1. Introduction

British troops were not often deployed as consensual peacekeepers during the Cold War. The main exception to this was the UN force in Cyprus in place since 1964. The end of the Cold War led to the lifting of the political factors that constrained the contributions of permanent members to UN forces and the development of peacekeeping, resulting in disastrous military operations in Somalia and Bosnia being undertaken under the rubric of UN peacekeeping but without the necessary conditions on the ground being present.

After considering the development and nature of UN peacekeeping, the decision to deploy British troops to Bosnia in 1994–5 is the focus of this chapter. The government’s decisions to contribute to the UN peacekeeping force (the ineptly named UN Protection Force—UNPROFOR) and to the enforcement of the no-fly zone by a NATO operation are analysed in political and legal terms. The fact of there being UN authority and its effect on the decision to deploy British troops has to be considered alongside the absence of the legal and military conditions for peacekeeping. Was Parliament more willing to accept the decision to deploy British troops to Bosnia because UNPROFOR was seen as a UN-mandated consensual peacekeeping force? Was any attempt made in Parliament to address the issue of ‘mission creep’ as UNPROFOR’s mandate was changed by the Security Council in an attempt to address the deteriorating situation?

The chapter then finishes with a consideration of British involvement in the NATO-led operation that replaced UNPROFOR after the conflict was brought to an end by the Dayton Accords in 1995. Did the new force (IFOR, then SFOR, and from 2004 EUFOR) represent a significant shift in British policy towards peacekeeping?

2. From Peacekeeping to Peace Operations

In modern UN parlance, the term used to describe deployments such as the EU force in Bosnia since 2004 is ‘peace operation’ (sometimes ‘peace support
Democracy Goes to War

operation’). The term emerged in the post-Cold War period, and was generally adopted after the UN-requested Brahimi Report of 2000, which proposed various reforms. It has come largely to replace or rather subsume the older and narrower concept of ‘peacekeeping’ as a key element of the UN’s peace and security function. As a result of UN peacekeeping failures in places such as Bosnia in the mid-1990s, there has been a concerted move to change the conceptual and legal basis of modern peacekeeping.

Whereas peacekeeping forces are mainly military in composition, peace operations consist of a variety of professionals and experts, from soldiers, to police, relief workers, election monitors, human rights workers, development advisers and so on. According to the Henry L. Stimson Center ‘peace operations comprise peacekeeping—the provision of temporary post-conflict security by internationally mandated forces—and peacebuilding—those efforts undertaken by the international community to help a war-torn society create a self-sustaining peace’.¹ This chapter will, in part, trace the change from peacekeeping to peace operations by considering both the UN’s and the UK’s experience in Bosnia.

Historically in practice the UN has concerned itself with defining and developing the concept of peacekeeping since the first full UN peacekeeping, or blue-helmeted, force in the Middle East emplaced after the Suez Crisis of 1956. Peacekeeping was defined by the UN at the end of the Cold War in 1991 as an ‘operation involving military personnel, but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace and security in areas of conflict. ’² These operations are voluntary and are based on consent and co-operation.

Generally speaking peacekeeping operations consist of military contingents from troop contributing nations (TCNs) operating under UN command and control, specifically the Secretary General acting under delegated authority from the Security Council, exceptionally the General Assembly. This should be contrasted with the enforcement model that emerged out of chapter VII of the Charter, reviewed in chapter four, under which a coalition of the willing is authorized by the Security Council with command and control being vested in TCNs. In general terms military enforcement action is taken against the sovereignty of a state, while peacekeeping operations are undertaken with the consent and co-operation of the state or states in question. Peace operations share a common heritage with peacekeeping, indeed in the above definition peacekeeping is one of the two key elements of the term. However, the addition of the broader function of peacebuilding has necessitated the introduction of limited enforcement powers into


peace operations as discussed later in the chapter, a change shown in the marked
difference between the security operation in Bosnia before the Dayton Accords
of 1995 (namely UNPROFOR), and that in place after the Accords (namely the
NATO-led IFOR and its successors).

3. Cold War Peacekeeping

Peacekeeping proved acceptable during the Cold War because it had limited object-
ives, normally assisting in the maintenance of a cease-fire and a separation of the
belligerents, not by enforcement but by consent and co-operation. Hence peace-
keeping was in 2003 stated by the UN General Assembly’s Special Committee on
Peacekeeping to be based on a trinity of virtues: consent, impartiality, and restric-
tions on the use of force.³ While the latter clearly includes a peacekeeper using
force in defence of his own life, his comrades and any person in his care, as well as
his post, convoy, vehicle or rifle,⁴ there has been a lack of clarity as to whether the
force could also ‘defend’ its mandate, or civilians in its care.

UN Secretary General Dag Hammarskjöld recognized in 1956 that the wider
the right of self-defence is drawn the more blurred the distinction between peace-
keeping and enforcement action under chapter VII becomes.⁵ Secretary General
Waldheim’s 1973 guideline on the use of force by peacekeeping missions, which
stated that ‘self-defence would include resistance to attempts by forceful means to
prevent the force from discharging its duties under the mandate of the Security
Council’,⁶ seemed to raise the prospect of a widely drawn mandate giving rise
to enforcement action. However, during the Cold War, with the exception of
the Congo operation in the 1960s, rules of engagement were drawn quite
conservatively.⁷

A clear example of a consensual operation, restricted in its use of force, is the
UN Force in Cyprus (UNFICYP). The initial deployment of UNFICYP in 1964
with its significant British contribution has been discussed in chapter three.
Between 1964 and 1974 UNFICYP did not act as a buffer force between the
Greek and Turkish communities, but acted in a gendarme-like role. The situa-
tion changed in 1974, with an invasion of Northern Cyprus by Turkey in July
following a Greek-backed coup against President Makarios. Britain responded

³ ‘Report of the Special Committee on Peacekeeping’, UN Doc. A/56/767, 28 March 2003,
para 46.
451 at 455. Rules of engagement ‘provide as clearly as possible the parameters within which armed
military personnel assigned to a peacekeeping operation may use force’: R. Zacklin, ‘The Use of
Force in Peacekeeping Operations’, in N.M. Blokker and N. Schriijver (eds), The Security Council
and the Use of Force (Leiden: Martinus Nijhoff, 2005) 100.
by sending an extra 600 troops to increase its contribution to the force to 1,350,\(^8\) within an overall force increase from 2,400 to 4,328.\(^9\) Though a significant increase, it was still a small, lightly armed force with limited rules of engagement. It was not there to enforce the cease-fire but to oversee it and by its physical presence deter breaches. UNFICYP was mandated to create a security zone between the Turkish forces in the north of the island and the Greek Cypriot forces in the south.\(^10\) As one of the guaranteeing powers the British government was heavily involved in the negotiations that resulted in a cease-fire in 1974, and understandably debates in the Commons were dominated by the wider issues concerning the future of Cyprus, rather than the issue of British deployment. However, the conundrum created by classical peacekeeping was evident in the statement of the Labour Foreign Secretary James Callaghan when he said that ‘the immediate aim had to be to remove the risk of war, but our abiding concern is the welfare of the people of Cyprus’.\(^11\) Traditional peacekeeping can reduce the chances of war reoccurring but it cannot directly influence a long-term peace.

