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# THE ROLE OF THE UNITED NATIONS SECURITY COUNCIL IN AFRICAN PEACE MANAGEMENT: SOME PROPOSALS

A. Peter Mutharika\*

## INTRODUCTION

The United Nations global peace management scheme is based on certain fundamental assumptions that require serious reexamination as we enter the twenty-first century. Fundamental to the 1945 vision of global peace management was the prevention of a third world war through collective action by the great powers.<sup>1</sup> Structurally, this was to be achieved by a system of great power governance through the mechanism of the Security Council. While the Charter confers on the Security Council "primary responsibility"<sup>2</sup> for the maintenance of international peace and security, executive decisionmaking is reserved for the great powers through permanent membership and the veto power. The present economic and military decline of Britain and France, the inability of Russia to play an effective role in world affairs, and uncertainties with respect to the succession in China have contributed to calls for a reexamination of the concept of great power governance through the mechanism of the Security Council. There was considerable agreement among the participants during the recent fiftieth anniversary celebrations that the Security Council will need to be restructured if it is to play an effective role in future global peace management.<sup>3</sup> Its failure to play a meaningful role in the Bosnia peace process is a clear illustration of some of the inherent structural weaknesses in the existing scheme. While the Security Council needs to be restructured and democratized, this will have to be done in the context of overall reform of the United Nations itself. In the context of global peace management, the roles of the General Assembly and Secretary-General will need greater clarification during this reform process.

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1. U.N. CHARTER pmb.

2. *Id.* art. 24.

3. *See, e.g., Letter from the Representatives of Egypt and Senegal*, U.N. GAOR, 50th Sess., Annex, Agenda Items 29, 50, and 163 at ¶ 13, U.N. Doc A/50/561 (1995); *see also* Ingvar Carlsson, *The U.N. at 50: A Time for Reform*, 100 FOREIGN POL'Y 3, 6 (1995).

Beyond proposals for structural reform, there is need for a clear articulation of the role of the United Nations as we enter the next century. Speeches read at the United Nations during last year's celebrations clearly demonstrate near unanimous agreement in favor of a continuing role for the United Nations in global peace management.<sup>4</sup> What was lacking from these speeches was a clear vision of what that role should be. To the extent that future threats to peace are unlikely to involve cross-border conflicts, the role of the Security Council will have to be redefined as many countries increasingly face threats from internal cultural, ethnic, linguistic, and religious conflicts. Some of these internal conflicts will have an external dimension through the displacement of persons across national boundaries. Rwandan refugees in Burundi, Tanzania, Uganda, and Zaire, for example, are posing a security threat in these four countries. The Security Council needs to be reenvisioned in a manner that enables it to deal with such issues effectively.

In addition to internal conflicts, there are other cross-border issues which cannot be managed effectively by individual countries. Among such issues are terrorism, drug trafficking, arms trafficking, arms smuggling, and recently reported incidents of trafficking in nuclear materials. These developments will significantly contribute to state and individual insecurity. Finally, national stability will be threatened in those states where national authorities fail to promote human rights within the framework of democracy and the rule of law.

Effective responses to these emerging threats will be achieved only if the United Nations is restructured in a manner that enables it to work in coordination with other organizations. According to the International Federation of Red Cross and Red Crescent Societies, there are at present 31 ongoing wars, 26 million internally displaced persons and 23 million refugees. It is predicted that man-made disasters alone will strike 350 million people by the year 2000.<sup>5</sup> These developments will create a level of global insecurity of daunting proportions. To manage security threats of this magnitude, the international community will need to structure an integrated global peace management strategy. In this context, the Bosnia peace settlement provides a model for future peace management. Under the Dayton Peace Agreement, U.S.-led NATO peacekeeping forces will act as a buffer by ensuring that Bosnian Serbs and Bosnian Muslims

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4. See, e.g., UNITED NATIONS, PREPARATORY COMMITTEE FOR THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS, COMMEMORATION OF THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS; DRAFT DECLARATION at ¶ 5, U.N. Doc. A/JAC.240/1995/CRP. 10.

5. Cathryn J. Prince, *World Aid Groups Snuggle Up to the Camera*, CHRISTIAN SCI. MONITOR, Dec. 26, 1995, at 1, 7.

stay in their own "zone of separation."<sup>6</sup> They will also try to establish a balance of military power between the opposing forces. Of greater interest in terms of future approaches to peace management is the part of the agreement on peacebuilding. Under the peacebuilding formula, a multidimensional structure will be established to deal with the new constitution, human rights, resettlement of refugees, civilian policing, renegotiation of property claims, preservation of national monuments, and reconstruction of infrastructure. While the Implementation Force (IFOR) will operate under NATO, a diverse group of governmental and private organizations will implement different aspects of the accord.

There are several aspects of the Bosnian peace settlement that have serious implications for the Security Council's future peace management strategy. First, there appears to be emerging a realization that future global peace management efforts must extend beyond traditional peacekeeping. Limited successes in past peacekeeping activities in Somalia, Haiti, Cambodia, and El Salvador have contributed to a reevaluation of past peacekeeping activities.

Second, the marginalization of the United Nations in the Bosnia peace settlement brings into question the Security Council's ability to play a central role in future peace management efforts. Future conflicts are likely to fall into two broad categories. In the first category will be conflicts that attract the attention of the major powers. Thus conflicts in Iran and Iraq, threat to oil supplies in the Middle East, instability in the Korean peninsula, the Arab-Israeli conflict, threats to the South China sea lanes and instability in Central America will attract the attention of the United States, Europe, Japan, Russia, and China.<sup>7</sup> With respect to such disputes, the major powers will resist any effort to entrust effective executive decisionmaking in the Security Council. Bosnia has already demonstrated that. The second category of conflicts will involve conflicts in parts of the world that have no significant strategic interests to the major powers. Peace management responsibilities with respect to this category of conflicts will fall primarily on the Security Council. African conflicts will fall in this category.

As the major powers continue to lose interest in Africa, the Security Council will likely assume a greater peace management role in Africa. In fact, as most of the regions of the world develop effective regional peace management structures, it is quite possible that the Security Council will in the next century be primarily concerned with problems

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6. Bosnia Peace Agreement, Annex 1 art. IV, available online at URL <<http://www.unm.edu/~vuksan/mario/peace2.html>> (copy on file with *Michigan Journal of International Law*).

7. See Prince, *supra* note 5, at 7.

of African insecurity. Using the African situation as an illustration, this essay will propose how the Security Council should redefine its vision as it prepares to deal with the new problems of global insecurity. The essay is divided into three parts. Part I examines sources of African insecurity. In Part II, a brief examination of the role of the Security Council in five African peace management efforts is made. Part III makes a case for the development of effective peace management strategies.

