

**STRATEGY
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**THE USE OF MILITARY FORCE IN UNITED NATIONS
PEACEKEEPING OPERATIONS**

BY

COLONEL ROBERTO F. BENDINI

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USAWC STRATEGY RESEARCH PROJECT

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UNITED NATIONS PEACEKEEPING OPERATIONS

by

Colonel ROBERTO F. BENDINI

Lieutenant Colonel THOMAS K. ADAMS
Project Advisor

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U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

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ABSTRACT

AUTHOR: Colonel ROBERTO F. BENDINI

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The paper is focused on the use of force in United Nations peacekeeping operations, describing the characteristics of these operations, the evolution of the principles for the use of weapons, and stating the recommendation of the use of military force when it is necessary for the success of the operation.

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THE USE OF MILITARY FORCE IN THE UNITED NATIONS

PEACEKEEPING OPERATIONS

It is well known that United Nations peacekeeping operations were not foreseen when the United Nations Charter was promulgated in 1945. The Charter only contains provisions, in its Chapter VII, to use military forces under control of United Nations when a threat to the peace, a breach of the peace or an act of aggression exists. As a consequence of the lack of an efficient tool to contribute to the settlement of conflicts, peacekeeping operations were born by necessity.

At the beginning, in 1948, the United Nations deployed only military observers to verify the observance of the provisions of cease fire or truce agreements by the parties to a conflict. This became known as "traditional" peacekeeping. Later on, since 1956, interposition of (lightly armed) military forces between the warring factions, created a "buffer" to impede the renewal of armed clashes and to reduce tension.

In traditional peacekeeping, the United Nations Force has to be seen as legitimate, neutral and impartial. Legitimacy came from the consent of the warring parties and the consensus of the international community. Neutrality and impartiality were insured by the multinational composition of the Force. Thus,

the use of weapons by Peace-keeping Forces was constrained to "self -defense". This principle and the type of weapons that UN troops could use were specified by the Force's operational directives.

At the end of the Cold-War, and as consequence of the "New World Order," the United Nations sought a predominant role in the maintenance of the international peace and security. In that sense the Security Council envisaged that peace operations would be one useful tool for this purpose; and considered using them as the most suitable means to deal with the myriad of internal conflicts in Africa, Central America and Southwestern Asia.

With the new tasks assigned to the United Nations peacekeeping forces from 1989 (e.g. the operations in Angola, Namibia and Central America) these forces faced more dangerous situations in more risky environments. The new missions implied that such forces normally were deployed to contribute actively to the settlement of internal conflicts. The tasks in many cases now included disarmament, separation, cantonment and disbandment of warring factions.

This was a big change in the management of peacekeeping operations. With the exception of the operation in Congo, an isolated case in the early 1960s, more ambitious and complex

tasks were given to United Nations troops than ever before. The largest number of troops were deployed in more "volatile environments". This new reality, born in the late 1980s, threw everything into great confusion. The lack of United Nations "doctrine" and the different points of view of contributing countries and practitioners in the field resulted in differing interpretations of the fundamentals of peacekeeping operations. The operational changes after 1989 were of such magnitude that the very definition of these operations came under discussion. Today there exists a wide spectrum of opinions about the actual scope of this kind of operations.

Among these changes we find that the principles that rule the use of weapons have changed significantly from their original form. In fact we see the first step in the evolution of these principles began many years before, in Cyprus in 1964.

Within the international community and among many practitioners in the field, the traditional concept of the use of weapons only for "self-defense" remains very strong. Despite the fact that the meaning of "self defense" has been "enlarged", strong resistance remains to the acceptance of such enlargement.

The purpose of this paper is to demonstrate that the use of

force by military units under control of United Nations during peacekeeping operations is in the spirit of "United Nations policy", and that the commanders in the field make proper use of it, when it is necessary to accomplish the mandate. Because the use of a reasonable and constrained degree of force is more useful than a passive attitude, it is the best way to enhance the credibility of the United Nations Forces and contribute to the success of the operation.

CONCEPT OF PEACEKEEPING

In this paper, I will discuss the use of military force in peacekeeping operations. Due to the wide range of interpretations of the nature and scope of the peacekeeping operations, I will establish a clear definition of United Nations peace operations in order to provide a framework for this work. For that reason I will include here the definition of the peace operations that are of interest for this analysis, peacekeeping and peace enforcement operations (Report of the Secretary General of 14 March 1994). The Report defined peacekeeping as:

Is a United Nations presence in the field (normally including military and civilian personnel), with the consent of the parties, to implement or monitor the implementation of arrangements relating to the control of conflicts (cease-fires, separation of forces, etc.) and their resolution (partial or comprehensive settlements), and/or to protect the delivery of humanitarian relief.¹

Meanwhile, it defined peace enforcement operations in this way:

Peace-enforcement may be needed when peaceful means fail. It consists of action under Chapter VII of the Charter, including the use of armed force, to maintain or restore international peace and security in situation where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression.²

The definitions provide some characteristics that we should take into account. In the case of peacekeeping operations, the definition clearly mentions the necessity of consensus among warring parties. A cease-fire or some kind of similar arrangement should be reached by the warring parties as requisite for the deployment of a United Nations force. The mission of the operation would most likely be to monitor compliance with such arrangements or to protect the delivery of humanitarian relief.

Meanwhile Peace enforcement operations envisage the application of different measures, including the use of military force in order to resolve a conflict that constitutes a threat to international peace and security. As they are operations executed in order to impose, by forceful means, at least on one party to the conflict the measures that the Security Council considers necessary to solve the conflict, the consent of the all parties involved it is not necessary. Therefore the peace

enforcement force can become co-belligerent with one side in the conflict.

In this paper, I want to emphasize that the main characteristics of peacekeeping forces are: troops deployed under control of United Nations, with the consent of the parties involved in the conflict, and the consensus of the international community. They should perform their duties in impartial and neutral manner in order to support their own legitimacy. In addition, we should remember that a cease-fire agreement or some form of truce must be reached as a prerequisite for the deployment of these troops.

EVOLUTION OF THE CONCEPT OF "SELF-DEFENSE" AND THE USE OF WEAPONS

The use of military force is one of the most complex issues related to peacekeeping operations. There are completely opposed points of view about the degree of authority that should be granted to the United Nations Force for the use of weapons. This argument stems from different interpretations of the concept "The Force shall not use weapons except in self-defense". This phrase has been included in all the guidelines relating to the use of weapons for all the peacekeeping forces since the United

Nations Emergency Force, deployed in Sinai Peninsula in 1956.

We can see that on one side, some people affirm that weapons would only be used when the physical integrity of the personnel and the security of the United Nations installations and properties are in extremely dangerous situation or under armed attack. In another sense, the people who have favor the widest grant of authority believe that United Nations troops can use their weapons should it be necessary in order to impose the mandate to hostile elements. But the use of force should be kept to a to what is minimally necessary to surmount the incident.

The expression "self-defense" constitutes the original principle for the use of weapons and is still considered the cornerstone principle in this matter. But as peace keeping operations have evolved it became necessary to modify certain criteria for the use of military means.

The best way to clarify the actual meaning of the expression "self-defense" and the scope of the authority granted for the use of weapons is to analyze the guiding principles given to the military forces participating in various peacekeeping operations under the auspices of the United Nations, and the provisions contained in their Rules of Engagement.

UNITED NATIONS SECRETARY GENERAL REPORTS

The reports of the United Nations Secretary General for the implementation of the Security Council resolutions which set up a peacekeeping operation state, among other issues, if the military personnel will carry weapons and the general principles for their use. In the following paragraphs I will describe the evolution of use of weapons, as detailed in these reports.

