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THE EMERGING TRENDS IN INTERNATIONAL PEACEKEEPING MISSIONS: A COMPARATIVE ANALYSIS DRC & KOSOVO

BY

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DECLARATION

I declare that this research project is my original work and has not been presented for any award in any other university.

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DEDICATION

This research project is dedicated to my beloved parents, Mr. Munialo and Mrs. Catherine Shalakha for the gift of life and education. Your hard work and determination in seeing me through with my education is unrivalled, to this, I say thank you. My siblings, Linnet, Loice, David, Lenny, Shem, Doreen, Solo and Daphne; you have all been an inspiration in one way or another. I wish to thank you all for your motivation and the support you have accorded me throughout my life. May God be with you throughout your life.

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Abstract

Peacekeeping has undergone numerous changes in how the operations are carried out by the Peacekeeping forces. These changes have been necessitated by various factors like the changing nature of conflicts and actors that have been discussed extensively. This academic research sought to interrogate the emerging trends in international Peacekeeping. The changing nature of conflicts from Inter-state to mostly intrastate conflicts have necessitated a re-think in how peacekeeping operations are structured and implemented. To facilitate this research, there was an extensive use of secondary materials like reports of the UN Secretary General, and other bodies and personnel that have actively participated in UN missions. I also used secondary sources and data collected on a peacekeeping field trip I undertook in 2010 to study peacekeeping in Kosovo. The research found out that peacekeeping operations been shaped by the various mandates by the Security Council, which were necessitated by the nature of conflicts, which have mostly been intra-state conflicts. In conclusion, the research acknowledges a need for peacekeepers to adopt stronger mandates, and institute cosmopolitan peacekeeping operations that in-cooperate various aspects of peacekeeping that include peace building, that didn't previously exist in traditional peacekeeping operations.

LIST OF ACRONYMS

DRC: Democratic Republic of Congo

ICJ: International Court of Justice

ICISS: International Commission on Intervention and State Sovereignty

HC: Humanitarian Coordinator

KFOR: Kosovo Stabilization Force

MONUC: United Nations Organization Mission in the Congo

OCHA: Office for the Coordination of Humanitarian Affairs

PKO: Peace Keeping Operations

PSO: Peace Service Operations

RC: Resident Coordinator

SRSG: Special Representative to the Secretary General

UNMIK: United Nations Interim Administration Mission In Kosovo

UNAMSIL:United Nations Assistant Mission in Sierra Leone

UNOMUR:United Nations Observer Mission-Uganda and Rwanda

UNPKF: United Nations Peace Keeping Force

UNSAS: United Nations Stand-by Arrangement System

UNSC: United Nations Security Council

UN: United Nations

WFP: World Food Program

Chapter 1

1.0   INTRODUCTION

The year 2006 began badly for UN peacekeepers. In January, eight Guatemalan forces were killed in the midst of year old, on-and-off military campaign against armed groups in eastern Democratic Republic of the Congo. Anti-UN riots in Cote d'Ivoire forced the UN mission there to seal off its compound and appeal for immediate reinforcements from a neighboring peace operation in Liberia. Elections in Haiti were postponed for a fourth time, while gang violence - including almost daily kidnappings continued despite UN efforts to bring it under control for more than a year. The days of traditional, consent- based peacekeeping seem to be over in most places; today, the choice is often between a more robust approach or going home. Increasingly, though with trepidation, the UN is choosing the former.

The Spanish general Vicente Diaz de Villegas presented his resignation to the UN Department of Peacekeeping Operations (DPKO) for the UN Mission in the Democratic Republic of Congo (MONUC) on February, 2009. As Commander in Chief of the Mission, he explained that MONUC had neither the military infrastructure nor a correct assessment, based on serious intelligence, of the dangerous and complex situation in this country. He believed that the UN capacities were inadequate to confront the great risk to local civilians and UN forces. Vicente called the situation "a potential disaster" and in the following weeks his prediction was confirmed. The example of general Villegas is just one in a series of problematic scenarios that the UN is facing around the world. The situation could be summarized simply: too many

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contradictory and ambitious United Nations Security Council mandates, not enough troops and resources, weak political will from the interveners, and lack of UN coordination. From a political perspective the main dilemma is how peacekeepers can act when there is no peace to keep. In these cases the line between peacekeeping and war-fighting is difficult to trace.

Recently, a nurturing debate has emerged on peacekeeping and how to reform it. It stems from five different considerations: the clear failures of several peacekeeping operations (in Bosnia, Rwanda and Somalia); the complexities of the new wars, the development of Conflict Resolution theories on conflict transformation; the emergence of a global and normative context based on a Human Rights approach, and finally the impact of some UN official Reports on the need of re-conceptualizing the UN mechanism. Within this broad debate, a thinking anew strand of peacekeeping has been fostered by an increasing literature. Many scholars, in different ways, call for a radical transformation of the peacekeeping operations doctrine. Indeed, the latter should promote a more comprehensive conception of peace, which must be sustainable and positive. This research dissertation is set in this lively debate on the reform of the UN, focusing especially on the peacekeeping operations. Therefore, the MONUC mission will be deeply assessed and taken as case-study, as a laboratory for the emerging trends in peacekeeping.

1.2   STATEMENT OF RESEARCH PROBLEM

Even if peacekeeping has been one of the favorite targets of criticism by both practitioners and scholars, we still face a doctrinal vacuum concerning its features, its nature and its aims. A vague consensus has been emerged on peacekeeping, but it also raises many questions. Where are the limits of peacekeeping and which are the peacekeeping tasks?

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Apparently, in recent times peacekeeping has been called not just to maintain peace and contain violence but also to promote longstanding and sustainable peace. Thus what does this imply for peacekeepers?

Secondly, why have so many UN peacekeeping missions proved to be utterly unable to achieve their mandates and to prevent the escalation of human rights violations in many countries? Where does the problem lie? Is it structural and can it be solved? Hence, we should make clear whether peacekeeping should be simply reformed and completely transformed. Thirdly, I want to focus my attention on the bloody and violent conflict that has raged in the Great Lakes Region for decades. Why is the international community totally impotent? Has the UN peacekeeping mission achieved its mandate? Where do the obstacles lie? Is the international intervention the best option for resolving the conflict? The main question here is to understand the delicate dynamics which overlap and tie up together local and international actors.

1.3 OBJECTIVES OF THE STUDY

This study seeks to show that the new dynamics in peacekeeping call for new thinking and re-strategizing in peacekeeping missions. It also seeks to prove that the traditional peacekeeping mechanisms and strategies are obsolete in today's peacekeeping missions. Finally, it seeks to show the relative success of the integrated new mechanisms and strategies of peacekeeping in the later peacekeeping missions undertaken by the United Nations.

1.4 LITERATURE REVIEW

The literature on peace operations has produced a plethora of micro theories aimed at solving problems but very little macro theories that charts the broader relationships between peace operations, world politics and ideology. Whilst there has been an explosion of literature on

the strengths, weaknesses, and experiences of peacekeepers, there has been very little reflection about what this tells us about global politics or the functions that peace operations fulfill within it. There has been a tendency not to place the evolving practices and conceptions of peace operations within a global context, and not to reflect on the theories and concepts that guide the questions we ask and the way we attempt to answer them.

However, as Gareth[1] notes, a conceptual framework seems to have emerged. Peace operations entered the Conflict Resolution field, claiming a deeper understanding of them and pushing for an exhaustive assessment of their roles and tasks. This conceptual evolution can be linked to two main academic assumptions. First, the critical theory has played an important role in emphasizing a discourse analysis perspective on peacekeeping, focusing on the intrinsic values embedded in any third party intervention, and second, the importance for conflict transformation of addressing also the subjective elements of conflicts has been stressed by an increasingly broad literature as well as by practitioners.

Thus, the increased proliferation of peace operations was also a product of changes in the self- perceptions of peacekeepers and dominant perspectives on the role of peacekeeping in global politics, not merely of an increasing of new types of violence in the world's trouble spots. A subjectivist approach holds that the social world is constructed by interaction between people, which creates a web of norms and rules governing appropriate actions.[2] The subjectivist and critical approaches demonstrate that peace operations construct, reproduce and maintain

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[1] Gareth Evans, *"Preventive Action and Conflict Resolution"*, in Olara A. Otunni, Michael W. Doyle, *Peacemaking and Peacekeeping for the New Century,* (Lanham: Rowman & Littlefield Publishers, 1996), P. 6

[2] A. B. Fetherston, *Towards a Theory of United Nations Peacekeeping,* (Hampshire: Palgrave 1994), P. 100-104

particular visions of order. Therefore the concerning literature aims to develop a more radical and comprehensive discourse, based on a wide range of critical perspectives to deconstruct and re-think the epistemology and ontology of peacekeeping.

What are the relevant entities when discussing peace operations and how should we understand the environment in which they take place? Thinking ontologically about peace operations also challenges us to think about what counts as an issue worthy of response and why. As Woodhouse and Ramsbotham[3] highlight, the key questions are: how can the existing institutions and power structures be identified and understood; why are certain voices and experiences excluded from power structures and policy debates; what are the linkages between local actors and global structures: and how can reconstructive agendas be enabled?

Kofi Annan points out the need for 'thinking anew' about the directions and objectives of peace operations in the actual international setting.[4] The question posed by the Secretary-General refers to the basic understanding of the inherent role of peacekeeping: What are peace operations for? What do they pursue? In this sense, some scholars claim the necessity of setting up a critical conceptual framework for peacekeeping, arguing that this conceptualization cannot be neutral or impartial. Peacekeeping is profoundly embedded in the global power structure in which it takes place. Indeed, this research does directly aims to focus on the imperfect mechanisms set in place by the UN in tackling social protracted conflicts, but it rather attempts to shed light on the intriguing debate regarding the nature itself of peacekeeping and its wishful evolution.

