

The authors announce from the outset their intention to pay primary attention to the Russian Federation in their analysis of the Chechen conflict, but here we have a regrettable imbalance which may be explained not only by the reasons they put forward, but also by the difficulty of finding sources of information on the Chechen side. Access to the regions concerned, particularly to the mountains bordering on Georgia, was difficult to say the least at the time the book was written.

In conclusion, although a United Nations presence in Chechnya might have been desirable from the political point of view, at the humanitarian level the geographical distribution of tasks between UNHCR and the ICRC served to avoid duplication of effort. The assistance provided by the ICRC and the NGOs present in Chechnya met the needs as far as possible, despite obstacles of all kinds — difficulty in identifying the beneficiaries, logistical problems, customs barriers, etc. The real failure concerned the protection conferred by humanitarian law on the civilian population as on prisoners: such protection was limited in both cases.

To sum up, this is a stimulating book, deserving its place among the other publications of the Watson Institute on conflicts in the post-Soviet world. It may be recommended to neophytes anxious to learn, but also to those who have lived through this conflict, so that they can analyse it critically and, with hindsight, question the relevance of the options chosen.

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Michael J. Kelly, *Peace Operations*, Australian Government Publishing Services, Canberra, 1997, 450 pages (approx.)

The editor of the *Review* commented to me that at first glance this seemed to be an important book. It is an important book of obvious relevance to military lawyers but also to students of international law who will gain

an appreciation of the practical application of the subject. I would like to see the book included in the syllabus for military and civil service staff colleges and read in UN circles, for there is much that can be learnt from the Somalia experience which motivated Major Kelly to put his thoughts on record. He quotes one military administrator who, in 1948, wrote:

“It will perhaps only be when an international lawyer is himself called upon to take part in the legal affairs of a military administration as an army officer that he will truly appreciate the multifarious difficulties which can arise and seek to provide an answer to them in a text-book which one may hope that he will write.”¹

These words are just as relevant now as they were 50 years ago. It is important for policy makers when they are formulating mandates, operation plans, force structures and rules of engagement, to understand and take account of the difficulties under which soldiers are being asked to operate. Often quite junior personnel with little guidance are required to make difficult decisions quickly. The outcome of those decisions can have far-reaching consequences. Ultimately, those personnel must feel that they have the authority, and the backing if necessary, to do what they consider right in the circumstances that they face. Bold and decisive action at the time can pay enormous dividends; failure to act while awaiting instructions can be disastrous. The selection and training of personnel for peace support operations are therefore crucial. These operations call for intelligent, motivated, impartial and disciplined troops and for firm but fair leaders.

Major Kelly has similar messages for military planners, saying that “the real challenge facing military planners is coming to grips with intra-state anarchy on such a scale that it threatens international peace and security” and that “commanders must appreciate that low intensity conflicts are often as much or more political as they are military.” The fact is that peace support operations are very different from conventional military operations and call for different skills and force capabilities.

I expect that when historians look back at the 1990s, they will see a decade of missed opportunity by the international community in trying to bring peace to the world’s trouble spots. Lessons are being learnt only slowly, which means that mistakes are repeated. One thing is clear: quick and resolute action can be effective in preventing bloodshed, suffering and destruction. Armed groups that hold a country to ransom only respect

¹ Lord Rennell of Rodd, *British Military Administration of Occupied Territories in Africa During the Years 1941-1947*, H.M.S.O., 1948, p. 322.

superior force. They are quick to exploit weakness. But any peace support operation needs brain and sensitivity as well as brute strength; any perceived failures or over-reactions on its part will seriously undermine public support. Furthermore, building peace is a long and painstaking process which cannot be achieved in a hurry or within a fixed time limit. Failure to recognize this means that resources, money and hard-won improvements are often wasted. Peace support forces need to be specially trained and structured. While there is usually a need for muscle in the form of a heavily armed quick response force, a lot of effort also needs to be put into relations with the civil authorities, intelligence, legal matters, civil-military cooperation and the coordination of the activities of outside agencies so that the overall effort can be directed most efficiently. Above all, it must be clear who is in charge and there must be no divisions among the various parts of the whole peace support structure.

Major Kelly was the legal adviser to the Australian contingent which formed part of the Unified Task Force deployed to Somalia in early 1993 under a United Nations Security Council mandate, resolution 794 (1992). "It was a Chapter VII peace enforcement operation into a collapsed state for humanitarian purposes" and "became a state rehabilitation mission when resolution 814 (1993) was added" to the mandate. Given that Major Kelly had first-hand experience of his subject matter, it behoves us all to listen attentively to his message.