United Nations Emergency Force I (UNEF I)

United Nations Emergency Force I (UNEF I) was the first peacekeeping operation where armed military forces were deployed. It was deployed in November 1956 to the Sinai Peninsula. The UNEF I mission was to verify the withdrawal of belligerent forces. When it was finished the Force remained deployed on Egyptian territory as a sort of "buffer zone" between the Egyptians and Israelis. The troops were lightly armed and had authority only to use weapons in self-defense. This was clearly stated in the report of the Secretary General which defined self-defense in the following terms:

A reasonable definition seems to have been established in the case of UNEF, where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempt to use force to make them withdraw from positions which they occupy under orders from the Commander, acting under the authority of the Assembly and within the scope of its resolutions.³

The reason for such restricted authorization was found in the philosophy underlying in this new type of operation. In order to understand how the operation was conceived, it is important to remember the statement of the Secretary General, Dag Hammarskjöld in his final report of 6 Nov. 1956, on the parameters for UNEF I:

The Force obviously should have no rights other than those necessary for the execution of its functions, in co-operation with local authorities. It would be more than observers' corps, but in no way military force controlling the territory in which it was stationed; nor, moreover, should the force have military functions exceeding those necessary to secure peaceful conditions, on the assumptions that the parties to the conflict take all the necessary steps for compliance within the recommendations of the General Assembly. Its functions can, on this basis, be assumed to cover an area extending roughly from the Suez Canal to the armistice demarcation lines established in the armistice agreements between Egypt and Israel.⁴

The success of the operation was based in the cooperation of the parties involved. As the cited paragraph stated, UNEF I did not have the authority to take full control of the area where was deployed. Its basic functions were to act as a buffer between the Egyptian and Israeli forces in order to avoid incidents, to observe and report violations and prevent illegal crossings of the Armistice Demarcation Line of civilians of either side.⁵

United Nations Force in Cyprus (UNFICYP)

When the United Nations Force in Cyprus was deployed on 27

March 1964, the guidelines for UNFICYP contained the same principles of non-use of force except in self defense that were established for UNEF I.⁶

Despite the presence of UNFICYP, armed incidents and outbreaks of hostilities between the Greek-Cypriots and Turkish-Cypriots were frequent, United Nations troops would find themselves fired upon by both sides and several UNFICYP soldiers were killed. As a consequence of the difficulties faced by UNFICYP in fulfilling its Mandate, the Force Commander Lieutenant-General P.S. Gyani asked the Secretary General to authorize use of military force if necessary to stop the fighting between both factions. The Secretary General refused to give such authorization because according the prevailing criteria at that time, the peacekeeping forces restricted to self-defense, as defined in the report of the Secretary General Dag Hammarsjöld for UNEF I. Answering the request to use force, the Secretary General in his report to the Security Council on 29 April 1964, emphasized:

I wish here to emphasize my view that the United Nations was dispatched to Cyprus to try to save lives by preventing a recurrence of fighting. It would be incongruous, even a little insane, for that Force set about killing Cypriots, whether Greeks or Turks, to prevent them from killing one each other.⁷

Few months later, as a consequence of the deteriorating

situation during the first six months of the deployment, UNFICYP was in a difficult situation. It was unable to accomplish its Mandate and prevent the recurrence of fighting. The peacekeepers had to face serious risks during the performance of their duties, so the United Nations Secretary General sent the Force Commander a new set of guiding principles which modified the Force's original instructions.

In the guidelines summarized by the Secretary General in his report of 10 September 1964, is a detailed description of the concept of "self-defense" as well as precise instructions on the use of force and about the Commander's responsibility. It is a remarkable fact that these guidelines are still in force. For instance, in the paragraph 7. (b), of Secretary General's are fundamental concepts about the use of weapons in this operation.

The troops of the Force carry arms which, however are to employed only for self-defense, should this become necessary in the discharge of its function, in the interest of preserving international peace and security, of seeking to prevent a recurrence of fighting, and contributing to the maintenance and restoration of law and order and return to normal conditions.⁸

The text is very clear, although it determines that weapons will be used only for " self-defense," we will see in the following paragraph a change in the scope of "self-defense":

As regards to the principle of self-defense, it is explained that the expression self-defense includes the defense of United Nations post (...). The decision as to when the force can be used, in this

circumstances, rests on the Commander on the spot. Examples in which troops may be authorized to use force include (...) attempts by force to prevent them from carrying out their responsibilities as ordered by their Commanders.⁹

We can see that the first part of paragraph 7. defines "self-defense" in accordance with the traditional criteria. But in the latter part it finishes by stating that the range of the expression "self-defense" would not only be restrained to the protection of United Nations personnel and properties, but that it also includes military actions which can be performed to assure the fulfillment of the mission.

It is also very important to highlight the authority granted to the Commander to use of force if necessary to fulfill the Mandate, because according the Secretary General's directive, the Commander on the spot has the authority to make the decision to use military force. It was a transcendental change, because previously the weapons could be only used to reply a direct armed aggression against personnel and properties belonging to United Nations or under its protection. This change was a real turning point in United Nations policy, because before it the use of force in a peacekeeping operation was unacceptable except in the specific case of self-defense mentioned before.

This dramatic change in the Secretary General's attitude

may have occurred, when he realized the challenges and risks that UNFICYP had to confront in Cyprus. It seems that he preferred to provide UNFICYP with the legal framework to carry out its tasks from the beginning of the operation, and prevent the recurrence of the bloody experience of the United Force in Congo (UNFC) in 1961

It is necessary to highlight that the "self-defense" concept and recommendations for the use of weapons that were stated in this report, form part of basic documents that rules the tasks of the most peacekeeping operations that the United Nations carried out since the deployment of UNFICYP.

Despite the authorization provided by the Secretary General in his report of 10 September 1964, there is not evidence that military force was used to stop violations of the UNFICYP Mandate. It seems that the enlargement of the scope of the meaning of the expression "self-defense" for the use of weapons was not fully applied in the field. It is important to highlight that UNFICYP could not prevent the most serious outbreaks (The National Guard attack in August 1964 against the Turkish-Cypriot and the Turkish retaliation and the Turkish military intervention in July 1974), due the lack of military capabilities to prevent fighting. However, despite such vulnerability the Force Commander demonstrated during the Turkish intervention that when the

commanders have the firmly decision to perform their duties and face the risks, the United Nations Forces can dissuade superior military forces. Such an action is related by F.T. Liu in United Nations Peacekeeping and the Non-use of Force:

On 23 July 1974, UNFICYP took a firm military stance against the Turkish armed forces when the later threatened to seize control of the Nicosia International Airport, a UN protected area. The commander of UNFICYP, Lieutenant-General D. Prem Chand, positioned at the airport a composite unit of soldiers from all the Force's national contingents, reinforced by tanks equipped with missiles which he had obtained from the British military bases on the island. With this reinforcement in place, he notified the Turkish command that any attempt to dislodge the UN troops from the airport would be resisted by force. As a result of this show of force, the Turkish commander did not launch his attack, and the airport remained under UN control.¹⁰

The incident shows that UNFICYP was able to deter superior military units using only its firmness and willingness of use force to carry out its tasks.

United Nations Emergency Force II (UNEF II)

The United Nations Emergency Force II (UNEF II) was deployed in October 1973 in the area of Suez Canal after the Yom Kippur War. Secretary General Kurt Waldheim requested the Security Council set up guidelines for the functioning of the Force as well as a plan of action for the first stages of the operation. The guidelines were approved on 27 October 1973. In its paragraph (d) it states the following:

The Force will be provided with weapons of defensive character only. It shall not use force except in self-defense. Self-defense would include resistance to attempts, by forceful means, to prevent it from discharging its duties under the mandate of the Security Council. The Force will proceed on the assumption that the parties to the conflict will take all the necessary steps for compliance with the decisions of the Security Council.¹¹

As we can see, the scope of authority granted for the use of force is clearly defined in this directive, however, it is beneficial to analyze this paragraph. In fact, as we can read in its first part: "The Force will be provided with weapons of defensive character only. It shall not use force except in self-defense," states a criteria that is in accordance with the traditional concept. It would seem that the use of weapons should be limited to those occasions in which United Nations troops are under any type of armed attack or any United Nations property suffers a violent aggression. However as the paragraph continues "... Self-defense would include resistance to attempts by forceful means, to prevent it from discharging its duties under the mandate of the Security Council...". We can deduce that the "self-defense" expression, is not limited to the protection of personnel and properties of United Nations, moreover the concept also includes the limited use of military power, should it be necessary to fulfil its mandate.

As we have seen in UNFICYP case, the instructions for UNEF

II were very clear. They stated accurately that the peacekeeping force could use military means to carry out its duties whenever a violation against the mandate emitted by the Security Council has been committed. In fact, the UNEF II directives were the first guidelines that included such prescription from the beginning of the operation. I believed that the reason for which the principle for use of weapons coined in Cyprus was included in the initial guidelines for UNEF II, was that the Secretary General, after the experience in Congo and in Cyprus wanted to provide to the peace keeping force, from the beginning of the operation, the authority to use weapons that UNEF II needed to perform its duties.