### I. SOURCES OF AFRICAN INSECURITY

In his 1995 Apostolic Exhortation titled *Ecclesia in Africa*, His Holiness Pope John Paul II identified "increasing poverty, urbanization, the international debt, the arms trade, the problem of refugees and displaced persons, demographic concerns, the spread of AIDS, the survival of the practice of slavery, ethnocentricity, and tribal opposition" as among the "fundamental challenges" that face Africa. He urged African leaders to work toward corruption-free societies based on democratic principles and the rule of law.<sup>8</sup> Underlying the Pope's admonition is the realization that security of the African states will be assured only if the security of people and the continent as a whole is assured. Under this new conception of security, mechanisms must be created for the protection of human rights and for the advancement of the human environment. Additionally, this new conception of security requires the adoption of United Nations peace management strategies that give it the capability to anticipate and prevent security threats. Where conflicts have already occurred, the United Nations should be given sufficient resources to effectively manage them. Secretary-General Boutros-Ghali has recommended this approach in his *Agenda for Peace*.<sup>9</sup>

Other external and internal factors have contributed to African insecurity. African debt problems, the export of arms to Africa, and unfair trade terms have created patterns of dependence which seriously undermine the stability of the African states. Internally, colonial boundaries and institutions imposed on the African states at the time of independence will continue to be a source of African instability as long as these institutions are not restructured in a manner that reflects indige-

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8. Pope John Paul II, *Ecclesia in Africa*, ORIGINS (Cath. News Service), Oct. 5, 1995, at 249, 250.

9. Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping*, U.N. GAOR, 47th Sess., Agenda Item 10 at ¶ 13, U.N. Doc. A/47/277 (1992), reprinted in 31 I.L.M. 953 [hereinafter *Agenda for Peace*].

nous values.<sup>10</sup> Social, economic, humanitarian, and ecological problems have also contributed to African insecurity.

Africa is a vast and diverse continent with states at different stages of social, economic, and political development. For purpose of analysis, the African states may be divided into five groups. In the first group there are the "newly democratizing" states. Examples of countries in this group are Eritrea, Malawi, Namibia, South Africa, Tanzania, Zambia, and Zimbabwe. These countries will continue to enjoy a measure of stability if they are able to address problems of corruption, crime, poverty, and bad governance. A second group of countries may be classified as the "failing" states. Burundi, Sudan, and Zaire are examples of "failing" states. Drastic internal reforms and preventive diplomacy by the Security Council in cooperation with other organizations would probably save these countries from "failure." A third category of countries may be classified as the "failed" states. Liberia, Rwanda, Sierra Leone, and Somalia are examples of the "failed" states. Here, the Security Council in cooperation with the Organization of African Unity (OAU) and other humanitarian organizations would have to embark on an integrated plan of nation building based on the Bosnia model. Fourth, Angola, Ethiopia, and Mozambique may be classified as the "recovering" states. In the case of Mozambique, and to some extent Angola, the United Nations has succeeded in putting these states on the road to recovery. Finally, Ghana and Uganda may be classified as the "recovered" states. After a long period of political and civil strife, these countries have, with the assistance of international financial institutions, reformed their internal economic and political institutions in a manner that has resulted in a measure of political stability.

## II. EMERGING STRATEGIES FOR AFRICAN PEACE MANAGEMENT

The United Nations has been involved in African peace management since the 1960 Congo (now Zaire) crisis. Military assistance to the government of the Congo was initially authorized by the Security Council.<sup>11</sup> Following the Soviet veto of several operative resolutions on the matter, the General Assembly authorized the secretary-general to provide assistance to the central government of the Congo under the authority of the "Uniting for Peace" resolution.<sup>12</sup> External forces and ideological

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10. Makau wa Mutua, *Why Redraw the Map of Africa?*, 16 MICH. J. INT'L L. 1113 (1995).

11. S.C. Res. 143, U.N. SCOR, 15th Sess., 873d mtg., U.N. Doc. S/4387 (1960).

12. G.A. Res. 1474 (ES-IV), U.N. GAOR, 4th Emergency Special Sess., Supp. No. 1 at 1, U.N. Doc. A/4510 (1960).

considerations played a major role in the Congo operation. The Soviet Union supported Prime Minister Patricé Lumumba, the West supported President Joseph Kasavubu, and powerful Belgian business interests supported Moisé Tschombe, leader of the mineral-rich secessionist province of Katanga. These external forces had a distorting effect on the entire Congo peacekeeping operation. The Congo operation, therefore, does not provide a helpful model for future African peace management.

In 1968 the Security Council voted for sanctions against Rhodesia (now Zimbabwe).<sup>13</sup> The Security Council imposed an arms embargo against South Africa in 1977<sup>14</sup> and urged member states to suspend new investments in South Africa.<sup>15</sup> While the Security Council determined that the acquisition of arms by South Africa threatened international peace and security under Chapter VII, none of the coercive measures permitted under Articles 41 and 42 were taken. An attempt to recommend coercive measures would have been vetoed almost certainly since significant western economic interests were at stake.

In his *Agenda for Peace*, the Secretary-General has articulated his vision of United Nations peace management, one which goes beyond traditional peacekeeping. Under his formulation, peace management must involve preventive diplomacy, peacemaking, peacekeeping, and peacebuilding. Effective implementation of the Secretary-General's vision will necessitate the creation of an effective and integrated peace-management structure within the United Nations, adequate resources, and a formalized machinery for cooperation between the United Nations and other organizations. This new vision of peace management has been tested in Africa with some success.

In the past decade, peacekeeping operations in Africa have been expanded to include large-scale military and civilian deployments in Angola, Mozambique, Namibia, Rwanda, Somalia, and Western Sahara. In all these cases, the United Nations interceded either to promote peaceful transitions to democracy and independence or to foster political reconciliation and protect humanitarian relief efforts.

In addition to the traditional peacekeeping efforts, the United Nations has attempted to restore political order in the "failing" states. Under this expanded interpretation of the Charter, peacekeeping operations have included monitoring and securing free elections and facilitating peace negotiations among rival intra-state factions. In this way the United Nations has tried to prevent countries from "failing." This sec-

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13. S.C. Res. 253, U.N. SCOR, 23d Sess., 1428th mtg., U.N. Doc. S/RES/253 (1968).

14. S.C. Res. 418, U.N. SCOR, 32d Sess., 2046th mtg., U.N. Doc. S/RES/418 (1977).

15. S.C. Res. 569, U.N. SCOR, 40th Sess., 2602d mtg., U.N. Doc. S/RES/569 (1985).

tion of the essay will briefly examine the Security Council's peace management strategies in the six African conflicts mentioned above.

### *A. Angola*

Angola has presented the international community with one of the most intractable conflicts on the African continent. When Portugal granted independence to Angola in 1975, the Movimento Popular de Libertação de Angola (MPLA) assumed power after power sharing efforts with the União Nacional para a Independência Total de Angola (UNITA) failed. UNITA immediately took up arms against the MPLA government. The MPLA had been supported by the Soviet Union for many years. UNITA was openly supported by South Africa and Zaire and covertly by the United States and other western interests. These external forces continued to support their respective clients after the grant of independence in 1975. As the political movement recognized by the OAU and the majority of the African states, the MPLA had felt obliged to support the South West Africa People's Organization (SWAPO) during its liberation struggle in South West Africa (now Namibia). South Africa responded by embarking on a major destabilization campaign in Angola. Threatened by the South African campaign, the MPLA government invited Cuban troops into Angola. The presence of Cuban troops in Angola resulted in the so-called "linkage" formula advocated by the United States and South Africa. Under this formula, the withdrawal of South African troops from Angola and South Africa's acceptance of independence for Namibia was linked to the withdrawal of Cuban troops from Angola. The Security Council has always had difficult peace management problems whenever a conflict has ideological or great power elements. The Angolan conflict proved to be no exception. In fact, serious peacemaking in Angola was conducted under the auspices of the United States acting in cooperation with the Soviet Union and South Africa. The Security Council came in at the peacekeeping and peacebuilding stages.

