

Issue Brief for Congress

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Peacekeeping: Issues of U.S. Military Involvement

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Peacekeeping: Issues of U.S. Military Involvement

SUMMARY

For almost a decade, Congress has expressed reservations about many complex and intertwined peacekeeping issues. The Bush Administration's desire to reduce the commitment of U.S. troops to international peacekeeping parallels the major concerns of recent Congresses: that peacekeeping duties are detrimental to military "readiness," i.e., the ability of U.S. troops to defend the nations. Critics, however, are concerned that withdrawals of U.S. troops from peacekeeping commitments will undermine U.S. leadership.

Thousands of U.S. military personnel currently serve in or support peacekeeping operations, performing tasks ranging from providing humanitarian relief to monitoring and enforcing cease-fires or other agreements designed to separate parties in conflict. Of these, 43 were serving in seven operations under U.N. control (as of October 31, 2001). Others are serving full-time in operations run unilaterally by the Department of Defense (DOD) or together with U.S. allies in support of these operations, particularly the NATO Stabilization Force (SFOR) in Bosnia and the NATO Kosovo Force (KFOR). About 37,000 more serve in or support peacekeeping operations in South Korea. These "peacekeeping" operations are undertaken to promote, maintain, enforce, or enhance the possibilities for peace, and can sometimes be dangerous.

For Congress, two initial issues were (1) whether U.S. troops should be placed under U.N. control and (2) when the President should consult with Congress and seek its approval to deploy U.S. troops on peacekeeping missions. As the number of troops under U.N. control declined steeply, the first concern became less pressing. Regarding the second, at the present time Congress is informed

through regular monthly consultations between the armed services and foreign affairs committees (usually at the staff level) and executive branch officers. Other important concerns have been the high cost of and the appropriate method for funding DOD peacekeeping activities.

In the 107th Congress, two issues were highly visible. One was the military "readiness" issue. Some policymakers have worried that peacekeeping costs drain funds that DOD uses to prepare its forces to defend against a threat to U.S. vital interests, that peacekeeping deployments stress a force whose size is inadequate to handle such operations, and that deployed troops lose their facility for performing combat tasks. With the entry into force in July 2002 of the Treaty on the International Criminal Court, another concern was whether and how to protect U.S. servicemen against possible unwarranted prosecutions. To that end, Congress adopted the American Servicemen's Protection Act as part of the FY2002 supplemental appropriations act (P.L. 107-206).

The Bush Administration has negotiated with allies to reduce U.S. military troops in Bosnia, and has stated that it will not commit U.S. troops to the peacekeeping operation in Afghanistan. Still, with some policymakers and analysts arguing that the uncertainties of the post-September 11 world demand a greater U.S. commitment to curbing ethnic instability, one issue the Congress continues to face in the 108th session is what, if any, adjustments should be made in order to perform peacekeeping missions – in Afghanistan or elsewhere – with less strain on the force, or whether the United States should participate in such missions at all.

MOST RECENT DEVELOPMENTS

With a U.S. military action against Iraq contemplated, some analysts have raised questions about the size, mission, and duration of a possible follow-up U.S. peace enforcement “occupation” force. According to a New York Times article of January 6, 2003, the Bush Administration’s plans for stabilizing a possible post-war Iraq “call for a heavy American military presence in the country for at least 18 months...with forces that would keep the peace, hunt down Mr. Hussein’s top leaders and weapons of mass destruction and ... ‘keep the country whole.’” Following the customary practice for contingency operations, which are not budgeted in advance, the FY2004 budget submitted February 3, 2003, makes no provision for a possible Iraq invasion or occupation force.

BACKGROUND AND ANALYSIS

Many questions have been raised in debate over U.S. involvement in international peacekeeping. These have ranged from the basic question of definition — what is peacekeeping? — to the broad strategic question — how and when does it serve U.S. interests? Some issues directly concern U.S. military involvement and are discussed here, or in other CRS reports. For several Congresses, two primary issues were (1) when should the President consult Congress and seek its approval to send U.S. troops on peacekeeping missions; and (2) whether Congress should restrict the placement of U.S. troops under U.N. control. The first issue is covered briefly below, and more completely in other CRS Reports. Regarding the second, issues related to the International Criminal Court are discussed below in the section on Legislative Restrictions on U.S. Military Participation in U.N. Peacekeeping Operations, and issues related to command and control are covered by CRS Report RL31120, *Peacekeeping: Military Command and Control Issues*. Currently, Congressional attention focuses on three issues: (1) the costs of peacekeeping, (2) peacekeeping operations’ effects on the U.S. military’s warfighting capacity (“readiness”), and (3) the suitability and desirability of deploying U.S. troops on peacekeeping missions. (See CRS Issue Brief IB90103, *United Nations Peacekeeping: Issues for Congress*, for information on the costs of U.N. operations and its capability to handle them.)

Debate over peacekeeping has been complicated by the difficult context in which the demand for U.S. troops and funds for such operations takes place. At home, this has included the downsizing of U.S. forces, and the press of U.S. domestic programs for funds spent on the military and on foreign aid. Internationally, complicating factors have included the sometimes fractious relationship between the United States as a world leader and its allies, and the nature of current ethnic and regional conflicts.

Context for the Debate

The Definitional Problem

“Peacekeeping” is a broad, generic, and often imprecise term to describe the many activities that the United Nations and other international organizations undertake to promote,

maintain, enforce, or enhance the possibilities for peace. These activities range from providing observers to monitor elections, recreating police or civil defense forces for the new governments of those countries, organizing humanitarian relief efforts, and monitoring and enforcing cease-fires and other arrangements designed to separate parties recently in conflict.

The use of the term “peacekeeping” gained currency in the late 1950s, when United Nations peacekeeping efforts mostly fit a narrower definition: providing an “interpositional” force to separate parties that had been in conflict and to supervise the keeping of a peace accord they had signed. In 1992, the United Nations began to use a broader terminology to describe the different types of peacekeeping activities. In particular, it created the term “peace enforcement” to describe operations where peacekeepers are allowed to use force because of a greater possibility of conflict or a threat to their safety. Subsequently, the Administration and executive branch agencies substituted the term “peace operations” for “peacekeeping.” (DOD categorizes peace operations among its “operations other than war” [OOTW].) Congress has tended to use the term “peacekeeping,” as does this Issue Brief. The definitional problem stems from a semantic dilemma: no single term currently in use can accurately capture the broad and ambiguous nature of all these types of operations. Use of any term with the word “peace” conveys the misleading impression that they are without risk, when, in fact, “peace” operations can place soldiers in hostile situations resembling war.

