

Keynote Address: Analysis for Compliance and Peace Building

Dame Margaret J. Anstee

The Walled Garden
Knill, Presteigne
Powys, United Kingdom.

Dame Margaret Anstee spent 41 years in the United Nations, rising to the position of Under Secretary General in 1987. She headed development cooperation programs in various countries in all developing regions of the world, and at UN Headquarters in New York. She was involved in a number of disaster relief operations. As Director General of the UN Office in Vienna, she headed all UN narcotic drugs and crime programmes. In 1992-1993 Margaret Anstee was the Special Representative of the UN Secretary General in Angola and Head of UNAVEM II. She is the author of the book: "Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process 1992-3." Since retirement from the United Nations, inter alia, she has advised the Bolivian Government (1993-1997) and has written and lectured on UN matters. She is the Chairman of the Advisory Board of the Lessons Learned Unit the UN Department of Peacekeeping Operations. Margaret Anstee is the author of several reports to the UN Secretary General on peace building. She has been a participant in numerous simulated peacekeeping training exercises in the United Kingdom, Scandinavia, Latin America, Africa, and for NATO.

INTRODUCTION

Most peacekeeping and peacebuilding operations are set up to monitor, and sometimes to supervise, or even, in rarer instances, to enforce a peace accord or cease-fire, that has been agreed by the parties to the conflict, and which imposes obligations on all sides. Compliance with those obligations by all parties is therefore essential to achieving a sound basis for sustainable peace and peacebuilding and, indeed, to the success of the mission itself. It is the vital key to ensuring true reconciliation between the antagonists, which can only be obtained by developing mutual trust and confidence between individuals and groups who have been long locked in conflict and are deeply suspicious of one another.

INTER-STATE VS. INTRA-STATE CONFLICT

No peace support operation, however strong its mandate and the resources at its disposal, can have any chance of success unless the antagonists are motivated by a genuine political will for peace and a sincere desire to achieve it. Unfortunately, that vital ingredient is all too often lacking.

There can be a variety of motives for signing a peace agreement. Most of them are equally applicable to either inter-state or intra-state conflict. They may include a weariness of

war, or at least a realisation that neither side is likely to gain absolute victory on the battlefield. When these two occur together they usually provide the most solid basis for compliance and for lasting peace. There may also be a desire to obtain power through legitimate means, for example through elections. This was one of the considerations that led UNITA, in Angola, to sign the Bicesse Accords in 1991. More sinister aims include a desire by one of the factions to use the respite of a peace agreement secretly to maintain, or even rebuild, its military machine while keeping that of its foe in check. This, sadly was again the case of UNITA in Angola both in 1992-1993, (when, having lost the election it resorted to bullets rather than ballots and had clandestinely retained the capacity to do so) and after the Lusaka Protocol in 1994 (which UNITA signed only because, after sweeping the country, it was losing ground and needed to restore its strength, which it did all too successfully, soon plunging the country back into an even more savage war). Decisions to agree to a peace accord often depend upon a complex mix of all the above reasons and this list is by no means exhaustive. Achieving compliance in these circumstances is also exceedingly complex therefore and it is important to try to identify and understand the underlying motives of the parties.

In general it is easier to ensure compliance in inter-state conflicts, because there are clear boundaries between the antagonists and political pressure can more effectively be applied on a sovereign state than on disparate groups within a country. Even so, it often does not work, notable exceptions being Iraq, in the post-Desert War settlement, and Palestine and Israel today.

It nonetheless remains true that intra-state conflicts of which we are seeing more and more today, are infinitely more difficult to handle. Such situations are essentially amorphous and characterized by a bewildering fluidity. Then there is the almost insurmountable problem of monitoring and controlling compliance in large areas of uninhabitable country, in rugged mountains as in Afghanistan, or deep jungles as in the Democratic Republic of the Congo or Angola, exacerbated further by long and infinitely porous frontiers. Size may, indeed be a factor in achieving compliance and peace — Guatemala and El Salvador being examples of less daunting geographic environments. As already stated, the parties embroiled in a struggle within a country are less amenable to political pressure and it is hard to apply sanctions to one side, as the experience with UNITA in Angola demonstrated (though, after a long period of failure, they were ultimately sufficiently stiffened to become an important element in UNITA's ultimate defeat).