UNFICYP’s presence helped in the entrenchment of the division of the island, with the \textit{de facto} frontier known as the Green Line being under the watchful gaze of the blue-helmeted force. From 1974 UNFICYP represented the paradigmatic peacekeeping force, successful in keeping the parties apart but also establishing a barrier to peaceful solution. The Security Council has encouraged peacemaking through diplomacy in the guise of the Secretary General’s good offices. There have been several attempts to broker agreements on the unification of Cyprus, most recently by UN Secretary General Kofi Annan in 2004. The UN plan was accepted in a referendum by the Turkish Cypriots but not by the Greek Cypriots and so failed. Though UNFICYP has helped to keep the peace on the island, it has also helped to perpetuate the division of the island and thus one of the most intractable international disputes remains unresolved.

4. Post-Cold War Peacekeeping

Post-Cold War peace operations, where peacekeeping was combined with peacebuilding under the principles of consent, impartiality, and the limited use of force, started with the UN operation in Namibia in 1989. In the early 1990s the UN rapidly developed a multi-dimensional peacekeeping and peacebuilding model, a number of examples of which were successful in achieving their more ambitious mandates, for example in Nicaragua, El Salvador, Cambodia, and Mozambique in the period 1989–95, though some struggled, most notably the

\(^8\) \textit{Hansard} HC vol 878, col 469, 30 July 1974 (Mason).
What Peace?

operation in Angola (1988–97).¹² The model was centred upon a UN brokered peace agreement whereby the factions agreed to stop fighting and to disarm under the supervision of UN peacekeepers. A political process was also established that led to free and fair elections carried out under UN auspices.

The changing face of UN peacekeeping provoked an interesting debate in the House of Commons in February 1993, in which the Conservative government took the opportunity to scotch any arguments that the UK should give up its permanent seat in the Security Council, claiming (somewhat disingenuously) that the UK (and France) were contributing most out of the permanent members to UN peacekeeping. Given that historically there was an informal agreement to keep the P5 out of peacekeeping, this was not necessarily a decisive argument. The government though did welcome the Secretary General’s Agenda for Peace of 1992, which represented an earlier post-Cold War effort to reform peacekeeping, and the UN successes in the operations mentioned above.¹³ Much debate was centred upon the collapse of Yugoslavia, and the threat to regional and world order that this and other internecine conflicts represented. The Foreign Secretary, Douglas Hurd, warned that the ‘international community should not lurch into enterprises the scope and duration of which have not been thought through’.¹⁴ Arguably he should have taken his own advice before allowing British troops to be involved in the ill-fated UNPROFOR operation in Bosnia. Amidst those politicians who spoke about increasing world disorder, there were those who spoke more positively. Bearing in mind this was the period when liberals were proclaiming the victory of liberal ideology worldwide, most famously in Francis Fukuyama’s *End of History*,¹⁵ it was fittingly Sir David Steel of the Liberal Democrats who spoke in praise of emerging democracies such as Namibia:

...if one looks around the world today, or historically, it is difficult to find examples of mature parliamentary democracies, which have gone to war with one another. War is almost always created through some autocracy or other, so the development of genuine multi-party democracies as part of good government, as part of the new world order, should be attended to with far greater priority.¹⁶

Like Fukuyama, Sir David limited his democratic peace to the absence of conflict between democracies; he did not rule out war being waged against democracies by autocratic states, or *vice versa*.

The crucial problem with the development of peace operations from a practice and doctrinal basis in consensual and limited peacekeeping, is that while peacekeeping and peacebuilding can be perfectly compatible and complementary

---

¹⁴ Ibid., 785.
¹⁶ *Hansard* HC vol 219, col 798, 23 Feb. 1993 (Steel).
when both are based on negotiated peaceful solutions with the consent and co-operation of all the parties, difficulties arise if the peacebuilding element is, or becomes, undertaken in an environment that is ‘non-consensual’ or at best ‘semi-permissive’,¹⁷ for example through the actions of factions (commonly referred to as ‘spoilers’), who would undermine the process. Spoilers have been defined as ‘factions who see a peace agreement as inimical to their interests, power or ideology, [and] use violence to undermine or overthrow settlements’.¹⁸

The need for coercive enforcement action in these circumstances becomes difficult to avoid, especially given the need to prevent repetition of the failures of the UN forces in Rwanda in 1994 and in Bosnia in the period 1993–5. In such situations the traditional principles of peacekeeping cannot be fully upheld, though unless coercive action is taken against the sovereignty of a state, the military element of the peace operation would not normally become a full-scale enforcement action but would remain a peacekeeping operation with enforcement elements. Nevertheless, the desire to do something in the face of large-scale human rights abuse has led both to conceptual problems with redefining peacekeeping,¹⁹ and serious practical problems in its implementation as evidenced by the failure of the operations in Somalia in 1993–5, as well as in Bosnia.²⁰ It is to the UN’s difficulties in Bosnia in the early 1990s that the chapter now turns.

5. A Failure to Protect: UNPROFOR 1992–5

The Socialist Federal Republic of Yugoslavia (SFRY) started to implode in 1991 soon after the end of the Cold War. UNPROFOR, a force originally of 14,400 lightly armed peacekeepers was authorized by the Security Council in February 1992 to supervise a cease-fire between Serbia and Croatia.²¹ The stationing of the Force’s headquarters in the neighbouring republic of Bosnia quickly led to the UN being sucked into the deteriorating situation in that emerging country. Bosnia presented the international community with the most difficult of the Yugoslav wars indicated by a census in 1991 showing 44 per cent of its population as Muslim, 31 per cent Orthodox Serb, and 20 per cent Catholic Croatian.

As fighting and atrocities in Bosnia increased, the Security Council did try to supplement UNPROFOR’s consensual, ineffective mandate by authorizing states or regional agencies to take ‘all necessary measures to facilitate in coordination

---

¹⁹ See Secretary General Boutros-Ghali, Agenda for Peace, 1992, paras 20–44; Boutros-Ghali, Supplement to an Agenda for Peace, 1995, para 35.
with the United Nations the delivery’ of humanitarian aid.²² Although ‘necessary measures’ is the phrase generally used by the Security Council to authorize enforcement action, and despite the fact that the authorization was adopted under chapter VII, little was done under this mandate, and humanitarian aid convoys under UNPROFOR protection generally relied on negotiation and consent, with the Bosnian Serbs proving the most intractable of the parties.

Michael Rose, the British general who took over command of UNPROFOR in January 1994, puts into perspective UNPROFOR’s inadequacies in the face of continued fighting between the factions and the increasing number of atrocities committed in the main by the Bosnian Serbs. The peacekeepers of UNPROFOR ‘were not there as imperialists to fight a war, nor defend a people or their territory. They came as peacekeepers whose purpose was to alleviate the suffering of all the peoples of the Balkans and to try, through peaceful means, to bring about an end of the war’. Despite the presence of the above-mentioned chapter VII authorizations, General Rose is adamant that ‘peacekeeping was their mandate, and it is on this that they must be judged’. ‘Although UNPROFOR used more force in Bosnia than had hitherto been used on any comparable mission, it never crossed the line into war-fighting and important principles regarding the permissible levels of force in peacekeeping were once again reaffirmed’. The simple fact is that there was no war-fighting will in the international community that could ‘impose by armed force a just political settlement on the conflict in Bosnia’. Even the US, ‘the militarily dominant partner in NATO, and the most vocal about the plight of Bosnia, also proved to be the most reluctant to deploy its own troops into the middle of the bloody civil war’.²³ The discrepancy between the wording of the Security Council’s mandate and the reality and doctrines of peacekeeping is not uncommon, with many of the current crop of peace operations (including the joint UN/AU force in Darfur) having a chapter VII mandate to protect civilians but being incapable of performing this function.

