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**The Use of Force in Peacekeeping Operations - The East Timor
Experience**
Commander Dale Stephens CSM, RAN
An APCML Monograph
June 2005

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The Use of Force in Peacekeeping Operations - The East Timor Experience*

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The mission of the United Nations Transitional Administration in East Timor (UNTAET) in overseeing the transition of East Timor to an independent sovereign nation was representative of a new approach to the conduct of peace operations. It was a peace enforcement operation, and was accorded ample strategic legal authority to achieve the ambitious goals set by the Security Council. The constant challenge of the mission lay in the translation of this broad legal authority to the tactical level, thus ensuring that the peacekeepers were able to do their job effectively. With the confluence of broad strategic authority set by the Security Council in conjunction with innovative legal thinking at the tactical or 'ground' level, the mission serves as a critical case study for exploring enduring questions relating to the application of armed force by United Nations peacekeepers.

During the period from mid to late 2000, both the integrity of the UNTAET mission and the lives of United Nations peacekeepers were threatened daily by violent militia forces. An amplification of the UNTAET Peacekeeping Force Rules of Engagement was required in order to provide peacekeepers with the legal foundation to adequately meet the pernicious militia threat. The author's experience as Chief Legal Advisor to the UNTAET Force Commander during this period has given him a unique appreciation of the practical context in which an appropriate legal framework for the use of force needed to be achieved. His review therefore provides a useful analysis of the application of force by peacekeepers as he deals with questions concerning individual and unit self-defence and the limitations of these concepts in a combat scenario. Moreover, he undertakes a thought-provoking discussion of an alternative framework for applying requisite force available under a Law of Armed Conflict framework. While no two United Nations peace operations are identical, the author draws important lessons from the UNTAET experience with respect to the legal framework regulating the use of force. His consideration of the Law of Armed Conflict as a useful framework where the factual context of a conflict means that self-defence has reached its juridical limit is equally valuable.

* The views expressed in this publication are those of the author alone and do not necessarily reflect the position of the Australian Government or the Australian Defence Force