In December 1988, the governments of Angola, Cuba, and South Africa signed an agreement providing for the complete withdrawal of Cuban troops from Angola. In response to requests by Angola and Cuba, the United Nations Angola Verification Mission (UNAVEM) was established to monitor the withdrawal.<sup>16</sup> Additionally, Angola requested the United Nations to remain in Angola and monitor the cease-fire agreement. Subsequent to this, the Security Council established

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16. S.C. Res. 626, U.N. SCOR, 43d Sess., 2834th mtg., U.N. Doc. S/RES/626 (1988).



UNAVEM II to observe Angola's elections in September 1992.<sup>17</sup> The deteriorating political situation led to a resumption of the conflict soon after the elections. This resulted in the imposition of an oil and arms embargo on UNITA by the Security Council in September 1993.<sup>18</sup> The United Nations continued its peace management efforts after the embargo. These efforts culminated in the signing of the Lusaka Protocol between UNITA and MPLA in November 1994.<sup>19</sup> UNAVEM II's mandate was subsequently expanded to include monitoring and verifying all the major aspects of the Lusaka Protocol.<sup>20</sup>

The Angolan peace management strategy has achieved limited success. Two factors have undermined the United Nations' efforts in Angola. First, the external actors who were present at crucial points in the conflict had the tendency of forging alliances with internal political organizations. In a majority of cases, these alliances were ethnic-based, thereby exacerbating divisiveness. Second, the Security Council's confidence-building strategy failed. In his *Agenda for Peace*, the Secretary-General has identified confidence-building as one of the major components of present-day peace management.<sup>21</sup> Some of the warring parties, for example, did not believe that United Nations peace mediators were impartial. Regional mediators appointed by the OAU who are acceptable to the contending parties should be accorded greater roles in the future. The decision by the United States in cooperation with Portugal and Russia to reenter the Angolan peace management process suggests that serious peacemaking is in most conflicts not achievable without the participation of the major powers.

### B. Mozambique & Namibia

In Mozambique, the Security Council carried out a successful peace management strategy that rescued the country from possible "failure." Immediately after the grant of independence to Mozambique by Portugal in 1975, a bitter civil conflict erupted between the Frente de Libertação de Moçambique (FRELIMO) government and the Resistência Nacional Moçambicana (RENAMO). RENAMO was created by disaffected Portuguese colonists opposed to the independence of Mozambique in collabo-

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17. S.C. Res. 696, U.N. SCOR, 46th Sess., 2991st mtg., U.N. Doc. S/RES/696 (1991).

18. S.C. Res. 864, U.N. SCOR, 48th Sess., 3277th mtg., U.N. Doc. S/RES/864 (1993).

19. *Special Edition, U.N. Fiftieth Anniversary, 1945-1995*, 1995 U.N.Y.B. 33, U.N. Sales No. E.95.I.50 [hereinafter U.N. FIFTIETH].

20. S.C. Res. 966, U.N. SCOR, 49th Sess., 3477th mtg. at 2-3, U.N. Doc. S/RES/966 (1994).

21. *Agenda for Peace*, *supra* note 9, at ¶ 24.

ration with Rhodesian and South African security interests. Powerful Brazilian and Portuguese business interests allegedly provided some of the financing that sustained RENAMO during its long struggle with the FRELIMO government. Undisciplined, with no clear political agenda, RENAMO was created as part of apartheid's and White Rhodesia's strategy to destabilize the "socialist" government of Mozambique and the Front Line states. As in Angola, there was an external dimension to the Mozambican conflict which slowed down the peacemaking process.<sup>22</sup> A General Peace Agreement was finally signed in October 1992.<sup>23</sup>

With the signing of the peace agreement, Mozambique invited the United Nations to "undertake a major role in monitoring implementation of the Agreement, and to perform specific functions in relation to the cease-fire, elections, and humanitarian assistance."<sup>24</sup> The United Nations established the United Nations Operations in Mozambique (ONUMOZ) in December 1992 with a mandate that included political, military, electoral, and humanitarian assistance.<sup>25</sup> ONUMOZ interpreted its mandate to include general verification of police activities and the protection of civil rights.<sup>26</sup> Demobilization of forces began in March 1994. General elections were held in October 1994, and a freely elected president was sworn in on December 9.<sup>27</sup> ONUMOZ's mandate formally ended at midnight on the same day.<sup>28</sup> The end of the Mozambican conflict contributed to an improved security situation in the region as over two million refugees were able to return from the neighboring states.

The Mozambique peace management operation was a success. In Mozambique, the United Nations was engaged in a clearly defined peacebuilding operation that required limited personnel and resources. That to a large extent explains the success. The Security Council has mounted similarly successful operations where the mandate was clear and there was no significant military component to the operation.

The Namibian operation is another example of such a successful United Nations peace management operation. In the Namibian operation, the United Nations Transition Assistance Group (UNTAG) was autho-

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22. U.N. FIFTIETH, *supra* note 19, at 50.

23. *General Peace Agreement for Mozambique*, U.N. SCOR, 47th Sess. at 3, U.N. Doc. S/24635/Annex (1992).

24. U.N. FIFTIETH, *supra* note 19, at 50.

25. S.C. Res. 797, 47th Sess., 3149th mtg., U.N. Doc. S/RES/797 (1992); *see also* U.N. FIFTIETH, *supra* note 19, at 50.

26. U.N. FIFTIETH, *supra* note 19, at 50.

27. *Mozambique Leader Wins Multiparty Vote*, N.Y. TIMES, Nov. 20, 1994, at A16; U.N. FIFTIETH, *supra* note 19, at 51.

28. U.N. FIFTIETH, *supra* note 19, at 51.

rized by the Security Council to supervise the 1988 peace agreement between Angola, Cuba, and South Africa.<sup>29</sup> This agreement made possible the implementation of Security Council Resolution 435 on Namibian independence.<sup>30</sup> UNTAG was also authorized to prepare Namibia for general elections and eventual independence. UNTAG's responsibilities included

monitoring the dismantling of the South African military presence and the confinement of the forces of SWAPO to base; monitoring the conduct of the South West African police; ensuring the repeal of discriminatory laws; amnesty and release of prisoners and detainees; assisting in the return of refugees; and registration of voters and supervision and control of the electoral process.<sup>31</sup>

During the three month period from July to September 1989, UNTAG registered over 700,000 Namibians. It also monitored the elections, and assisted in drafting the Constitution. Namibia declared its independence in March 1990.<sup>32</sup> Mozambique and Namibia provide possible models for future United Nations peace management operations in Africa.