More was achieved in Bosnia under Security Council resolutions authorizing the setting up of a no-fly zone over Bosnia, and safe havens consisting of Muslim enclaves in Serb held areas. Enforcement of these was also authorized by the Security Council,²⁴ but no such action was taken under these provisions until February 1994 when NATO threatened Serb gunners in the hills around Sarajevo, after they had killed sixty-eight civilians by lobbing mortar shells into the city;²⁵ and then shot down four Serb war planes violating the cease-fire. Other

²³ M. Rose, Fighting for Peace: Lessons from Bosnia (London: Sphere, 1998) 4, 14, citing UN Secretary General Boutros Boutros-Ghali to the Security Council on 24 July 1994: ‘UNPROFOR is deployed to work with the parties in a transparent and impartial mode; it is not a combat force and it is not equipped or deployed to take offensive action against any of the parties’.
limited airstrikes were taken,²⁶ but it was not until August 1995, with other safe areas being threatened and overrun by the Bosnian Serbs, most infamously the massacre of nearly 8,000 unarmed Muslim men and boys by the Bosnian Serb Army under the noses of the Dutch UNPROFOR battalion at Srebrenica in July, that NATO launched multiple air strikes against the Bosnian Serbs. In addition, the Security Council authorized a NATO-led rapid reaction force to take more stringent measures on the ground to prevent further attacks on some of the safe areas.²⁷

The change in emphasis from neutral peacekeeping by UNPROFOR to quasi-enforcement by NATO under UN authorization was a direct result of the parties’ recalcitrance in respecting the cease-fire. To a certain extent it worked, but the Dayton Peace Accords of November 1995 were more a product of the changed military fortunes of the Bosnian Serbs, by far the most intransigent party, who not only suffered from NATO attacks but more importantly started to lose the war following the massive intervention of Croatian forces alongside Bosnian government troops. This, along with the Serb leadership of President Slobodan Milosevic distancing itself from the Bosnian Serb leadership of Radovan Karadzic, finally led to a peace agreement.

The Dayton Peace Accords on Bosnia signed by the leaders of Croatia, Serbia and Bosnia in November 1995 led to the UN Security Council authorizing the replacement of the UN Protection Force (UNPROFOR) with a NATO-led operation in the form of a 60,000 strong, heavily armed, implementation force (IFOR), whose task was to enforce the peace if the parties in Bosnia reneged on the Accords.²⁸

6. The Nature of the Bosnian Conflict

According to Brendan Simms, the Conservative government of John Major, dominated on the issue of Bosnia by the Foreign Secretary Douglas Hurd and the Defence Secretary Malcolm Rifkind, was ‘intellectually convinced’ that a policy of non-intervention was the best one for Britain. Simms considers the government record through examining Hansard and other parliamentary documents and is coruscating in his demolition of it. According to Simms the government’s policy was a pragmatic one, in which intervention could only ever be justified if it were in the British interest. As part of this, the government had a deep underlying ‘hostility towards fragmentation in the international state system’. According to Simms, the government did not see the Bosnian conflict as being as a result of

²⁶ See also SC Res. 958, 19 Nov. 1994, which authorized NATO airstrikes against Serb air bases in Serb-held areas of Croatia in November 1994 discussed in Hansard HC vol 250, col 343, 21 Nov. 1994.
Serbian aggression against Bosnia, but a civil war in which all three parties were equally responsible—‘a moral equivalence between the combatants’—a conflict in which they all committed atrocities.

But it was not enough to relativize and minimize the Bosnian war, it was also necessary to blur the distinction between aggressor and victim. It is, of course, true that the Bosnian government side committed atrocities, but these were essentially reactive and quantitatively and qualitatively distinct from the systematic campaign of ethnic cleansing waged by the Croatian and Bosnian Serbs.

Indeed, Simms is strongly of the opinion that Britain was instrumental in preventing any effective international action to help the Bosnian government, accusing Britain, in effect, of hiding behind the humanitarian aid effort which it argued would be jeopardized by any intervention on behalf of the Bosnian government.²⁹ With only a few dissenting voices in parliament, Simms accuses the establishment of failing to challenge the government’s policy, though one Liberal Democrat inspired vote was held in November 1992 when a motion condemning government action as too little and too late was easily defeated.³⁰

Although Simms is accurate in identifying the Bosnian Serbs as the main perpetrators of war crimes and crimes against humanity, the war in Bosnia was not a clear case of aggression by one state against another. When Yugoslavia itself was collapsing, the line between international wars amongst emerging states and an internal conflict covering the whole of Yugoslavia was blurred, but even when Bosnia was recognized as a state and admitted to the UN in May 1992,³¹ the conflict was mainly between factions within Bosnia. Though the Serbian government of Slobodan Milosevic supported the Bosnian Serb faction led by Radovan Karadzic it was not necessarily sustained at such a level as to unequivocally legally attribute the actions of the Bosnian Serbs to the Serbian state.

This sort of reasoning is shown in the recent judgment of the International Court of Justice in the Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide.³² The Court found it had jurisdiction in the case on the basis of article IX of the Genocide Convention 1948, which provides that ‘disputes’ between the contracting parties ‘including those relating to the responsibility of a State for genocide’, shall be submitted to the Court at the request of any of the parties to the dispute. Bosnia brought the case against Serbia for its actions during the Bosnian war on the basis of the consent of both parties located in article IX of the Genocide Convention. This meant that the Court could not consider other crimes allegedly committed by Serbia, or

the Bosnian Serbs, during the conflict, it could only rule on the disputes between the parties covered by the Genocide Convention.³³

On the issue of genocide the Court found that state parties had an obligation not to commit genocide, as well as to prevent its commission by individuals.³⁴ The Court was thus concerned with whether Serbia had breached the 1948 Convention, and it concluded on one of the main causes of the dispute that Serbia was not responsible for the acts of genocide that occurred in Bosnia, principally at Srebrenica in July 1995, since these were neither carried out by organs of the Serbian state, nor by individuals acting ‘on the instructions of, or under the direction of’ Serbia. The Court found that the Bosnian Serb leaders had a ‘qualified, but real, margin of independence’ from the Serbian leadership.³⁵ On this basis the acts of those who committed genocide at Srebrenica could not be attributed to Serbia under the rules of international law of state responsibility.³⁶ It did, however, find that though not liable for genocide itself, Serbia was responsible for failing to use its influence to prevent genocide being committed at Srebrenica since it ‘must have been clear that there was a serious risk of genocide’ there.³⁷ The Court found further that Serbia failed to comply with its obligation to punish genocide by not having arrested and transferred General Ratko Mladic, the Bosnian Serb military leader indicted for genocide at the ICTY and living in Serbia.³⁸

Clearly the International Court separated in law the issue of individual criminal responsibility to be dealt with by an international penal tribunal such as the ICTY (established by the Security Council in 1993 to try suspected war criminals from the former Yugoslavia), from the responsibility of states under international law. The test it adopted for attribution of acts to a state is strict, and is one that has been criticized. Indeed, the ICTY itself had adopted a lower threshold in the Tadic case of 1999, where in effect it stated that for the purposes of classifying the conflict as internal or international within international humanitarian law the test did not have to be that of whether Serbia effectively controlled the Bosnian Serbs, but whether it was in overall control of them, which the Court found.³⁹ The disagreement between the Courts is perhaps a reflection of their different jurisdictions—the ICJ is concerned with issues of state responsibility, while the ICTY is concerned with individual criminal liability. However, the disagreement has been characterized by one leading jurist, Antonio Cassese (the President of the ICTY in the Tadic case), as being about the nature of the rules themselves. He has criticized the ‘effective control’ test adopted by the International Court

