

The Role of the United Nations in the Balkans

Yasushi Akashi

I have heard it argued that there is a peculiar dialectic in the Balkans conflicts - as soon as one area becomes more calm and takes steps towards a peaceful resolution of disputes, a crisis emerges in another area. A cease-fire agreement in Croatia is followed by conflict in Gorazde, a Cessation of Hostilities in Bosnia-Herzegovina is followed by a renunciation of UNPROFOR's presence in Croatia. I sometimes fear that if all present areas of open conflict were progressing to peace, other areas in the Balkans could soon present new challenges.

For peace-keepers, the day-to-day crisis is the focus of our operational attention, but it is also necessary to think and reflect on why these crises erupt; what are the goals and motivations of the conflicting parties and the people they lead and represent; and what end-points do the combatants seek? Where those end-points are manifestly incompatible, the likelihood is that devastating war and conflict will continue, leading to the defeat of one side, or two sides, or even all sides, and to incalculable human suffering and misery. The alternative to this tragic scenario is to look behind and beyond the immediate positions of conflicting parties, to seek to open new possibilities for meeting their legitimate aspirations and fears.

Fifty years ago the Allied powers agreed on the basic shape and procedures of the future United Nations Organisation. The Charter was prepared, and signed in June 1945, prescribing four great and noble goals: to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom. These goals were not derived from the irreducible minimum of political consensus at the time; they were derived from the values of our common humanity: the values of peace, and security, economic advancement and social equity, democracy and human rights. Even in the middle of the humanitarian horrors of the conflict in the former Yugoslavia, no party has challenged the validity and the legitimacy of these values enshrined

in the UN Charter and the Universal Declaration of Human Rights, adopted by the General Assembly in 1948.

As is well known, the Charter nowhere makes mention of peace-keeping as a specific task to be undertaken by the Organisation. The United Nations invented peace-keeping as a practical response to real problems and during the Cold War era 13 peace-keeping missions were established. Traditional peace-keeping evolved as a response to the need to discharge the responsibilities enshrined in the Charter by containing, ameliorating and resolving conflicts which primarily derived from the decolonisation process in the developing world. Because the 'cold war' limited the areas in which the international community could become involved, to address areas of other conflict, UN peace-keeping was often engaged with the problems of the establishment of new states, in an international environment which, at that time, was focused firmly on classic statehood as the panacea for human aspirations for self determination and independence.

It was perhaps inevitable that the new era which dawned with the breaching of the Berlin Wall should produce crises of government legitimacy and of statehood itself in certain countries which had belonged to the Eastern bloc, or which - like the Socialist Federative Republic of Yugoslavia - were sustained by the tensions of a non-aligned position between the two blocs. It was only natural that the suppressed aspirations of peoples living under Communist rule should seek release and fulfilment in the objectives of their historical goals which had always been expressed in the institutional form of classic sovereign statehood.

The problem, however, is that only one state can occupy one geographical space at one time. Since we cannot change this geo-legal principle, and if we as peace-keepers are to prevent endless war and suffering, perhaps we need to re-examine not the aspirations of people but the conclusions they have reached about institutional forms which would meet those aspirations.

Since the very beginning of the conflict in the troubled lands of the Former Yugoslavia, it has been clear that durable peace will not come without durable political and constitutional solutions. But from where can these durable political and constitutional solutions come and what are the real questions they should resolve?

If I may be forgiven a very broad generalisation, it seems to me that a great part of the conflict we now see derives from the central question of how individual citizens and ethnic groups can identify and live with and within the cultural group they feel they belong to, while at the same time remaining within internationally recognised, economically viable and politically stable state structures. How can states accommodate multiple sets of identities which can live together, work together and vote together in conditions of peace, justice, and full respect for human rights and individuality?

For example, in Croatia much work has gone into developing concepts of autonomy that would provide the people in the UNPAs with practically every conceivable attribute of independence and self-determination except formal statehood itself. These include the right to their own language, their own culture, their economic decisions, their own police, courts, and administrative structures. At some point, hard thinking needs to be done on all sides to distinguish between symbolic non-solutions to conflict, and practical solutions that not only meet real concerns, but give real prospects for a peaceful normal life with full dignity.

In Bosnia-Herzegovina, the focus of what could be called creative constitutionalism is on establishing multiple links between different entities. Key questions of power sharing, allocation of functions in Federal and Confederal structures, and individual national legal status and protection remain to be fully resolved. The theology of many of these concepts sometimes obscures discussion and retards progress towards meeting the realistic aspirations of those whose lives consist, today, of not much more than war and suffering.

In the Former Yugoslav Republic of Macedonia both the internal and external quests for self-determination, autonomy and independence have presented grave challenges. Internally, the Albanian minority continues to search, for realisation of its identity within a larger political structure. Externally, a fundamental question is the relationship between states and historical ethnic groups.

In outlining some of these key issues and problems, I am aware that I am raising more questions than I can answer. I would note, however, that many of these issues have already been addressed in many different ways by other peoples in other regions. This is not to ignore geography, history and culture. Indeed it is precisely because of those factors that international experience is so heterogeneous.

Looking at the diversity of historical experience and political structures among the 185 members of the United Nations, it is clear that enormous creative thought and effort has gone into developing constructive solutions for peaceful and stable resolution of conflicts that have emerged from the search for independence. And I must add that within those 185 Member States of the United Nations, there are hundreds of configurations and entities whose status is less than that of a full sovereign state, but who together encompass the thousands of ethnic groups that make up mankind.

