

## EDITORIAL COMMENTS

### PREPARING TO WAGE PEACE: TOWARD THE CREATION OF AN INTERNATIONAL PEACEMAKING COMMAND AND STAFF COLLEGE

Qui desiderat pacem, praeparet bellum.

*Vegetius*

Peacemaking,<sup>1</sup> like war, involves the coordinated use of military, economic, diplomatic and propaganda instruments. But while war's objective is to terminate the military capacities of the adversary as economically as possible in order to subordinate it politically, peacemaking involves generating in or imposing on a body politic or a territory such structures as are necessary to make it an autonomous, self-sustaining political and economic entity in accord with the blueprint prepared by the United Nations.<sup>2</sup> Hence peacemaking, though using many of war's instruments, has different conceptions and objectives. In particular, peacemaking militates, by its nature, against the degree of collateral destruction that may be acceptable and even desirable in warmaking, especially insofar as destruction of the adversary minimizes one's own losses.

Peacemaking is not peaceful. In contrast to peace keeping, it must be willing to encounter stiff resistance if not to be actively belligerent. Hence, it may introduce and use, in its programs, some of the most modern and destructive weapons.

Peacemaking implements an international decision and is accomplished under international authority, by procedures that must meet international standards and are likely to be subjected to a degree of media and public scrutiny far higher than those in a purely national military campaign. Moreover, peacemaking, as a quintessentially international activity, requires the coordination of military units from different countries and language and cultural systems.<sup>3</sup> Yet peacemaking is only international in part. Since the modern military unit is not a "freebooter" that can operate independently of its supply, replenishment, command-control, career advancement, pension, and national political system, the international command

<sup>1</sup> The United Nations' ambitions for peacemaking are sketched out in *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping*, Report of the Secretary-General, UN Doc. A/47/277-S/24111 (1992), reprinted in 31 ILM 953 (1992). The definition of the term in that document is rather modest: "action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter." *Id.*, para. 20, 31 ILM at 960. In the elaboration of the concept, however, it becomes apparent that a far broader range of activities was considered. Indeed, UN actions since the Agenda for Peace was issued, particularly in Somalia, have already gone far beyond it. For an analysis and critique, see W. Michael Reisman, *Peacemaking*, 18 YALE J. INT'L L. 415 (1993). For a review of peace keeping, see UNITED NATIONS, *THE BLUE HELMETS: A REVIEW OF UNITED NATIONS PEACE-KEEPING*, UN Sales No. E.90.I.18 (2d ed. 1990). For suggestions that begin to bridge peace keeping to the newer focus of international action, see INDAR JIT RIKHYE, *STRENGTHENING UN PEACEKEEPING: NEW CHALLENGES AND PROPOSALS* (1992).

<sup>2</sup> There is a certain fluidity in terminology at the moment with regard to terms such as "peacemaking" and "peace enforcement." I have adopted the usage developed by the Secretary-General in the Agenda for Peace, *supra* note 1. Nevertheless, various foundations and research institutes that are working on the subject, in some cases in collaboration with the United Nations, use the term "peace enforcement" for "peacemaking." All of those working in this area agree that what is involved is a set of activities that is more coercive and forceful than "peace keeping."

<sup>3</sup> But for a proposal for an integrated force, see Brian Urquhart, *For a UN Volunteer Military Force*, N.Y. REV. BOOKS, June 10, 1993, at 3.

and control of peacemaking must coexist (and not necessarily comfortably) with continuing or contingent national civil and military command and control.

The money and personnel necessary for peacemaking come, in significant part, from the great industrial democracies. Their citizens are unlikely to support peacemaking actions for long if they consume large numbers of their sons and daughters and drain their national treasuries. Hence, international agreements notwithstanding, effective planning to maximize economy and to minimize personnel and material losses will be a practical prerequisite for peacemaking.

The waging of war in advanced industrial and science-based cultures involves long-term anticipatory planning to ensure that the material capacities and skilled manpower will be available when they are needed. This requires the elaboration of detailed plans for those contingencies that can be identified in advance. Viable plans must meet both operational and domestic political and economic requirements. As a result, military science has become increasingly integrative, predictive and contingent. Modern military preparation requires recruitment of highly trained and increasingly specialized individuals who are drawn from the society at large or prepared in special academies and colleges.

There is no reason to expect that peacemaking will be any less complicated than warmaking. Yet there are no inclusive procedures for ongoing contingency planning and contingent preparation for peacemaking other than the periodic lunches of the Officers' Club of Article 47 of the United Nations Charter. Operational problems encountered in Angola, Cambodia and Somalia demonstrate that the very future of peacemaking may well depend on developing a real capacity for planning and preparation at many levels.