³³ ‘[The Court] has no power to rule on alleged breaches of other obligations under international law, not amounting to genocide, particularly those protecting human rights in armed conflict. This is so even if the alleged breaches are of obligations under peremptory norms, or of obligations which protect essential humanitarian values, and which may be owed erga omnes’, ibid., para 147.
³⁴ Ibid., paras 167–70. ³⁵ Ibid., para 394.
³⁶ Ibid., paras 395, 413, 415.
³⁷ Ibid., para 438. ³⁸ Ibid., paras 449–50.
as not reflective of the nature of conflicts where non-state actors—be they armed groups, insurgents or terrorists—are rarely under the command and control of an outside state, but are under sufficient control to make that outside state liable for their actions in international law.⁴⁰ In the words of the Tadic judgment, not to impute responsibility to the state would enable those actors to escape ‘international responsibility by having private individuals carry out tasks that may or should not be performed by state officials’⁴¹.

The end result of this debate is that we cannot say with any certainty whether Serbia was itself guilty of aggression against Bosnia, though the orthodoxy seems to suggest not. This orthodoxy though would mean that since Bosnia was not under direct attack by Serbia it had no right of self-defence, which would be an absurdity given the high level of support given by Serbia to the Bosnian Serbs. Furthermore, it also forgets the fact that at least in the early days of the Bosnian conflict, Bosnian Serb forces and those of the Yugoslav People’s Army (dominated by Serbia) fought together in Bosnia.

There was a bitter debate in the UN about the continuation of the arms embargo—imposed by the Security Council against the whole of the former Yugoslavia in 1991⁴²—against the new state of Bosnia which emerged in 1992. There were arguments that the embargo should be lifted to enable Bosnia to exercise its right of self-defence, not simply against aggression but against genocide. These arguments were supported by the UN General Assembly,⁴³ but the Security Council did not change its position. In fact, unlike the judgment of the International Court in 2007 on the issue of Serbia’s involvement in genocide, the General Assembly in 1992 was without doubt that Serbia was guilty of acts of aggression against Bosnia and condemned Serbia (which still had remnants of the Yugoslav People’s Army in Bosnia) and its surrogates (the Bosnia Serb army) for their acts of aggression and policy of ethnic cleansing. It urged the Security Council to lift the arms embargo against Bosnia to enable it to exercise its right of self-defence and to rectify the imbalance in weaponry between the government and the Bosnian Serbs, and to adopt a resolution authorizing member states in co-operation with the government of Bosnia ‘to use all necessary means to uphold and restore the sovereignty, political independence, territorial integrity and unity’ of Bosnia.⁴⁴ The fact that the Security Council did not follow this course of action must be, in part, due to the obfuscation of countries like Britain. While the United States voted for the General Assembly resolution, the other four permanent members of the Security Council—China, France, Russia, and the UK—abstained.

---

⁴³ GA Res. 46/242, 25 Aug. 1992, recognized that Bosnia as a sovereign state had the right of self-defence.
As can be seen, international law in this area lacks clarity. While we can readily identify the aggressor in the case of classical inter-state conflicts, such as the Argentinian invasion of the Falklands in 1982 or Iraq’s invasion of Kuwait in 1990, when it comes to the modern internecine war there is more difficulty, though in 1992 the majority of the international community clearly saw Serbia as the aggressor and the Bosnian government as the victim. There is evidence in the parliamentary debates that follow that the British government clearly ignored this and adopted a policy of non-intervention in the civil war, a policy which would only allow for a classical peacekeeping force based on consent, impartiality and the limited use of force in self-defence. The problem was that the situation on the ground where conflict raged and atrocities were being committed required something a great deal more coercive. In these circumstances UNPROFOR concentrated on the delivery of humanitarian aid to civilians, though it failed to protect them adequately as Srebrenica and other massacres testified—the end result of this failed policy was characterized by one commentator as ‘the well-fed dead’.⁴⁵

7. Britain and UNPROFOR

The British government (and indeed parliament) seemed reluctant to debate the issue of Yugoslavia even though a large country was disintegrating on the edge of Europe in an area that had been the cause or at least the focus of previous conflicts. As Simms notes the first full debate on Yugoslavia did not take place until 12 December 1991 and then was a very poorly attended affair held in the early hours of the morning. ‘By then, of course, nearly one-third of Croatia had been occupied, hundreds of thousands of people, mainly Croats, expelled, and the Slavonian city of Vukovar had been levelled by Serb and “Yugoslav” artillery’.⁴⁶ Although UNPROFOR was deployed in February 1992, by July 1992 the British commitment amounted to a field ambulance team of nearly 300 men in Croatia. One MP expressed the view that though there was ‘bound to be considerable support for… humanitarian measures…, such as the airlift and monitoring, but there is no support in the House or in the country for military intervention of a large scale, or of any kind, with the possible repercussions of getting bogged down in a civil war’.⁴⁷ The Foreign Secretary, Douglas Hurd, reassured the House that it was not ‘right to send British troops to seek to settle by force any of these problems’.⁴⁸ The Labour opposition also showed a reluctance to intervene with Gerald Kaufman declaring that ‘going in with force on the ground, without having

⁴⁶ Simms, *Unfinest Hour*, 274.
⁴⁸ Ibid., cols 979–80 (Hurd).
clear objectives, clear rules of engagement and a clear mandate from the United Nations Security Council, might do more harm than good to the people of the former Yugoslavia and would also place the lives of United Nations troops at risk. I do not see why that should be done, except in an inviolably good cause'.⁴⁹

Considering that by June 1992 the conflict had spread to Bosnia and that the UN Security Council had upgraded the strength and mandate of UNPROFOR to enable it to secure the airport at Sarajevo as well as the delivery of humanitarian aid to the city,⁵⁰ the British establishment seemed to be deliberately burying its head in the sand as it headed for the summer recess of 1992. When parliament returned in September the government informed the House that it had offered 1800 British troops to UNPROFOR, while reassuring the House that ‘Bosnia will not be a protectorate of the Community’.⁵¹ The task the British troops were to undertake within UNPROFOR was a humanitarian one: ‘the offer is for convoy protection only’. Further, the Foreign Secretary explained that both the ‘Secretary General and the Security Council have agreed that in providing protective support to UNHCR organised convoys, the UNPROFOR troops concerned would follow normal peacekeeping rules of engagement. They would thus be authorised to use force in self-defence. In this context, self-defence is deemed to include situations in which our personnel are attacked by force to prevent UN troops from carrying out their mandate’.⁵² It is noteworthy that the government restricted troops to self-defence, in traditional peacekeeping terms, while the Security Council’s mandate in Resolution 770 was a wider one endorsing ‘all necessary measures’ in the delivery of humanitarian aid, thus permitting a far more coercive approach. Indeed, the Foreign Secretary referred to Resolution 776 which extended UNPROFOR’s mandate,⁵³ but did not mention that this Resolution stated that this should be done in accordance with paragraph 2 of Resolution 770, which provided for enforcement action.⁵⁴ The Defence Secretary, Malcolm Rifkind, excluded the possibility of British troops using force to impose a safe corridor which ‘would need a much greater deployment than is currently contemplated and it would imply a far more substantial and worrying military commitment than it would be appropriate to make now’.⁵⁵ The opposition, while agreeing that wide-scale force should not be used in Bosnia was critical of the government for not recalling parliament over the summer period to discuss the issue of deployment, arguing that since 1939 ‘the House has been recalled to discuss emergencies of crises of one kind or another and that eight of these occasions have involved foreign affairs’.⁵⁶