BASIC INGREDIENTS TO ENSURE COMPLIANCE

THE TERMS OF PEACE ACCORDS OR CEASE-FIRE

The most important element in determining the success or failure of a peace process lies in the terms of the agreement or cease-fire on which it is based. It is essential that such documents should be clear, with the obligations incumbent on all sides unequivocally spelt out. They should include yardsticks for monitoring compliance and target dates for the accomplishment of specific provisions as well as safeguards, conditions, and guarantees. In cases where elections are envisaged, pre-conditions should be specified for the prior establishment of circumstances conducive for holding them in a free and fair manner. In the

case of Angola, the Bicesse Accords (which were brokered by the United States, Portugal and the then Soviet Union, with the United Nations taking no part in their negotiation) the date of the elections was graven in stone after a long and difficult discussion ended in an artificial compromise. They had to be held within the period agreed although by then critical provisions of the Accords, such as disarmament, demobilisation, and the formation of the new Joint Armed Forces were still far from being effectively fulfilled. As a result it was all too tragically easy for UNITA to revert to war when its leader, Jonas Savimbi, decided to reject the election results.

Peace agreements must also establish a strong mechanism, under independent leadership, to monitor compliance. Again, Angola in 1991-2 is a glaring example of what not to do. The Bicesse Accords created a Joint Political Military Commission (known by its Portuguese acronym CCMP) comprising only the two parties, UNITA and the MPLA Government, as full members. The United States, Portugal, and the Soviet Union had observer status, and the United Nations was to be “invited” as appropriate (although the UN had the peacekeeping force UNAVEM II). The two parties were to alternate the chair, reach decisions by consensus, and in essence, monitor each other. This bizarre arrangement presupposed the existence of a “Boy Scout” spirit in circumstances hardly conducive to its development and was a sure recipe for disaster. In such situations a strong referee with discernible clout is needed. The Bicesse arrangements, conceived to preserve (somewhat debatable) sovereignty, effectively militated against any such role being played. The tragic lesson was learned the hard way and applied in Mozambique, where the UN was given a central role, with the corresponding mandate and resources needed to carry it out. Even in Angola, the UN was pushed to centre stage after September 1992, when things began to go badly awry, but during my time was never given the commensurate official mandate and the resources necessary to implement it. Checks and balances must also be woven into the agreement.

THE AUTHORITY AND STRENGTH OF THE INTERNATIONAL FORCE OR PRESENCE

Any entity entrusted with monitoring a peace agreement or cease-fire must be endowed with sufficient authority to play its role effectively. That means a strong mandate and adequate resources to command respect. In Angola in 1991, UNAVEM II was given only 350 unarmed military observers, in a situation where the two forces of the Government and UNITA were estimated to total 200,000, and 126 unarmed civilian police observers. On assuming my post as Special Representative of the Secretary General for Angola and Head of UNAVEM II in early 1992, I was briefed that the Security Council wanted a “small and manageable operation.” In almost my first cable to the Secretary General from Luanda I said that Angola was clearly not small and the situation did not look to me to be manageable without a more robust mandate and greater resources. I was told in no uncertain terms that nothing more was possible and to get on with the job as best I could. Nonetheless, when electoral responsibilities and observers were added to my mandate in equally modest numbers in March 1992 by Security Council Resolution 747, I could not resist proclaiming that I had “been given a 747 Jumbo to fly but fuel sufficient only for a DC 3.” That remark ricocheted around the world and caused me more grief in UN Headquarters — but generated no additional resources.

As noted earlier, that situation was rectified in Mozambique, partly because I had been asked to head the operation there after the Angolan elections and said that I would only accept if the glaring deficiencies in Angola were remedied in Mozambique. In the event I never got there, as I had to remain in Angola to try to negotiate an end to the hostilities that had broken out after the elections. That involved months of negotiations in various places, culminating in a seven-month marathon in Abidjan in April-May 1993. There we all but reached agreement on a 38 point Protocol that rectified all the weaknesses of the Bicesse Accords and gave a much stronger role to the UN. Sadly, the negotiations collapsed because I could not meet UNITA's demand for a symbolic presence of 1,000 "Blue Helmets," as a 'quid pro quo' for their withdrawal from that towns they had occupied. Despite my entreaties, I was told by UN Headquarters that the Security Council was not prepared to provide even this small number of troops and that international attention was then fixed on Bosnia. UNITA's demand may well have been a bluff, but, if it was, I should have liked, as the mediator, to have been able to call that bluff.