Current U.S. Military Participation in Peacekeeping

Thousands of U.S. military personnel participate full-time in a variety of activities that fall under the rubric of peacekeeping operations, most sponsored or otherwise endorsed by the United Nations. As of September 30, 2002, 32 U.S. military personnel were serving in six U.N. peacekeeping operations. These operations are located in the Middle East (14 in two operations), the Western Sahara (7), Georgia (2), Kosovo (2), and Ethiopia/Eritrea (7). Other U.S. forces are deployed in unilateral U.S. operations and coalition operations, most undertaken with U.N. authority. As of September 15, 2002, some 1,897 U.S. troops were participating in the NATO Bosnia Stabilization Force (SFOR), and 4,477 in the NATO Kosovo Force (KFOR). Others in Macedonia provide support to KFOR. (Numbers have fluctuated by the hundreds with troop rotations.) Over 37,000 U.S. troops serve in South Korea under bilateral U.S.-Republic of Korea agreements and U.N. authority. [Although technically “peacekeeping,” this deployment has long been treated as a standard U.S. forward presence mission.] Some 865 serve in the Sinai-based coalition Multilateral Force (MFO), which has no U.N. affiliation.

Until the recent military build-up for a possible U.S. action against Iraq, approximately 20,000 (the numbers have fluctuated) U.S. troops — mostly sailors and marines — usually were involved in Southwest Asia around Iraq during the 1990s, enforcing maritime sanctions in the Arabian Sea and two no-fly zones over northern and southern Iraq. (The number actually serving has not been made public for some time.) These tasks are among those involved in “peace enforcement” efforts, i.e., the upper end of the peacekeeping spectrum where unstable situations require the threat or application of military force, although the Bush Administration is, as of FY2002, budgeting them as ongoing peacetime U.S. activities. The air operations — Northern Watch and Southern Watch — are performed with the United Kingdom. (See CRS Report 98-120, *Iraq Crisis: U.S. and Allied Forces*.) Several other nations contribute to operations in the Arabian Sea.

PDD 25 and Clinton Administration Policy

On May 3, 1994, President Clinton signed a classified presidential decision directive (PDD 25) that defined the scope and conditions of future U.S. participation in, and contributions to, multilateral (mostly United Nations) peacekeeping efforts. (References in this Issue Brief are to a 15-page unclassified summary, “The Clinton Administration’s Policy on Reforming Multilateral Peace Operations,” Department of State Publication 10161, May 1994.) This policy statement remains in effect for the Bush Administration unless revoked or superseded by a subsequent directive.

Under PDD 25 guidelines, a primary consideration for U.S. support of multilateral peacekeeping operations was to be whether “there is a threat to or breach of international peace and security.” Basic considerations for political and financial support were whether U.N. or other peacekeeping operations advanced U.S. interests and whether other countries would commit adequate resources. In deciding whether to send U.S. troops, other factors to consider were: whether the U.S. presence is essential to an operation’s success, the risks to U.S. troops are acceptable, resources are available, and domestic and congressional support “exists or can be marshaled.” Where U.S. troops might encounter combat, other factors included whether there are: “a determination to commit sufficient forces to achieve clearly defined objectives;” “a plan to achieve those objectives decisively;” and “a commitment to reassess and adjust” as necessary the size, composition, and use of forces. Despite PDD 25 and its guidelines, or perhaps because of it, the debate over peacekeeping intensified.

The Bush Administration Policy

During his presidential campaign, President Bush expressed a dislike for open-ended “nation-building” missions involving U.S. ground forces, but did not promise any specific actions regarding peacekeeping operations. However, Condeleeza Rice, then his foreign policy advisor and currently National Security Advisor, stated during the campaign that if elected Bush would end U.S. participation in Balkans peacekeeping operations. After the election, Secretary of Defense Rumsfeld repeatedly urged the withdrawal of U.S. troops from peacekeeping duties, with specific references to the Balkans and the Sinai, and from the training of African troops for peacekeeping, although in early June he acknowledged that U.S. troops must be present in Kosovo. Secretary of State Powell (who as an active-duty army general was known for deep reservations regarding peacekeeping) has emphasized that the United States must respect its commitments abroad. (There are also signs that others in the Bush Administration were willing to maintain peacekeeping in its military tool kit to help deter aggression in selected circumstances and areas. See the section on the QDR of September 30, 2001, below.) Critics of reducing or withdrawing U.S. commitments have argued, however, that relatively few U.S. troops are involved in peacekeeping operations compared to the large forward presence of the U.S. elsewhere, including some 37,000 troops (technically involved in peacekeeping) in Korea and some 40,000 in Japan.

Administration Secured Reductions in Bosnia. Bush Administration actions are consistent with President-elect Bush’s remarks in early 2001 that he was “in consultation with our allies” concerning his desire to reduce the U.S. peacekeeping presence in the Balkans. Denying that he intended to precipitously withdraw U.S. troops, the President-elect nonetheless stated that “we’d like for them [the allies] to be the peacekeepers....And it’s going to take a while.” (*New York Times*, January 14, 2001) After that, the *de facto* Bush

Administration policy, at least towards Bosnia, appeared to be to quietly seek to minimize forces through negotiations with U.S. allies. For Bosnia, the Bush administration sought to reduce the U.S. presence through established NATO procedures, an approach that has been quietly effective. The U.S. presence in Bosnia has dropped steadily during the Bush Administration from some 4,200 at the beginning of 2001 to about 1,900 as of mid-September 2002. (Similarly, the U.S. presence in Kosovo has dropped from some 5,600 to about 4,500 for the same time period.) (For more on Bush Administration statements and policy regarding U.S. troops in Bosnia, see CRS Report RL30906, *Bosnia-Herzegovina and U.S. Policy*. For U.S. military commitments abroad, see [<http://web1.whs.osd.mil/mmid/military/miltop.htm>].)