UNEF II could accomplish its mandate without major troubles, due to the collaboration that it received from the warring parties.

United Nations Interim Force in Lebanon (UNIFIL)

The same principle for use of weapons that was stated for UNEF II, was included in the Report of the Secretary General on the implementation of Security Council Resolution 425 of 19 March 1978, which set up the United Nations Interim Force in Lebanon (UNIFIL). In point (d) of these guidelines we find that this directive repeats the paragraph established in point (d) of the guidelines to UNEF II.¹²

UNIFIL was deployed in South Lebanon in March 1978, with the following mandate, as it is stated in the Terms of Reference of the before mentioned Security Council Resolution: "The Force will confirm the withdrawal of Israeli forces, restore international peace and security and assist the Government of Lebanon in ensuring the return of its effective authority in the area."¹³

UNIFIL was, maybe, the United Nations peacekeeping force that faced the most and dangerous challenges. Its figures of fatalities is the second largest in the history of United Nations operations (211 casualties). UNIFIL could not fully accomplish its ambitious mandate due to the lack of cooperation from the warring parties and the lack of military capabilities to confront more powerful military factions.

With respect to the issue of use of weapons and the concept of self-defense, the comments of Lieutenant-General Emmanuel A. Erskine, first UNIFIL Force Commander, are interesting:

Self-defense within the context of UN peacekeeping operations has always been a difficult, sensitive and rather confusing issue, all the more so in an area like South Lebanon where lightly-armed UNIFIL troops constantly find themselves in confrontation with the heavily-armed IDF (Israeli Defense Forces), DFF (De Facto Forces), PLO (Palestine Liberation Organization) and other armed elements. By the terms of its mandate, a UN peacekeeping force is provided with weapons of a

defensive character, and it may not use force except in self-defense. The latter would include resistance to attempts by force to prevent it from discharging its duties under the mandate of the Security Council.¹⁴

As General Erskine said, the concept of self-defense in the context of peacekeeping was always difficult to define, even more so if the peacekeeping force was operating in an environment that General Erskine defined as a "semi-war zone". UNIFIL faced a large number of incidents but UNIFIL soldiers used only their weapons only in response to a direct aggression, applying the traditional principle of "non-use of force except for self-defense" or have adopted some "firm but peaceful" procedure to dissuade the warring factions to commit a violation of UNIFIL mandate.

UNIFIL most of the time had a firm attitude toward incidents in its area of operation and for that it have paid a heavy price in blood. But there was a reluctance among the soldiers to use weapons. F.T.Liu gave a good description of the causes of such reluctance:

The use of force here would clearly fall within the 1973(Sic) definition of self-defense, but the advisability of using force is far from clear.

In such cases the reaction of UNIFIL soldiers has varied widely from one national contingent to another, depending on their training and the instructions of the contingent commander. Some have taken a firm position and returned fire when attacked. Others have refused to use force even in resistance to attempt theft or abduction. It is evidently desirable that the various

national contingents should follow a uniform policy regarding self-defense, but there is not easy solution to this extremely delicate problem.¹⁵

It is possible to add to Liu's description that the Commanders were, maybe, reluctant to use military force to fulfil the mandate because they did not have the military capabilities for that, or if they had such capabilities, they were afraid of possible retaliation by the warring factions. We have to remember that the belligerents did not give full cooperation to UNIFIL. The factions challenged continuously the presence of UNIFIL and its positions suffered a large number of attacks.

OTHER UNITED NATIONS DOCUMENTS

The same concepts were included in most of the directives for subsequent peacekeeping operations, directives for training (i.e. "Directives for National or Regional Training Programs", published by United Nations), and also in documents released by the Force Commanders (i.e. United Nations Protection Force (UNPROFOR) Force Commander's Policy Directive 4/92 of 19 May, 1992, in its Phase 3 (Operations), Section 3. (The use of force), point 31). The Secretary General in his special report "Comprehensive review of the whole question of Peacekeeping Operations in all their aspects", of 8 May 1990, in the chapter related to the battalions provided by contributing countries, stated:

The Infantry battalions that governments sent to participate in United Nations Peace-Keeping operations carry light weapons, and they are authorized to use their weapons only in self-defense. This would include resistance to attempts by forceful means to prevent them from discharging their duties under the mandate of the Security Council. ¹⁶

Although the concept of use of weapons in peacekeeping operations was evolving and more authority was granted to use military force, there is still a strong opposition to accept the widest possible scope of such authority. Many people strongly support the original defensive concept of use of weapons. The resistance to such change comes from contributing countries, United Nations Staff members, and practitioners (who were many times abided by rules of their own country).

It seems that the expanded principle of use of weapons that was coined in Cyprus in 1964, which was mentioned in many United Nations documents, has never been fully applied. There were various reasons for such non-application, as we have already seen, but I believe that the main reason comes from United Nations itself. The organization did not make any forceful clarification of the meaning of "self-defense" after the enlargement of the concept in 1964. The statement "Self-defense would include resistance to attempts, by forceful means, to prevent it from discharging its duties under the mandate of the Security Council", that it is present in most of the guidelines for peace

keeping forces, needs to be defined and specified in its real meaning and scope. If United Nations leaves the interpretation of this concept to the practitioners, it will receive different answers and different levels of compliance, due to the different background, national policies, military cultures, personalities ,etc. The issue that the principle of use of force in peace keeping should be defined and "operationalized" in clear and practicable ROE, because the soldiers in the field need, in this topic, a clear and precise framework.

RULES OF ENGAGEMENT (ROE)

The Rules of Engagement are the legal framework for the use of military force in peacekeeping operations. The guidelines to set up the peace keeping operation contain the general principles for use of military force. Meanwhile, the ROE establish how to apply such principles and states, among other things: the authorization granted to use weapons, the allowed degree of violence, the level of involvement or risk acceptable for the United Nations, the level of command that can order the use of military force and the rules of behavior during military actions.

Through the analysis of the Rules of Engagement (ROEs) of different operations , we find that the scope of this authority was not limited to the defense of United Nations personnel or properties. As we found in examining the mandates, also included

provision for the use of force should it be necessary to carry out the mission.

The most dramatic enlargement of the scope of United Nations ROE came with the United Nations Protection Force (UNPROFOR) Rules of Engagement, that were released in Sarajevo on 24 March 1992, at the very beginning of the operation. UNPROFOR ROE introduced a new concept, that was not accepted before. These ROE authorized the use of force, including open fire, should it be necessary to disarm paramilitary personnel, civilians or soldiers. For instance, the ROE Nr. 4: "Disarmament of paramilitary, civilian and soldiers," in its option B, stated: *"Authorization is granted. (to carry out the disarmament). In doing so, use minimum necessary and proportional force up to including use of fire, if hostile intent so warrants, or in a presence of an hostile act."*¹⁷

It also stated that the selection of each option (A or B, Option A established that not authorization is granted for disarmament of warring factions), was based upon the assigned task for the military unit. Option B would be applicable for those battalions deployed in the zone of separation in the United Nations Protected Areas (UNPAs). These ROE were very clear and provided the commanders the necessary legal support to carry out the disarmament task, that was one of the most important

activities included in the Mandate. UNPROFOR units were also allowed to perform cordon and search operations.¹⁸

The ROEs authorized UNPROFOR Force Commander to delegate his authority to change the normal status of ROE at the battalion commander level. Therefore battalion commanders were allowed to make the decision on the use of weapons while carrying out disarming tasks, as a last resort if it was the only way to obtain the objective.¹⁹

Although the UNPROFOR ROEs were very clear and gave peacekeepers the authority to act using armed force (as a last resort) to fulfill their mission, many people claimed the ROEs lacked clarity, or that the ROEs were not in consonance with the Mandate. In my opinion those claims were a "shield" that they used in order to avoid risk or because they did not take their tasks seriously. On this issue General Jean Cot (UNPROFOR Force Commander since June 1993 to March 1994), said: *"The numerous contingents who do not want to take risks are those who most criticize the rules of engagement, which they do not make full use of in the realm of legitimate defense."*²⁰

The UNPROFOR ROE were very clear and they provided the necessary authority to accomplish the tasks that were imposed by the mandate. It also gave flexibility to the commanders to adapt

the ROE according to the situation. But they were interpreted and implemented in different ways by the different battalions.