War raged on for another 17 months until in November 1994, after setbacks on the battlefield, UNITA agreed to the Lusaka Protocol, though it proved to be a case of "*reculer pour mieux sauter*." Ironically, the Lusaka Protocol was almost entirely based on the one on which we had failed to reach agreement in Abidjan.

UNAVEM III, established to monitor the implementation of the Lusaka Protocol had the assets that had been denied to UNAVEM II — a strong mandate, with my successor as Special Representative chairing the CCPM and calling all the shots, supported by 7000 armed "Blue Helmets." Yet before long, internecine fighting had broken out again, fiercer than ever. That does not invalidate the thesis that strong mandates and adequate resources are critical to a successful peace operation. It does demonstrate that timing is also of the essence. The situation in 1994 was vastly different from that prevailing in 1992-1993. Then peace had been in the air. By 1994 there had been over two years of worse fighting than Angola had ever experienced in its long history of civil war and all the old hatreds and suspicions had been re-ignited and sharpened.

I believe that, had UNAVEM II been afforded the same mandate and resources in 1991-1993 as UNAVEM III was given later, then there might well have been a chance of a different outcome. But that is pure speculation and the Angolan experience demonstrates another incontrovertible truth: if someone is hell-bent on power at any cost, and by whatever means, then the most effective and well-equipped peace support mission cannot succeed and it will be impossible to achieve compliance through peaceful means. That, tragically, was the case in Angola and is only now, with the death of Savimbi in February 2002 that the first glimmerings of real possibilities for securing peace are beginning to appear.

POWERS OF PERSUASION AND COMMUNICATION

Enforcement should be the last resort in securing a peace process. All other avenues of diplomacy, negotiation, and confidence building measures should be exhausted first. This is a delicate process that requires consummate skills and a deep understanding of the history of the country and the roots of the conflict, of the culture of the people concerned and, if possible, of their language. Proper training of people involved in peacekeeping is therefore essential. It is also of paramount importance to contact and consult civil society. Here police

observers can play a useful role as the interface. More women should be incorporated into peace support missions because it is only they who can get in touch with the women of the country; the latter almost invariably can exert a strong influence, even in societies where they appear to be relegated to an inferior status to men. It is they who suffer most from continued war and their voice can be powerful even behind the scenes. The role of the media and of uncontrolled hostile propaganda can also exert a major effect. Peacekeeping missions should always be provided with a strong and independent public information service that can be trusted by the local community to put out objective information. The role of the United Nations radio in Cambodia, for example, was crucial.

Objectivity and impartiality are, of course, the name of the game but this is again a case of “easier said than done.” The perception of an impartial judgement by the protagonists in a conflict tends to be subjective, according to the way in which that judgement affects each of them. Savimbi, for instance, who, before the elections, referred to me as the “mother of the process” quickly changed his tune when I declared those elections, that he had lost, to have been generally free and fair. Overnight I became, according to his public rampagings, a smuggler of diamonds and mercury, an acceptor of bribes from the Government to fake the results of the elections and, ultimately, “ a prostitute whom a stray bullet will find.”

In these days obsessed with the need for transparency in all things the role of quiet diplomacy has become sadly minimised and at times impossible to exercise without incurring criticism of inaction, or lack of transparency. Yet it is an essential tool in the subtle process of conflict resolution. Blazoning from the housetops the shortcomings of one or other party is not always, or even usually, in my experience, the best way of obtaining compliance. That should not mean that one should not take miscreants sternly to task in private — quite the reverse. But it is essential to remain in contact to permit constant negotiation and intemperate public statements can all too often sever that vital link. On the two occasions when I no option but to make public utterances that did not please Savimbi — my declaration on the elections, and later, a statement blaming UNITA for the collapse of a vital round of negotiations because their delegation failed to turn up although we had provided them with full security guarantees — his reaction was to disappear into the bush and switch off his satellite phone. It is hard to make progress with someone who is “incommunicado” and it was some time before dialogue could be restored.

This is an area where the media sometimes play an unhelpful role in their relentless quest for dramatic news, both through speculation and through pressure for revelations that may well hinder the peace process. The art of persuasion, negotiation, and communication in a peace process is extremely subtle and complex. It demands the interplay of many techniques and, ideally, close cooperation and complementarity between the civilian and military components of a mission. They could mutually support one another but in the final analysis, it is the political objective — the attainment of sustainable peace — that must over-ride everything else and to which military action must be directed and, if necessary, subordinated.