Administration Position on Peacekeeping in Afghanistan. Currently, the United States has some 7,000 soldiers deployed in Afghanistan in a combat role. Until recently, the Bush Administration consistently maintained that no U.S. troops would participate in peacekeeping operations in the British-led International Security Assistance Force (ISAF) of 4,500-5,000 troops, and has opposed the expansion of that force's activities beyond Kabul. With troop contributions from approximately 18 countries, ISAF has patrolled Kabul and its immediate surrounding areas under a United Nations Chapter VII authorization since January 2002. (It is not, however, a U.N.-commanded or U.N.-funded operation.) U.S. troops provide some assistance to the ISAF, i.e., logistical, intelligence, and quick reaction force support, according to Secretary of Defense Rumsfeld, but they do not engage in peacekeeping. (They do, however, provide training and assistance for the formation of an Afghani national military, an activity which some analysts label "nation-building.") Secretary Rumsfeld argued that the long-term stability of Afghanistan depends on whether Afghans can themselves develop the mechanisms to govern peacefully. This process, he argued, would be impeded by an intrusive foreign peacekeeping presence. (See "U.S.: Afghan Security Void Useful," *Washington Times*, April 24, 2002.) Other Administration officials also argued that other countries would be unwilling to commit to an expanded force without a greater U.S. presence.

In late summer 2002, the Bush Administration indicated that it had reconsidered its position on expanding ISAF, as terrorist threats against the new Afghan government increased and many policymakers argued for expansion. In April 2002, statements by several interested parties – the ranking Afghani diplomat to the United States, the Pakistani Ambassador to the United States, and the head of an international relief organization – were reported, all urging the Administration to reconsider its position. Proponents of an expanded force and of U.S. military participation in Afghanistan peacekeeping argued that a larger force that would operate throughout the country was necessary to control a dangerous and deteriorating security situation in the countryside as warlords compete for power, and to prevent that situation from impeding the consolidation of a central government and the delivery of humanitarian aid. The United States must commit its own forces to peacekeeping, some also argued, in order to provide the necessary leadership to accomplish such a mission. (See "U.S. Urged to Expand Presence in Afghanistan," *Washington Post*, April 22, 2002; "Expanded Peacekeeper Role Sought," *Washington Times*, April 25, 2002; and "Top Lawmakers Urge Bush to Expand Afghan Force Beyond Kabul," *New York Times*, June 27, 2002.) Some U.S. officials outside the Pentagon were also reported to favor at least a temporary U.S. peacekeeping role, most prominent among them was, reportedly, Secretary of State Powell. (See "U.S. Resists Putting GIs Among Warlords," *Washington Times*, March 11, 2002.)

In early September, 2002, Deputy Defense Secretary Paul Wolfowitz reportedly endorsed an expansion of ISAF and the use of its peacekeepers to patrol beyond Kabul, calling on other nations to provide the necessary leadership and resources. Another Administration official, however, ruled out contributing U.S. forces to expand the force. (See: U.S. Seeks to Broaden Peacekeeping. *Washington Post*, September 6, 2002.)

On November 14, the Senate passed its version of the Afghanistan Freedom Support Act of 2002 (S. 2712), authorizing \$500 million for each fiscal year from FY2003 through FY2004 support the International Security Force or other similar force in Afghanistan. The House version of the bill (H.R. 3994) does not include funding specifically earmarked for ISAF, but, like the Senate bill, it includes an authorization to provide U.S. defense articles and services, and other assistance (although the bills differ on the nature of the other assistance) to the government of Afghanistan, and to countries or organizations participating in military, peacekeeping, or policing operations in Afghanistan. The Senate version contains a Sense of Congress resolution that the United States should sponsor a U.N. Security Council resolution authorizing an ISAF expansion, or the establishment of a similar force, and that the United States should encourage its European and other allies to provided forces for the expanded ISAF or for a similar force.

William Durch of the Stimson Center, a Washington-based private think tank, has outlined a rationale and proposal for an expanded peacekeeping force that would operate throughout Afghanistan.. He sets forth two potential force levels: a “light” option of 18,000 troops, which would be 13,500 more than are currently deployed with the ISAF in and around Kabul, or a “medium” option of about 40,000 troops. Cost estimates for the light option range from \$2-\$4 billion a year. He envisions a U.S. commitment, to include at least logistics support and air components, that would signal to other nations a significant U.S. interest and long-term involvement in an expanded force. Air components could provide aerial reconnaissance and transport helicopters that could provide lift for response forces and also patrol highways. See *Security and Peace Support in Afghanistan: Analysis and Short-to-Medium-Term Options*, [<http://www.stimson.org/fopo/pubs.cfm?ID=58>], revised July 8, 2002; and Durch’s op-ed, “A Realistic Plan to Save Afghanistan,” *The Washington Post*, July 30, 2002.

After a preliminary survey of 16 20th century U.S. military operations, the U.S. Army Center of Military History estimated that some 300,000 troops would be needed for a peacekeeping force in Afghanistan if the peacekeepers were to carry out the full range of tasks of an occupation force throughout the country. These tasks would include providing emergency humanitarian relief, rebuilding Afghanistan, and administering it on an interim basis. The survey was presented in a July 2002 briefing to the Army’s director of transformation. (“Study: New Demands Could Tax Military.” *The Washington Post*, September 23, 2002.)

Discussion About Peacekeeping in Iraq. As part of the debate over the wisdom of military action to oust Iraqi leader Saddam Hussein, some analysts have raised a potential need for an open-ended peacekeeping mission with a sizable force to help maintain stability until Iraq establishes new, democratic leadership and institutions. There is no consensus on the size and purposes of such an “occupation” force. The U.S. Army Center of Military History survey, mentioned above, estimated the number of troops needed to constitute a post-

Saddam Hussein occupation force at 100,000, although officers at the center point out that this was a preliminary estimate, and may change with further study.

Some military analysts point out that the size and functions of an “occupation” force will depend heavily on the conduct of the war, particularly the degree of destruction inflicted, and on the degree to which various Iraqi groups and institutions decide to cooperate with the United States. Military analysts have speculated on the number of tasks that might be required. Some believe that an extensive force will be needed to perform a wide spectrum of tasks, from “peace enforcement” duties such as providing basic security if the Iraqi police and military institutions fall apart or if the United States decides that many levels of leadership cannot be trusted, through recreation of a judiciary and a prison system, through reconstructing basic infrastructure such as water supplies, communications networks, and sanitation services. Others believe, however, that once the United States removes the top leadership, i.e., those who are personally loyal to Hussein, Iraqi institutions will be able to perform their usual functions. Further, they discount the need for a large reconstruction effort because, they believe, war damage will be minimal.