⁵² Ibid., col 125 (Hurd). ⁵³ Ibid., col 124 (Hurd).
⁵⁶ Ibid., col 135 (Cunningham).
The government’s approach until much later on in the Bosnian conflict seemed to be to interpret Security Council resolutions in a very limited way, in contrast to the techniques employed by the next (Labour) government in relation to the Kosovo and Iraq conflicts of 1999 and 2003 respectively, when resolutions that did not authorize the use of force were construed to mean the opposite. In addition, the House clearly understood the deployment to be part of a force with the character of a blue helmeted force, and not in any shape a coalition of the willing with enforcement powers. It is true that that Security Council endorsed enforcement measures in its mandates but it was guilty of not establishing a force to match its decisions. Executives at both national and international level failed to be clear in the tasks and functions of the operation, but above all failed to deploy an operation that would be able to reduce the level of violence in Bosnia, though it was largely successful in delivering humanitarian assistance.

Even with British UNPROFOR troop deployment up to 2400 by November 1992 the government minister, Douglas Hogg, did ‘not believe that, by using any kind of military force . . . we would have stopped or could now stop the conflict’. Military action of the type used against Iraq was not appropriate: ‘once the United Nations had used force in that way, it will disqualify itself from a range of other functions . . . notably the supply of humanitarian aid and the brokering role’. He also stressed that humanitarian convoys would not ‘fight through obstacles’ but had to negotiate safe passage.⁵⁷ Further British troop deployments were announced in January 1993 when Malcolm Rifkind told the House of Commons that the humanitarian operation ‘has succeeded in its aims’. ‘Our forces have been directly responsible for escorting some 146 convoys which have delivered 11,775 tonnes of aid. It is no exaggeration to say that there any many people in Bosnia today who owe their very survival to the presence of British and other United Nations forces’. However, the ‘paramount concern’ was for the safety of British troops who were increasingly under attack, hence the need for further troops to ‘enhance the safety’ of those already there.⁵⁸ British troops were not there to protect civilians from attack; their aim was to keep them alive through delivery of aid—though having the latter aim without having the former appears iniquitous and resulted in the killing of well-fed civilians. The reason given—that taking more coercive action would endanger the delivery of humanitarian aid—forgets that the coercive action required was not necessarily action designed to bring an end to the conflict, but rather the minimum necessary to protect civilians from attacks which were clearly in breach of all norms of humanitarian law. Such a mandate could have been carried out impartially if the force had protected civilians under attack whether the civilians, or indeed the attackers, were Muslim, Croat, or Serb.

The government’s position was that ‘British forces will not be used to intervene in the fighting between rival factions in the former Yugoslavia’. Furthermore, the British position remained ‘that it is not appropriate to intervene in what is essentially a civil war’,⁵⁹ which appears to have been difficult to sustain as Yugoslavia had broken into new states, and there was involvement of both Serbia and Croatia in Bosnia in support of factions there, but in any case it does not address the issue of why force was not used to protect civilians from attack by any of the factions. When the Liberal Democrat MP Menzies Campbell suggested that there might come a time when British troops could be deployed to protect the Muslim community in Bosnia from attack, this received little support in parliament.⁶⁰ Paddy Ashdown, the leader of the Liberal Democrats, argued for stronger military action and tried to counter the argument that it was not in Britain’s interests to do so. He offered a moral justification that ‘we have a moral duty to help those who are suffering’; a historical one that showed that ‘appeasement’ of the Serbs ‘does not satisfy the appetite of aggressors’; a regional one that the Bosnian conflict would destabilize Europe; and an international one that ‘if we do not stand up for the United Nations, its authority, and the basic standards of human rights and international law, then the UN will not be available to us when we need to rely on it in the years and months to come’.⁶¹

The government’s attitude of moral equivalence towards the issue of responsibility for attacks on civilians was also used as a reason to remain uninvolved. For instance when fifty-six people were killed and seventy wounded in an artillery attack on Srebrenica in April 1993 (a predominantly Muslim town as later events in 1995 so tragically revealed), Malcolm Rifkind stated that the Bosnian Serbs ‘appear to be responsible’, though he qualified this by making it clear that they were not the only ones who had committed crimes.⁶² Though NATO (including RAF aircraft and pilots) started in April 1993 to patrol the no-fly zones over Bosnia in accordance with Security Council Resolution 816,⁶³ there was no evidence offered that this would help Bosnian civilians.

The government could not as easily ignore the changes that occurred in UNPROFOR’s mandate in mid-1993 as attacks by the Bosnian Serb forces against the Muslim population increased. The Security Council designated Srebrenica a safe area ‘which should be free from armed attack or any other hostile act’ in April 1993 after identifying a ‘pattern of hostilities by Bosnian Serb paramilitary units against towns and villages in Eastern Bosnia’.⁶⁴ Further, in May 1993, the Security Council extended the safe areas to the other Muslim towns of Tuzla,

---

⁵⁹ Ibid., col 1058. See doubts cast on the idea that Bosnia was a civil war by Sir David Steel, vol 223, col 1170, 23 April 1993. See also statement by Clare Short that the Bosnians should be entitled to defend themselves necessitating the lifting of the arms embargo: vol 223, col 1180, 29 April 1993.
⁶⁰ Ibid., col 1060.
⁶¹ Hansard HC vol 223, col 1192, 29 April 1993.
⁶² Hansard HC vol 222, col 829, 14 April 1993.
⁶³ Ibid.
⁶⁴ SC Res. 819, 16 April 1993.
Zepa, Gorazde, Bihac as well as the capital Sarajevo under attack from Bosnian Serb forces, and UNPROFOR troops were deployed to these towns.\(^6^5\) In June 1993 UNPROFOR was mandated to ‘deter attacks against the safe areas’, as well as to take the ‘necessary measures, including the use of force, in reply to bombardments against the safe areas . . . or any armed incursion into them’. Member states were also authorized to use ‘all necessary measures, through the use of air power, in and around the safe areas . . . to support UNPROFOR’, in the protection of the safe areas.\(^6^6\)

The British government recognized the new role of UNPROFOR and NATO air forces in the House of Commons,\(^6^7\) though Prime Minister John Major made it clear that ‘the Secretary General of the United Nations would have to approve air action by NATO on behalf of United Nations troops’.\(^6^8\) This was the much criticized ‘dual-key’ that required the agreement of both the UN Secretary General’s representative and the NATO commander before air power could be used. There appeared little that UNPROFOR or NATO could do to stop the safe area of Gorazde being attacked by the Bosnian Serbs from April 1994 onwards, the Defence Secretary falling back on the mantra that UNPROFOR was not a warfighting force, being in Bosnia for the purpose of humanitarian relief only.\(^6^9\) The small contingent of British troops in Gorazde did help to deter some attacks but it was largely due to Bosnian resistance that the enclave held.\(^7^0\) In November 1994 Bihac was attacked by the Bosnian Serbs with little consequence for the aggressors. UNPROFOR was a very limited operation but it is true to say, in the words of its commander, General Rose, that UNPROFOR ‘far from being soft, had probably used more force than in any peacekeeping mission in the history of the UN’,\(^7^1\) but this was not enough to stop the slaughter at Srebrenica in July 1995.