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[3] Tom Woodhouse, Oliver Ramsbotham, "Cosmopolitan Peacekeeping and the Globalization of Security", in International Peacekeeping, 2005 P. 3
[4] Ibid, P. 2

Kaldor[5] underlines the concept of global governance and cosmopolitanism, intended as the emergence of a 'common consciousness of human society on a world scale'. A too strict and narrow vision of the international relations and of the causes of protracted conflicts based on a state-centric point of view turned out to be deeply insufficient and misleading. International changes, globalization dynamics, normative developments are setting the path toward a more comprehensive international context, where national boundaries do not play anymore the primary roles as in the past. The Human Rights discourse, the development of humanitarian assistance practices, and the morality assertion of intervening in protection of gross human rights violation swift the core issue from a state perspective towards a more individual recognition of the security agenda requirements.

Moreover, Ryan[6] points out the ad hoc nature of peacekeeping, as James[7] years before strongly asserted. He then makes clear how this pragmatic approach could undermine the funding, coordination and even the reliability of peacekeeping missions. Therefore, the necessary conceptual framework should enhance a broader and more operative peacekeeping conception. Re-conceptualizing the peacekeeping role in conflict transformation would also imply blurring the doctrinaire distinction between peacekeeping and Peacebuilding. Indeed as peacekeeping missions become more multi-faceted, Peacebuilding is becoming an integral part of their activities. Emphasis should be placed on support of processes and institutions that reinforce reconciliation between warring parties and reconstruction of economic and social infrastructure,

[5] Kaldor, Mary *Global Civil Society: An Answer to War*, (Cambridge: Polity Press, 2003) P. 112
[6] Stephen Ryan, *"United Nations Peacekeeping: A Matter of Principles?"*, in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, P. 28-29
[7] Alan James, "My Encounter with Peacekeeping: Recollections of an Academic", in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, P. 12-23

so that once the mission pulls out it does not leave behind a vacuum, but a foundation of peace and development that that country can build on[8]. Fetherston[9] also argues that since peacekeeping operations have been developed on a case-by- case basis, also the literature has not provided a full-fledged framework, tending to be functional and descriptive rather than conceptually built. She, thus, proposes to frame peacekeeping into the general model of third party intervention[10]. Indeed, several are the advantages outlined by the Keashly-Fisher[11] contingency model: it yields empirical evidence, it offers the potential of more sophisticated methodologies, and it can coherently link the disparate micro theories. She then goes on to outline such framework, and insists that there is a gap between what peacekeepers should be doing (mediating, facilitating) and the military training they are given. Fetherston[12] states that 'by placing peacekeeping in a conflict resolution framework, we expand our conceptualization of missions from instruments of conflict control to approaches that contribute to more enduring resolutions of conflicts'.

Another relevant part of the outcome of such new thinking has been referred by Woodhouse to as 'cosmopolitan peacekeeping'[13]. His concepts broad the traditional formulation of peacekeeping related to the minimal requirement of 'negative peace', introducing the concept

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[8] http://www.un.org./Depts/dpko/view.htm
[9] A. B. Fetherston, "Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks", in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, P. 190-192
[10] A. B. Fetherston, *Towards a Theory of United Nations Peacekeeping*, (Hampshire: Palgrave, 1994), pp. 88-100 44*Ibidem,p.* 119 "
[11] Fisher, R., Keashly, Loraleigh (1991) "The Potential Complementarity of Mediation and Consultation within a Contingency Model of Third Party Intervention," in *Journal of Peace Research*, Vol. 28 (1): p.33.
[12] Fetherston, A., B., "Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks", in *op. cit.*, p. 193
[13] Tom Woodhouse, Oliver Ramsbotham, *"Cosmopolitan Peacekeeping and the Globalization of Security"*, P. 3

of the human security agenda adopted by the UN in recent years[14]. The people-centered approach directly challenges a state sovereignty perspective[15]. These qualitative changes also challenge the conception that there can ever be a military solution to what is essentially a political problem: this links to a win-win solution which does not contemplate a military one-side victory. Other non-Western authors highlight the importance of this security conception: this thinking will cut across cultures and bridge the gap between the rich and poor, bringing all under the umbrella of a similar human condition[16]. Representatives of Africa, Asia, and Latin America all expressed, with differing intensity and degrees of grievance, the need to make peace-building a focus of peacekeeping activities and for greater local ownership of the processes of peace-building.

The main point fostered by the 'anew thinkers' is to link forceful intervention with the consent- based strategies, to develop a political sustainable solution. Therefore, muscled peacekeeping (with a strong mandate and the capacity to enforce its strategies applying human standard) linked to conflict resolution mechanism, is a clear policy option for the international community[17], This approach recognizes the changing and flexible role of in the 'international collectivity', perceived not as a homogenous entity but as a constantly evolving system. Although, the UN emerged from a Great Powers vision of the world (and of peace), they also represent and embody the essence of the international community and of the normative evolution of the world order.

[14] Ibid. P.3
[15] David Chandler, "The People-Centered Approach to Peace Operations: the New UN Agenda", in *International Peacekeeping,* Vol. 8, No. 1, Spring 2001, P. 1-10
[16] Dipankar Banerjee, "Current Trends in UN Peacekeeping: A Perspective from Asia", in *International Peacekeeping,* Vol. 12, No. 1, Spring *2005,* P. 30
[17] Tom Woodhouse, "Conflict Resolution and Peacekeeping: Critiques and Responses", in *International Peacekeeping,* Vol. 10, No. 4, Winter 2003, P.14

The outcome of the International Commission on Intervention and State Sovereignty highlights a way for moving forward in the sovereignty/intervention debate by postulating the concept of Responsibility to Protect'[18]. This label allows us to go beyond the dichotomized debate between national sovereignty and humanitarian intervention, asserting the compelling moral imperative of pursuing international human rights norms into a more exhaustive human security agenda. The anew peacekeeping thinking emerges from this new normative vision. Thakur argues that the Annan's perspective on 'freedom from fear' was central to the development of a normative basis for a new security paradigm, collective human security: this conceptual framework might pave the way and give sense, value and direction to the mission of the UN in the 21 century[19].

Last[20],concerning this debate, asks intriguingly: is really this thinking new? Indeed, he argues, that the peace operations present old political problems in a new light Different perspectives, diverse actors and compelling contingencies have put forward the necessity of elaborating a conceptual framework. But what does this instance really mean? Does this consensus push for reforming the UN or at least the peacekeeping operations sector? And is it really possible leading the different thinking into a full-fledged model? What is the nature of the 'peace' that is being installed in conflict zones through UN peace operations? It tends to be assumed that UN peace operations contribute to the construction of a liberal international order made up of democratic states.

[18] Alex J. Bellamy, Paul Williams, "Conclusion: What Future for Peace Operations? Brahimi and Beyond", in David Chandler, "The People-Centered Approach to Peace Operations: the New UN Agenda", in *International Peacekeeping*, Vol. 8, No. 1, Spring 2001 P . 195
[19] Ramesh Thakur, "Reforming the United Nations: Changing with and for the Times", in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, P. *45*
[20] David Last, "The Future of Peacekeeping" ,in http://www.peacemagazine.org/archive/v09n6p08.htm

Jacobsen[21] points out consensus does not guarantee effectiveness. We have to analyze whether the emerging consensus is likely to have a lasting impact on doctrinal thinking, and whether it will improve operational effectiveness on the ground. Unfortunately, this consensus seems more artificial than real, at least nowadays. Bellamy[22] identifies the first challenge of 'thinking anew' in recognizing that the purpose of peace operations is contested and far from self-evident: no consensus has been emerged.

This study wants to be framed in this intriguing debate, attempting to shed new lights on it and trying to challenge old clichés through the assessment of a case-study. The 'thinking anew' about peacekeeping and the increasingly broad literature on the topic powerfully reminds• us the potential of peace operations and they highlight challenges and obstacles. Moreover, insecurity and strong human rights violations in some countries demand that consensus be revitalized on key challenges and priorities and converted into collective action. The United Nations —hence, peacekeeping operations- must be reshaped in ways not previously imagined, and with a boldness and speed not previously shown. The guiding light in doing so must be the needs and hopes of people everywhere. The world must advance the causes of security, development and human rights together, otherwise none will succeed. Humanity will not enjoy security without development, it will not enjoy development without security, and it will not enjoy either without respect for human rights[23].

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[21] Peter Viggio Jakobsen, "The Emerging Consensus on Grey Area Peace Operations Doctrine: Will It Last and Enhance Operations Effectiveness", in International Peacekeeping, Vol. 7, No. 3, Autumn 2000, P. 36-56
[22] Alex J. Bellamy, Paul Williams, "Introduction: Thinking Anew about Peace Operations", in op. cit., P.15
[23] http://www.un.org/largerfreedom/summary.html

1.5   THEORETICAL FRAMEWORK

David Last [24] observes that there are actually two gaps in our ability to help war-torn societies rebuild peace and cooperation. The first is a gap in our ability to control violence between the parties. This is required to put the hawks in a box. The second gap is in our ability to rebuild the trust that permits co-operation between the parties. This lets the doves out of their box. Peace operations, so often seen as humanitarian and well-intentioned, have grown increasingly complicated. Electorates have been exposed to the reality that "peacekeepers" are now frequently expected to use force to secure territory, protect civilians and maintain public order. These mandates have not only strained peace operations doctrine but the resources needed to sustain the missions, especially UN missions. The eleven new operations launched in the last six years have put the tin under strategic strain. Since 2003, the UN has taken on large-scale deployments to vast areas such as the Democratic Republic of Congo, southern Sudan and now Darfur. In 2000, the UN deployed nearly 13,000 troops in Sierra Leone, or one soldier for about every 3 1/2 square miles. In late 2005, it was maintaining a force of more than 15,000 in Congo, but with a ratio of one soldier for more than 90 square miles. Such a force cannot secure such a vast space consistently.