He starts with the factual background, considering the question of humanitarian intervention in other states, and concludes that without a UN Security Council mandate there is no unilateral (as opposed to consensual) right of humanitarian intervention — even in cases where genocide is going on — except, possibly, when a state has completely broken down so that there is no sovereignty to offend. The second chapter looks at the actual experience of intervention in cases such as Iraq, the former Yugoslavia, Cambodia and Rwanda, and it seems a sad story of too little too late and not long enough. Law and order become important issues when forces have created a stable environment, but this requires police, prosecutors and the judiciary.

Next comes the question of the legal basis on which intervening forces operate and a consideration of past examples of non-belligerent occupation, whether by invitation of the legitimate government, by peace treaty, to secure reparations or to protect national interests. In Chapter 4, Major Kelly pursues his theory that, at least in practice if not in law, the Fourth Geneva (Civilian) Convention of 1949 should be the legal framework within which intervening forces should operate, certainly those that have been

“contracted out” and arguably the “blue helmets” as well. The next chapter examines the rights and obligations imposed by this convention; Major Kelly argues that intervening forces should not shy away from applying the convention for they can find much in it to guide them, especially in a case like Somalia where government has broken down and the UN-mandated forces become the authority in charge. Lastly, in the legal part of the book, Major Kelly looks at human rights law in the context of peace support operations but concludes that adherence to the principles of the Fourth Geneva Convention will ensure that human rights are protected.

Part III of the book concentrates on Somalia. Major Kelly describes a “Dante’s inferno” of inter-clan fighting and banditry in a place where all law and order had broken down, where up to 80% of relief supplies were being looted and relief agencies were having to hire private armies for their protection. It was into this environment that the Unified Task Force was deployed. The author considers that this intervention did a lot of good, but that it could have done better. The main problems were the failure to disarm the factions, which simply waited for the UN-mandated forces to leave before re-exerting their influence, and the failure to reconstruct the justice system so that those who had committed serious offences could be put on trial. This led to unfortunate incidents in which frustrated peace support soldiers from another contingent took the law into their own hands. Lack of civil affairs expertise was another drawback, as was the failure to take over the radio stations which continued to broadcast antagonistic propaganda. Returning to his leitmotiv, Major Kelly asserts that application of the Fourth Geneva Convention would have enabled the “occupying” troops to make use of public property, control the media, reassemble the criminal justice system, bring public order offenders to trial, direct the contribution of relief agencies and take over air traffic control, all of which would have helped build a lasting peace. As it was, much of the good done was only of short duration.

Of particular interest to military readers may be Major Kelly’s comments on the orders for opening fire issued to members of the Australian contingent and the training those soldiers were given. This was based on the need to retain the good will of the people and on principles which can be found in the law of war, namely, identification of the target, proportionate use of force depending on the threat (i.e., lethal or non-lethal) and minimization of incidental damage. When lethal force was permitted, soldiers were not trained to shoot to wound. Nor were single aimed shots insisted upon since the response would always depend on the threat. In his final chapter, Major Kelly makes some practical suggestions about the composition of teams for military investigations, justice reconstruction and civil-military cooperation.

Major Kelly obviously indulged in the luxury of being able to deal expansively with his subject and so, as matters are examined from different angles, there is a fair amount of repetition. A more compressed treatment of the material and an index would have made the book more useful as a reference work. Perhaps the author could be persuaded to produce such a textbook. Nevertheless, this is a most valuable work which I commend. For those who do not have time to read the whole book, I would recommend that, at least, they read Chapters 10 and 11.

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Thomas G. Weiss, David Cortright, George A. Lopez and Larry Minear, *Political gain and civilian pain: Humanitarian impacts of economic sanctions*, Rowman & Littlefield Publishers, Lanham/New York/Boulder/Oxford, 1997, 277 pages.

Larry Minear, David Cortright, Julia Wagler, George A. Lopez and Thomas G. Weiss, *Toward more humane and effective sanctions management: enhancing the capacity of the United Nations system*, Thomas J. Watson Jr. Institute for International Studies, Occasional Paper No. 31, 1998, 90 pages.

Collective economic sanctions are among those measures not involving the use of military force which the Security Council may decide on in order "to maintain or restore international peace and security" (UN Charter, Article 41). The framers of the Charter intended to give policy makers the possibility to enforce the collective will against a recalcitrant State by acting forcefully, but without resorting to military might. The imposition of collective economic sanctions was perceived as an alternative to a greater evil-war.

"Political gain and civilian pain: Humanitarian impacts of economic sanctions" attempts to answer the question whether sanctions "work", i.e., whether they attain their goal of effecting a change in the behaviour of a