### C. Rwanda

Rwanda has a long and sordid history of ethnic conflict between the Hutu majority and the Tutsi minority.<sup>33</sup> In October 1990, a full-scale conflict broke out between the Rwanda government forces and the Tutsi-led Rwanda Patriotic Front (RPF), renewing ethnic conflict in the region. In August 1993, the two parties signed a peace agreement in Arusha, Tanzania.<sup>34</sup> In response to a request from the two parties for a neutral international implementation force, the United Nations established the United Nations Assistance Mission for Rwanda (UNAMIR) in October 1993. UNAMIR's mandate was to supervise the election and installation of a new government by December 1995.<sup>35</sup>

The security situation in Rwanda deteriorated almost overnight with the death of the Presidents of Rwanda and Burundi in a suspicious plane

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29. *Id.*

30. S.C. Res. 435, U.N. SCOR, 33d Sess., 2987th mtg., U.N. Doc S/RES/435 (1978).

31. U.N. FIFTIETH, *supra* note 19, at 51.

32. Christopher S. Wren, *Namibia Achieves Independence After 75 Years of Pretoria's Rule*, N.Y. TIMES, Mar. 21, 1990, at A1.

33. U.N. FIFTIETH, *supra* note 19, at 51.

34. *Accord Ends 3-Year Civil War in Rwanda*, N.Y. TIMES, Aug. 5, 1993, at A12; *see also* U.N. FIFTIETH, *supra* note 19, at 51.

35. S.C. Res. 872, U.N. SCOR, 48th Sess., 3288th mtg. at ¶¶ 2-3, U.N. Doc. S/RES/872 (1993).

crash near Kigali, Rwanda in April 1994.<sup>36</sup> Rwanda plunged into a state of total chaos as massive ethnic violence swept the country. In the weeks that followed, over 500,000 people were killed, as many as 2 million people were internally displaced, and more than 2 million refugees fled into Zaire, Burundi, Uganda, and Tanzania.<sup>37</sup> The Rwanda situation was an unprecedented humanitarian crisis whose solution was beyond UNAMIR's mandate.<sup>38</sup> In May 1994 the Security Council authorized UNAMIR to "contribute to the security and protection of displaced persons, refugees and civilians . . . [and to] provide security and support for . . . relief operations."<sup>39</sup> The Security Council additionally imposed an arms embargo on Rwanda.<sup>40</sup> UNAMIR played a significant humanitarian role.<sup>41</sup> In November 1994, the Security Council established an international tribunal for the prosecution of persons responsible for genocide and other violations of international humanitarian law.<sup>42</sup>

The Rwanda conflict has created an exceedingly complex peace management problem. Outside Rwanda, there are more than 30,000 Hutu soldiers under arms, a complete government, and one-third of Rwanda's population believed to be loyal to the Hutu forces. Inside Rwanda, there are 50,000 soldiers under arms and a minority Tutsi government in Kigali. Recently, exiled Hutu soldiers have begun to infiltrate Rwanda while the presence of so many Rwandan refugees is destabilizing the entire Central African region.<sup>43</sup> In light of the failure by the Security Council to develop an effective peace management strategy for Rwanda, former President Jimmy Carter has been exploring the

36. Paul Lewis, *2 Africa Leaders Die, U.N. Says; Rocket May Have Downed Plane*, N.Y. TIMES, Apr. 7, 1994, at A1; Raymond Bonner, *Unsolved Rwanda Mystery: The President's Plane Crash*, N.Y. TIMES, Nov. 12, 1994, at A1.

37. U.N. FIFTIETH, *supra* note 19, at 52.

38. *Id.* The United Nations has stated that:

According to estimates, Rwanda's pre-war population of 7.9 million had fallen to 5 million by October, and internally displaced persons numbered from 800,000 to 2 million. There were more than 2 million refugees in Zaire, the United Republic of Tanzania, Burundi and Uganda. At the same time, it was estimated that some 360,000 refugees had returned to Rwanda spontaneously since the cease-fire on 18 July. The victims of the genocidal slaughter could number as many as 1 million.

*Id.*

39. S.C. Res. 918, U.N. SCOR, 49th Sess., 3377th mtg. at ¶ 3, U.N. Doc. S/RES/918 (1994).

40. *Id.* at ¶ 13.

41. U.N. FIFTIETH, *supra* note 19, at 232.

42. S.C. Res. 955, U.N. SCOR, 49th Sess., 3453d mtg. at ¶ 1, U.N. Doc. S/RES/955 (1994).

43. Joyce Hackel, *A Genocide Later, Rwanda Again on Edge*, CHRISTIAN SCI. MONITOR, Nov. 28, 1995, at 1.

possibility of a regional collective peace management effort by Central African leaders.

#### D. Somalia

For decades, Somalia has been torn by civil and inter-clan conflict. In January 1991, President Mohamad Siad Barre fled the country.<sup>44</sup> Fighting among rival clans resulted in a major humanitarian crisis. By early 1992 civil authority in Somalia had collapsed. The United States, with the consent of the United Nations, intervened for humanitarian reasons. In 1993, the United Nations established the United Nations Operation in Somalia (UNOSOM) with a mandate to restore peace and protect humanitarian relief operations.<sup>45</sup> While UNOSOM, in conjunction with NGOs and other organizations, was able to alleviate mass starvation, it was unable to successfully manage the deteriorating security situation in the country and around Mogadishu. When UNOSOM's mandate expired on March 31, 1995, neither the Somali factions nor the humanitarian agencies and NGOs requested an extension.<sup>46</sup> United Nations peace management efforts had failed.

#### E. Western Sahara

After almost two decades of strife between Morocco and the Frente para la Liberación de Saguía el-Hamra y de Rió Oro (Polisario Front), the two sides signed a cease-fire agreement in 1990.<sup>47</sup> The United Nations, in cooperation with the OAU, prepared the territory to hold a referendum to determine whether it should declare its independence or remain under Moroccan rule. Despite several delays due to "fundamental differences in the interpretation of the main provisions of the plan for the settlement of the conflict, particularly with respect to the criteria for the eligibility to vote," the United Nations Mission for the Referendum in Western Sahara (MINURSO) successfully monitored the cease-fire agreement.<sup>48</sup> The Secretary-General had hoped that June 1, 1995 could serve as the starting date for the transitional period and that the referendum could be held in October 1995. The referendum originally scheduled for 1992 still had not taken place by the end of 1995. Prospects for

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44. U.N. FIFTIETH, *supra* note 19, at 52, 233.

45. S.C. Res. 814, U.N. SCOR, 48th Sess., 3188th mtg. at ¶¶ 4-6, U.N. Doc. S/RES/814 (1993).

46. U.N. FIFTIETH, *supra* note 19, at 52.

47. *Id.* at 72.