As Esref [25] notes, because of the definitional vacuum in the UN Charter, the literature has always struggled in providing a comprehensive definition of peacekeeping. Different notions of peacekeeping have gained currency at different times and places. Marrack [26] argues that since

[24] David Last, *"Organizing for Effective Peacebuilding"*, in Oliver Ramsbotham, Tom Woodhouse, *Peacekeeping and Conflict Resolution*, (London: Frank Cass, 2000), P. 82
[25] Esref Aksu, *The United Nations, Intra-state Peacekeeping and Normative Change*, (Manchester: Manchester University Press, 2003), P. 21
[26] Marrack Goulding, *Peacemonger*, (London: John Murray, 2002), P. 25

'Galtung' onwards, an important distinction between peacekeeping, peacemaking and peace building has been noted academically. Nevertheless, in today's operations it has become more and more difficult to discern the different facets. At the outset, it is theoretically worthy framing the magnitude of the topic providing an operational definition of peacekeeping. Thus, 'UN peacekeeping' is defined in terms of UN authorized deployment of multinational personnel in situations of potential or actual violent conflict. Peace Support Operations will be used to refer to as an overall term that includes the multidimensional and multicultural peacekeeping operations that often transcend into what has been defined as peace-enforcement domain[27].

1.6 JUSTIFICATION OF THE STUDY

Recent literature has increasingly tried to bridge the gap between theory and practice, aiming to develop a conceptual doctrine for the practical evolution of peacekeeping. 'Thinking anew' compels strengthening the enforcement powers while at the same time reinforcing Peacebuilding capacities. The re-definitional process sets for itself the two-fold aim of deescalating violence on one hand while simultaneously maintaining consent and rebuilding co/operative relationships on the other[28]. Indeed, thinking anew claims enable us to understand better the links between the effective control and containment of violence in war-torn regions and the processes by which trust and cooperation can be restored. Yet there are alternative

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[27] Oliver Ramsbotham, Tom Woodhouse, *Encyclopedia of International Peacekeeping Operations*, (Oxford: ABCCLIO, 1999), P. XIX
[28] Wibke Hansen, Oliver Ramsbotham, Tom Woodhouse, *"Hawks and Doves. Peacekeeping and Conflict Resolution"*, in *Berghof Handbook for Conflict Transformation*, Berghof Research Center, April 2001,P. 1

discourses and assumptions about the nature of peacekeeping and the broader peacemaking project to which it is linked, and these discourses are authentic within the tradition of internationalism and the UN. Those narratives are also capable of specifying policy. In this sense, they enhance the collaboration and the inter-link between peacekeeping/ Peacebuilding and Conflict Resolution.

Peace Operations are no more conceived merely as a conflict management mechanism, but they are perceived as an important conflict resolution tool that emerged from a specific normative framework. To some extent, this reminds to the Galtung's[29] concept of positive peace, conceived as the overwhelming of the violent power structures. Peacekeeping missions are called upon to bring about a structural and sustainable change. Thus, the new peace operations must support democracy and social justice, not just stability; they must aim to resolve conflicts, not just stabilize them; and they must convert opposing forces into collaborators, not just separate them.

Despite difficulties and ongoing misunderstandings, fractured and fractious though they might be, in conflict zones PSOs may offer the best available normative counterweights to the authority of warlords, mafia, or a dictatorial state. Peacekeeping still provides the international community with the best means for the application of minimum standards of international humanitarian law and the alleviation of human suffering in violent and protracted conflicts. In states considered unimportant to the global economy, the UN is often the only entity willing or able to provide security, stability and the foundation for permanent peace during times of crisis. UN member states have a responsibility to support the UN peace operations system and structure

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[29] Galtung, J. (1981). Social Cosmology and the Concept of Peace. *Journal of Peace Research*, 17 (2), 183-199.

and reform it adequately to meet the needs of the post-conflict societies and regions by securing areas for the civilians, restore and maintain the rule of law, and enable economic and political reconstruction to occur successfully within a secure environment. They share the burden, use existing infrastructures to tackle problems and add legitimacy to their actions abroad.

This research, therefore, asserts a better understanding of the ontology of peacekeeping, conceived as an ongoing *modus operandi* that has been promoted by the international collectivity and that cannot transcends from an interaction with it. Moreover the peacekeeping framework should evolve concurrently with a universal accepted culture of peacekeeping and of conflict transformation. Pushing it too fast would hinder an adequate reforming process. Indeed, as Pugh highlights 'the chief lesson that can be drawn is that statist responses to sustained emergencies are not a radical responses to modern conflicts. There has been no fundamental normative shift in response to complex emergencies because territorial thinking, reflecting the concerns with states rather than other collectivities, affects our perception of conflict'[30]. The biggest threat to a new ethical approach to these sustained emergencies is that in process of abandoning neutrality for solidarity, states and military set the humanitarian agenda and the agenda is not debated: in the absence of universal consensus about justice, international stability is jeopardized by groups of states assuming the right to decide the common interests of humanity.

Given the complexities and intensity of today's protracted inter- and intra-state conflict peacekeeping must be endowed with an appropriate mechanism (on a strategical level) and doctrine (on a conceptual level) to foster and build a sustainable peace. Currently, half the

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[30] Michael Pugh, *"Civil-Military Relations in peace Support Operation: Hegemony or Emancipation?"*, in *BISA*, Bradford, 18-20 December 2000, P. 18

countries emerging from violent conflict revert to conflict within five years[31]. Thus, a marriage between the conflict resolution literature and practices with peacekeeping can constitute a promising platform of common values and norms for tackling the culture of violence and wars. To some extent, this will be the academic purpose of this dissertation: peacekeeping cannot be improved and developed without taking into account the evolution gained on the ground. Nevertheless, a practical experience which is not backed up and expanded by theories could be also sterile and worthless.

Finally, the outcome of such 'thinking anew' will depend on the capacity and the willingness to improve and strengthen peacekeeping and to re-conceptualize its role in conflict transformation. Some common areas among the wide literature can and should be highlighted: first, all the scholars see in the UN an indispensable and precious institution which needs and deserves to be reformed and not abandoned; second, whatever it has been referred to as 'political will', 'International normative environment', 'global culture', or 'human security agenda', everyone agrees on the fact that a promising *world conscience* is needed and has been developing towards a more human-oriented concept of positive peace.

1.8   RESEARCH METHODOLOGY

A huge number of texts exist on UN peacekeeping and a review of some of these texts will be helpful during the study. Use of secondary materials like reports of the UN Secretary General, and other bodies and personnel that have actively participated in UN missions will also be made. Internet sources will also be accessed to shed more light on The research for this study will be

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[31] http://www.un.org/largerfreedom/summary.html

library-based. Extensive use will be made of literature review of secondary materials. recent developments in the peacekeeping field. I will also use secondary sources and data collected on a peacekeeping field trip I undertook a few months ago. It will also incorporate primary data that will be collected through interviews with officials who served in UN peacekeeping missions.

The secondary data will be collected through a desk top research and study of the existing literature on peacekeeping. This will include the use of text documents, journals and other sources of information available on peacekeeping. The use of secondary data will help in identifying the historical trends in the development of the UN peacekeeping missions since its inception in 1956.

CHAPTER 2

THE CURRENT TRENDS IN PEACEKEEPING OPERATIONS

2.1. Introduction

The rapid rise in civil wars and ethnic strife in the decade following the end of the Cold

War and the desperate need for action to help the civilian populations who were the targets of

ethnic cleansing demonstrated the need for the international community to go beyond

peacekeeping and authorize peace enforcement operations under Chapter VII of the UN Charter

in order to compel compliance with international resolutions and sanctions and to maintain or

restore peace and support diplomatic efforts to reach a long-term political settlement.[32]

Though the structure and capacity of the Department of Peacekeeping Operations has

evolved significantly in recent years, the UN's formal policy framework does not yet reflect the

fluidity of peacekeeping evolution.[33] The day-to-day managers of peacekeeping operations in

the UN and in troop contributing governments are familiar with the multi-faceted implications of

this evolution, but many others including in the UN Secretariat, are less familiar with the

nuances of recent developments. This chapter, therefore, looks at United Nations Peacekeeping

Operations, and how they have evolved over time. It also investigates the characteristics of

effective peacekeeping operations. The new generation concept of peacekeeping is helpful to

furthering researching effective peacekeeping operation in response to what critics have said

about peacekeeping. In order to find out what the characteristics of effectiveness in peacekeeping

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[32] Department of the Army, Headquarters. 1994. *Field Manual (FM) 100-23: Peace Operations.*
Washington, DC: U.S. Government Printing Office. P. 6
[33] Michael Pugh and W.P. Sidhu (eds.) *The United Nations and Regional Security.* New York: Lynne
Reinner, 2003.

operations are, this chapter aims to answer these questions: with what issues should effective operations be concerned? ; and how should they be implemented?