The UNPROFOR mandate was stated in the peace plan for Croatia.²¹ This plan (known as "Vance Plan") contained the basic concept for the deployment of UNPROFOR. It was discussed by Cyrus Vance (Personal envoy of the Secretary General) and Marrack Goulding (at that time Under Secretary General for Special Political Affairs) with the leaders of the warring parties. On 11 December 1991, the Vance Plan was submitted by the Secretary General as an Special Report to the Security Council, who endorsed the Vance Plan in Resolution 724 of 15 December 1991. According the Vance Plan the UNPROFOR mandate was:

*United Nations troops and police monitors would be deployed in certain areas designated as "United Nations Protected Areas". These areas would be demilitarized; all armed forces in them would be either withdrawn or disbanded. The role of the United Nations troops would be to ensure that the areas remained demilitarized and that all persons residing in them were protected from fear of armed attack.*²²

The Vance Plan also stated clearly the concept of "Demilitarization of the UNPAs", in the following terms:

On the basis of agreed timetables, demilitarization of the UNPAs would be implemented as rapidly as possible, in the following way:

a) All units and personnel of the Yugoslav National Army and the Croatian National Guard, as well as the Territorial Defense units or personnel not based in the UNPAs, would be withdrawn from them.

b) All Territorial Defense units and personnel based in the UNPAs would be disbanded and demobilized. Disbandement would involve the temporary dissolution of the unit command structures. Demobilization would mean that the personnel involved would cease to wear any uniform or carry any weapons, though they could continue to be paid by the local authorities.

c) The weapons of the Territorial Defense units and personnel based in the UNPA's would be handed over to units of JNA (Yugoslavian National Army) or the Croatian National Guard, as the case might be, before those units withdrew from the UNPA's. Alternatively, they could be handed over to the United Nations Force for safe custody during the interim period, if that arrangement was preferred by the units concerned.

d) All paramilitary, irregular or volunteer units or personnel would either be withdrawn from the UNPAs or, if resident in them, be disbanded and demobilized.²³

The UNPROFOR mandate was very clear about the tasks that UNPROFOR should carry out and the ROE were really in consonance with the mandate, because gave the authority to take some action in the case that any party did not fully accomplish with the provisions of the cease-fire agreement signed in Geneva on 23 November 1991 and the subsequent peace plan (Vance Plan).

UNPROFOR, in order to carry out their duties, had the authority to control the access to the UNPAs and verify that in the protected areas there was no sign of military activity. It was even forbidden for the locals to wear military clothing. But not everybody had the same interpretation of the mandate and the ROE. I will go in more detail on this issue, in the paragraph

relating to the success and failures in peace keeping operations, but I will mention as an example that the mandate and ROE were fully apply in only one UNPA (Sector West in Western Slavonia). This Sector was completely demilitarized in June/July 1992. The reasons for the success were:

- (1) The firm commitment of Sector Commander to fulfil the mandate
- (2) Two infantry battalions well equipped and trained and with the same commitment were deployed in that Sector.

The Sector Commander's attitude and such military capabilities, were the key to keeping the Sector demilitarized for long time. With respect to the operation in Sector West Andrey Raevsky said:

The disarmament operation in Sector West received comparatively little media attention because the sector was identified as an easier, calmer sector. In fact, this sector was in some ways more difficult than the others. ... In other words, Sector West was not necessarily an "easier" sector: it was made such by the efforts of UNPROFOR.²⁴

But, as we will see later, in the same sector when the attitude of the Sector and Battalion Commanders changed and the commitment was not so strong, the parties took advantage of this vulnerability and again deployed military and paramilitary forces into the UNPA. We can see that the main issue is the commanders

personality and their decision to fulfil the mandate.

It is possible to mention many examples to illustrate this point. For instance, in May 1993, the Argentinean Battalion received an order to replace the Nigerian Battalion in Sector North. During the meeting with Sector North authorities to make arrangements for the relief, the Argentinean Battalion Commander asked about the reasons of the presence of strong Serbian military forces in the UNPA. The Sector North authorities answered that the disarmament of the Serbian military forces was not in the UNPROFOR mandate. After a strong discussion the Argentinean Battalion Commander refused to deploy in Sector North and the issue was raised to UNPROFOR H.Q.²⁵

Meanwhile, in Sector East in Eastern Slavonia, at the beginning of the operation (July 1992) UNPROFOR carried out disarmament operations but due to the resistance offered by the Serbian, were suspended those actions. With respect to the events in Sector North, it is useful remember the comments of Brigadier General P. Peeters, former Sector North Commander:

"Afterwards the situation became quite tense ... This disarmament operation was possible because the Serbs did not realize what was happening. We could not repeat this type of action. We did not have the mandate to enforce it. Even having such a mandate you have to think of the policy which might have been given to national contingents of the UN troops. After initial

*success, the sector never, never could disarm further those militias."*²⁶

From the comments of General Peeters, we can draw two important points, relating to the accomplishment of the mandate. On one side his personal point of view was that he had no authority to carry out disarmament activities. This is contradictory to the Report of the Secretary General which, in reference to disarmament operations in Sector North stated: "In each case (in reference to the activities performed in Baranja and Lipovac), the situation deteriorated rapidly and, to avoid bloodshed, it was decided to suspend the use of force and further negotiations ensued."²⁷

According the Report of the Secretary General, UNPROFOR troops in Sector North, like in other sectors (the mandate was only one for the whole UNPROFOR in Croatia), the use for force was allowed to carried out disarmament activities and in Sector North such activities were suspended in order to avoid risks to the United Nations troops.

The second aspect that is important to highlight is the issue of the restrictions that some contributing countries put on their national contingents. The result of such restrictions was different levels of compliance with the orders a the lack of

unity of effort, especially when troops faced some risks. To emphasize the issue of the interference of participating countries put on their own contingents, it is useful to remember the comments of Brigadier General P. Peeters, "Even having (strong mandate an ROE) you have to think of the policy which might have been given to national contingents."²⁸

I have included these comments about UNPROFOR ROE, because this ROE was the first that provided a clear framework for coercive force in accordance with the mandate. Nowstanding, the ROE was not fully applied in Croatia, for some of the following reasons:

- (1) The trend in many practitioners to avoid risks.
- (2) Restrictions from the contributing countries on their national contingents
- (3) Many practitioners (United Nations Staff officials and commanders at all levels) showed a lack of knowledge of the mandate, the ROE and United Nations policy on the principle of weapons in self-defense.

Following the path of UNPROFOR, the Rules of Engagement for the United Nations Operation in Mozambique (ONUMOZ) released in Maputo on 23 February 1993, contained the same concepts as the UNPROFOR ROEs²⁹. During the operation in Mozambique, the

disarmament was carried out only on voluntary basis. Therefore these ROEs were not fully applied.³⁰

CONSEQUENCES OF THE NON-USE OF FORCE

When the parties to a conflict do not completely follow the rules that United Nations tries to apply, in order to accomplish the peace agreements, especially in disarmament and demobilization of warring factions, this leads to failure in cases such as Angola, Rwanda, Somalia, Croatia and Bosnia, an incomplete success in Cambodia and Mozambique and put at stake the operation in Namibia.

We will now examine some of the most recent peacekeeping operations conducted by United Nations and see how the failure to use an adequate level of force produced serious difficulties to the management of the operation.

United Nations Angola Verification Mission (UNAVEM)

The second United Nations Angola Verification Mission (UNAVEN II) was deployed to monitor the implementation of the Peace Accords for Angola. Although the demobilization and disarmament of the warring parties was not complete, the elections were held as scheduled on 28/29 September 1992. When the results of the elections were published in mid-October 1992,

one of the factions, the Uniao Nacional de Libertacao Total de Angola (UNITA), renounced the election process and resumed fighting. Troops left the assembly points taking their weapons with them. The resulting fighting took the country back to civil war.