48. *Id.*

the referendum have deteriorated due to fundamental differences between Morocco and the Polisario Front over the criteria for registering eligible voters.<sup>49</sup>

After Spain's announcement that it would grant independence to Western Sahara in 1975, Morocco invaded and occupied Western Sahara. The Polisario Front, backed by Algeria, was on the verge of driving out the Moroccan forces in 1981 when massive arms transfers and counterinsurgency support by the United States reversed Polisario's military successes. Most of the native Sahrawi people fled Western Sahara and presently remain in refugee camps in Algeria. The right of the Sahrawi people to self-determination has been endorsed by the International Court of Justice, the United Nations, and the OAU.<sup>50</sup> Over seventy-five states have recognized Western Sahara's independence. In a unanimous resolution in December 1995, the Security Council reaffirmed its determination to hold the referendum. The Polisario Front is opposed to the United Nations plan for the referendum which is essentially based on the Moroccan plan. The Secretary-General has threatened to withdraw MINURSO if there is no agreement.<sup>51</sup>

External factors have contributed to the failure of the Security Council to resolve the Western Sahara conflict. First, the Polisario is backed by Algeria. Some in the West have therefore associated the Polisario with Islamic fundamentalism even though the Polisario does not embrace Islamic fundamentalism. The Polisario Front has in fact adopted a rather liberal interpretation of Islam, has never supported terrorism, and advocates free markets.<sup>52</sup> Second, France supports Morocco as part of its geopolitical strategy in Africa. The United States and other western countries see Morocco as a buffer against the expansion of radical Islam.

The United Nations' confidence-building strategy in Western Sahara has been a failure. The Polisario Front, for example, has accused Secre-

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49. *Morocco Ends Year Unsettled Economically and Politically*, Compass Newswire, Dec. 29, 1995, at 10, available in LEXIS, News Library, Compas File. The Polisario Front has argued that the 1974 Spanish census should be the only basis for voter registration, while Morocco argues that 100,000 Moroccans of alleged Saharan extraction should be included. *Id.*

50. *E.g.*, Western Sahara, 1975 I.C.J. 12, 35 (Oct. 16); S.C. Res. 621, U.N. SCOR, 43d Sess., 2826th mtg., U.N. Doc. S/RES/621 (1988); see Laurence S. Hanauer, *The Irrelevance of Self-Determination to Ethno-National Conflict: A New Look at the Western Sahara Case*, 9 EMORY INT'L L. REV. 133, 167 (1995) (stating that Western Sahara was admitted to the OAU, whose Charter allows only "independent sovereign African states"); see also Stephen Zunes, *Moroccan Hegemony is Given a Clear Path in Western Sahara*, SACRAMENTO BEE, Dec. 23, 1995, at B7.

51. *Press Digest: Morocco*, Reuters World Service, Dec. 21, 1995, available in LEXIS, News Library, Wires File.

52. Zunes, *supra* note 50, at B7.

tary-General Boutros-Ghali of bias in favor of Morocco because of his personal friendship with Moroccan King Hassan.<sup>53</sup> In the eyes of the Polisario Front, the December 1995 Security Council resolution is a deliberate attempt to guarantee victory for Morocco in the proposed referendum. Unless the Security Council adopts a voter registration formula that is acceptable to all the contending parties, the entire peace management effort in Western Sahara will most likely collapse.

### III. DEVELOPING EFFECTIVE PEACE MANAGEMENT STRATEGIES

United Nations peace management successes in Mozambique and Namibia, limited successes in Angola and Western Sahara, and failures in Rwanda and Somalia have called into question the efficacy of existing United Nations peace management mechanisms. One writer has suggested that “[s]erious peacekeeping . . . should be left to serious armies [and] regional trouble to regional groups.”<sup>54</sup> Under this approach, United Nations forces would be sent into a peace management operation to perform peacebuilding functions only after the fighting is over. Preventive diplomacy, peacemaking, and peacekeeping would be conducted *outside* the United Nations peace management framework.

The above argument raises some fundamental issues about future global peace management strategies: Is the United Nations, as presently structured, capable of guaranteeing global peace and security or should some power-center or centers be created outside the United Nations peace management system? How will such centers be structured? Let us assume, for example, that the G-7 countries decided to create their own global peace management center, how would that be related to the United Nations peace management system? How would it accommodate emerging regional powers such as Brazil, China, India, and South Africa?

This essay takes the position that global peace and security can be guaranteed only if the international community is able to restructure the United Nations peace management system in a manner that preserves the United Nations’ role as the primary forum for initial action when threats to peace or breaches of peace occur. Under this approach, the Security Council should be restructured in a manner that enables it to make maximum use of the dispute settlement mechanisms available to it under Chapter VI. When the dispute reaches the level requiring Chapter VII

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53. *See id.*

54. *Can It Keep the Peace?*, *ECONOMIST*, Oct. 21, 1995, at 18, 18 [hereinafter *Keep the Peace?*].

measures, some structure should be devised whereby disputes that are beyond the capability of the United Nations could be delegated to some other organization or regional group. This structure would be particularly important with respect to those disputes that attract great power interest. Preliminary authorization of coercive measures would continue to reside in the United Nations with provision for the organization to take over once the delegated organization had stabilized the situation.

Haiti offers a good illustration of how such a system would operate. While the United Nations Security Council authorized coercive action for the restoration of President Aristide to power,<sup>55</sup> the actual operation was carried out by the United States. United Nations peacekeeping forces came in at a much later stage for the purpose of assisting in peacebuilding. The Persian Gulf War provides another example of this authorization concept. Because the United Nations did not have the resources to carry out coercive measures against Iraq under Chapter VII of the Charter, the Security Council authorized member states, in cooperation with the Government of Kuwait, to use all necessary means to force Iraqi armed forces to withdraw from Kuwaiti territory and to restore "international peace and security" in the area if Iraq did not withdraw its forces from Kuwaiti territory by January 16, 1991.<sup>56</sup>

However, the authorization or delegation of functions by the Security Council to other entities does create a number of problems as the Persian Gulf War demonstrated. First, pressure on the Security Council to authorize action in Kuwait came primarily from the United States. Due to the tremendous political and economic power that the United States now wields over the United Nations, there is some question as to whether the United States unduly prevailed upon the United Nations. Second, the manner in which Chapter VII of the Charter was interpreted has also raised some questions. Two non-permanent and non-veto-wielding powers (Cuba and Yemen) questioned whether use of force under Article 42 could be taken before it was determined that non-forceful measures under Article 41 had failed.<sup>57</sup> Finally, in situations like the Persian Gulf War, questions of interpretation of the mandate will arise

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55. S.C. Res. 940, U.N. SCOR, 49th Sess., 3413th mtg. at ¶ 4, U.N. Doc. S/RES/940 (1994).

56. S.C. Res. 678, U.N. SCOR, 45th Sess., 2963d mtg. at 1, U.N. Doc. S/RES/678 (1990).

57. See generally Oscar Schachter, *United Nations Law in the Gulf Conflict*, 85 AM. J. INT'L L. 452, 455-56 (1991). Former President Jimmy Carter reportedly took the position that the United Nations should not have authorized forceful measures against Iraq before exhausting the possibility of "good faith talks." See Douglas Brinkley, *Jimmy Carter's Quest for Global Peace*, 74 FOREIGN AFF. 90, 95 (1995).



once the Security Council has authorized action. Events after the cease-fire in the Gulf War provide a good illustration. After reports of widespread human rights abuses by the Iraqi forces against the Kurds and Shiites, the Security Council adopted Resolution 688 in April 1991, which, among other things, authorized the Secretary-General to explore humanitarian efforts in cooperation with other United Nations agencies and to send a mission to the region.<sup>58</sup> The resolution did not authorize the use of force. Britain, France, and the United States subsequently created "safe havens" in Northern Iraq for the protection of the Kurds, arguing that the humanitarian aspects of the resolution granted them the right to do so. This interpretation is questionable. Where operations have been delegated by the Security Council to outside organizations, the mandate will in future have to be spelled out more clearly.