A major escalation in the fighting in central Bosnia in Spring 1995 was discussed in several debates in the House, when one Labour MP, David Winnick asked, ‘will the Foreign Secretary now tell the House whether it is the intention to make it perfectly clear to the Serbians that those safe areas are safe areas, and that military means will be used? Otherwise, the Serbs will take the point that they have always taken: if no action is taken against them, they will continue with their aggression’. The Foreign Secretary characterized the Bosnian Serb attacks as a brutal and disproportionate response to attacks on them by Bosnian government troops.\(^7^2\) Although Prime Minister Major announced an increase in British troop deployment to Bosnia ‘that does not mean that we are

\(^6^5\) SC Res. 824, 6 May 1993. \(^6^6\) SC Res. 836, 4 June 1993.

\(^6^7\) H. Han. HC vol 226, col 183, 8 June 1993 (Hogg).


\(^6^9\) HC Deb. vol 241, col 642, 18 April 1994 (Rifkind).

\(^7^0\) Simms, Unfinest Hour, 192. For discussion see H. Han. HC vol 255, cols 525–30, 23 Feb. 1995 (Macdonald, Reid).

\(^7^1\) Rose, Fighting for Peace, 210.

taking sides in the conflict. The protection force remains neutral, and it remains impartial’, though by the end of May Bosnian Serb forces had taken some British soldiers hostage, as NATO airstrikes against them had increased.\(^73\) It seems odd that while making these statements, the UK was supporting a resolution in the Security Council which welcomed the establishment of a rapid reaction capacity to enable UNPROFOR to carry out its mandate, and deciding that the force be increased by up to an extra 12,500 troops. The resolution did, however, emphasize the continued impartiality of UNPROFOR.\(^74\) It was ominous, though, that in the House of Commons, on 4 July 1995, Jon Owen Jones MP asked Malcolm Rifkind, Defence Secretary, whether he had read the latest report in the *Times* ‘in which a United Nations spokesman was quoted as describing UNPROFOR troops in Sarajevo as “sitting ducks”?’. Mr. Rifkind did not agree,\(^75\) yet on 6 July Bosnian Serb forces attacked Zepa and Srebrenica, the latter under the protection of 600 lightly armed Dutch UNPROFOR troops. The Dutch commander requested air support from NATO but did not receive such support until Dutch troops had been captured and threatened, which in turn led to the suspension of airstrikes. On 11 July Bosnian Serb forces entered Srebrenica and the massacre of nearly 8,000 unarmed men and boys occurred in the following five days.\(^76\)

Though British troops were not deployed to Srebrenica, the events were closely discussed in parliament but before news of the massacre was known, with the Defence Secretary stating that while the UK, France and the Netherlands had contributed to the protection of the safe areas, other states had not, resulting in a significant shortfall of troops, and that the rapid reaction force was only just being assembled.\(^77\) It was too late for the dead of Srebrenica, though when parliament reconvened in October, the Defence Secretary, Michael Portillo, could give the better news that a combination of NATO airstrikes and Bosnian Serb reverses would lead to a political solution to the conflict.\(^78\) The Foreign Secretary, Malcolm Rifkind, welcomed the signing of the Dayton Accords in November 1995, which provided for a NATO implementation force (IFOR), to which the UK would contribute: ‘Britain will play a central role in ensuring that the agreement in Dayton is translated into a peaceful future for all the people of the region’.\(^79\) Mr Portillo announced that 13,000 British troops would partake in a NATO force of 60,000 and added:

Britain’s contribution is formidable. It expresses our willingness to fulfil our obligations as a key member of NATO and our international role as a member of the permanent five

\(^73\) *Hansard* HC vol 260, col 1004, 31 May 1995.
\(^74\) SC Res. 998, 16 June 1995.
\(^75\) *Hansard* HC vol 263, col 136, 4 July 1995.
\(^76\) For full account see *Report of the Secretary General Pursuant to GA Resolution 53/35 on the Fall of Srebrenica*, UN Doc. A/54/549, 15 Nov. 1999.
\(^77\) *Hansard* HC vol 363, cols 947, 954, 12 July 1995 (Rifkind).
of the Security Council of the United Nations. It also indicates, in the clearest manner, the strength of our commitment to the security of Europe. Such responsibilities carry a cost which we are prepared to bear.⁸⁰

Though the UN could not be trusted with the security of the new peace, it was praised by the Defence Secretary and the opposition: 'UNPROFOR has done much to contain the conflict, it has saved a lot of life, and it may take credit for its part in paving the way towards the peace agreement that we now have.'⁸¹

Such a positive assessment is out of line with most assessments of UNPROFOR. For example Michael Matheson, legal adviser in the US Department of State in the period, summarized the problems of a number of operations where rhetoric did not match deeds on the ground: 'on the whole, peacekeeping forces have had mixed success in carrying out' their responsibility to protect civilians, 'saving many civilian lives but also experiencing tragic failures where military strength, robust rules of engagement, or the political will to take the risk of serious fighting and casualties were lacking.'⁸² Leading historian, Paul Kennedy, applies this specifically to UNPROFOR when he writes that 'four aspects of this sad tale deserve special note: the lack of unity among the great powers; the confusion about the mandates; the gap between operational aims and the resources provided; and the intermittent but powerful role of public opinion and domestic politics.'⁸³

Mats Berdal takes the analysis further by first of all recognizing that the underlying problem with UNPROFOR was the disagreement and lack of political will in governments, not within the UN per se. He cites Sir David Hannay, British representative on the Security Council at the time, who explained that the reason why a more robust policy was not pursued in Bosnia 'was more due to the tensions between those member states with troops on the ground and those like the US without, than it was to any disembodied entity thought of as “the UN” pursuing a policy of excessive caution'. Berdal accurately explains why UNPROFOR did not use more force when it had a chapter VII mandate from the Council. UNPROFOR's original consensual and impartial mandate was never repealed in favour of a clear chapter VII one, instead enforcement elements were somehow added to this original mandate which neither made sense nor worked. Also, tellingly he writes that 'the fact is that by invoking chapter VII the Council was often just as concerned with conveying the impression of resolve as it was with taking meaningful action on the ground'. Britain in particular was amongst those who were ‘unsupportive’ of any real move towards enforcement, even as late as April and May 1995 when real pressure was mounting to take serious action. This was shown by the uncertainty surrounding the functions of the British and French

⁸¹ Ibid., col 837 (Portillo).
rapid reaction force sent in the summer of 1995.⁸⁴ In reality Dayton was made possible because of the military reverses of the Bosnian Serbs at the hands of the other factions assisted by the air superiority of NATO, rather than any contribution made by international troops on the ground. British politicians may have congratulated themselves on managing a successful outcome to the Bosnian conflict, but in reality the settlement of the conflict was due to events outside of their control. Indeed, arguably the policy of peacekeeping as opposed to war-fighting, unblinkingly pursued by the British government, prolonged the conflict and the suffering of the Bosnian people.