Since UNAVEN was an observation mission, the military personnel did not carry weapons, and for that reason they did not have the capability to prevent the UNITA fighters from taking their weapons and fighting again. The failure of the cease fire and disarmament process in Angola led to the failure of the operation. Because of this failure, Angola was left in a bloodier conflict than before. The disintegration process was despite the United Nations because UNAVEN II did not have any capability to do anything to solve such a failure. A solution was reached in 1997, five years later, when the "Government of Unity and National Reconciliation" was inaugurated. Today, Angola still does not enjoy lasting internal peace. If United Nations had deployed a peacekeeping force with appropriate ROE instead of observers, like UNPROFOR, to verify the demobilization and disarmament process, the result could have been different and new bloodshed could have been avoided.³¹

United Nations Assistance Transition Group (UNTAG)

The United Nations Transition Assistance Group (UNTAG), was

deployed on 1st April, 1989, in Namibia, a small country located in the southwestern part of Africa, in order to assist its transition to independence. UNTAG was one of the most successful peacekeeping operations, and it was, maybe, the only mission to fill the whole spectrum of requirements needed for a peacekeeping operation. There was a flaw in the operation. This was the lack of a minimum military capability to deter the warring parties from any violation of the agreements. Due to such vulnerability, UNTAG was forced to authorize the South African Defense Forces to contain the South-West African People's Organization (SWAPO) incursion of 31March/01April 1989. This was a big failure of UNTAG, because in that moment UNTAG became "prisoner" of the will of the warring factions. SWAPO had also, at that time, a good reason for the counterattack because the South African operation was more than an action to contain the SWAPO guerillas out of Namibia territory, it was a furious attack that produced almost 400 casualties among SWAPO guerrillas.

UNTAG was unable to respond to this challenge. Despite the fact that the military actions lasted almost twenty days, there was no intention by the warring parties to escalate in the military actions. Both fully accomplished the cease fire agreement signed on 9 April. If the armed conflict did not break out again, it was solely because both factions wanted to put an

end to the war.

United Nations Protection Force (UNPROFOR) (Croatia)

The UNPROFOR failure in Croatia was the result of the lack of the decision to enforce the disarmament and demobilization of warring factions as stated in the Vance's Plan. UNPROFOR had the legal framework to act, because the warring parties (Croats and Serbs) had accepted the Vance Plan requirements for disarmament and demobilization. Its Mandate assigned UNPROFOR these tasks and its ROE provided the authorization to use weapons in order to disarm the warring factions.

Thus, what was the origin of the failure ?. In my opinion, the main reason was the lack of commitment and clear directives from the United Nations political authorities (in New York and in the field). Most of the time their directives were more an hindrance than a help, especially when they had to give "political support" to the military commanders in the field to carry out demilitarization activities or put pressure on the local leaders to comply with the mandate. With respect to this point, General Jean Cot, former UNPROFOR Force Commander expressed:

The authorities of the UN (in New York and in the field) are incapable of giving (or do not want to give) precise orders to the military chief. There is no unity of action between a mission between civil affairs, the administration, the military and the humanitarian

*organizations. The UN is a world of civil servants which the military disturbs.*³²

With reference with the same issue, General Sathish Nambiar, the first UNPROFOR Force Commander said the United Nations officials attitude respect with the situation in the former-Yugoslavia, was an "hypocrisy". He resigned as Force Commander due to the continuous interference and the lack of political support from United Nations authorities for his intention that UNPROFOR take a more active role.³³

There are many examples to demonstrate the lack of commitment of the United Nations officials in the former Yugoslavia. As a Battalion Commander I had to argue with them each time that I tried to take some action against a violation of UNPROFOR mandate. That happened when, on 25 April 1993, during a security operation carried out in Jasenovac (Croatia), my battalion had to remove Serbian check-points by forceful means, use force to deny access to armed military personnel to the area under the Argentinean Battalion control and use force again to face other serious incidents in the area.

The same happened during an operation performed on 4/7 September 1993 when my battalion removed the Croatian and Serbian positions along the cease-fire line in Lipic, Packrac,

and along Dragovic road.

One more and dramatic example of the lack of commitment of United Nations officials, was the general opinion of most of the top civilian officials in UNPROFOR-Croatia Command, in Zagreb. In the last days of April 1995 they stated that the solution for Croatia would be a political solution.³⁴ A few days of such statements, the Croats launched the Operation "Bljeak" ("Lighting Bold") and militarily occupied Western Slavonia and some months later occupied the Krajinas.

The origin of the UNPROFOR failure was not only the lack of commitment by United Nations officials, but we have to add also the lack of decision on the part of most of the Commanders in the field to use force as authorized by the ROE. They were constrained by their national policies or were attached to the "traditional concept" of the use of weapons, or did not want to take risks.

United Nations Transitional Authority in Cambodia (UNTAC)

The United Nations Transitional Authority in Cambodia (UNTAC) started its deployment in Cambodia with an ambitious mandate that was articulated for the seven components of UNTAC. The main feature of the mandate was the task of the electoral component: to organize and conduct free and fair elections in Cambodia.

Meanwhile, the military component was to establish a secure environment and build confidence among the warring factions. In order to obtain this objective, the military component had, among other tasks: to monitor the cease fire and supervise the cantonment, disarming and demobilization of 70% of each of the four factions.

Was UNTAG really successful? It is not the purpose of this paper to analyze the success or the failure of UNTAC, but with the failure of the cantonment of the belligerents, the circumstances were not at all conducive to the free and fair elections which were supposed to be held under peaceful and neutral political conditions. The continuing existence of a large number of armed forces posed a potential threat to the electoral process.³⁵ The Cambodians went to the elections with fear and due to the threats that they receive from the State of Cambodia (SOC) and the Khmer Rouge factions, the people could not exercise their rights to vote with freedom.³⁶

There were several causes for the failure of the cantonment and demobilization of the warring factions: delays in the deployment of UNTAC, the lack of preparation for this task, the lack of cooperation from the parties, etc. But the United Nations military component never showed an intention to force compliance with the agreement by the warring parties. According to General

Loridon (UNTAC Deputy Force Commander), the failure of the cantonment and demobilization was due to the lack of preparation for such task and the reluctance to use force by UNTAC to compel the Khmer Rouge to accomplish the agreements.³⁷

Mary Eliza Kimball (UNTAC Political Affairs Officer) held "that UNTAC would not have faced any major difficulties in carrying out disarmament had the PDK (Party of Democratic Kampuchea-Khmer Rouge) cooperated."³⁸ If UNTAC had demonstrated a commitment to conduct the cantonment of the warring factions and showed willingness to use force if necessary to do that at the beginning of the operation, the result of the demobilization process would have been different. The Khmer Rouge would have carried the UNTAC agreements.³⁹

On the other hand, the UNTAC Force Commander and other key military officers in the operation, expressed that UNTAC was a peacekeeping operation in the traditional mold and therefore were not allowed to use military force to compel the cantonment and demobilization of belligerents. It was also stated that UNTAG did not have the capabilities to force the cantonment of Khmer Rouge and the cantonment process was abandoned due the lack of cooperation from this faction. According to Colonel Willem Huijssoon, many in UNTAC felt relieved and the Force Commander even said "They saved us."⁴⁰ The different points of view about

the way to carry out the cantonment and the use of forceful means was, perhaps, the main reason for the replacement of General Loridon as Deputy Force Commander.

UNTAC failed in the disarmament of the warring factions and as a result, the whole operation failed. The successes that UNTAC achieved were only for the short term. When UNTAC left Cambodia, in 1993, the country was not unified and the belligerents retained their military capabilities which the government of Cambodia seems unable to eliminate by military means. In summary, the failure of the disarmament operations carried serious consequences for national reconciliation.

IT THE USE OF MILITARY FORCE POSSIBLE?

We have seen that although the United Nations policy in peacekeeping operations, since 1964 foresees the use of military force to carry out the duties assigned by the mandate. We have also seen that Rules of Engagement were produced which allowed the use of force. There were not many situations when the peacekeeping troops used their weapons or made strong decision to use them. For that reason a question arises. It is possible to use military force in peacekeeping operations? I will present a case where the threat of the use force and its effective use,

were the key elements for the successful fulfillment of the mandate.

UNPROFOR, AN EXAMPLE

Sector West (Western Slavonia-Croatia) was the only area where, during the first stage of the operation (from 20 June to 7 July 1992) the Mandate was accomplished. The Yugoslav National Army (JNA) and the Croatian Army withdrew their troops and the Serbian Territorial Defense Force (TDF) and the Croatian Paramilitary (Narodna Garde units) were demobilized. This was possible due to the determination of the Sector Commander, Brig. Gen. Carlos Zabala. Even more, when the Serbians tried to mobilize their troops after the Croatian offensive in Maslenica and Peruca in January 1993, the firm decision of Sector West Commander avoided it.