Even with minimal damage, however, many analysts argue that the Iraqi population is likely to require substantial humanitarian assistance after the war. Such aid may require a great number of soldiers to either deliver it or to protect those who do. Retired General Wesley Clark, former supreme allied commander in Europe, believes that the United States could, in a best case scenario, quickly defeat Iraqi forces. He argues that even such a best case scenario could create extensive humanitarian needs, from a need for security caused by widespread revenge killings, to problems with health care and food distribution. He speculates that it is possible that Hussein could release biological and chemical warfare stocks as Americans enter Iraq, presenting an obstacle to U.S. troops and leaving the United States with many million of sick and dying Iraqis to care for. (Wesley Clark. *A Quick War, Then Lots of Trouble. Los Angeles Times Syndicate International*. October 9, 2002.)

Issues of U.S. Military Involvement

Executive Consultation and Congressional Approval

A primary concern of Congress is that it be consulted about the commitment of U.S. forces in peacekeeping operations; many Members also want Congress’ approval sought if and when U.S. forces are to be placed at risk. Debate over the type of consultation and approval that the executive branch must seek is a continuation of the ongoing dispute regarding powers under the Constitution to deploy U.S. troops abroad into hostilities. The War Powers Resolution (P.L. 93-148), a 1973 legislative attempt to clarify that dispute, requires the President to consult with and report to Congress any introduction of U.S. forces into hostilities or imminent hostilities. The War Powers Resolution also requires that troops usually be withdrawn after 60 days if Congress does not approve a continued stay. It does not provide a mechanism for Congress to disapprove the initial deployment of troops. Congress’ primary power to exercise control over peacekeeping deployments and expenditures is the power of the purse, but many consider this insufficient. Not all Members wish to change this situation, preferring not to take a position on uses of force abroad.

The first session of the 104th Congress rejected attempts to repeal the War Powers Act and substitute another mechanism. Subsequent Congresses have debated placing conditions on peacekeeping deployments. Most such efforts have been defeated. The Bush Administration continues the practice, adopted during the Clinton years, of informing Congress of ongoing and planned operations through monthly meetings with staff of the armed services and foreign affairs committees.

FY2003 Legislative Restrictions on U.S. Military Participation in U.N. Peacekeeping Operations

The treaty creating the International Criminal Court, which has the power to prosecute alleged war criminals, entered into force July 1, 2002. This court's creation prompted U.S. policymakers to debate the necessity of protecting U.S. citizens from prosecution by the court, and, if so, how. One concern has been the possible risk that U.S. soldiers serving in international peacekeeping operations would be accused of and prosecuted for war crimes. Although the treaty creating the court was signed by a U.S. official on behalf of former President Clinton, President Clinton said that he would not forward it to the Senate for ratification, and recommended that his successor also not forward it, until specific U.S. concerns were met. In early May 2002, the Bush Administration renounced its support for the court, and on May 16, 2002, the *Washington Post* reported that the Bush Administration is seeking U.N. assurances that all personnel serving in the U.N.'s East Timor operation will be protected against prosecution for war crimes by a local court or international tribunal.

Some policymakers argue that U.S. citizens can be subject to the Court's jurisdiction if they are operating in a country that has joined the treaty, even though the United States has not. Others dismiss the idea that the United States runs a serious risk that its innocent service members will be prosecuted, arguing that the Court was established to prosecute war criminals, and not service members involved in peacekeeping duties. (For more information on the issues involved in the establishment and operation of the ICC, see, among others, CRS Report RL31495, *U.S. Policy Regarding the International Criminal Court*, and CRS Report RL31437, *International Criminal Court: Overview and Selected Legal Issues*.)

Congress adopted a provision regarding the ICC in the FY2002 Emergency Supplemental Appropriations Act (H.R. 4775); the conference report (H.Rept. 107-593) was passed by the House on July 23 and the Senate on July 24, 2002. As signed into law (P.L. 107-206, August 2, 2002), the "American Servicemembers' Protection Act" provisions in the FY2002 supplemental (H.R. 4775) require the President to take precautions that protect U.S. service members from ICC actions.

Under this law, U.S. military forces may not participate in a U.N. peace operation after the date that the Rome Statute enters into effect unless the President has certified that they "are able to participate...without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court," or that U.S. national interests justify such participation. One of three conditions must exist for the President to certify the absence of such risk: either (1) the U.N. Security Council has provided an exemption from such prosecution or assertion of jurisdiction, or (2) each country in which the operation is conducted is not a party to the ICC and has not invoked its jurisdiction, or (3) each country has entered into an agreement from proceeding against members of the U.S. armed forces.

The law also requires the President to ensure that each resolution of the Security Council authorizing any Chapter VI or Chapter VII U.N. peace operation would permanently exempt, “at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.” It provides the President waiver authority for successive periods of one year if he reports to Congress that the ICC is a party to a binding agreement not to exercise jurisdiction over covered U.S. and allied persons, and related assurances.

Administration Secures Guarantee against ICC Prosecution. The Bush Administration’s attempts to secure a U.N. Security Council guarantee against any investigation or prosecution of U.S. citizens involved in peacekeeping by the International Criminal Court embroiled it in a dispute with the United States’ closest allies, including Great Britain, and ended in a compromise in mid-July 2002. The European Union nations, Mexico, and Canada resisted providing exceptions for U.S. peacekeepers.

On July 12, after the United States withheld its approval for the extension of U.N. peacekeeping missions in Bosnia and Croatia, the Security Council adopted the compromise, Security Council Resolution 1422 (2002). That resolution requests that the ICC “not commence or proceed with investigation or prosecution” of any case against “current or former officials or personnel from a contributing State not a Party to the Rome Statute [i.e., the treaty which creates the ICC] over acts or omissions relating to a United Nations Established or authorized operation.” It also stated the Security Council’s intention to renew this request annually. The compromise reportedly was based on Article 16 of the ICC treaty, which provides that “no investigation or prosecution may be commenced or proceeded with” for one year if the Security Council should so request under Chapter VII of the U.N. Charter.