8. Stronger Peacekeeping

The desire to improve the creaking peacekeeping function whose credibility had suffered greatly in the mid-1990s, led the UN Secretary General Kofi Annan to establish a Panel on United Nations Peace Operations chaired by Lakhdar Brahimi. The aim was not simply to address the issue of how peacekeepers should approach human rights violations but went much wider to try in effect to address the tension between the traditional values of peacekeeping and the need for greater effectiveness of the UN in post-conflict situations.⁸⁵

Although the Brahimi Report included conflict prevention and peacemaking within its concept of peace operation, the two core elements were those of peacekeeping and peacebuilding. First, ‘peacekeeping’, which has evolved from the traditional military model of observing cease-fires and forces separation best suited to inter-state conflicts, to ‘incorporate a complex model of many elements, military and civilian, working together to build peace in the dangerous aftermath of civil wars’. Secondly, ‘peacebuilding’ consisting of ‘activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war’. It includes the reintegration of former combatants into civilian life, strengthening the rule of law (for example reforming and training the police and judiciary); improving respect for human rights; providing technical assistance for democratic development; and promoting conflict resolution and reconciliation techniques.⁸⁶

From Brahimi onwards the military (peacekeeping) element of peace operations has three aims: avoiding any failure to protect civilians; ensuring that there are ‘adequate self-defence mechanisms for peacekeeping forces and UN

---

staff’, learning from Sierra Leone and East Timor in 1999 when UN staff were kidnapped and killed by mobs and militia; and finally preventing spoilers from undermining the peace process. Though Brahimi marked the turning point, the change to peacekeeping was also driven by the national defence academies of developed countries that had contributed to UN deployments in the 1990s, and who would ‘no longer agree to send their military forces into conflict for which they were inadequately prepared and supported’.  

With the increasing involvement of more powerful states there came demands for more effective operations. The UK, learning from its difficulties in Bosnia, became a leading proponent of more effective ‘peace support operations’ (PSOs) that ‘impartially makes use of diplomatic, civil and military means, normally in pursuit of United Nations Charter purposes and principles, to restore or maintain peace’. Such operations may include ‘conflict prevention, peacemaking, peace enforcement, peacekeeping, peacebuilding and/or humanitarian’ elements.  

The military components of these are sometimes termed stabilization operations in recognition of the fact that they are the first component deployed to a semi-hostile environment to secure the peace before other elements of the PSO are sent. PSO doctrine has arguably been implicitly adopted by the EU in the development of its Petersberg tasks namely ‘humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking’, and in its practice in the deployment of EUFOR, replacing the NATO-led Stabilization Force (SFOR) in Bosnia in 2004.  

NATO has also adopted PSO doctrine defining such operations as ‘multi-functional operations, conducted impartially, normally in support of an internationally recognized organization’, and ‘involving military forces and diplomatic and humanitarian agencies’. According to NATO such operations ‘are designed to achieve a long-term political settlement or other specified conditions’, and can include peacekeeping, peace enforcement as well as peacebuilding and humanitarian relief.

It must not be assumed that PSO doctrine is universally accepted. The NATO version suggests that such operations would not necessarily require UN authorization even though they included elements of enforcement, while the British version suggests such operations might not be undertaken in pursuit of UN purposes and principles. Both doctrines suggest that regional organizations can act autonomously from the UN, though normally they would act in support of the UN and its principles.  

In contrast to this more interventionist PSO doctrine the UN’s Special Committee on Peacekeeping has reiterated that the traditional virtues of

---

87 Hansen, Rambotham, and Woodhouse, ‘Hawks and Doves’, 7.
89 Art 17(2) of the Treaty on European Union.
peacekeeping ‘such as the consent of the parties, impartiality and the non-use of force’ are essential to its success. This was preceded in the report by the Committee emphasizing respect for the principles of the UN Charter, especially sovereignty and non-intervention.\textsuperscript{91} The failure by the Committee to develop the doctrine of peacekeeping to accurately reflect its role in peace operations is unsatisfactory, but may reflect the divisions within the UN with some states being unhappy about the increasingly interventionist nature of peace (support) operations.

In the period after 2000 complex peace operations have regularly been given certain chapter VII or enforcement powers to enable them to fulfil aspects of their mandates, tasks undertaken by the peacekeeping element, which is clearly a departure from traditional peacekeeping values,\textsuperscript{92} though evidence from the force in Darfur suggest that there still remains that significant gap between the language of the mandate and the capability of the force. In fact from the turn of the twenty-first century it has become normal practice for a chapter VII mandate to be given to peace operations on the basis ‘that even the most benign environment can turn sour when spoilers emerge to undermine a peace agreement and put civilians at risk’\textsuperscript{93}

Impartiality will also be justifiably impaired if peacekeepers are under a duty to protect civilians within their care, for they will sometimes have to use aggressive force to repel attacks on civilians as well as themselves. In such an environment the Brahimi Report recommended that peace operations be bigger and better equipped, so that they can deal with ‘spoilers’ and also protect civilians where necessary. The idea being that such forces would act as a credible deterrent in contrast to traditional peacekeeping forces, which were more symbolic and non-interventionist. Contributing states in such peace operations should be prepared to allow their troops to operate under robust rules of engagement and run the risk of casualties. While still supporting the peacekeeping principles of consent, impartiality and the use of force only in self-defence, the Report represented an attempt to draw the peacekeeping line nearer to chapter VII than chapter VI.\textsuperscript{94} Impartiality became lack of partiality in the carrying out of the mandate, as opposed to the traditional approach that interpreted impartiality as neutrality and non-intervention. The latest UN peacekeeping doctrine of 2008, while still based on the traditional trinity of values, widened the third principle to allow for the tactical use of force to prevent the disruption of the political process, the protection of civilians, and to assist national authorities to maintain law and order.\textsuperscript{95} The problem remains though that many TCNs still see peace

\textsuperscript{91} Report of the Special Committee, 2003: paras 45 and 46. See also the Committee’s 2007 report: UN Doc. A/61/19, 5 June 2007, paras 11 and 32.

\textsuperscript{92} Zacklin, ‘The Use of Force’, 91.

\textsuperscript{93} High Level Panel Report, para 213.

\textsuperscript{94} Brahimi, paras 48–52.

\textsuperscript{95} United Nations Peacekeeping Operations: Principles and Guidelines (The ‘Capstone Doctrine’) (UN Department of Peacekeeping Operations and Department of Field Support, 2008) 31–4.
operations in traditional peacekeeping terms and send under-equipped and limited contingents at least to UN operations, which continue to dominate the post-conflict landscape.