INDUCEMENTS TO PROMOTE COMPLIANCE AND SUSTAINABLE PEACE

If a society long engaged in civil war is to achieve lasting reconciliation, peace must be seen by the community as a whole as more attractive than continuing war. The international

community has learned valuable and often painful lessons during the decade of the 1990s. One of the most notable was that peace operations cannot be deemed a “success” when the military objectives have been attained, nor should all the peacekeeping forces be withdrawn at that point. Nowadays, the emphasis is on peacebuilding rather than on peacekeeping pure and simple, in the traditional sense. That requires the maintenance of a secure environment and, more importantly, identifying and addressing the root causes of the conflict in a timely and comprehensive manner.

Peacebuilding needs will obviously vary from country to country but some elements are common to most situations. Equitable access to power and fair and representative government are usually major concerns for the main contenders to the conflict. It is necessary to build proper understanding of democracy and of the rights and obligations of citizens and to develop sound democratic institutions, supported by a fair justice system, observance of human rights and law and order ensured by a neutral police force. This is a tall order in societies ravaged and demoralised by long decades of war and will take a very long time.

For morale and confidence to be restored, and a genuine will for peace encouraged, the community as a whole, and particularly those who have been actively engaged in combat and have perhaps known no other occupation all their lives, must be convinced that there is a tangible peace dividend. Once more this involves simultaneous actions on many fronts: the reconstruction of damaged infrastructure; free movement of people and goods; the provision of basic social services of health and education; assisting thousands of refugees and displaced people to return to their homes and resume agricultural production and other occupations — in short clear, indications that a gradual process of normalisation of life has started. Gradually the process of peacebuilding should merge into a normal process of economic and social development. These should not be consecutive phases; however, Peacebuilding activities should be started as soon as possible alongside initial peacekeeping.

In this context the disarmament and demobilisation of former combatants assumes more than purely military significance. These processes must be accompanied by vocational training to help ex-soldiers to adjust to civilian life and job creation programmes must be an integral part of peacebuilding — the process now known as DDR (disarmament, demobilisation, and reintegration). Otherwise there is a real danger that the former combatants will take up arms again, either regrouping as before, or as petty criminals seeking to make a living by violent means. De-mining is also a priority function as without it people cannot return to the land or agricultural production be restored.

This brief recounting of some of its myriad aspects graphically demonstrates that peacebuilding is a highly ambitious operation, requiring not only political will and commitment for the long haul but also very considerable resources, human, technical, and financial. Obviously the first call must be on those available nationally, especially those in local communities that are often overlooked, but strong and sustained support from the international community over a long period will also be imperative.

Herein lies a serious problem in today’s climate. Donor countries are usually prompt and generous in funding humanitarian relief. Contributions for peacekeeping missions are a little harder to obtain but the real difficulty is to secure funds for peacebuilding. This requires money for development-type activities and development aid has been unfashionable and in decline for many years now. Such policies are short-sighted. While humanitarian aid is vital to preserve life, it is at best a palliative and should gradually be phased into mainstream

development activity that will enable peoples rendered destitute by war to stand on their own feet and become self-sustaining. Only in this way can the investment in peacekeeping be secured for the long haul. This is important not only for the affected countries but also for the security of a world increasingly threatened by terrorism that is frequently spawned by discontent and deprivation.

PENALTIES FOR BREACH OF COMPLIANCE

If local actions by a peace support operation fail to oblige the protagonists in a conflict to honour their obligations, what can the international community do to impose compliance? The ultimate arbiter in the United Nations is the Security Council but it is often ineffective and it is difficult to get it to act decisively. This is understandable when one considers how it is set up. By definition it is a body characterised by political compromise. The Permanent Five themselves have their own interests and agenda as do the ten rotating members and this leads to lengthy deliberations over the formulation of resolutions and a strong tendency to fudge issues on which there is a difference of opinion among its members.

After Savimbi's arrant flouting of the Bisesse Accords after the 1992 elections in Angola the Council issued a series of resolutions critical of UNITA that became increasingly condemnatory over the succeeding months, with a corresponding growth of intensity in the carefully negotiated verbs and adjectives. In the absence of any decisive action these had the same effect on UNITA as water off a duck's back. Conversely, of course, strong decisions by the Council unsupported by the capacity to carry them out effectively can spell disaster. The "safe havens" in Bosnia are a tragic case in point.