At least one U.S. ally, Canada, was displeased with the outcome, arguing that the Security Council does not have the authority to interpret an international treaty negotiated outside the U.N. (The matter subject to interpretation apparently was whether the Article 16 could be invoked as a blanket prohibition on action, before any specific investigation or prosecution was contemplated.) Others questioned whether such a resolution was necessary at all, as the ICC’s jurisdiction is limited to “the most serious crimes of concern to the international community as a whole,” that is, genocide, crimes against humanity, war crimes, and the crime of aggression. (See “U.S. Peacekeepers Given Year’s Immunity From New Court.” *New York Times*, July 13, 2002.) For Congressional action regarding the ICC, see the section on FY2003 legislative restrictions on peacekeeping, below.

Funding Issues: Costs and Reimbursements

Costs. Until the 1990s, DOD did not keep a central accounting of figures on peacekeeping because these “incremental” costs (i.e., the amount spent on peacekeeping over that which would have been normally spent on regular salaries, and on routine training, equipment repairs and replacements) were minimal. But, as U.S. spending on U.S. and U.N. peacekeeping activities soared in the early to mid-1990s, Congress became increasingly concerned about the costs of those operations. Because the “incremental” costs of peacekeeping and other military contingency operations generally have been funded through supplemental appropriations, for many years DOD had to postpone and cancel training and maintenance and to rescind funds from weapons modernizations and other accounts.

Supplemental appropriations designated as “emergency” funding do not disrupt DOD activities and plans, but they can be controversial as they can raise overall spending above the budget caps set by Congress. During the second session of the 104th Congress, Members sought to resolve the problem by budgeting annual funding for ongoing missions in a DOD “Overseas Contingency Operations Transfer Fund,” (OCOTF). This mechanism was included in legislation of the 105th and 106th Congresses, but the President still sought supplemental funding for Bosnia, and then Kosovo, in subsequent years.

The costs of such operation became much less controversial in the 107th Congress as the Bush Administration sought reductions in Balkans peacekeeping, and the operations in Southwest Asia became more accepted as ongoing operations. This led to a change in the budgeting mechanisms for such operations, as discussed in the section on transparency, below. (For more information on the concept of incremental costs, and on attempts to create more efficient methods of funding contingency operations see CRS Report 98-823, *Military Contingency Funding for Bosnia, Southwest Asia, and Other Operations: Questions and Answers*. Incremental costs in constant FY2002 dollars though FY2000 are available in CRS Report RS21013, *Costs of Major U.S. Wars and Recent U.S. Overseas Military Operations*.)

Transparency of Budgeting for Peacekeeping and Other Contingency Operations. As a result of decisions by the Bush Administration and the Congress concerning the FY2002 budget, as of that fiscal year the costs of the Balkans and Southwest Asia contingency operations are being budgeted within the services’ accounts as ongoing peacetime operations. A July 2001 GAO defense budget report (GAO-01-829) warned that such a budgeting practice could have both positive and negative effects: while this funding method “could provide an incentive to better control costs,” it could also mean that Congress will no longer be able to track the expenditure of those funds and know of their possible diversion to other uses. The GAO suggested that Congress could require (1) written notification if funds intended for SWA were obligated for other purposes and (2) that DOD continue to report monthly on the costs of SWA operations.

For FY2002, the conference version of the DOD appropriations bill, H.R. 3338 (P.L. 107-117), placed only some \$50 million in the OCOTF, which was to be used as a “central response fund” for addressing unanticipated and unknown overseas contingency costs, according to the statement of the managers (H.Rept. 107-350). (FY2004 budget documents show none of that was obligated in FY2002). The statement explained that the amount for Balkans operations – some \$2.144 billion or about \$650 million less than the President’s request – had been distributed among the services in the operations and maintenance, and the military personnel accounts. It did not specify the amount for SWA operations, which had similarly been distributed among service accounts. In prior years, the amounts requested for the Balkans and SWA operations were each specified. Section 8097 required that the FY2003 and all future budget requests include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the OCOTF, and the military personnel, operation and maintenance, and procurement accounts.

In keeping with the provisions of 2001 which mandated that Balkans and SWA operations be considered ongoing, not contingency, operations, the FY2003 and FY2004 budget requests and supporting budget justification documents did not break out information on these costs. The OCOTF request for FY2003, which did not include these operations, was \$50 million. The conference version of the FY2003 DOD appropriations bill (H.R. 5010,

P.L. 107-248, signed into law October 23, 2002) contained \$5 million in new FY2003 budget authority for the OCOTF. The FY2004 budget documents show that an additional \$32 million in funds appropriated prior to FY2003 as available for obligation in FY2003. The FY2004 budget request for the OCOTF is \$50 million. The request also proposes deleting the provision requiring a breakdown of OCOTF funding.

Suitability and Desirability as a U.S. Military Mission

Some analysts question whether military forces in general and U.S. military forces in particular are, by character, doctrine, and training, suited to carry out peacekeeping operations. One reason given is that military forces cultivate the instincts and skills to be fighters, while the skills and instincts needed for peacekeeping are those inculcated by law enforcement training. (In some peacekeeping operations, however, the military's training to work in highly-disciplined units and employ higher levels of force are seen as necessary.) Another reason is that peacekeeping requires a different approach than combat operations. Many senior U.S. military planners hold that successful military action requires "overwhelming" force. U.S. troops are taught to apply "decisive" force to defeat an enemy. Most peacekeeping tasks, however, require restraint, not an "overwhelming" or "decisive" use of force.

As the military has gained more experience with peacekeeping missions and analyzed their requirements, and as some officers and analysts have begun to look more favorably on peacekeeping as a mission, many assert that to be a good peacekeeper, one must first be a good soldier. ("Peacekeeping is not a job for soldiers, but only soldiers can do it," states the Army field manual outlining doctrine on Peace Operations, FM 100-23, in a quote attributed to former U.N. Secretary General Dag Hammarskjold.) In part this argument is based on the growing recognition that troops in peacekeeping operations need military and combat skills to respond to unanticipated risks, in part it is based on the judgment that part of the task of a peacekeeping operation is to provide a deterrent to the continued use of force and that the most credible deterrent is a soldier well-trained for combat. U.S. military participation in peacekeeping has become regarded more favorably by some military officers who argue that although combat skills deteriorate ("degrade") during peace operations, many other skills necessary for military operations are enhanced. (See section on Training Effects, below.)