First of all, the chapter investigates the current nature of the international community, which is based on a framework of the new peacekeeping operations. In particular, it is argued that the contemporary international community has been moving towards a cosmopolitan order, so cosmopolitan peacekeeping will be examined carefully as one of the new considerations for effective peacekeeping operations. Then, the second section explores some details of operational levels by mirroring the concept of cosmopolitan peacekeeping and effective operations. It will analyze the issue of the use of force and what could be the effective use of force in order to fulfill the task and duty of peacekeeping operations. The third section considers who can satisfy those requirements of these operations as peacekeepers. It will examine both the UN and non-UN peacekeepers, and further elaborate the fulfillment of each task for effective operation. Finally, this chapter concludes with an analysis of those concepts that can be considered to typify the cosmopolitan form of peacekeeping that will be fostered in future operations.

2.2   Historical development of peacekeeping operations

The world is experiencing radical political, social and economic upheaval, and the aftermath of two world wars and the Cold War unleashed a new set of dynamics which created a shift in armed conflict from inter-state to predominantly intrastate conflicts[34].Consequently, peacekeeping has undergone an evolutionary transformation since the end of the Cold War.

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[34] Weiss, T. 'On the Brink of a New Era? Humanitarian Interventions, P. 91-94' in Daniel, D. and Hayes, B. (eds.) Beyond Traditional Peacekeeping, (London: MacMillan Press Ltd, 1995)

Rasmussen[35], for example, refers to the expansion of activities as second generation peacekeeping, where the emphasis is on reconstruction and peace implementation, rather than conflict freezing, which characterized peacekeeping during the Cold War period and which has been referred to as first generation peacekeeping. Peacekeeping operations, however, are not mentioned in the UN Charter; they are mostly the contingent product of the Suez Canal crisis in 1956. Indeed, the Secretary-General Dag Hammarskjold and the president of the General Assembly Lester B. Pearson set up the still defining principles of peacekeeping[36]. These include: the principle of the consent of the parties; the principle of non-use of force except in self-defense; the principle of impartiality'[37]; the principle of voluntary contribution of contingents from small, neutral countries, and the principle of control peacekeeping operations by the Secretary-General.

UN Peacekeeping Operations have passed through distinct phases since their inception. Traditional, classical or first generation peacekeeping operations began in 1947 with UNEF I and lasted broadly until the deployment of the UNTAG in Namibia. They were described as "operations involving military personnel, but without enforcement powers, undertaken by the

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[35] Rasmussen, J. 'Peacemaking in the Twenty-first Century: New Rules, New Roles, New Actors' in Zartman, I. and Rasmussen, J. (eds), Peacemaking in International Conflict: Methods and Techniques (Washington DC: United States Institute of Peace Press, 1997), P. 38-39.

[36] Aksu,Esref *The United Nations, Intra-state Peacekeeping and Normative Change* (Manchester: Manchester University Press, 2003) P. 22-24

[37] Alex J. Bellamy, Paul Williams, Stuart Griffin, *Understanding Peacekeeping*, (Cambridge: Polity Press, 2004), p. 96

United Nations to help maintain or restore international peace and security in areas of conflict"[38]

Their presence was supervisory: observing and monitoring negotiated agreements.

Second-generation peacekeeping operations, which may be said to have begun at the end of the Cold War, were more complex and often required robust responses, for which the international community was not entirely prepared. Indeed, in internal conflicts, state authority may have collapsed and warlords have little respect for the rule of law or negotiated agreements. By extension, the principles of consent, impartiality and minimal use of force seemed increasingly inappropriate. The single function associated with traditional operations evolved into a multiplicity of tasks involving security, humanitarian and political objectives.

At the same time, the composition of post-Cold War peacekeeping operations became more diverse: peacekeepers were drawn from a wider variety of sources (military, civilian police, and diplomatic), nations and cultures. "Second generation" peacekeeping was multilateral, multidimensional, and multinational/multicultural. Although in the early 1990s the UN accomplished some missions commonly considered as successful (for example Cambodia and Mozambique in 1992, Haiti in 1993), the failures represented by Bosnia and Somalia in the mid 1990s had a very negative impact on the image and credibility of the UN. Recently, three reports have influenced peacekeeping operations. The Secretary-General's Report on the Prevention of Armed Conflicts, the Brahimi Committee Report on UN Peacekeeping Operations and the Report of an Independent Commission on Interventions and State Sovereignty. Their recommendations, particularly those of the Brahimi Report, have helped to shape and redefine

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[38] Marrack Goulding, *Peacemonger*, (London: John Murray, 2002), P. 31

peace operations. At this stage it was clear that peacekeeping needed strong elements of innovations and, above all, needed to combine the characteristics of military "robustness with a commitment to abide by genuine international norms[39]. Third generation peacekeeping combines these two elements. This new way of thinking can be exemplified by looking at the development of British peacekeeping doctrine. The further challenges faced in Afghanistan and particularly Iraq, to which the international community has yet to respond effectively, led some authors to talk about the need for developing a new thinking and a 'fourth generation' of operations[40]. MONUC's study and evolution will attempt to draw fresh insight on this intriguingly interesting debate.

Nevertheless, this debate has been also nurtured by practitioners, at a more grass-roots level. Researches centers, European institutions and military agencies have all worked on the challenges posed by the new wars and have elaborated strategies to tackle conflicts and redress war-torn societies'[41]. Part of this evolution can be usefully summarized by the emergence of a new military strategic vision. The Peace Support Operation doctrine is indeed challenging the

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[39] Oliver Ramsbotham, Tom Woodhouse, (1999), *op. cit.*, P. XV

[40] Dipankar Banerjee, *"Current Trends in UN Peacekeeping: A Perspective from Asia"*, in *International Peacekeeping*, Vol. 12, No. 1, Spring 2005, P. 18

[41] Alex J. Bellamy, Paul Williams, *"Conclusion: What Future for Peace Operations? Brahimi and Beyond"*, (Spring 2004), P. 187-192

traditional way of conceiving peacekeeping, highlighting lacunas and strengths of this new evolution[42].

The first work in this direction was produced in 1994 under the label of *Wider Peacekeeping*[43]. At that point, the doctrine seemed more designed to excuse the military organization for its inaction (it is the time of the debacle in Bosnia), rather than being a guide for action itself. "[44]The document at least opened up the debate within the British Army, which was facing a dilemma: the military faced the difficulties on the ground and were the ultimate subjects to be blamed because of a political doctrinal vacuum[45]. The next step was fostered by Wilkinson[46], who proposed a more muscled version of peace operations, calling for a strategic reconsideration of peace-enforcement. He dared to cross the holy Rubicon of consent: if forces engaged in Peace Support Operations were to be of any use in scenarios where human rights were being abused then they have to act[47]. Thus, a Peace Support Operation is defined as an operation that impartially makes use of diplomatic, civil and military means, normally in pursuit of United Nations Charter purposes and principles, to restore or maintain peace. Such operations may

[42] Gwinyayi Albert Dzinesa, *"A Comparative Perspective of UN Peacekeeping in Angola and Namibia"*, in *International Peacekeeping*, Vol.11, No.4, Winter 2004, P. *652*

[43] See HMSO, *Wider Peacekeeping, (1995)*, London: HIVISO

[44] Rod Thornton, *"The Role of Peace Support Operations Doctrine in the British Army"*, *International Peacekeeping*, Vol. 7, No. 2, Summer 2000, P. 42

[45]Shashi Tharoor, Ian Johnston, *"The Humanitarian Security Dilemma in International Peacekeeping"*, in D. S. Gordon, F. H. Toase, *Aspects of Peacekeeping*, (London: Frank Cass, 2001), P. 7
[46] Philip Wilkinson, "Sharpening the Weapons of Peace: Peace Support Operations and Complex Emergencies", in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, p. 67-69
[47]Hugo Slim, *"Positioning Humanitarianism in War: Principles of Neutrality, Impartiality and Solidarity"*, in D. S. Gordon, F. H. Toase, *op. cit.*, P. 127

include conflict prevention, peacemaking, peace enforcement, peacekeeping, peace building and or humanitarian operations.[48]

As expressed by Wilkinson[49] the new doctrine stems from the assumption, that in a world characterized by intra-state wars, collapsed states, and gross human rights violations, the traditional concept of peacekeeping has become outmoded. PSOs must be able to deal with wide scenarios, including those in which 'spoilers' and warlords will attempt to undermine the peace process[50]. Hence, the managing of consent is based on the principles of impartiality, legitimacy, mutual respect, use of minimum force, credibility, and transparency linked to a broad variety of conflict resolution techniques[51].

In military terms, the PSO concept insists that it is possible to use force without losing impartiality. This move increases the conceptual distance between neutrality and impartiality: whereas neutral peacekeepers play no political role whatsoever, impartial peacekeepers discriminate between belligerents according to their adherence to the mandate[52]. From this perspective impartiality is not the same as neutrality, but it requires a set of principles, generally

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[48] John Mackinlay [ed., *A Guide to Peace Support Operations*, (Providence: Thomas J. Watson Jr. Institute for International Studies, 1996), p. 3-9

[49] Philip Wilkinson, "Sharpening the Weapons of Peace: Peace Support Operations and Complex Emergencies", in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, p. 67-69

[50] Ibid.

[51] John Mackinlay, [ed.], *op. cit., p.* 47

[52] Alex J. Bellamy, Paul Williams, *"Conclusion: What Future for Peace Operations? Brahimi and Beyond"*, (Spring 2004), P. 170

enshrined in international humanitarian law, against which the actions of the belligerent parties can be judged and acted upon[53]. Indeed, the aim of the new doctrine is to create peacekeeping operations that are sufficiently flexible, robust and combat-ready.