Demilitarization of Sector West

The demilitarization of Sector West started in the first days of June 1992, when the Sector Commander and the Civil Affairs Representative held meetings with the leaders of the warring factions to explain the provisions of the Vance Plan and to arrange with them a demilitarization plan for Sector West.

During these meetings UNPROFOR attempted to convince all

parties that they would not be given any opportunity to ignore the demilitarization agreement. UNPROFOR was indeed willing to use force to achieve its objective. These meetings led to a local agreement on the modalities of the implementation of the Vance Plan. The withdrawal of military forces began on 20 June 1992 and on 7 July the withdrawal was considered complete. All forces and weapons had been withdrawn according the provisions of the local agreement and the paramilitary forces were demobilized. It was a complete success, but the key to that success was the permanent military pressure that UNPROFOR put on the belligerents and the threat to use military force to compel accomplishment of the local agreement.

It was not a simple task because many times UNPROFOR troops had to threatened the warring factions with the use of military force in order to compel the disarmament and demobilization. Search operations were also performed to confiscate any illegal or hidden weapons.⁴¹

In January 1993, when the Croats launched the offensive in Sector South to occupy Maslenica, Peruca and Zemunic Airport, in Sector West the Serbian Krajina Territorial Defense Forces, (claiming that the Croats will also attack in Sector West) mobilized their forces with the intention of reoccupying the positions on the cease-fire line. They also tried to retake their

weapons from depots in Stara Gradiska under supervision of UNPROFOR. The Serbians were infuriated and showed a strong commitment to take their weapons from the "magazines" by force. The United Nations Sector Commander meanwhile was trying to convince the Serbian Commanders to withdraw their troops. He ordered the deployment of the Canadian Battalion with M-113 APCs equipped with TOWs and one Argentinean Company mounted on APCs. In a situation of high tension, the TDF and UNPROFOR troops were just on the edge of opening fire, when the Serbians finally agree to cancel any military operation in Sector West. Such a "show of force" was the best tool that the Sector Commander had to dissuade the TDF Commanders.

In Sector West we can also find more examples of the capability to carry out properly the UNPROFOR mission tasks . But the most important example was the operation carried out by United Nations forces in Lipik, Pakrac and Dragovic Road area from 27 August to 7 September 1993, to remove the positions that Serbian and Croatian built up on the confrontation line and to reduce the tension in the area.

On 9 June 1993, in unexpected manner, the Serbians mobilized their TDF and reoccupied their former positions on the cease-fire line. The Canadian Battalion that had the responsibility for the area tried to stop them and also took some Serbian prisoners. The

Canadian Battalion Commander and many people in Sector West H.Q, intended to remove the Serbs by forceful means at the very beginning (in the first day). But unfortunately, the Sector Commander (who replace Gen. Zabala few months before), followed the advice that he received from the Civil Affairs Representative in Sector West and the Political Adviser in UNPROFOR H.Q. They recommended he not take any military action because they were engaged in negotiations with Serbian and Croatian political authorities in Pakrac to facilitate the coexistence of both communities. Any kind of military action performed by UNPROFOR could jeopardize such conversations. They stated that they would negotiate the withdrawal of Serbian troops. The fact was the real authority that on the Serbian side in the region was Colonel Celecetic (the Local TDF Commander) and the Serb civilian authorities did not have any power. But the most important point was that the Serbian Krajina TDF had reoccupied their positions on the cease-fire line in a grave violation of the peace-plan and of local agreements. It put the area at risk of breakdown and a resumption of hostilities.

As foreseen, the Croats reacted and tried to deploy troops on the cease-fire line. UNPROFOR could neutralize the movement of military personnel and convince the Croatian that UNPROFOR would protect the Croatian population and that Serbian will withdraw their troops in short term. The Sector West H.Q was

thinking in some military action because everybody realized that the negotiations will not have any result in short term, in such case Sector West will be like the other Sectors, plenty of military activities by, at least, one belligerent. The successful demilitarization and one year of a tremendous efforts to keep the UNPA free of warring factions was for nothing, and the credibility of UNPROFOR in Sector West was at stake.

As the Serbs occupied positions from which they could control the towns of Pakrac and Lipic and some small Croatian villages and threaten the traffic on the Dragovic road. That was the big issue for Croatia. The Croats began the deployment of "Special Police" along Dragovic road and in the villages. Such "Special Police" was a kind of military police or military personnel wearing police uniforms. In one month, military or paramilitary forces were deployed on both sides of the cease-fire line. The tension rose very fast and in a short time the exchange of fire between both side was a routine. Serbian "Commandos" carried out incursions into Croatian territory, killing people and threatening the normal activities of the population. In July 1993 aBosnian Serbian Army (VRS) Brigade (probably the 15th (VRS) Brigade, belonging to the V(VRS) Army Corps, that was in Banja Luka) was detected near Okucani where the local TDF H.Q was situated.

In August the situation was very tense, with an increasing exchange of fire between the belligerents. This was a time that was not the best for UNPROFOR Sector West because the Canadian Battalion was to move to Sector South and the Argentinean Battalion had the thirty percent of its strength deployed in Sector North. In mid-August, the Argentineans replaced the Canadians and took responsibility for the area that was crossed by the cease-fire line. The Argentinean Commander was lucky because the Sector Commander realized that some action should be taken and, few days after the Battalions relief, order the "necessary actions" to the reduce the tension along the cease-fire line and the removal of the "Croatian Special Police" posts. These posts should be dismantled because the Croatian did not live up to the provisions of an agreement reached a month before about the strength and type of weapons that should be in each post. The lack of a clear order, allowed the Battalion Commander to draft a plan based in his own idea on what should be done. The plan was very simple:

- (1) To ask both parties to withdraw, on a voluntary basis, from the positions on the cease-fire line.
- The "Croatian Special Police" would dismantle their post within 72 hours.
- The Serbian positions would be withdrawn in a week.

(2) To recommend to both parties that if they did not withdraw from the positions in the given timetable, UNPROFOR will dismantle them and use military force if necessary.

The reason for the different timetable was that it was considered that the Croats, under the only threat of use of military force by UNPROFOR, would withdraw the posts, because the Croats knew (they had the experience of dealing with the Argentines) that if they did not dismantle their posts, they will be removed by force. The action on Croatian side had also the purpose of showing the Serbs that UNPROFOR had made the decision to use force if necessary to remove the positions. The same actions that were performed on Croatian side will be carried out on the Serbian side.

A meeting was held on 25 August with each side separately. As foreseen, the parties did not accept the UNPROFOR proposal. The following day the number of United Nations patrols was increased and each position, on both sides, was visited. It was explained to the people in the positions that they should withdraw (according to the given timetable), otherwise they will be removed by force.

The Croatian began withdrawing the "Special Police" posts reluctantly the due day, and UNPROFOR troops began search operations, dismantling some check-points with APCs. These actions were followed closely by the Serbs occupying the positions on the other side of the cease-fire line.

At the same time, UNPROFOR began the disarmament of the Serbs on the streets. Contrary of what happened on Croatian side, where only civilian police were authorized to carry side arms, on the Serbian side the TDF personnel carried weapons openly. These disarmament actions were performed using forceful means because the Serbians did not want to give up their weapons and each action was followed by serious incidents. In one of them, an Argentinean Captain was stabbed. It was normal for the UNPROFOR positions to be surrounded by TDF troops with the threat of opening fire or becoming under fire. Sometimes it was impossible to identify who was firing on the UNPROFOR posts, because were suspicions that the Croats had shot at UNPROFOR positions in retaliation for search operations performed by United Nations troops in Pakrac and Lipic. The United Nations personnel used forceful means of entry to Croatian positions due to their resistance.

By the 1st of September, the "Special Police" posts were dismantled, however search operations continued on the Croatian

side. The Serbians persisted in ignoring UNPROFOR warnings to withdraw their positions and faced UNPROFOR with a defiant attitude. After a series of warnings, on 4 September at 04:00 A.M, the Argentinean Battalion (3 Infantry and 1 Mechanized Companies plus 1 Mortar 120mm) reinforced with two Canadian Mechanized Companies (as Reserve) moved swiftly and surrounded the entire line of Serbian positions, blocking all access to the positions. Previously all the telephone lines that connected the positions to the Serbian barracks were cut (the positions did not have radios).