In looking at this European future, it is now considered trite to observe the paradox of violent struggle for statehood by the peoples of the Balkans, on the one hand, and the strongly integrationist pressures of the sovereign states of the European Union, on the other hand. Integrationist pressures are by no means unique to Europe - similar processes are taking place in parts of Asia and in the Americas. Classic statehood and state sovereignty is eroding because of pressure from *within* states. For very good reasons, hundreds of millions of people have come to the conclusion that independence, autonomy and even self-determination are not incompatible with having less-than-full sovereign statehood. Market economies, economic interdependence, the communications revolution, and the mass media global village, have brought even historical enemies together.

It is of course not possible to force people to be friends, but it is also not true to say that people who are not friends can only co-exist peacefully if they live in different states. Even in states where centuries of conflict have occurred, successful co-existence has been possible when it is based on full implementation of human rights as contained in the Universal Declaration of Human Rights.

Those who advocate only statist solutions to human rights problems should consider carefully the longer term viability of these mini-states they seek to create. It is quite possible that the result of the assertion of independence is a new yoke of economic and

political dependence on the not always altruistic generosity of others or, worse still, to fall constant prey to the ambitions of more powerful neighbours.

The ability to compromise, to develop satisfactory but not maximalist solutions, is not easy, particularly when there is so much historical suspicion and distrust. Tension is inherent in human society, and open conflict is difficult to resolve. But societies of as great heterogeneity as the former Yugoslavia have somehow managed to contain conflict and to introduce mechanisms and structures for peaceful resolution of disputes.

If only one state can occupy one territory at one time, is it beyond the ingenuity of mankind to devise political and legal structures, be they Federations, Confederations, Autonomous regions or other structures, which meet the aspirations of their peoples and address their fears and insecurities so that they live peacefully together?

I have departed a little from the strict subject of my address, but I am reminded of the words of the late Dag Hammarskjöld, the former Secretary-General of the United Nations, that "*the United Nations was not created to bring mankind to heaven, but to save it from hell*". UN peace-keepers perform part of this task on the ground in constant attempts at negotiating cease-fires, cessation of hostilities, inter-positioning of troops, implementing economic confidence-building measures, supporting Federations, and protecting human rights. But an equally important part of our work as peace-keepers is to supply a context in which the parties can come together in search of common solutions and new ideas for fulfilling their own aspirations peacefully.

I have been concerned throughout my time in the Former Yugoslavia, that the nature and role of UN peace-keeping is not well understood and that even when it is understood it is sometimes wilfully mis-used and abused for political purposes. In some cases, expectations of what the UN can do, have been exaggerated. The UN cannot impose peace. In very clear-cut circumstances, with the solid determination of the international community, it can impose defeat on an aggressor as in Korea and in the Gulf War. But in internal conflicts in dis-integrate states, it cannot impose peace. Only the parties themselves can bring about peace, and the primary role of the peace-keeping mission is to create the conditions and circumstances in which the parties can negotiate their own peace.

Peace-keeping missions can also do only as much as their resources and their mandates allow them to do. Mandates change over time, reflecting both developments on the ground and the evolution of the thinking of the international community. There are now over 100 Security Council resolutions and Presidential statements which collectively make up the UNPROFOR mandate. War and conflict is by its nature dynamic. Even a stalemate on the battlefield produces a momentum in which new possibilities for peace emerge. The international community cannot be expected to support an unsatisfactory *status quo* indefinitely. Progress must be made or resources inevitably will be withdrawn.

Finally, let me say a word about impartiality. In my judgement, UNPROFOR's experience has only confirmed the imperative of impartiality, although we have at times been exposed to strong criticism of our impartiality, mainly on the alleged ground that impartiality has been preserved at the cost of ignoring violations of human rights.

This important criticism calls for a response. To start by restating the obvious, or what should be obvious: human rights are not violated by peace-keepers, or by humanitarian agencies. They are violated by parties to the conflict which peace-keepers are deployed to mitigate and resolve. It is, sadly, inevitable that peace-keepers themselves cannot restore all the lost rights - cannot rectify the innumerable wrongs endured by suffering civilians. What we can do is to diminish these sufferings, to help people survive in their own communities, while doing our utmost, through political and diplomatic efforts, to prevent recurrences of suffering.

Another response to the critics of impartiality can be expressed as a question: how can a peace-keeping mission operate at all, let alone represent the world organisation's concern to mitigate and resolve a conflict, if that mission disregards the terms of its deployment by the United Nations - terms which have been mandated, and consented to by the parties at war?

Most importantly, impartiality is the greatest asset of a peace-keeping mission, despite the complex moral and practical issues it raises. It is the basis of the consent of the parties to the presence of a peace-keeping mission, and without that consent the peace-keeper becomes a peace-enforcer. Particularly in civil conflicts in disintegrating states, I sincerely doubt that peace enforcement can ever produce a durable political solution. The price of consent is

impartiality. The price of lack of consent is most likely to be continued war or unstable temporary political solutions.

The war which began in Yugoslavia in 1991, and has not yet concluded in Croatia and Bosnia and Hercegovina, has sometimes been described as the definitive post- 'cold war' conflict, the conflict which proved that the former constraints of hostile bipolarism no longer exist. It has furnished an historic challenge to the peoples of the Balkans, to the European continent in which they live, to the international community and to United Nations peace-keeping.

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NEW TITLE

The Peaceful Management of Transboundary Resources

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