The PSO concept has been variously embraced by the international military community, including NATO, and has consequently become the doctrinal basis for the launching of recent operations, like in Kosovo (KFOR), in Sierra Leone (UNAMSIL) and in the Democratic Republic of Congo (MONUC). Not surprisingly, military representatives fostered the debate on peacekeeping and reforming the traditional way of conceiving it. To some extent, the army has been recalcitrant in taking on new and less clear tasks: it was more a contingent necessity rather than a strategic operative plan. Thus, within the Army the need for a clear and long-term doctrine has become a deeply necessary requirement. [54]

In a Peace Support Operation, political, diplomatic, economic, and humanitarian facets interact and need to be coordinated[55]. This would entail 'risking the lives of peacekeepers in order to save the lives of victims' and creating 'a new kind of soldier-cum-policeman' that will require 'considerable rethinking about tactics, equipment and, above all, command and training'[56]. Therefore, much is put on the military side. The military component must be able to

[53] Domenick Donald, "Neutrality, Impartiality, and UN Peacekeeping at the Beginning of the 21 Century", in International Peacekeeping, Vol. 9, No. 4, Winter 2002, P. 2 1-28
[54] Rod Thornton, "The Role of Peace Support Operations Doctrine in the British Army", International Peacekeeping, Vol. 7, No. 2, Summer 2000, p. 41

[55]Philip Wilkinson, "Sharpening the Weapons of Peace: Peace Support Operations and Complex Emergencies", in International Peacekeeping, Vol. 10, No. 4, Winter 2003, P . 66

[56] Mary Kaldor, Global Civil Society: An Answer to War, (Cambridge: Polity Press, 2003), p. 135

move swiftly form traditional peacekeeping to peace enforcement and back again[57]. Unfortunately, there is no common understanding of which role the military can and should perform, finding themselves drawn into areas for which are nor appropriately equipped.[58] This approach was in line with the Kofi Annan's concept of 'grey area' operations, stated in the 'Peace Operations and the United Nations: preparing for the Next Century'. Concerning the question of consent, he encouraged a multidisciplinary approach requiring 'the right force structure to be able to carry out the mandate and to protect the operation'[59]. This was the formulation of the 'coercive inducement operations', thus working in conflict zones becomes a more complex process, requiring the appropriate balance between military coercion and positive inducements.

There are, however, still many problems concerning the PSO; like the delicate civil-military relations. Pugh[60] argues that this relationship is interesting because it has manifested a shift from detachment, suspicion and ignorance towards a level of civil-military cooperation that is becoming institutionalized. Many assert that training is an integral part of the peace operations. Professional development requirements and incentives for civilian component training should be

[57] Ted Van Baarda, Fred Van tersel, "*The Uneasy Relationship between Conscience and Military Law: the Brahimi's Report Unresolved Dilemma*", in *International Peacekeeping*, Vol. 9, No. 3, Autumn 2002, p. 25-50

[58] Peter Viggio Jakobsen, "*The Emerging Consensus on Grey Area Peace Operations Doctrine: Will it Last and Enhance Operations Effectiveness*", in *International Peacekeeping*, Vol. 7, No. 3, Autumn 2000, P. 45

[59] Philip Wilkinson, "Sharpening the Weapons of Peace: Peace Support Operations and Complex Emergencies", in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, P. 63

[60] Michael Pugh, "*Civil-Military Relations in Peace Support Operation: Hegemony or Emancipation?*", in *BISA*, Bradford, 18-20 December 2000, P. 1

clearly identified and enhanced[61]. Nevertheless, the next section explores the question of whether the capacity building that has been occurring at regional, sub-regional and national levels can be projected 'upwards' to the global level.

2.3 Cosmopolitan Peacekeeping and Effective Peacekeeping

In determining the characteristics of effective peacekeeping operations, a response to critical theorists will be necessary. This is because the critiques on peacekeeping open a door to promote further effective operations, and critical theory on peacekeeping allows unconventional ideas. Furthermore, the nature of contemporary security and international relations has been necessary to be looked at in the field of critical security studies, which is human security. In this sense, this section provides a background setting to construct effective peacekeeping operations in contemporary conflict resolution. As peacekeeping takes on an increasingly important role in order to respond the needs of international society, the concept of cosmopolitan peacekeeping should be taken into account as a possible framework for effective peacekeeping operations in contemporary global politics. This new concept of peacekeeping operations has emerged alongside cosmopolitanism[62], simply that which is one of the perceptions of the global community in the twenty-first century.[63]

[61] Annika Hilding Norberg, "Challenges of Peace Operations", in International Peacekeeping, Vol. 10, No. 4, Winter 2003,P. 99
[62] Held, D. (1995) Democracy and the Global Order, Cambridge; Polity Press, 221-231; Linklater, A. (2005) "Globalization and the transformation of political community" in Baylis, J. and Smith, S. (eds.) (2005) The Globalization of World Politics (3rd ed.) Oxford: Oxford University Press, 718-719
[63] Linklater, op. cit.709-725.

Held[64] argues that a driving force of cosmopolitanism stems from the notion of common humanity in the global community. This is based on the Kantian notion of "cosmopolitan law" which is perceived as all nations and states being in a universal community. This perception encourages one to see people, not to look at strangers or foreigners whenever they come across over state borders.[65] In this context, the concept of "universal hospitality", which identifies the cooperative relations among human beings including "an exchange of ideas and goods with the inhabitants of another country", is relevant to view contemporary world and an essence for new peacekeeping operation.[66] This notion allows thinking about the concept of "humanity" as a new agent to encompass the nature of security; that is "human security" today.[67] Chandler[68] reveals that this new concept of international security based on humanity and/or human rights gives equal opportunity for individuals in case their own state cannot provide protection because of a mixture of problems such as poverty, ethnicities, and cultural differences. Thus, he emphasize sovereign state peacekeeping has been challenged to adjust to such changes in the context of international security.

Kaldor[69] also argues that peacekeeping could be transformed and re-conceptualized "as cosmopolitan law-enforcement". Cosmopolitan law, in her terms, is identified as the international law that "comprises both the laws of warfare and human rights". What she meant

[64] Held, D. (2004) *Global Covenant*, Cambridge: Polity Press
[65] Held, D. (1995) op.cit 227.
[66] Ibid. 227-228.
[67] Hasegawa, Y. (2005). "*United Nations Peace Operations, Human Security and Conflict Transformation; The Case Of The Mission In Afghanistan.*" Ph.D. thesis, Department of Peace Studies, University of Bradford, UK, 54-57
[68] Chandler, D. (2001) "*The People-Centered Approach to Peace Operations: The New UN Agenda*", in *International Peacekeeping*, 8 (1), 3-5.
[69] Kaldor, Mary *Global Civil Society: An Answer to War,* (Cambridge: Polity Press, 2003)P.10-11.

by cosmopolitan law enforcement is not peacekeeping or peace enforcement, but enforcement of

the norm of humanitarian law. That is because contemporary conflicts are complexities of war,

crime, and human rights violations.[70] This concept can mirror contemporary human security

norms, and the new structure of peacekeeping operations has evolved in that way. The concept of

"human security" has been taken advantage of by global powers and political interests, so it

tends to justify interventions.[71] In this sense, Woodhouse[72] and Ramsbotham emphasize that a

new concept of peacekeeping has emerged and incorporated within the global community under

the name of cosmopolitanism. Consequently, the concept of cosmopolitan peacekeeping should

be taken into account as a possible framework for effective peacekeeping operations in the new

global order over the coming decade.

The term cosmopolitan peacekeeping has not been created as an official term yet, but

Woodhouse and Ramsbotham introduce it as a way to articulate a new emergence of

peacekeeping which is based on "a cosmopolitan model of global governance."[73] That is because

the transformation of the norm of collective security from state to humanity has become the

norm of the global community, and this allows mainstreaming the norm of human security in

order to legitimize intervention by means of conflict resolution.[74] The concept of a world

community fosters the idea of the next generation of peacekeeping being directed to the

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[70] Ibid. 11

[71] Hasegawa, Y. (2005). "United Nations Peace Operations, Human Security and Conflict Transformation; The Case Of The Mission In Afghanistan." Ph.D. thesis, Department of Peace Studies, University of Bradford, UK, P.156-157.

[72] Woodhouse, T. and Ramsbotham, O. (2005) "Cosmopolitan Peacekeeping and the Globalization of Security" in International Peacekeeping, 12 (2), 149

[73] Woodhouse, T. and Ramsbotham, O. (2005) "Cosmopolitan Peacekeeping and the Globalization of Security" in International Peacekeeping, 12 (2), P. 141

[74] Miall, op. cit., 329

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protection of the humanitarian norm of collectivism without borders. Thus, the concepts of cosmopolitanism and human security comprise a fundamental concept to accelerate the emergence and evolution of new forms of peacekeeping operation, which can correspond to the arguments that critical theorists claim for the hegemonic power of peacekeeping operations.