After the cordon was established and was certain that the Serbians could not reinforce their first line, each position was taken by an UNPROFOR detachment that vastly outnumbered the Serbians (an average 3 or 4 United Nations soldiers for each Serbian). By 08:00 hours all positions were occupied by United Nations troops. The Serbs were disarmed and sent back to their barracks. The TDF local Commanders strongly protested and made threats to retake their weapons. They also performed some movements of troops to threaten blockade positions, check-points and other UNPROFOR facilities. Finally, they opened fire on several United Nations posts. But they never carried out a direct attack with the intention of taking an United Nations position. After a couple of days of high tension, calm returned to that area and the disarmament operation was considered a success.⁴²

This operation was also described by the Canadian researcher David Cox:

Cooperation and dialogue were accompanied by a continuing determination to use military force if necessary. In September 1993, this determination was put to the test when the confrontation line in the south of Sector West, near to the border with Bosnia-Herzegovina, became increasingly unstable as exchanges of fire and border transgressions created an increasingly tense situation. In this circumstances, the UNPROFOR Sector Commander decided to take action and close down the border post which both sides had manned in violation of the cease-fire agreement. Advising the Croats and Serbs officials that this was to happen. UNPROFOR took control first of the Croat positions. When the Serbs failed to follow suit and close their post, numerically superior UN forces, supported by armored personnel carriers, surrounded the Serbs positions one after the other and took control of them. Despite the protests that followed, the effect was to dampen the escalating exchanges of fire and restore stability to the line of confrontation.⁴³

Later, in the same essay Cox made the following conclusions about such operation:

The demonstration that force would be used if necessary to close the Serbs and Croatian observation post, and the ability to muster superior forces (admittedly not difficult in the specific circumstances where the offending units were small in number and lightly armed) causes the parties to comply, if grudgingly, and prevented the progressive erosion of UN credibility.⁴⁴

Incidents such as those involving the disarmament of the Serb and Croat observation post in Sector West cast a slightly more positive light on a conundrum which the UN has yet to solve.⁴⁵

UNPROFOR carried out the successful disarmament and

withdrawal of the warring factions deployed on the cease fire line. They notably reduced the tensions in the area. Unfortunately, as a consequence of the lack of perseverance by the United Nations, one year later the Serbs were again occupying positions on the cease fire line. Then the situation came back as it was in August 1993. The inability of United Nations to manage the situation in that area was a good excuse for the Croats to perform operation "Bljeak" on 1st May 1995 to expel the Serbian Forces from Western Slavonia to Bosnia.

If United Nations officers had taken into account the tremendous impact produced by the disarmament operation in Western Slavonia, they would have made the appropriate decisions to encourage the complete demilitarization of the region and reach a political solution to the conflict in the area. The Croats repeatedly expressed that if UNPROFOR did not take any action to remove Serb political authorities and Armed Forces from the Serbian held territory in Western Slavonia and allow the Croats to exercise their rights on territory that was recognize by United Nations as Croatian soil; they would take it by force and not accept the status quo imposed by United Nations⁴⁶. The lack of commitment on the part of United Nations, was, perhaps, the main factor that led to the Croatian offensive of May 1995.

CHARACTERISTICS OF USE OF MILITARY FORCE IN PEACEKEEPING OPERATIONS

In peacekeeping operations, the commanders at all levels are the key players. Most of the time, they must make decisions without clear guidelines and without time to ask for orders from senior commanders. Actions at battalion level or even at patrol or check-point level can have strategic consequences, and local decisions can change the entire situation in a region.

The clarity of procedures, impartiality and permanent contact and communication with the parties and the local population will allow the Commanders to have clear knowledge of the situation in their AOR, avoid uncertainties and gain the confidence and respect of the factions and local population. But these characteristics are not enough. They should be enhanced with firmness in his attitudes and the willingness to use force (as last resort).

When the United Nations made the decision to deploy a peacekeeping operation, documents were written in which the United Nations defined the details necessary to establish the operation in the field. All these documents should be deeply interrelated. I want to highlight the very important link between the Terms of Reference and the Mandate, which define the Force's

tasks and the Rules of Engagement which determine the degree of authority to use military force. We have seen that in the case of UNPROFOR in Croatia, all these documents were in consonance and provided a clear framework for the troops in the field.

United Nations forces should demonstrate their willingness to use weapons from the beginning of an operation. The parties to the conflict still have big expectations about United Nations troops, tasks and behavior, and will accept the rules that they impose. Such an attitude will surely help avoid any attempt to take advantage of indecision on the part of the United Nations Force. Otherwise, belligerents could provoke grave incidents that would seriously endanger the peacekeepers and threaten the success of the operation.

It is useful to remember Somalia, Cambodia, Angola, Rwanda, Croatia, Bosnia and other cases where United Nations Forces failed or had serious problems because of the attitude of some United Nations Staff members or Commanders in the field who did not realize the essence of their mission and refused to take a step forward in the use of military force.

Commanders have to be committed to the use of force whenever necessary and as a last resource to carry out his mission. This fact would obviously maintain the credibility of

the Peacekeeping Force and would enhance confidence in it. It would also show its commitment to enforce the Mandate. The listed examples demonstrate that if no action is taken when one of the parties tries to violate the Mandate, the other parties can be encouraged to accuse the United Nations Force of partiality and will execute a similar or even graver action.

This will cause tension in the area to rise and control will become more difficult. As a consequence, the United Nations presence in the field will lose credibility and prestige, and the peacekeeping force will be unable to keep the order and peace in the region. This last fact would imply serious risk for the security and the life of the personnel of United Nations Force.

The commander should try to carry out his mission by peaceful methods, such as negotiating or making a deterrent use of military force. But if he is committed to carry out the duties included in the Mandate he should consider the use of weapons. In an emergency situation and when persuasive methods have failed, the commander on the spot should consider use of weapons to keep peace and order. He has to assume the implied risk because in such situation the success of the operation and the credibility of the Force depends on his decision.

DIFFERENCES BETWEEN PEACE-KEEPING AND PEACE-ENFORCEMENT

OPERATIONS IN THE USE OF MILITARY FORCE

The differences between these two types of operation are very broad and it is impossible to find any kind of link between them. We have seen the use of military force in peacekeeping operations is the last resort when all persuasive methods have failed and is severely constrained. That means it should be limited to overcoming a specific and limited incident. It should be restricted to a limited area and its effects should not surpass the limits of such area. Limited in time and with the only goal of reestablish the situation that exist before the incident have started. The degree of force should be the minimum necessary to obtain such objective. The United Nations Force should maintain its quality of impartiality and neutrality as a basic condition to sustain its legitimacy.

Peace enforcement operations are military operations, which implies, use of military power against one party of the conflict. The use of force stops when the conflict has been settled. These forces are neither neutral nor impartial. The peace forces do not have the consent of all parties and it is difficult for them to enjoy the full consensus of the international community.

CONCLUSIONS

In summary, the scope of the concept "self-defense" has gradually evolved since the deployment of the United Nations Emergency Force (UNEF I) in 1956. Its initial meaning referred only to the ability to reply to armed aggression and in the defense of the peacekeeper's lives or the safety of protected facilities. This changed in 1964 in Cyprus where "self defense" included armed response to (...) attempts by force to prevent them from carrying out their responsibilities as ordered by their Commanders. The guidelines produced by the Secretary General for various following operations and documents released by Force Commanders have consolidated such criteria.

We can see that current United Nations policy actually contemplates the use of military force in peacekeeping operations and allows United Nations troops not only to use their weapons when their lives are in danger, but also in order to insure the accomplishment of the Mandate against hostile agents.

Such provisions are not fully apply in the field. Most of the time this is due to the attitude of the contingents or the contributing countries. Direct or indirect restrictions are placed on the operational activities of their contingents. As

stated by F.T Liu: "These governments would be extremely reluctant to volunteer personnel if their soldiers were to be sent to an area of conflict for combat duty and might find themselves in a situation where they would have to kill or to be killed."⁴⁷

The experience teaches us that a passive attitude in the face of incidents or violations of the mandate in the area of responsibility have led to the failure of operations (like Angola) or to a dubious success (Cambodia). Such a passive attitude, in many cases, put the peacekeepers in a serious risk.

The use of a reasonable and constrained degree of force is more useful than such a passive attitude. It is the best way to enhance the credibility of the United Nations Force and contribute to the success of the operation.