The pre-authorizing or delegating role that has been proposed in the preceding paragraphs can be achieved more efficiently through an integrated global peace management system that clearly defines the roles of the United Nations, its member states, and other international organizations. Recent efforts illustrate how this might be structurally accomplished. In 1980, the Carter Center in Atlanta, Georgia, assembled representatives of the United Nations, Organization of American States, OAU, and the (British) Commonwealth to explore the possibility of establishing a global peacekeeping system. Two ideas emerged from the conference. First, that the Secretary-General of each of the four organizations would establish a list of experienced mediators who could be called upon to engage in preventive diplomacy in areas where potential for disputes existed. Second, the representatives proposed to establish mechanisms for subcontracting out peacekeeping to regional organizations for any conflicts that are not global in nature. In cases that involved complicated policing activities such as spy satellite reconnaissance or sophisticated troop training, these complex activities would be subcontracted to those countries with the best capabilities in that area.<sup>59</sup> This essay proposes that the United Nations should convene a broad based conference consisting of regional and subregional organizations, non-governmental organizations, and other interested parties to explore the possibility of establishing a global peace management system.

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58. S.C. Res. 688, U.N. SCOR, 46th Sess., 2982d mtg., U.N. Doc. S/RES/688 (1991).

59. *See Peace (Keeping) on Earth*, CHRISTIAN SCI. MONITOR, Dec. 27, 1995, at 20.

## A. Proposed Changes

### 1. Structural Changes

The framers of the U.N. Charter decided to place primary responsibility for the maintenance of international peace and security in the Security Council. In turn, the Security Council was formed as a system of big power governance in which the victors in the Second World War granted authority to themselves through the veto and permanent membership on the Security Council. Any system of global peace management that was based on unanimous agreement between five countries on every important issue was bound to fail. With the advent of the Cold War as early as 1946, the United Nations collective security mechanism had become practically paralyzed. In the period of almost fifty years between 1945 and 1990, the Security Council found threats to the peace, breaches of the peace, or acts of aggression on only six occasions even though there have been over 100 conflicts since 1945 that have left 20 million people dead.<sup>60</sup> Since its inception, the Security Council has authorized the use of collective force only in Korea and the Gulf War.<sup>61</sup> Between 1946 and 1990, the Security Council passed 646 resolutions, with 201 resolutions failing to pass because of the veto.<sup>62</sup>

In structuring the Security Council, the framers of the U.N. Charter were operating in a world of fifty years ago, a world that has now disappeared. They did not, for example, anticipate that the Soviet Union would itself be viewed as a threat to international peace soon after the United Nations had been established. Additionally, they created a Security Council that had no executive authority and no institutional structures to support its activities. Frequent use of the veto by the Soviet Union led to the emergence of the General Assembly as the more functional organ in the sense that the West could, at least in the earlier years of the United Nations, muster sufficient majorities to pass General Assembly resolutions. In time, however, the General Assembly's lack of enforcement powers led to the emergence of the secretary-general as the principal peace management official. The framers' undue faith in the Security Council that they were structuring is reflected in the fact that Chapters VI and VII do not even mention the secretary-general.<sup>63</sup>

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60. *Agenda for Peace*, *supra* note 9, at ¶ 14; LOUIS HENKIN ET AL., *INTERNATIONAL LAW* 968 (3d ed. 1993).

61. See HENKIN ET AL., *supra* note 60, at 968.

62. Carlsson, *supra* note 3, at 6.

63. See Robert L. Armitage, *Bring the United Nations Back from Superstate Status to Its Roots*, *CHRISTIAN SCI. MONITOR*, Oct. 31, 1995, at 19.

Dag Hammarskjöld's activities in the Congo were the first indications of this structural shift in the United Nations peace management machinery. Even with the collapse of the Soviet Union in 1991 and recent non-exercise of the veto power by the permanent members, the Security Council appears unable to reassert its formal authority over global peace management. In fact, a further structural shift is occurring as the Secretariat, led by an activist secretary-general in the Hammarskjöld tradition continues to dominate United Nations peace management.

It is clear from speeches at the recent fiftieth anniversary celebrations that world leaders generally agree that a formula must be found that enables the United Nations to retain its role as the primary forum for global peace management while at the same time taking notice of contemporary shifts in global power. It will fall on the members of the United Nations to restructure the organization in a manner that reflects the existing world order.

These structural reforms will have to occur at two levels. The first level will involve a clear definition of the purposes of the United Nations. The United Nations as presently structured is unwieldy, bureaucratic, and too expensive. Under Article 1 of the Charter, among the principal purposes of the Charter are the maintenance of international peace and the promotion of economic development. In order to carry out its economic development responsibilities, the United Nations has created a proliferation of economic agencies whose usefulness is now being questioned. Notable among these are the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO), and the regional economic commissions. Proposals have been made to abolish UNCTAD and UNIDO; the activities that demonstrate a real contribution to economic development would be transferred to other United Nations agencies or private organizations. Further, the regional economic commissions would be integrated with other regional political and economic institutions. The entities that emerged out of this merger would then forge their own links with international economic and financial institutions. The Lomé Convention<sup>64</sup> arrangement offers a possible model for this. Additional proposals have also been made to abolish the Economic and Social Council and the Trusteeship Council. Under these proposals, the United Nations would become primarily a peace management organization.<sup>65</sup>

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64. Fourth ACP-EEC [Lomé] Convention, Dec. 15, 1989, 29 I.L.M. 809.

65. See, e.g., *Keep the Peace?*, *supra* note 54, at 18.

The remaining four organs (the General Assembly, the Secretariat, the Security Council, and the International Court of Justice) would have to be restructured in a manner that would reflect this new role.

The second level of reforms would entail a clarification of the relationship between the General Assembly, the secretary-general, and the Security Council. Adequate machinery would have to be instituted to enable the United Nations to mobilize and utilize peace management resources adequately.

In a restructured United Nations, the Security Council would continue to be the primary organ for peace management. Its size would need to be modestly increased to make it more representative, and the veto power and permanent membership would have to be addressed. Its procedures would have to be democratized in order to make them more transparent. Several structural proposals have been made along these lines. The proposal that seems to be supported by the United States would bring Germany and Japan into the Security Council as permanent members. Italy, the other defeated power in World War II, opposes this elevation. Most Third World countries and emerging regional powers, such as Brazil, India, and South Africa, would find this concentration of power in the northern industrialized countries unacceptable.

Another proposal which merits further consideration would create four categories of membership: rotating members; tenured members; first, second, and third rank members; and members without veto power. Under this proposal, the veto power would either be abolished, or the countries wielding the veto power would promise to exercise it only in exceptional cases. Germany, for example, has indicated that it would never use the veto on its own.<sup>66</sup> However, three of the five members (United States, Britain, and France) that wield the veto power are significant financial contributors to United Nations peace management operations. They therefore see their ability to veto operations as a right which they are entitled to exercise. Consequently, they are unlikely to agree to a restructured Security Council that weakened or abolished the veto.