Questions also arise as to whether peacekeeping is a desirable mission for U.S. forces. On the one hand, some point out that as representatives of the sole world "superpower," U.S. troops are particularly vulnerable to attempts to sabotage peacekeeping operations by those who want to convince potential followers of their power by successfully engaging U.S. forces. On the other, analysts note that other countries are often reluctant to commit forces if the United States does not, and that U.S. participation in peacekeeping is an important part of "shaping" the world environment to decrease the possibilities of future conflict and war.

In recent years, the military services made several changes to adjust for peacekeeping missions. In particular, the U.S. military has been increasing special training for peacekeeping functions. Most of the training is for units who are deployed, or expect to be deployed, for peace operations: the Army norm is that units should receive four to six weeks of special training. The unified commands have developed exercise programs involving staff planning, command and control, simulated deployments, and training with non-governmental

organizations and foreign militaries. Units that are drawn upon for peacekeeping operations have also incorporated training for peace operations in their normal training routines.

Some analysts argue that U.S. combat forces should not be used for peacekeeping. Instead, they suggest two options: establish a separate peacekeeping force, distinct from the current military service branches, or create special units dedicated solely to peacekeeping within the current services. (In PDD 25, the Administration stated that it did not support the concept of a standing U.N. army, nor would it earmark military units for participation in U.N. peacekeeping operations.) The military has resisted the concept of dedicated units.

On June 12, 2001, DOD sponsored a briefing on an Institute of Defense Analysis defense transformation study commissioned by the Secretary of Defense that recommended the creation of a standing humanitarian joint task force, “with a joint command and control capability similar to our war-fighting capability...with some immediately [sic] airlift and security capabilities” to respond to humanitarian crises. According to the briefing transcript ([http://www.defenselink.mil/news/Jun2001/t06122001_t612tran.html]), the task force would precede civilian contractors to the field as a stop-gap measure in a benign environment and for a limited time in a more troubled environment where “the circumstances required a military response.” These do not appear to be the type of dedicated peacekeeping units envisioned by some, but questions might be raised as to whether they eventually engage in humanitarian interventions that could require a longer than anticipated military presence.

The Readiness Controversy and Related Concerns

“Readiness” issues have been a driving force in congressional debate over the extent to which the U.S. military should engage in peacekeeping. Readiness is a subjective and ambiguous concept referring to the degree to which the armed forces are “prepared” — i.e., currently in training and well-equipped — to defend the nation. As the U.S. military has been increasingly called upon to perform peacekeeping and other non-combat missions — at the same time as it has downsized significantly — Members have questioned whether U.S. military forces can perform their “core” war-fighting mission to protect U.S. vital interests if they engage extensively in other activities. Readiness, as related to peacekeeping, depends on several factors: the size of the force, the numbers of troops devoted to specific tasks (force structure), the size, length, and frequency of deployments (operational tempo), and opportunities for training in combat skills during a peace operation.

There is some difference of opinion concerning the importance of the readiness issue. Peacekeeping (and all other operations other than war) is directly related to the readiness problem, if one is looking strictly at the results of the readiness ratings that are calculated periodically. That is because all the standards — all the factors and tests — that are used to measure “readiness” only measure the military’s combat preparedness, that is, its ability to fight and win wars. These standards measure the availability of a unit’s personnel, the state of a unit’s equipment, and the performance of a unit’s members on tests of their wartime skills. When the military deploys large numbers of personnel to peacekeeping operations, scores on these measures can decline, and they have declined in some cases.

This happens for several reasons. For one, people are transferred from units that are not deployed to peace operations to take part in peacekeeping. Second, funds for training and equipment have been diverted in the past to fund peacekeeping operations. Third, military

personnel cannot continue to practice all their combat skills when participating in peace operations; and fourth, the U.S. military has been deployed for peacekeeping operations at the same time that the size of the force, particularly the army, has been reduced substantially.

Whether a potential or actual “degradation” of readiness ratings is important depends on one’s perspective on the utility of readiness measures. The standard of readiness ratings rests on the concept that the U.S. military must be prepared to fight two nearly simultaneous major regional conflicts (MRCs). Those who believe that in holding the military to that standard when there are many other necessary military missions see the measures as flawed. They argue that peacekeeping is a significant mission and therefore readiness standards should also measure, or otherwise account for, performance of peacekeeping tasks.

If one looks at the larger “readiness” problem, that is the perception that U.S. military personnel are in general overworked and underpaid, that military equipment is in poor shape, that there are rampant shortages of spare parts, and that the military forces cannot recruit and retain needed personnel, the relationship of peacekeeping to readiness is less pronounced, according to some analysts. They argue that peacekeeping is responsible to some extent for this larger readiness problem, but there are many other contributing factors. The strong economy is frequently cited as impairing the military’s ability to recruit and retain personnel. Equipment is deteriorating and spare parts are increasingly in demand not only because of peacekeeping deployments, but also in many cases because the equipment was old. The area in which peacekeeping most affects readiness is the stress that frequent deployments have placed on certain troops – the so-called increase in Operational tempo (optempo) and personnel tempo (perstempo).

Training Effects. The effects of peace operations on a soldier’s ability to maintain military and combat skills through training has been a source of concern; military analysts and personnel have noticed mixed effects on soldiers’ skills, and thus on readiness. For some types of military activities and skills, participation in peacekeeping operations is considered to be a good substitute for normal training activities. This is true for many activities short of high-intensity combat skills, e.g., support functions, such as intelligence, medical, logistics, transportation and engineering, where units deployed in peacekeeping perform tasks that are quite similar to their wartime tasks, and in an environment that approaches a wartime environment. Many military officers and analysts state that peacekeeping operations provide far superior opportunities for small unit commanders to develop leadership skills than do normal training exercises. Nevertheless, for combat personnel, it is indisputable that some combat skills may deteriorate and the “warrior” spirit may be taxed by the mundane tasks performed and the restraint required by peacekeeping. All acknowledge that participation in peacekeeping operations significantly “degrades” crucial combat skills such as shooting (“live firepower”) skills, coordination of the use of weapons and equipment (combined arms skills), and large unit maneuver ability, which cannot be practiced in a peace operation. (The longer the deployment, the greater the deterioration of skills, according to some analysts.) To reduce such deterioration, efforts are made for troops to continue some level of combat training during peacekeeping deployments. For instance, the Army provides opportunities for those deployed to Bosnia and Kosovo to practice wartime skills while on duty.