2.4 Key Operational Concepts for Cosmopolitan Peacekeeping

Cosmopolitan peacekeeping operates on the basis of a high capacity for military deployment and also a high capacity for civilian power.[75] Woodhouse and Ramsbotham emphasize that the third generation of peacekeeping was an imperative condition to conceptualize more effective peacekeeping in order to fit in to the nature of a theoretical framework driven by human security as a means of emancipatory framework[76] They argue that the Brahimi Report can be one of the guidelines to accomplish such a high capacity of military deployment as it encourages an increase in the number of civilian peacekeepers.[77]

The Brahimi Report recommends further use of robust peacekeeping operations in order to bridge the gap between peacekeeping operations and the Peacebuilding process. This concept already existed when *An Agenda for Peace* was released, but the Brahimi Report has contributed more in elaborating specific ideas and practical plans, in order to attain the UN's ideal goal. The

[75] Woodhouse, T. and Ramsbotham, O. (2005) op. cit., 152
[76] Woodhouse, T. and Ramsbotham, O. (2005) *"Cosmopolitan Peacekeeping and the Globalization of Security"* in *International Peacekeeping*, 12 (2), P. 141150
[77] Ibid. P. 142

report puts most emphasis on peace enforcement activities in order to forward Peacebuilding processes as quickly as possible.[78]

According to the report, the panel recognizes that the first twelve weeks after a ceasefire or peace agreement is signed are the "critical period", during which it is the greatest challenge to maintain "negative" peace and to show peacekeeping capabilities.[79] Thus, the Panel suggests deploying the traditional type of peacekeeping operation within 30 days and complex operations within 90 days.[80] This concept seems to be based on the notion that the reconstruction of the security system is the first stage in Peacebuilding strategy.[81] In this sense, the Brahimi report shows how such a robust concept of peacekeeping in terms of the protection of civilians can be achieved. This fulfils one of two capacities which are required for conflict resolution, a process which can be analyzed as the role of conflict transformation, that is, the cycle of peacekeeping, peacemaking, and Peacebuilding. Ensuring civilian power through peacekeeping is the essential link between peacekeeping and Peacebuilding.

2.5   A Link between Peacekeeping and Peacebuilding for Cosmopolitan Peacekeeping

In response to the new context of conflict, peacekeeping missions have been expanded to include the disciplines of peacemaking and Peacebuilding. While peacekeeping aims to provide an environment of stability to facilitate the processes of both reconstruction and progress toward

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[78] Peau, S. (2002) "The UN, Peacekeeping and Collective Human Security: From *an Agenda for Peace* to the Brahimi Report" in *International Peacekeeping*, 9 (1), 57.
[79] United Nations (2000) "Report of the Panel on United Nations Peace Operations", A/55/305-S/2000/809, Para 87
[80] Ibid. Para. 88.
[81] Wilkinson, P. (2000) "Sharpening the Weapons of Peace" in Woodhouse, T. and Ramsbotham, O. (eds.) (2000) *Peacekeeping and Conflict Resolution*, London; Frank Cass, 66.

peace, peacemaking is a diplomatic and political endeavor applied strategically to confrontation situations, through such undertakings as mediation and negotiation, in order to arrest the conflict or at least prevent it from escalating. The securing of human rights, the facilitation of elections, the support given to attempts at political reconciliation and new modes of governance, all agendas on United Nations peacekeeping mandates, also fall within the ambit of peacemaking. Peacebuilding is the peaceful political and socio-economic reconstruction of a country. Peacebuilding works to prevent a recurrence of conflict through the practical implementation of reconstruction on all fronts; political, social, economic and humanitarian, embodying the peace-builder's objective in the creation of peaceful social change after conflict.[82]

Peacemaking, peacekeeping and Peacebuilding, once thought of as separate disciplines which operationalized in sequence during a conflict, intertwine in the large second generation peacekeeping mission of today. They each impact on one another and interact with one another, a deficit in one area often meaning a failure in another. They merge into one another thus challenging the concept of these disciplines being discrete and sequential. The activities of UNMIK in Kosovo illustrate the dynamics of the relationship between these three pathways in the progress toward peace. Where political violence has divided communities, issues of national reconciliation become extremely important[83]. However, reconciliation at the community level is usually not specified in mandates and therefore remains a less visible goal of social reconstruction. This is paradoxical for surely reconciliation must be a basic goal of the

[82] Harbottle, M. 'The Strategy of Third Party Interventions in Conflict Resolution', International Journal, 35 (1980), P.118-131.
[83] Lewis, N. 'The Tasks of Political Recovery' in Harris, G. (ed) Recovery from Armed Conflict in Developing Countries: An Economic and Political Analysis (London: Routledge, 1999), P.77.

peacekeeping, peacemaking and peace building processes. Indeed, it is the bedrock upon which all other recovery action rests.

In order to achieve the other aim of cosmopolitan peacekeeping, that is, attainment of high civilian capacities, a transcendent idea of operation might be required, which corresponds to hat critical theorists argue. The high civilian power is essential to the process of Peacebuilding in post-conflict reconstruction because the civilians are the residents of post-conflict society, and they are the people who will nurture and sustain it.[84] Jeong stresses that "peacekeeping cannot impose attitudinal adjustments artificially, ... however, peacekeeping offers neighborhoods an opportunity to work together rather than finding a reason to attack and to defeat the opponent by bringing stability to the relationship."[85] Thus, this can help conflict prevention, and that requires good relationships between peacekeepers and communities.

The approach to peacekeeping by looking at furthering the Peacebuilding process, which takes into account the empowerment of civilians, contributes to the consideration of the needs of the recipients of peacekeeping operations. All Peacebuilding processes and complex peacekeeping operations have various tasks, such as political reconstruction and resettlement of infrastructures. Yet the purpose of most peacekeeping operations seems to be to contribute to setting up groups to maintain "negative peace", which can directly assume reconstruction of the security system in the field of post-conflict. Moreover, a move from negative peace to positive peace can be described as a move from peacekeeping to Peacebuilding. In this context, reconstruction of the relationships between civilians in the community is crucial with regard to

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[84] Kaldor, op. cit., 134-145.
[85] Jeong, H. (2002) *"Peacekeeping Strategies for Peacebuilding: Multi-Functional Roles"* in Jeong, H. (ed.) (2002) *Approach to Peacebuilding*, Hampshire: Palgrave, 73.

Peacebuilding because the context of conflict has embedded hatred, prejudice of racism, and something which is created by the nature of human relationship.[86]

If this is the first step for effectiveness of peacekeeping, what Fetherston and Last argue about concerning contact training seems to be necessary because peacekeepers are in charge of maintaining security in the field.[87] Although the UNSC has the responsibility to take initiatives in setting up the operational mandate, peacekeepers' skills are also crucial in determining whether peacekeeping operations will work or not because it is they who are actually placed in the field. The training of peacekeepers can encourage civilian empowerment in peacekeeping rather than the Western model of peacekeeping, since this training must help peacekeepers to understand and take into account "differences" of cultures between peacekeepers and local communities.[88]This concept can be considered as an essential factor in terms of practical peacekeeping, which is examined in the next section regarding how to operate coercive power and operation.

2.6   Effective Implementation of Peacekeeping in the Cosmopolitan World

Though the last section examined the current emergence of the new peacekeeping operation, it is equally important to ask how this concept will be implemented. In order to answer this question, two key issues need to be addressed. First is the issue of the use of force and, secondly, its implementation by peacekeepers. The skills of peacekeepers are rarely discussed

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[86] Lederach, J.P. (1997) *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington D.C.: United States Institute of Peace Press, 27, quoted in Fetherston, A.B. (2000) op. cit., 204.
[87] Fetherston indicates that operational training is the driving force for effective peacekeeping operation, and Last utilizes such concept and developed further practical training process for the operation.
[88] Fetherston, A.B. (1994) op. cit., 166-167.

when reviewing the practical implementation of peacekeeping. Here, it will be argued that some special training for peacekeepers will be a key to effective operations in respect of efficient implementation of the use of force. One of the principles of UN peacekeeping operation is the right to use force in the case of self-defense. This principle has not changed since its foundation, and is based on the Cold-War factor, respect of state sovereignty.

Nevertheless, the use of force can be discussed in two ways: first, the minimum use of force, and secondly use of force for self-defense only. Minimum use of force is understood as using force in order to attain goals relating to the military missions, and use of force for self-defense only is acknowledged that using force is restricted only to react to "threats to person or property."[89] The rule changes depending on the mission due to mandate, and goals of mission are varied. In particular, the "robustness" of a peacekeeping operation, which the Brahimi Report calls for, should be seen as the key to its effective operation. This issue can be analyzed by looking at the difference between peacekeeping and peace enforcement. The difference lies in how an intervention is authorized by international law. As mentioned in the previous chapter, peace enforcement can be defined as an operation which is conducted by the UNSC under Chapter VII.[90] On the other hand, peacekeeping cannot be determined exactly by UN Charter; but observatory missions (traditional peacekeeping) can be conducted under Chapter VI.[91] However, such missions are limited in function because of the requirement for the consent of the

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[89] Last, D.M. (1997) op. cit., 46
[90] Article 42 of the UN Charter recognizes in case of inability for diplomatic solution under the Article 41 The Charter of the United Nations, Chapter VII
[91] Please see the Charter of the United Nations.

parties. Both peacekeeping and peace enforcement are involved in peace operations[92], but Wilkinson points out that the goal of both operations is the same, that is, to secure the environment and to sustain peace.[93] With regards to the use of force, he argues that a military operation might induce conflict parties to see them as an enemy whereas peace enforcement does not have this effect, and such circumstances will affect the relationship with local forces.[94] This situation is a hint to determine the need of peace enforcement because in such a situation, there will be no desire for negotiation until conflict parties have achieved their political goals.

However, it has been argued when is it good timing to decide to use force and the answer is still vague. For instance, Romeo A. Dallaire, who served as a commander of the United Nations Observer Mission—Uganda and Rwanda (UNOMUR) and the United Nations Assistance Mission in Rwanda (UNAMIR), insists that "the poor handling of the political, humanitarian and military response" contributed to ineffectiveness of the UN mission in Rwanda.[95] In spite of predictable humanitarian emergencies and requests for an increase in the number of peacekeepers, ignoring the request to the UN led to the incompleteness of the mission, and it caused the genocide. In this context, the issue of using force could be a key point to determine what an effective military intervention is and how it can be achieved in both ideal and practical ways.