There are as yet no international intergovernmental staff colleges for peacemaking.<sup>4</sup> They are urgently needed.<sup>5</sup> In the meantime, the problems involved in

<sup>4</sup> There are, however, training materials for peace keeping. Several states have developed manuals for those involved in traditional peace-keeping training. Perhaps the best known are the Nordic manuals. JOINT NORDIC COMMITTEE FOR MILITARY U.N. MATTERS, NORDIC U.N. TACTICAL MANUALS (1992).

The first of the two Nordic volumes focuses on basic training for troops involved in UN operations. The second volume outlines the responsibilities of commanders in the field. Sweden, Denmark, Norway and Finland use these manuals as the basis for joint training programs. These programs train command, communications, and logistical personnel in the operational procedures of a UN assignment.

An outstanding example and possible model for peacemaking is INTERNATIONAL PEACE ACADEMY, PEACEKEEPER'S HANDBOOK (1984), which was compiled and edited by Brigadier Michael N. Harbottle (ret.) of the United Kingdom. It is a *vade mecum* for personnel assigned to UN peace keeping, which it defines as "using multinational military, police and civilian personnel to restore and maintain peace." *Id.* at 7. Moreover, it provides, in the annexes to chapter IX, a syllabus and staff course outline. But the activities contemplated are, in fact, more limited and much more restrained than those likely to be used in peacemaking. See especially *id.*, ch. V.

Canada, with significant experience in peace-keeping operations, has developed its own training materials. They are issued by the Ministry of National Defense and used in instructing Canadian troops. The British Army has included in its manual a section explaining the required conduct of troops in UN peace-keeping operations. 5 CHIEF OF THE GENERAL STAFF, FIELD MANUAL, pt. 1 (1988).

In addition to these manuals, the UN training staff is developing its own guide for troops. A second draft was recently completed on *A Peacekeeping Training Manual*. The training staff also has completed the first draft of a curriculum development report that would be used while conducting training of higher-level personnel in war colleges. Though these training materials are focused on peace-keeping operations, they also discuss more extensive military operations that might be carried out by UN forces.

<sup>5</sup> There is currently no curriculum being developed which is geared to the unique needs of peacemaking or peace enforcement operations. However, some ad hoc training is developing. For instance, the United States has reportedly instructed its troops on rules of engagement for missions that go

peacemaking should be identified by scholars and experimental curriculums developed for staff colleges in all those countries likely to contribute to peacemaking operations. The questions to be considered will range from philosophical and legal problems to the development of codes of conduct, and on to rather minute arrangements for accommodating national and international command and control and coordinating communications.

As a start, the advanced war colleges in the United States—the National Defense University and the Naval War College—could develop programs on the command and staff levels to prepare officers and other officials of the United States Government for peacemaking roles. Those courses should be open, as well, to officers of other countries likely to participate in peacemaking. The military establishments of other countries should be encouraged to do the same. Existing NATO training programs should urgently focus on the special operational problems likely to be presented by peacemaking. Other regional military training programs should also develop this focus.

At a later stage, an international command and staff college for peacemaking operations should be established with a student body drawn from mid-level and senior military and governmental personnel of countries that have committed themselves to participating in international peacemaking as well as from the ranks of officials in the United Nations.

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## WAR CRIMES IN YUGOSLAVIA AND THE DEVELOPMENT OF INTERNATIONAL LAW

Whatever the practical achievements of the international tribunal for Yugoslavia may prove to be, the United Nations Security Council has established the first truly international criminal tribunal<sup>1</sup> for the prosecution of persons responsible for serious violations of international humanitarian law. Its creation portends at least some deterrence to future violations and gives a new lease on life to that part of international criminal law which applies to violations of humanitarian law. These are major, though obvious, achievements.<sup>2</sup> However, the tragic and massive

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beyond traditional peace keeping. Telephone interview with Maj. Gen. John O. B. Sewall (U.S. Army, ret.), Senior Fellow, Institute for National Strategic Studies, National Defense University (Oct. 15, 1993).

The special training needs of peace enforcement missions have prompted discussion in a number of military and academic settings. Among the groups addressing the issue is the Henry Stimson Center in Washington, D.C. As part of a larger investigation of future training needs for UN operations, the Center is undertaking a detailed investigation into the special curricular and training needs of peace enforcement missions. Telephone interview with Matthew Vaccaro, Research Associate, Henry L. Stimson Center (Oct. 4, 1993).

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<sup>1</sup> The post-World War II Nuremberg and Tokyo tribunals are regarded by some commentators as victors' courts.

<sup>2</sup> See generally James C. O'Brien, *The International Tribunal for Violations of International Humanitarian Law in the Former Yugoslavia*, 87 AJIL 639 (1993); Theodor Meron, *The Case for War Crimes Trials in Yugoslavia*, FOREIGN AFF., Summer 1993, at 123. For criticism of the tribunal, see Alfred P. Rubin, *International Crime and Punishment*, NAT'L INTEREST, Fall 1993, at 73. No attempt has been