Apart from authorising the imposition of force in certain specific situations the main weapon in the Council's armoury is the imposition of international sanctions but these are difficult to enforce, and when they are effective they are often blunt instruments, affecting the wrong people. In the case of Angola sanctions were not invoked against UNITA until September 1993, a year after the elections, and then they were only partial, applied to imports of oil and arms. The delay was mainly due to the position of the United States government that mistakenly believed that it still had influence over Jonas Savimbi.

These initial sanctions were not effective and were gradually expanded over the succeeding years to other areas such as financial assets and travel abroad and finally to diamonds, which were largely financing UNITA's military machine. The latter only began to work when Ambassador Fowler of Canada became chairman of the Council's committee on Angola sanctions and took bold action to name and shame countries that were flouting the sanctions and aiding Savimbi. Subsequently, however, the Council retreated somewhat from this strong position in the face of reluctance on the part of some members who had interests in the countries concerned. Nonetheless, the clamp down on the sale of illegal diamonds played an important part in the undermining of UNITA's military campaign and its ultimate defeat by the Angolan government.

Unsurprisingly, hardened warlords around the world have long regarded the Security Council as a "toothless tiger" and have had little compunction in "cocking a snook" at the Council and at the international community in general. There has been a tendency towards what I call "the copycat syndrome." To my mind it was no coincidence that when Savimbi

was defying world opinion and planning a return to arms, hidden away in the bush in October and November 1992, he was well aware of the futility of international attempts to bring Mladic and Karadjic to heel in Bosnia at that time and was accordingly reassured and encouraged in his own intransigence. Fortunately there has recently been some change in this perception with the arrest and trial of ex-president Milosevic in The Hague.

REGIONAL ASPECTS

These perceived weaknesses of the United Nations have inspired the fashion of increasingly advocating resort to regional organisations to resolve conflicts in their baileywick. The arguments in favour of this approach is that they are more homogeneous and better able to take decisive, concerted action, including the use of force, to ensure compliance and, being nearer to the scene, have better understanding of the complex origins of the conflict. Some examples of regional operations, authorised by the Security Council, can be seen in the forces deployed in Bosnia and Kosovo by NATO, by Australia in East Timor, and by ECOWAS and ECOMOG in Sierra Leone.

It would be a grave mistake, however, to think of regional peacekeeping forces as a panacea applicable to all situations. Very few regional organisations have the required capacity and NATO is probably the only one fully equipped so to do. Moreover, regional solutions are often promoted for the wrong reasons, e.g. for cost-cutting and reducing the burden on the UN's peacekeeping budget or avoiding the political fall-out of bodybags being brought home from a far distant country. Proximity does not necessarily engender greater understanding and it may even prove a severe disadvantage. Thus, the Organisation of African Unity (OAS) was never able to intervene effectively in the Angolan conflict because in 1976 it had very promptly recognised the legitimacy of the MPLA Government and was therefore unacceptable to UNITA as a bone fide mediator. There are also situations such as in the Democratic Republic of the Congo where regional power plays have actively exacerbated the conflict.

Hence, while a regional approach may be more effective in ensuring compliance in certain circumstances, it must be used judiciously and is not a universal recipe for success.

CONCLUSIONS

Compliance can only be assured through complementary civilian and military action and close cooperation between the two. Peace accords and cease-fire agreements must be carefully negotiated, for they constitute the essential groundwork for the whole peace process and an objective international organisation, such as the UN or OSCE, should participate in their formulation, particularly if they are to be called upon to monitor or supervise their implementation. To encourage compliance there must be carrots as well as sticks. This is why peacebuilding is so important and the prospect of a tangible peace dividend in the form of greater security, democratic institutions, and systems of justice and, above all, better conditions of living, can act as a powerful enticement for national reconciliation.

The great spoiler in these peace processes is invariably political expediency, whether on the part of the main antagonists or, more generally, on that of the international community, including the UN Security Council. And when there is an unlimited lust for power on the part of any of the main protagonists in the conflict then the scales are heavily weighted against any peace support operation, however carefully planned and implemented. In summary, compliance and peace building are two sides of the same coin and must be pursued jointly.