The Commission on Global Governance has proposed a negotiated reform process over a fairly extended period of time. Under the Commission's proposal, the Security Council would be enlarged to make it more representative. A new class of five "standing" members would be created until a further review in the year 2005. The number of rotating members would go from ten to thirteen, the five permanent members would agree to forgo use of the veto except in exceptional circumstances

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66. *United Nations: To Bury or to Praise*, *ECONOMIST*, Oct. 21, 1995, at 23, 27 [hereinafter *Bury or Praise*].

while the review proposed for the year 2005 would decide on phasing out the veto, the criteria for future Security Council membership, and arrangements for regular reviews in the future.<sup>67</sup> The Commission, co-chaired by the Prime Minister of Sweden and a Guyanese citizen (who has occupied the position of Secretary-General of the Commonwealth of Nations) was selected on the basis of fair geographical representation. Its recommendations need to form the basis for future discussions on reforming the Security Council.

## 2. Financial Changes

Beyond structural reforms, it is imperative that the manner in which the United Nations finances its peace management operations should be reformed. In the past, United Nations operations have taken place on the basis of willingness on the part of major industrial countries to contribute to such operations. New revenue enhancement mechanisms must be devised. As a starting point, the present system of assessing membership dues needs to be improved. Regular United Nations dues are based on a country's share of world GNP with adjustments made for population numbers. The General Assembly has power under Article 19 to impose sanctions against member states that pay less than their assessed contributions or refuse to pay.<sup>68</sup> Ways that enable member states to pay their assessed dues without experiencing undue hardship should be explored. For peacekeeping purposes, United Nations members are divided into permanent members of the Security Council; developed countries; less developed countries; and the least developed countries, with the Security Council members receiving the highest assessments. The United Nations assessment system needs restructuring. Saudi Arabia and Singapore, for example, are assessed as "less developed" countries whereas Russia and Ukraine are assessed at a much higher level. The system should be revised so that assessments more accurately reflect each country's current economic situation.<sup>69</sup> The Global Commission's proposals to

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67. COMMISSION ON GLOBAL GOVERNANCE, OUR GLOBAL NEIGHBORHOOD 233-41 (1995) [hereinafter GLOBAL NEIGHBORHOOD].

68. Article 19 provides in pertinent part:

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.

U.N. CHARTER art. 19.

69. *Bury or Praise*, *supra* note 66, at 23, 24; see also *Scale of Assessments for the Apportionment of the Expenses of the United Nations*, U.N. GAOR, 49th Sess., Agenda Item 112 at 1-6, U.N. Doc. A/RES/49/19B (1995).

gradually integrate peacekeeping expenditures into a single United Nations budget that would be financed by assessments of all members would bring stability to United Nations revenues, especially if the member states were willing to sanction defaulters under Article 19.<sup>70</sup>

Beyond restructuring the assessment system, independent methods of revenue enhancement need to be explored. The Global Commission has proposed a comprehensive system of global financing that merits serious consideration. Among the proposals are an international tax on foreign exchange transactions, charges for the use of global commons such as flight lanes, sea lanes, ocean fishing areas, and the electromagnetic spectrum.<sup>71</sup> Similarly, consideration should also be given to the possibility of granting the United Nations the power to raise money on international money markets. Clearly some measures like these need to be taken, because unless the United Nations' dependency on a few rich countries is reduced, the organization will never effectively play an independent international role.

### *B. The Evolving Nature of Insecurity*

A restructured Security Council must be reenvisioned in a manner that understands the changing nature of global insecurity. As has been argued elsewhere in this essay, future sources of insecurity will arise from a multitude of factors not envisaged by the framers of the Charter. Among these will be ethnic problems, intense poverty, political instability, drug trafficking, border conflicts, little internal wars due to internal social and cultural conflicts, and the emergence of new forms of diseases capable of spreading quickly throughout the world. The average person in New York, London, or Paris probably defines his or her own insecurity in terms of protection from the threat of nuclear weapons and terrorism. A person living in Luanda probably worries about land mines whereas a person living in Kinshasa is probably concerned about government corruption and political persecution. These different perceptions of insecurity will require the Security Council to adopt clear guidelines for future interventions. In this context, then, the Security Council's broad interpretation of Article 39 in the Somalia operation provides a useful precedent.

Future sources of insecurity can be divided into two categories. In the first category are sources that cause global insecurity. Among these are chemical, biological, and nuclear weapons. The international com-

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70. GLOBAL NEIGHBORHOOD, *supra* note 67, at 113.

71. *Id.* at 217-21.

munity needs to develop strategies for eliminating these weapons of mass destruction. Comprehensive and verifiable measures for denuclearization and total elimination of all weapons of mass destruction must be taken. Other sources of global insecurity are the emergence of infectious diseases that are resistant to potent antibiotics and are in some cases evolving into stronger strains as the global climate changes. The AIDS and Ebola viruses are the most recent examples of these new diseases. The United Nations in cooperation with other organizations must integrate these nontraditional threats into an overall global security management strategy.

In the second category will be localized threats. In addition to threats resulting from internal disorders, these local threats will also result from conventional weapons, including weapons such as land mines that inflict indiscriminate injuries. Effective machineries for the curtailment of the arms trade need to be devised and the manufacture and export of land mines must be outlawed.<sup>72</sup>

### C. *Toward an Integrated Peace Management Strategy*

This essay has been based on several propositions. First, the Security Council must continue to be the global forum through which peace management issues should be considered or at least initiated. Second, the Security Council must be restructured and reenvisioned in a manner that enables it to deal with emerging forms of insecurity. Third, lack of resources and reluctance on the part of Member States to grant the Security Council effective peace management capabilities will require the Council to act in cooperation with other organizations through an integrated approach to peace management and, in some cases, through a system of subcontracting or delegation. The Bosnia peace agreement<sup>73</sup> provides an interesting model for future peace management. The Bosnia peace negotiations were conducted by the United States while the peace-keeping aspects will be handled by NATO. The Bosnian dispute is a regional dispute rooted in centuries of European ethnic and religious disputes. While the European countries did not succeed in bringing

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72. The treaty currently in force does not prohibit the manufacture or export of land mines. See U.N. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects, October 27, 1980, U.N. GAOR, 35th Sess., U.N. Doc. A/CONF.95/15 (1980). The Commission on Global Governance estimates that since 1975 land mines have killed or injured more than 1 million people, most of them civilians. It estimates that 100 million land mines are scattered in over sixty countries, while an estimated 100 million additional land mines are in stockpiles. GLOBAL NEIGHBORHOOD, *supra* note 67, at 129-31.

73. See *supra* note 6.

about a peace settlement, the United States intervened in the dispute essentially in its capacity as a member of a regional collective security organization — NATO. Similarly, a possible conflict between Sudan and Uganda was recently averted when the President of Malawi, acting in his capacity as chairman of the Common Market for Eastern and Southern Africa (COMESA) brought together the presidents of the two countries. Mechanisms for responding to future national or regional security threats might be patterned on this model. In the Rwanda conflict, for example, the Security Council could work in conjunction with South Africa and the OAU. While some of these regional organizations will play limited roles due to lack of resources,<sup>74</sup> effective means that maximize their potential should be devised.