[92]Wilkinson, P. (2000) "Sharpening the Weapons of Peace" in Woodhouse, T. and Ramsbotham, O. (eds.) (2000) *Peacekeeping and Conflict Resolution*, London; Frank Cass, P 73
[93] Ibid. P. 72
[94] Ibid. P. 35
[95] Dallaire, R.A. (1998) "*End of Innocence: Rwanda*" in Moore, J. (ed.) (1998) *Hard Choices*, Oxford: Rowman & Littlefield Publisher, P. 74.

2.7 Needs of Limited Use of Force in a Humanitarian Norm

Wilkinson further argues that a peacekeeping operation which allows using force in self-defense only is not competent enough to fulfill the mandate of its mission or further, beyond its mission, to save civilians' lives. In order to allow flexibility, he emphasizes that the peace enforcement level of use of force, which can prepare for combat in case of escalation to war, can be regarded as a more effective peacekeeping operations.[96] Therefore, an option of peace enforcement can be recognized as a high potential for further effective peacekeeping.

Woodhouse also argues that the UN peacekeeping forces are essential as a means of conflict resolution to construct the political and humanitarian stages in the turmoil of humanitarian emergencies, in order to create a space for providing humanitarian aid and security support. In order to achieve this aim within the short term, he further points out that the UN Member States should obligate expansion of their capacities to give training, logistical support, and finance under its stand-by arrangements.[97] This perspective has even emerged in a practical field in the international community. "The Responsibility to Protect" by the International Commission on Intervention and State Sovereignty (ICISS), calls for military intervention in order to fulfill "the protection of civilians" although they are concerned with the matter of state sovereignty.[98] It aims at achievement of effective peacekeeping missions, and it emphasizes "wherever possible, coercive measures short of military intervention ought first to be examined,

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[96] Wilkinson, P. (2000) "Sharpening the Weapons of Peace" in Woodhouse, T. and Ramsbotham, O. (eds.) (2000) *Peacekeeping and Conflict Resolution*, London; Frank Cass, P. 72

[97] Woodhouse, T. (1999) "*International Conflict Resolution: Some Critiques and a Response*", Working Paper 1, Centre for Conflict Resolution, Department of Peace Studies, University of Bradford, UK, P. 11.

[98] International Commission on Intervention and State Sovereignty (ICISS) (2001) "*The Responsibility to Protect*" *Report of the International Commission on Intervention and State Sovereignty*, Ottawa: the International Development Research Centre.

including in particular various types of political, economic, and military sanctions."[99] The report respects the norm of non-intervention, but it justifies the use of force as the last resort when preventative cooperation does not work.[100] In this sense, though robust peace operations are required, it does not force military action, but further observation and judgment must be required.

Taking into account "The Responsibility to Protect", both *An Agenda for Peace* and the Brahimi Report attempted to reform peace operations with regard to issues of consent, impartiality, and limited use of force.[101] The last decade of peace operations by the UN was required to be reformed by looking at British, French and US peace enforcement military doctrines in order to respond to the need for changes and to show possible flexibility in operations. This clearly accelerated a norm of limited use of force as an effective function of peacekeeping at the global level.[102] However, in both cases, peacekeeping and peace enforcement operations, the purpose of the operation is not to win the war but to maintain law and order, to maintain the negative peace and to create spaces to provide relief to civilians in fear by humanitarian means.[103] This perspective with regard to the operation of peacekeeping can apply to Woodhouse[104] and Ramsbotham's approach to cosmopolitan peacekeeping. They acknowledged that the "responsibility to protect", regarding the use of force, is based on the third

[99] Dallaire, R.A. (1998) "*End of Innocence: Rwanda*" in Moore, J. (ed.) (1998) *Hard Choices*, Oxford: Rowman & Littlefield Publisher, P. 31

[100] Ibid., 32

[101] Stephens, D. (2005) "*The Lawful Use of Force by Peacekeeping Forces: The Tactical Imperative*" in *International Peacekeeping*, Vol. 12, issue 2, P.162.

[102] Ibid. 162-163.

[103] Kaldor, Mary *Global Civil Society: An Answer to War*, (Cambridge: Polity Press, 2003) P.134-5

[104] Woodhouse, T. and Ramsbotham, O. (2005) "*Cosmopolitan Peacekeeping and the Globalization of Security*" in *International Peacekeeping*, P. 148

generation peacekeeping idea, and application of this will further the concept of cosmopolitan peacekeeping. In addition, force might be necessary to sustain negative peace, but for further bridges to the Peacebuilding process, the role of policing can be considered as significant.[105] This concept is also close to Kaldor's[106] cosmopolitan law-enforcement, which she sees as something between soldiering and policing in order to protect civilians by humanitarian law.

In this sense, the operation of peace enforcement by third parties should not be recognized as strangers or enemy, rather, those operators need to show the credibility of their presence. If this can be successfully implemented, the relationships between peacekeepers and civilians will contribute to rebuild post-conflict societies, which can also rebuild new relationships among civilians for furthering the Peacebuilding process.[107]

2.8   Peacekeeper's Training for Effective Operations

As discussed above, the use of force in peace enforcement and peacekeeping are different from combat units: those military units are technically required to obtain police functions.[108] In order to fulfill this task, peacekeepers should be required to obtain proper training skills, so that they do not have to impose their perceptions on civilians. This training is essential to maintain the context of peacekeeping because it has to take the role of both military and police to ensure security of all citizens while a national security system must be organized, trained and equipped

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[105] Jeong, H. (2002) *"Peacekeeping Strategies for Peacebuilding: Multi-Functional Roles"* in Jeong, H. (ed.) (2002) *Approach to Peacebuilding*, Hampshire: Palgrave, P. 71
[106] Kaldor, op. Cit 124-5
[107] Last, D. (2000), "Organizing for Effective Peacebuilding" in Woodhouse, T. and Ramsbotham o. (eds.) (2000) *Peacekeeping and Conflict Resolution*, London: Frank Cass, 89-90
[108] Ibid.

with the ability to provide public security.[109] Moreover, the purpose of such training is to give

opportunities to peacekeepers to enhance their communication skills. This is because one of the

big challenges when peacekeepers are sent from their national defense forces to international

peacekeeping forces is the way their rules and behavior are different from those from other

nations.[110] These units have to be disciplined enough to share common knowledge and act like

"big brothers" of security instead of normal fighting forces. Therefore, Fetherston[111] elaborates

the importance of peacekeeping training as a means to fill the gap between theory and practice.

She emphasizes the need for cross-cultural training of peacekeepers in order to integrate the

force and the parties to the conflict and the various national contingents within the forces.

By elaborating Fetherston's training concept, one approach which Last[112] proposes is to

transform peacekeeping operations to civil police levels in early times of intervention so that this

can contribute to Peacebuilding procedures. In order to achieve this, he identifies two factors

which hamper implementation: a gap between the ability to control violence between the parties,

and a gap in the ability "to rebuild the trust that permits cooperation between the parties". In

order to transfer the operation to civilian levels, he argues that "when military peacekeeping

forces become involved by default in the civilian tasks of humanitarian relief, development,

democratization, and so on, their objective should be to unload those tasks as quickly as

possible."[113]

[109] Jeong, H. (2002) *"Peacekeeping Strategies for Peacebuilding: Multi-Functional Roles" in Jeong, H.* (ed.) (2002) *Approach to Peacebuilding*, Hampshire: Palgrave, 73. 72.
[110] Hansen, W., Ramsbotham, O., and Woodhouse, T., op. cit., 11
[111] Fetherston, (1994), op. cit., 165
[112] Last, D. (2000), "Organizing for Effective Peacebuilding" in Woodhouse, T. and Ramsbotham o. (eds.) (2000) *Peacekeeping and Conflict Resolution*, London: Frank Cass, P. 82
[113] Ibid. 83

Last further elaborates on changing the security system as violent conflicts de-escalate. In the first stage, the third parties have to make sure that none of the conflict parties attack members of conflict parties. Through this stage, the international civilian police can nurture the security system at the civilian level via human rights and local policing training.[114] In this sense, integration with civilian levels at this stage can be expected to continue to the Peacebuilding process which is based on the bottom-up approach, and this can be found as a link between peacekeeping and Peacebuilding.

2.9 Responsible parties in conducting Peacekeeping Operations

One of the big issues for effective peacekeeping is at what level peacekeeping actors should be deployed. Initially peacekeepers were authorized by the UN and consisted of forces from Member States. However, there are different levels of peacekeeper now, and the role of UN peacekeepers and other levels of peacekeepers are different.[115] Therefore, looking at different levels of peacekeepers will contribute to determining the effective functioning of peacekeeping operations.

Pichat[116] argues that the UN should take further initiative for effective peacekeeping operations. He argues that it is the responsibility of the UN to protect not only traditional international security, which is protection from aggression among states, but also to protect the security of individuals and human rights when individual states cannot fulfill it. This implies a concept of human security, and he further emphasizes that refugee flows and non-military means

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[114] Last, D. (2000), "Organizing for Effective Peacebuilding" in Woodhouse, T. and Ramsbotham o. (eds.) (2000) *Peacekeeping and Conflict Resolution*, London: Frank Cass, P 83-84.
[115] Bellamy, A., Williams, P., and Griffin, S. op. cit., 34.
[116] Pichat, S.K. (2004) *A UN 'Legion': Between Utopia and Reality*, London: Frank Cass, P.193.

of security can be enough to justify intervention as a response to "a threat to international peace and security".[117] What he suggested is to set up the UN voluntary force as an advanced version of UN Stand-by Arrangement System (UNSAS) in order to respond to humanitarian emergencies as quickly as possible. According to him, UNSAS limits flexibility of deployment from national levels, that is, the deployment still requires acceptance at the national level.[118] Nevertheless, he argues that the UN still has the ability to cope without a framework at national level, and to voluntarily collect military troops at the global level.