Deployment Strains. The increased “optempo” demanded by peacekeeping takes time from necessary maintenance, repairs, and combat training, and can shorten the useful

life of equipment. The “perstempo” problem is regarded as particularly severe for the Army. For several years, the Army was deploying the same units over and over to peacekeeping operations, and the pace of deployment was viewed as too demanding, affecting morale by keeping personnel away from families for too long, and, some argue, affecting recruitment. In one of the first publicly-available studies of the stresses caused by peacekeeping, a March 1995 GAO report (GAO/NSIAD-95-51) found that the increasing “op tempo,” deployments due to peacekeeping, and reduced force structure taxed certain Navy and Marine Corps units, and “heavily” stressed certain Army support forces, such as quartermaster and transportation units, and specialized Air Force aircraft critical to the early stages of a MRC, to an extent that could endanger DOD’s ability to respond quickly to MRCs. DOD disagreed at the time, but the pace of operations subsequently became a source of concern throughout the services and DOD, as well as in Congress. A July 2000 GAO report (GAO/NSIAD-00-164) found several shortages in forces needed for contingency operations, including an inadequate number of active-duty civil affairs personnel, Navy/Marine Corps land-based EA-6B squadrons, fully trained and available Air Force AWACs aircraft crews, and fully-trained U-2 pilots.

The Army has also taken steps to deal with some of its problems by the realignment and better management of its resources, as has the Air Force. In recent years, the army has addressed perstempo strains by limiting deployments to 6 months, and including national guard and reserve units among those on the roster to serve in Bosnia, thus attempting to reduce the optempo of combat duty units. The Air Force, since 1999, has established Air Expeditionary Units that deploy under a predictable rotation system in an attempt to reduce the stresses of deployment to enforce no-fly zones over northern and southern Iraq and to meet other disaster and humanitarian assistance demands as they arise. Nevertheless, in July 2000, the GAO issued a report noting that the Air Force was unable to meet the demand for aerial surveillance with AWAC aircraft because of a shortage of AWAC crews. In some cases, however, these solutions may generate other problems. For instance, the Army’s attempts to relieve the stresses of frequent deployments on its active forces by instead deploying reservists may, some analysts worry, affect Guard and Reserve personnel recruitment and retention. Some analysts suggest, however, that continued improvements in resource management could ease stresses. Others prefer to change force size or structure.

Debate Over Force Size and Structure. Many defense analysts and military officers have questioned whether the military is appropriately sized and structured to fight two MRCs and also take on peacekeeping and other so-called “non-combat” missions. For several years, many Members have expressed concern that the U.S. military is too small and too stretched to take on peacekeeping operations. Since the mid-1990s, several policymakers and military experts have suggested that 540,000 would be an appropriate size for the army to prepare for two MRCs while undertaking peacekeeping missions, i.e., considerably more than the current 480,000 troop army end strength.

Through FY2003 legislation, some members sought to raise active duty end strength. Although related to the war on terrorism and not to peacekeeping operations, such proposals could have implications for peacekeeping. The President’s budget request had asked for an increase in end strength of 2,400 for the Marine Corps and 200 for the Air Force, and a decrease of 300 for the Navy. However, the FY2003 Department of Defense Appropriations Act (H.R. 5010, P.L. 107-248), signed into law October 23, 2002, left end strengths unchanged from FY2002 levels. It did, however, provide for slightly higher end strength levels for active guard and reserve positions in the Army Reserve, the Air Force Reserve, the

Army National Guard, and the Air National Guard, although it holds overall reserve and guard force end strengths at previous levels. The President's proposed budget for FY2004 estimates total active forces for FY2004 below actual 2002 levels for the Army (480,000 compared to 486,542 troops), Navy (373,800 compared to 383,108), and Air Force (359,300 compared to 368,251), while slightly higher than FY2002 (but at FY2003 estimated levels, for the Marine Corps (175,000 compared to 173,733).

There are also proposals to restructure U.S. forces. These include proposals to increase the total number of personnel most heavily taxed by peacekeeping, and to establish special dedicated units for peacekeeping. Some military analysts suggest that the overall force might be restructured to include more of the types of specialties needed for peacekeeping, and in units sized appropriately for peace operations. For instance, civil affairs, psychological operations (PSYOPS), and military police units are specialties that are particularly needed in peace operations, but are in short supply in the active military. This could entail increasing the number of such specialties in the active force and reserve, or altering the current requirement that the military be prepared to engage in two nearly simultaneous MRCs. Some analysts have suggested that structuring the forces to engage in one MRC and a few small-scale contingencies such as peace operations might be more appropriate to current world conditions; others argue that this would leave the United States too vulnerable to military challenges from states such as Iraq and North Korea.

Use of the Reserves in Peacekeeping. Increasing use of Army reservists and National Guardsmen in peacekeeping operations culminated in the Texas Army National Guard's 49th Armored Division's assumption of command of the U.S. Bosnia SFOR contingent on March 7, 2000. Some 1,200 Texas guardsmen were in charge until October 2000, when they were replaced by the active duty Third Infantry Division. Reportedly, it was the first time since World War II that a National Guard General had commanded active duty Army troops, of which there were some 3,000. Through October 2002, Army National Guard divisions alternated with active duty divisions in commanding the U.S. SFOR contingent. Then, the Army planned for U.S. SFOR to be led through 2005 by Guardsmen.

Two areas of concern have been the cost of their use and the effect on recruitment and retention. The costs of increasing the use of the Reserves and Guard for peacekeeping could vary substantially, depending on the size of the active duty force and on the "tempo" of operations, i.e., the size, length, and frequency of deployments, according to defense experts. While Reservists and Guardsmen are less expensive to maintain on a daily basis than active duty soldiers, who are paid year round, once deployed they temporarily increase the number of active duty personnel and thus the overall cost of the force. They also add more to the incremental cost of an operation than do active duty soldiers. GAO/NSIAD-00-162 states that the "integration of Guard forces in peacekeeping missions such as Bosnia significantly increases the cost of these missions..." Many defense experts fear that repeated call-ups for the Guard and Reserves are affecting their recruitment and retention, thus depleting the pool available for such operations and for deployment to a major regional conflict. To mitigate that prospect, the Army announced on March 6, 2000, that future deployments of active and reserve components for operations other than war would be limited to 179 days. This displeased some reservists who desire longer tours for promotion and other career reasons.

