit serious discussion of the creation of a standing United Nations peacekeeping force?

Verheul responded, noting that such a force could solve a practical problem, that is the need for rapid deployment. As it currently stands, the United Nations must enter into lengthy negotiations with troop-contributing States in order to obtain and deploy troops. However, member States have expressed a preference to improve upon stand-by arrangements, which represent promises to provide assistance but are not a guarantee to the United Nations in every case to be forthcoming with that assistance. Verheul noted that States were reluctant to consider a standing force because they were reluctant to give up that much control over the process. He added that where member States do send troops, this can be a powerful
symbol of their solidarity in the face of a threat to international peace and security and that this clout must be visible, if a peacekeeping operation is to succeed. Lee noted that the US government has gone on the record to oppose the idea of a standing force, and Johnstone concurred that the concern with this idea is that it is a technical fix for a political problem. Deployment of a standing force cannot replace the lack of political will on the part of member States of the United Nations and of the Security Council.

I. How do peacekeeping forces exercise impartiality in situations where there is no clear "good guy?"

Verheul responded, noting that the United Nations no longer employs the term "neutral." The United Nations has a mandate to protect civilians and their human rights, but of course implementation is harder. The United Nations can deal with an individual bad guy from time to time, but often needs the group they represent to be part of a political process. The use of force may be helpful in specific situations, but may also lead to the end of that group’s cooperation with the peace process. The overall goal is to bring the process to a successful conclusion, not to deal with the bad guy. Deals often have to be made, and peacekeeping operations often have to deal with bad guys. If the process can be done without firing a shot, so much the better. Use of force may deliver a message to the bad guys, but the message itself is political. Delivery of that message really depends on whether the means on the ground exist, and whether member States are providing those means. Brahimi said in his report that the Security Council should be told what it needs to know, not what it wants to hear. Verheul recounted in this context his understanding that the Security Council is a partner in the process, not an adversary. The Secretariat writes reports and undertakes its work not in isolation, but maintains close contact with the Security Council. This coordination is essential, because member States have the necessary intelligence. The Secretariat must keep in mind the overall objective, and focus on that, even in the face of specific interests and goals of individual member States. There is not much to gain though in confronting the Security Council, if they then withdraw their support. The Brahimi statement is not a message to the Secretariat, but to the Security Council, to give the Secretariat the space to plan and to implement the operations.