In 2006 the Security Council stated that peacekeeping and peacebuilding missions should, where appropriate, have a mandate that includes the ‘protection of civilians, particularly those under imminent threat of physical danger, within their zones of operation’ and stated its intention that such ‘protection mandates’ were to be implemented.⁹⁶ Certainly this is reflected in the more coercive mandates of recent UN peace operations. Arguments have been made that this reflects an emerging wider norm of a collective responsibility to protect in the event of genocide and other large scale killings, ethnic cleansing or serious violations of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent.⁹⁷

First introduced to the discussion by Boutros-Ghali in his *Agenda for Peace* of 1992,⁹⁸ peace enforcement has become more central to peace operations after Brahimi (although not clearly included in the definitions in that Report). Peace enforcement does not mean military victory over the enemy, so distinguishing it from pure enforcement action under chapter VII. Impartiality and consent are still the goals of any peace enforcement operation, though the former becomes the more important concept if factions indicate the withdrawal of their consent by attempting to undermine the peace. Furthermore, in such situations, according to the equivalent NATO peace support doctrine ‘consent from the warring factions may be minimal and amount to nothing more than a phoney tolerance of the operation, whilst the rest of the population may be desperate for intervention and assistance’. According to NATO ‘should the level of consent be uncertain, and the potential for opposition exist, it would be prudent to deploy a force capable of enforcing compliance and promoting consent from the outset’.⁹⁹

Peace support operations must be ‘sufficiently flexible, robust and combat ready’, exemplified by the NATO-led force in Kosovo and the Australian-led force in East Timor, both deployed in 1999, and the role of British troops in support of the UN force in Sierra Leone in 2000. ‘PSO doctrine recognises that the military’s role, while robust, must also be a limited one: its objective is to create and safeguard the secure space within which humanitarian and civilian components can work to re-establish peace’.¹⁰⁰ In this regard they can be termed stabilization forces. Whereas pure chapter VII enforcement action attempts to impose a solution by force, a peace support operation is engaged in preventing violence that will undermine the participation of the parties and the population

---

⁹⁶ SC Res. 1674, 28 July 2006.
⁹⁹ NATO, AJP 3.4.1., 2001, para 508.
¹⁰⁰ Hansen, Ramsbotham and Woodhouse, ‘Hawks and Doves’, 7.
What Peace?

In many ways, the stabilization forces in Bosnia from 1995, Kosovo from 1999, Afghanistan from 2001, the EU’s Operation Artemis in the Democratic Republic of Congo in 2003, and ECOWAS in West Africa in the 1990s share structural characteristics of coalitions of the willing authorized by the Security Council under chapter VII to undertake enforcement action. Coalitions of the willing act under UN authority but they are not UN commanded and controlled operations in the peacekeeping/peace operation sense. The Australian-led force in East Timor fits this pattern as well, though this was an ad hoc force. Coalitions of the willing may fight a full-scale war as in Korea in 1950 and Iraq in 1991, but they can also be deployed to post-conflict situations where they have war fighting potential rather than just a peacekeeping function. It is interesting to note that, with the exception of the West African forces, regional peace support forces are undertaken by the ‘global North’, in contrast to peacekeeping operations (either traditional or as part of a peace operation) which are undertaken by the ‘global South’, though the peacekeepers may be supported by separate enforcement elements drawn from the North. It is true to say though that those peace support operations from the North are far more effective in protecting civilians than peacekeeping operations from the South, even though they both have robust mandates.

9. Conclusion: Bosnia Post-Dayton

There is no doubt that the British contribution to the NATO-led force in Bosnia (IFOR, then SFOR and from 2004–7 EUFOR) has enabled peace to be kept in that country. The Defence Select Committee identified the force’s crucial role in its reports, and the Chairman of the Defence Committee, Bruce George MP, reflected the new Labour government’s desire to prevent any breakdown of the peace in Bosnia in June 1998 when he referred to the Prime Minister’s ‘ethical foreign policy’, adding that ‘I can think of nothing more ethical than preventing genocide’. He also agreed with the statement of one MP ‘that the only reason why we can provide such excellent troops in their present shape is that they have retained a high-intensity war-fighting capability, which can then be flexed into other shapes, whereas if we had designed our troops around a peacekeeping or gendarmerie function, they would be nothing like as good at peacekeeping’. In agreeing Bruce George said that SFOR ‘will buy time—more time to see how the other part of the equation works—the restoration of civil society in Bosnia, and

101 NATO, AJP 3.4.1., 2001: para 204.
democratisation, with social and economic regeneration’, which will ‘certainly need time’.¹⁰³

While there can be little doubt that such a stabilization force does provide more security in such a situation than a peacekeeping force, it is not necessarily any more effective in promoting a self-sustaining peace. Once the military and civilian props provided by NATO, the EU, OSCE, and UN are removed, there is still the danger that Bosnia could again self-destruct. Indeed it has been argued by commentators that the whole peace (state) building process is inimical to the successful achievement of self-determination by the Bosnian people.

The reality of such an approach is that although it appears impartial at ground level, at an ideological level it is informed by the political ideas of dominant states. Roland Paris has argued that ‘most international organisations engaged in peace-building have internalised the broadly liberal political and economic values of the wealthy and powerful industrialised democracies’, and have in effect ‘transplanted’ those values (elections, civil and political rights and market reforms) into weak countries in which peace operations have been located. This process he argued amounts to the ‘globalisation of the very idea of what a state should look like and how it should act’.¹⁰⁴

David Chandler goes further by questioning the compatibility of such an imposition with its long-term effectiveness.

The experience of international democratisation has demonstrated that it is not possible to impose a common bond on the people of Bosnia merely by administrative fiat. As long as the Bosnian people have little relationship to decision-making processes, it is unlikely that any broader sense of common interest will emerge. Although it is easy to argue that division and segmentation is not a way forward for the Bosnia people, external attempts to overcome this division appear only to have institutionalised these insecurities. The extended mandates of the international implementation of the Dayton settlement, which have undermined all the main parties, have not created a political basis for a unitary Bosnia, except in so far as it is one artificially imposed by the international community.¹⁰⁵

International intervention has done little to ‘resolve the political divides in Bosnia’; the Bosnian people still vote for the ‘dominant nationalist parties’. Chandler concludes that ‘the one solution that has not been advocated by the international community and those that want to regulate Bosnian society, or educate Bosnian people about democracy and co-operation, is that of letting the Bosnian people begin to work out their own way forward’ through negotiation.¹⁰⁶ However, it

---
¹⁰⁶ Ibid., 198.
is the fear of a return to conflict (and maybe guilt at not ending it earlier) that inhibits the international community, preventing it from loosening the bonds in which they have wrapped Bosnia. As the Defence Select Committee said in 1997: ‘considerations of altruism and national self-interest lead to the same conclusion in respect of our involvement in the former Yugoslavia. The price of peace would be far outweighed by the costs of a resumption of war’.¹⁰⁷ There are positive signs, not least the scaling down of the peace support operation, with the EU force in Bosnia, taking over from SFOR in 2004 being only 7,000 strong, though its mandate remains a robust one.¹⁰⁸ Britain initially contributed 1,000 troops to EUFOR,¹⁰⁹ those being withdrawn in 2007 as the security situation improved. In the thirteen years of British military involvement in Bosnia, fifty-five personnel lost their lives.¹¹⁰ Despite the improvement in security and the end of ‘the international community’s governor-like role in Bosnia in 2007’,¹¹¹ the government is right to recognize that ‘nationalist sentiments among all three constituent peoples in’ Bosnia ‘continue to obstruct the reform process’.¹¹²

The lessons of Bosnia are both that peacekeeping is an inadequate response to a continuing civil war, but also that peacebuilding requires the consent and co-operation of the leaders and people of the country. In supporting a consensual model of peacekeeping in the shape of UNPROFOR during the conflict, and a paternalist administrative model for state building after Dayton, Britain seems to have moved from a policy of non-intervention in the conflict stage under a Conservative government to intervention in the post-conflict phase largely under a Labour government, when it might have been more effective if it had supported coercive intervention to stop the fighting, and consensual peace-building to help construct the country.

¹⁰⁷ HC 403, para 79.
¹¹⁰ Hansard HC vol 457, col 1084, 1 March 2007 (Ingram).
¹¹¹ Ibid., col 1084 (Fox).