In conclusion, I want to emphasize that United Nations policy authorizes the use of weapons in peacekeeping operations, and whenever it is necessary in order to accomplish the mandate. However it is a constrained use of force, limited to a surmount defined incident, and restricted in terms of place, time and goals.

Such use of military force is the last resource that the

Commander has in the field to overcome an incident. The Commander should try to obtain a solution through persuasive means. Nevertheless, he must always keep in mind the use of weapons when the other ways have failed.

Word Count 13.322

ENDNOTES

¹ United Nations, Report of the Secretary General to the Security Council of 14 March 1994, Improving the capacity of the United Nations for peace-keeping (Doc.A/48/403 and S/26450), General Assembly 48 session, 14 March 1994, 2

² Ibid., 2

³ United Nations Document A/3943 (par. 178), 9 Oct 1958. Quoted in F.T. Liu, United Nations Peacekeeping and the Non-Use of Force (International Peace Academy, International Paper Series, Boulder: Lynne Rienner Publishers, 1992), 18

⁴ United Nations Document A/3302, 2nd and final Report of the Secretary General on the Plan for an emergency international UN Force, 6 Nov. 1956. Quoted in Rosalyn Higgins, United Nations Peacekeeping 1946-1967, Documents and Commentaries, Vol. I, The Middle East (London: Oxford University Press, 1969), 242

⁵ United Nations, The Blue Helmets, A Review of United Nations Peace-keeping (New York: United Nations Department of Public Information, 1996), 53

⁶ Before starting with the analysis of the Report by the Secretary General on the United Nations Operations in Cyprus released on 10 September 1964, I would like to state that the case of the United Nations Force in Congo (UNFC), deployed in 1961, will not be considered in this study, because the Mandate of UNFC was changed by a new one providing to UNFC authority to act in a frame that exceeded the concept of peacekeeping, accordingly is a nowadays called peace enforcement operation, while the UNFICYP continues operating into the original peacekeeping framework.

⁷ United Nations, Report of the Secretary General on the United Nations Operation in Cyprus (Doc.S/5671), 29 April 1964, 3

⁸ United Nations, Report by the Secretary General on the United Nations Operation in Cyprus (Doc. S/5950), 10 Sept. 1964, 4

⁹ Ibid., 4

¹⁰ F.T. Liu, 25

¹¹ United Nations, Report of the Secretary General on the United Nations Emergency Force II (Doc. S/11052/Rev 1), 27 Oct 1973, 2

¹² United Nations, Report of the Secretary General on the implementation of the Security Council Resolution 425(1978) (Doc S/12611), 19 March 1978, 1

¹³ Ibid., 1

¹⁴ Emmanuel A. Erskine, Lt. Gen., Mission with UNIFIL. An African Soldier Reflections (New York: St. Martin's Press, 1989), 114

¹⁵ F.T. Liu, 29

¹⁶ United Nations, Report of the Secretary General to the Security Council, Comprehensive review of the whole question of peace-keeping operations in all their aspects 8 May 1990, p.13

¹⁷ United Nations Protection Force, Force Commander Policy Directive 1/92, (Sarajevo: UNPROFOR HQ, 24 March 1992), 3. In Force Commander Policy Directive No. 13 (Zagreb: UNPROFOR HQ, 19 July 1993), and FCPD No.13-Rev (Zagreb: UNPROFOR HQ, 24 June 1994), is the ROE No.6, 3

¹⁸ Ibid., 5 and 6

¹⁹ Ibid., 3 and 4

²⁰ Jean Cot, Gen., interview with the author, Geneva, 12 April 1995. Also cited in Roberto F. Bendini and Jackie Potgieter, Analysis Report: Former Yugoslavia, in Barbara Ekwall-Uebelhart and Andrei Raevsky, Managing Arms in Peace Process: Croatia and Bosnia Herzegovina, (Geneva: United Nations Institute for Disarmament Research (UNIDIR), 1996), 298

²¹ In the moment that the peace plan was discussed November/ December 1991, Croatia was the only country in the former Yugoslavia where an armed conflict was going on. The hostilities in Bosnia-Herzegovina breakdown in March 1992).

²² United Nations, Vance Plan (Doc. S/23280), 11 Dec 1991, 2

²³ Ibid., 4

²⁴ Barbara Ekwall-Uebelhart and Andrey Raevsky, 106

²⁵ Meeting held in the Nigerian Battalion H.Q at Glina (Croatia) on 22 May 1993. Participants: Sector North Deputy Commander, Sector North Op Of (G-3), Nigerian Battalion

Commander, Sector West Chief of Staff and Argentinean Battalion Commander.

²⁶ Interview with the United Nations Institute for Disarmament Research (UNIDIR) Research Team (Virginia Gamba, Barbara Ekwall-Uebelhart and Col. Roberto F. Bendini) held in Zagreb on 26 April 1995, cited by Jane Boulden, Rules of Engagement, Force Structure and Composition in United Nations Disarmament Operations, in Managing Arms in Peace Processes: The Issues (Geneva, UNIDIR, 1996), 146

²⁷ United Nations, Report of the Secretary General on the situation in the Former Yugoslavia (Doc. S/24600), 28 Sept 1992, 3

²⁸ Jane Boulden, 165

²⁹ See United Nations Operations in Mozambique (ONUMOZ), Force Commander Directive No.1 (Rules of Engagement), para.9 and 13 (Maputo: ONUMOZ HQ, 23 Feb 1993), 4

³⁰ Interviews with UNIDIR Research Team with Elisabeth Naucner (Civil Affairs Representative, UNPROFOR-Croatia Command), Geneva, March 1995 and Zagreb, 25 April 1993 and with John Almstrom (Senior Political Adviser of the Special Representative of the Secretary General), Zagreb, 24 April 1995.

³¹ According UN information, as of June 1992, 85% of UNITA troops had reached the assembly points but only 4% were demobilized. Only 37% of the government's troops had reached the assembly points, but only the 50% of them were demobilized. United Nations Doc. S/24145, 24 June 1992. Cited in Jane Boulden, 148

³² Jean Cot, Gen., interview with the author, Geneva, 12 April 1995. Cited in Barbara Ekwall-Uebelhart and Andrey Raevsky, 399

³³ Satish Nambiar, Lt. Gen., interview with the author, Geneva, 8 March 1995.

³⁴ Interviews with the UNPROFOR-Croatia Command Officials, held in Zagreb, 24 April 1995.

³⁵ Jianwei Wang, Managing Arms in Peace Process: Cambodia, (Geneva: UNIDIR, 1996), 22

³⁶ Samnang Suon, Colonel (Democratic Kampuchea

representative in the Mixed Military Working Group), interview with the author, Carlisle, 23 March 1998.

³⁷ Michel Loridon, Brig. Gen., personal letter to UNIDIR Research Team (Jianwei Wang, Col. Roberto F. Bendini), dated 8 March 1995. Cited in Jianwei Wang, 44

³⁸ Mary Eliza Kimball (UNTAC Political Affairs Officer), personal correspondence. Cited in Jianwei Wang, 44

³⁹ Samnang Suon, Col., interview with the author, Carlisle, 23 March 1998.

⁴⁰ Willem Huijssoon, Col. (UNTAC, Chief of Plans) interviews with the UNIDIR Research Team, Geneva, 10 and 11 March 1995. Cited in Jianwei Wang, 44

⁴¹ Barbara Ekwall-Uebelhart and Andrey Raevsky, Chapter 4, Disarmament Operations in Sector West, 105

⁴² For details of this operation, see Barbara Ekwall-Uebelhart and Andrei Raevski, 110

⁴³ David Cox, Peacekeeping and Disarmament: Peace Agreements, Security Council Mandates, and the Disarmament Experience, in Managing Arms in Peace Processes: The Issues, (Geneva: UNIDIR, 1996), 115

⁴⁴ Ibid., 117

⁴⁵ Ibid., 133

⁴⁶ Such statement was repeatedly expressed to the author, in 1993, by the HV (Croatian Army) Officers (among other): Gen. Bobecko (Minister of Defense), M.G Duro Dechak (Eastern Slavonia Military Region Commander), Brig. Gen. Mario Tomsic (II Military Region Commander); and on 26 April 1995 by Brig. Gen. Janko Luka (II Military Region Commander) and Col. Svonko Brijlievic (Military Office of the President).

⁴⁷ F.T. Liu, 12

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