QDR Promised to Address Issues Created by Peacekeeping. The September 30, 2001 Quadrennial Defense Review (QDR) suggested that the Bush Administration was

willing to maintain peacekeeping in its military tool kit to help deter aggression in selected circumstances and areas. The QDR stated that the United States must, together with its allies and friends, “maintain and prepare” its forces for peacetime “smaller-scale contingency operations.” (Smaller-scale contingency operations includes support for humanitarian operations and disaster relief, peace accord implementation and other forms of peacekeeping, maritime sanction and “no fly” zone enforcement, shows of force, counterdrug operations, noncombatant evacuation operations, and strikes and other limited intervention.) The document (available through the DOD website) also stated that “DoD will explicitly plan to provide a rotational base – a larger base of forces from which to provide forward deployed forces – to support long-standing contingency commitments in the critical areas of interest....Moreover, DoD will ensure that it has sufficient numbers of specialized forces and capabilities to ensure that it does not overstress elements of the force when it is involved in smaller-scale contingency operations.”

In short, the document promised that DOD would address the stresses created by current policies for deploying forces to contingency operations such as peacekeeping (see sections on the readiness controversy, below) and by the current mix of U.S. forces that many view as inappropriate to handle the current range of operations. The document also stated that the new planning construct to be employed by DOD “explicitly calls for the force to be sized for defending the homeland, forward deterrence, warfighting missions, and the conduct of smaller-scale contingency operations.” It did not address an increase in force size.

Bosnia and Kosovo Debates

Since 1993, the Balkans debates have reflected many of the above issues. On the issue of presidential authority to deploy troops on a NATO peacekeeping mission to Bosnia, Congress in effect deferred to President Clinton, leaving unchallenged his initial decision to seek congressional support, but not authorization, for the deployment. Despite continuing reservations about the Bosnia mission, Congress has continued to fund U.S. military actions there. Even Members who have opposed the deployment have stated that they did not wish to deprive U.S. troops of the means to perform their mission.

DOD Incremental Costs of U.S. International Peace and Security Commitments, FY1991-FY2002

(Budget authority in millions of current year dollars)

Operation	FY1991	FY1992	FY1993	FY1994	FY1995	FY1996	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002 to 5/31/02	TOTALS
AREAS OF ONGOING OPERATIONS													
Southwest Asia/Iraq													
Provide Comfort/Northern Watch	325.0	101.5	116.6	91.8	138.2	88.9	93.1	136.0	156.4	143.7	148.6	118.5	1,658.3
Southern Watch/Air Expeditionary Force	-	-	715.9	333.0	468.4	576.3	597.3	1,497.2	954.8	755.4	963.5	519.6	7,381.4
Vigilant Warrior	-	-	-	-	257.7	-	-	-	-	-	-	-	257.7
Desert Strike/Intrinsic Action/Desert Spring	-	-	-	-	-	-	102.7	5.6	13.8	239.8	261.6	177.3	800.8
Desert Thunder (Force Buildup 11/98)	-	-	-	-	-	-	-	-	43.5	-	-	-	43.5
Desert Fox (Air Strikes, 12/98)	-	-	-	-	-	-	-	-	92.9	-	-	-	92.9
UNIKOM (UN/Iraq Observer Group)	21.5	4.9	6.0	-	-	-	-	-	-	-	-	-	32.4
Total Southwest Asia/Iraq	346.5	106.4	838.5	424.8	864.3	665.2	793.1	1,638.8	1,261.4	1,138.9	1,373.6	815.3	10,266.8
Former Yugoslavia (Bosnia)													
IFOR/SFOR/Joint Forge	-	-	-	-	-	2,231.7	2,087.5	1,792.8	1,431.2	1,381.8	1,213.4	640.3	10,778.7
Other Former Yugoslavia Operations*	-	5.8	138.8	292.0	347.4	288.3	195.0	169.9	155.4	101.3	79.4	40.0	1,813.3
Total Bosnia	-	5.8	138.8	292.0	347.4	2,520.0	2,282.5	1,962.7	1,586.6	1,483.1	1,292.8	680.3	12,592.0
Former Yugoslavia (Kosovo)													
Balkan Calm (Observer Mission, Pre-Air War)	-	-	-	-	-	-	-	-	34.6	-	-	-	34.6
Eagle Eye (Air Verification, 10/98-03/99)	-	-	-	-	-	-	-	-	20.3	-	-	-	20.3
Noble Anvil (Air War)	-	-	-	-	-	-	-	-	1,891.4	-	-	-	1,891.4
Joint Guardian (KFOR)	-	-	-	-	-	-	-	-	1,044.5	1,803.1	1,384.0	747.2	4,828.8
Sustain Hope (Refugee Assistance)	-	-	-	-	-	-	-	-	141.6	-	-	-	141.6
Total Kosovo	-	-	-	-	-	-	-	-	3,132.4	1,803.1	1,384.0	747.2	7,066.7
Korea Readiness*	-	-	-	69.7	90.9	-	-	-	-	-	-	-	160.6
COMPLETED OPERATIONS (Includes Haiti, Somalia, Rwanda, Angola, Cambodia, Western Sahara, and East Timor)													
Subtotal Completed Operations	-	12.8	947.8	906.4	591.2	86.9	-	-	1.5	56.8	-	-	2,603.4
GRAND TOTALS	346.5	125.0	1,925.1	1,692.9	1,893.8	3,272.1	3,075.6	3,601.5	5,981.9	4,481.8	-	-	32,689.4

Source: Defense Finance and Accounting System data. FY2002 figures obtained August 29, 2002.

Notes: This chart consists of DOD incremental costs involved in U.S. support for and participation in peacekeeping and in related humanitarian and security operations, including U.S. unilateral operations, NATO operations, U.N. operations, and ad hoc coalition operations. U.N. reimbursements are not deducted. Some totals do not add due to rounding. Other Former Yugoslavia operations include Able Sentry (Macedonia), Deny Flight/Decisive Edge, UNCRO (Zagreb), Sharp Guard (Adriatic), Provide Promise (Humanitarian assistance), Deliberate Forge. Because Korea Readiness has long been considered an on-going peacetime function of U.S. troops, DOD only counts above-normal levels of activity there as incremental costs. For figures in constant FY2002 dollars, and for a breakdown of completed operations, see CRS Report RS21013, *Costs of Major U.S. Wars and Recent U.S. Overseas Military Operations*.