The non-military portion of the Bosnia peace agreement provides an even better model for future integrated peace management efforts. At least seven different organizations will be involved in different aspects of the peacebuilding effort.<sup>75</sup> The Organization for Security and Cooperation in Europe (OSCE), for example, will establish a provisional election commission to oversee elections while a special commission under the auspices of the European Court of Human Rights will adjudicate property disputes. The Council of Europe, the United Nations Educational Scientific and Cultural Organization (UNESCO), and other United Nations agencies will play various roles in their specialized areas.<sup>76</sup> It is not clear who will bear the cost of this effort or how the lines of authority among the various parties to this peace management effort will function. The structure that eventually emerges from this operation will provide lessons for future integrated peace management efforts.

#### *D. Applying the Evolving Strategies to African Peace Management*

For purposes of future United Nations peace management, threats to African states can be divided into two broad groups. In the first group are the threats faced by the countries that have been classified elsewhere

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74. The Liberian peace management effort attempted this strategy by encouraging Nigeria to settle the conflict in cooperation with the Economic Community of the West Africa States (ECOWAS). The effort failed in part because of regional suspicions and lack of resources by ECOWAS.

75. Elizabeth Cousens & Michael Doyle, *Dayton Accord's Dangerous Dueling Missions*, CHRISTIAN SCI. MONITOR, Dec. 26, 1995, at 23; see, e.g., Bosnia Peace Agreement, *supra* note 6, at Annex 1A (NATO), Annex 3, art. II, para. 1 (OSCE), Annex 7, art. I, para. 5 (UNHCR), Annex 7, art. III, para. 2 (ICRC and UNDP), Annex 8, art. II, para. 1 (UNESCO), Annex 10, art. I, para. 2 (Security Council).

76. Cousens & Doyle, *supra* note 75, at 23.



in this essay as the "newly democratizing" states, the "recovering" states and the "recovered" states.<sup>77</sup> These countries will continue to be stable if they are able to carry out internal political and economic reforms. They must also forge links with other African states as well as links with international economic and humanitarian agencies. The kinds of threats that these countries face would be outside the purview of the restructured Security Council that has been proposed elsewhere in this essay.

The second group will comprise the "failing" and "failed" states. To the extent that the individual African states and the African regional organizations lack the resources to deal with problems caused by these national disintegrations, responsibility for their management will fall on the Security Council. There is now general agreement that Article 39 provides a basis for unilateral humanitarian intervention by the United Nations in cases where a state has disintegrated. Rwanda and Somalia are the obvious examples. What is not clear, however, is the nature and extent of United Nations responsibilities after the humanitarian objectives have been achieved. How does the United Nations exercise its peacebuilding functions and which internal factions does it negotiate with when there are no acknowledged leaders, as was the case in Somalia? State "failure" is not a Third World phenomenon. Former Yugoslavia and the former Soviet Union are examples of States that have "failed." After the end of the Second World War, Italy, Japan, and West Germany were on the verge of "failing," a result averted only by the Marshall Plan and political reorganization.

The Security Council can learn from these experiences as it faces "failures" in Liberia, Rwanda, Sierra Leone, and Somalia and possible "failures" in Burundi, Sudan, and Zaire. In their essay *Saving Failed States*, Gerald Helman and Steven Ratner have proposed a number of measures that warrant serious attention.<sup>78</sup> Under their proposal, the United Nations could set up a conservatorship in one of several forms. Where the state was "failing" but had not yet "failed," it could be provided with "governance assistance," meaning that the United Nations would assist with institution-building or government reform but decisionmaking authority would remain with the State. Such a plan is appropriate for Burundi, Sudan, and Zaire. Where the State has actually "failed," some of its governmental authority would be delegated to the United Nations. The United Nations Transitional Authority in Cambodia (UNTAC), to which the Cambodian warring factions delegated authority

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77. See *supra* Part I.

78. Gerald B. Helman & Steven R. Ratner, *Saving Failed States*, 89 FOREIGN POL'Y 3 (1992-93).

under the 1991 Paris Agreements,<sup>79</sup> is successful precedent for this system. Helman and Ratner also propose a total trusteeship in extreme cases. Under this proposal, a State that had completely "failed" would be put under an international trusteeship similar to that outlined for territories under Chapter XII.<sup>80</sup> This arrangement would necessitate an amendment of Article 78 of the Charter as all the existing "failed" States are members of the United Nations and therefore not subject to international trusteeship under Article 78.<sup>81</sup> Under this proposal, the Security Council could delegate actual management of the conservatorship to a subgroup dominated by regional members or the United Nations Secretariat could be reorganized by creating a management facility within it. These proposals have serious political implications that would need to be taken into account. Care would have to be taken to ensure that the United Nations was not devising a new form of colonialism. Where feasible, clear timetables for ending the conservatorship, for example, would have to be established.

### CONCLUSION

The African continent is the most threatened of all the other continents. It will therefore become a testing ground as the international community restructures its global peace management strategy. As long as the African states fail to carry out significant domestic reforms, these threats will persist. External factors such as arms exports to Africa and unfavorable trade terms will exacerbate African insecurity. Failure by the African states to establish an effective regional collective security system has also contributed to this insecurity. The Central Organ of the OAU for Conflict Prevention, Management and Resolution, for example, has failed to evolve into an African Security Council as had been hoped. Its failure to take action in Burundi, Liberia, Rwanda, and Somalia, for example, and its decision to refer the Sudan situation to the United Nations Security Council are clear indications that the African region does not have an effective peace management structure.<sup>82</sup>

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79. *Paris Conference on Cambodia: Agreements Elaborating the Framework for a Comprehensive Political Settlement of the Cambodia Conflict*, U.N. GAOR, 46th Sess., Annex 1, Section A, ¶ 1, U.N. Doc. A/46/608 (1991), reprinted in 31 I.L.M. 174 (1992).

80. Helman & Ratner, *supra* note 78, at 12.

81. Article 78 provides: "The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality." U.N. CHARTER art. 78.

82. See *Horn of Africa: Strategic, and Shaky*, AFR. CONFIDENTIAL, Jan. 5, 1996, at 1-3.

The United Nations Security Council will therefore continue to play a significant role in African peace management. Several proposals have been made in this essay:

1. *If the United Nations is to play an effective role in African peace management, the Security Council needs to be restructured in a manner that enables it to carry out effective peace management operations.*

2. *Future peace management operations must be based on clear mandates and clear grounds.*

3. *Future United Nations peace management operations must take an integrated approach.*

The United Nations cannot intervene in every conflict. The emergence of "failed or "failing" states will necessitate interventions in matters that traditionally would be considered within the domestic competence of states under Article 2(7) of the Charter. These interventions will involve various degrees of intrusiveness that will be dictated by the nature of the threat presented. Specific timetables for withdrawal should, where feasible, be devised before intervention takes place. Where intervention fails to bring about "recovery" consideration should be given to an extended international trusteeship or to some form of merger with another state.<sup>83</sup>

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83. Helman & Ratner, *supra* note 78, at 19.