Pushkina[119] finds that UN peacekeeping is the most successful type of peacekeeping operation. She proposes some key concepts to determine the likelihood of a successful operation: the number of lives the operation could save; the prospects for improvement of political, economics, and social justice via establishment of the rule of law; and "fostering economic and social cooperation. She concludes that the key concept for success will be a clear and transparent policy for the operation, and such policy by the UN will promote further effective operations dealing with conflict parties.[120] However, the UN cannot be the only single actor to manage effective peacekeeping operations. As can be seen in criticisms of failed UN operations in Somalia, Rwanda, and Bosnia, peacekeeping at different levels should be flexibly operated. Alternatives can be non-UN peacekeepers.

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[117] Pichat, S.K. (2004) *A UN 'Legion': Between Utopia and Reality*, London: Frank Cass, P.171.
[118] Ibid. P.172
[119] Pushkina, D. (2006) "*A Recipe for Success? Ingredients of a Successful Peacekeeping Mission*" in *International Peacekeeping*, 13(2), 133-134.
[120] Ibid. 145-146.

2.2.1 Non-UN Peacekeepers

Although it has been argued that a reform of the UN and its peacekeeping mechanism is one way to achieve effective operations, the number of non-UN peacekeepers is increasing, and their significance cannot be ignored.

Bellamy and Williams categorize three types of non-UN peace operations: individual states, coalitions of the willing, and regional arrangements. First, they argue that individual states are motivated for interventions by one of these concepts of power: regional hegemony, former colonial power, neighboring countries, and greater powers.[121] The motivation for intervention by those individual states is based on fulfilling their national interests rather than protecting civilians, as the UN actor does usually.[122] Likewise, coalitions of the willing refer to "groups of actors that come together, often around a pivotal state, to launch a joint mission in response to particular crises" whether operated by some regional or international arrangement or not.[123]

Finally, regional arrangements mostly operated by regional organizations have been the major actors in non-UN peace operations recently. Among these three types of non-UN actors, Bellamy and Williams argue that individual states have been more elastic in terms of operation in order to join in such peace operations, as long as the operation is supported or authorized by UNSC legitimacy.[124]

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[121] Bellamy, A.J. and Williams, P.D. (2005) "Who's Keeping the Peace?" in *International Security*, 29(4), P. 167-168
[122] Ibid. 168
[123] Bellamy, op. cit P. 169
[124] Bellamy, A.J. and Williams, P.D. (2005) "Who's Keeping the Peace?" in *International Security*, 29(4), P. 171

However, no matter how flexible those non-UN actors, Oliver[125] argues that it is difficult to decide when a situation calls for UN or non-UN peace operations. The UNSC have to authorize whoever conducts the operation, under Article 53 of the UN Charter.[126] However, when UNSC does not function, the regional organization could be the next level authority which can authorize such enforcement operations. In that sense, having and building strong regional organizations could be a big step forward for effective operations, such organizations being able to manage their own regional crisis in peace.[127] In order to identify which actors are able to operate effectively, Bellamy[128] and Williams propose some key concepts: legitimacy of the operation; accomplishment of mandates; and the impact on the security in the region. First of all, they measure the legitimacy of peace operations. They argue that legitimacy is an important concept to measure "the norms relating to the use of force, and the likelihood of successfully accomplishing its mandate" because it indicates the validity of the intervention due to outcomes of the operations.

Another concept to identify the effective operation is accomplishment of mandates. However, Bellamy[129] and Williams are reluctant to focus too much on this issue, for several reasons. First, each operation is different, and difficulties to accomplish the mandate can be identified in simple ways. Thus, the use of mandate as a benchmark to evaluate operation is

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[125] Oliver, G.F. (2002) *"The Other Side of Peacekeeping: Peace Enforcement and Who Should Do It?"* in Langholtz, H. ET. al. (eds.) (2004) *International Peacekeeping The Yearbook of International Peace Operations*, vol.8, Leiden and Boston: Martinus Nijhoff Publishers, 113.
[126] The article mentions "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council".
[127] Ibid, 114
[128] Bellamy, A.J. and Williams, P.D. (2005) "Who's Keeping the Peace?" in *International Security*, 29(4), P. 170
[129] Ibid, 175

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questionable. Then, only focusing on accomplishment of mandate will direct to the major purpose of peacekeeping. Finally, the accomplishment of mandate will not always be evident at the same time. These three factors have to be considered when mandate is used as a measure of effectiveness of peacekeeping. All in all, they argue that those three key points—legitimacy, success in accomplishment of mandate, and contribution to stable peace and security—are important concepts to identify effectiveness of peacekeeping. In this sense, who operates peacekeeping effectively will also be identified in these three categories.[130]

Nevertheless, they conclude that non-UN operations did not mean to oppose the UN peacekeeping operations or were against the core of the UN Charter.[131] They found that cohabitation of the operation in different levels creates more effective operations, such as British operations with the United Nations Assistant Mission in Sierra Leone (UNAMSIL). Finally, they are concerned that potential risks of non-UN operations include the gap between north and south countries in terms of qualitative operation concerning the nature of geo-politics and strategic underestimation by Western powers. Thus, a UN peace operation in the longer term may harm the structure of international peace and security. However, non-UN peace operations will be able to fill such gaps in the UN's uneven coverage.[132]

This proves that peacekeeping does not necessary need to be operated by the UN, but rather, those non-UN actors can play in more flexible ways. It has been argued that having a

[130] Bellamy, A.J. and Williams, P.D. (2005) "Who's Keeping the Peace?" in *International Security*, 29(4), P. 179
[131] Bellamy, A.J. and Williams, P.D. (2005) "Who's Keeping the Peace?" in *International Security*, 29(4), P. 194
[132] Ibid, 195

permanent UN force could be the next generation of peacekeeping[133]; however, emergence of non-UN peacekeeping operations cannot be ignored as long as they support or accelerate potential UN peacekeeping operations. The Brahimi Report also supports the potential for regional actors to manage their own regional security issues. Accordingly, if the Brahimi Report contributes to foster cosmopolitan peacekeeping, non-UN actors, especially, enhancement of capacity by regional peacekeeping operations should be recognized as an imperative actor.

Finally, Dallaire looks back to 1994 in Rwanda, and emphasizes that "...a successful U.N. operation or mission must increase the level of consultation and coordination among national governments, grassroots organizations, U.N. agencies, and front-line NGOs. This will occur only through the competence of a new generation of political, military, and humanitarian officials who are well schooled in the multidisciplinary skills of all elements of a mission structure and fully integrated planning."[134]

In short, interaction between actors in different levels of peacekeeping and peace enforcement can be an effective way as long as each of them fulfils their own task. Moreover, the enhancement of capacities of regional peacekeeping could be a big step towards further effective peacekeeping operations for long-term Peacebuilding processes in some regions. Though the UN peace operations have so many limits in terms of costs, enhancement of regional peacekeeping operations should contribute to reduce the burden which the UN carries to implement its operations.

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[133] Woodhouse, T. and Ramsbotham, O. (2005) "*Cosmopolitan Peacekeeping and the Globalization of Security*" in *International Peacekeeping*, P. 151

[134] Dallaire, R.A. (1998) "*End of Innocence: Rwanda*" in Moore, J. (ed.) (1998) *Hard Choices*, Oxford: Rowman & Littlefield Publisher, P. 86.

2.2.2. Conclusion

This chapter investigated the current emergence of peacekeeping operations as a means of effective operation towards future operations. By using current notions of the global community, cosmopolitanism, the chapter examined precisely the implementation of the new concept of cosmopolitan peacekeeping. Two main factors which drive it possibly in the field, the Brahimi Report and the enhancement of civilian power, showed the link between peacekeeping and Peacebuilding. This showed that cosmopolitan peacekeeping can contribute to conceptualize effective peacekeeping operation by bridging negative peace and positive peace. Since the core of peacekeeping is how such a concept can be conducted in practice, this chapter also examined what kind of operation will be required for effectiveness and how such effectiveness can apply to cosmopolitan peacekeeping. On the issue of use of force, it has been argued that robust peacekeeping, which is limited use of force, is still necessary to protect civilians under the notion of common humanity and the responsibility to protect. This notion induces the further important concept of empowerment of civilians, and that can be attained through training of peacekeepers.

The fourth section examined who can conduct such peacekeeping operations. By looking at the different roles of the UN and non-UN actors, their possibilities and limitations became clear. UN peacekeeping will be legitimate when it comes to matters of international law and the nature of the international community; but its possibilities have been hampered by the function of UNSC. On the other hand, non-UN actors are more flexible in terms of operations, but their legitimacy to conduct such peacekeeping operations, while UNSC is slow to make a decision, will always be an issue. In this sense, cohabitation of different levels of peacekeepers will be best, and flexibility of each function will be necessary.

This conclusion mirrors important concepts between the operations and concept of cosmopolitan peacekeeping. It has been found that high military power and high civilian power based operations are possible, following the Brahimi Report and if operated by well-trained peacekeepers for further Peacebuilding respectively. Thus, a new concept, "cosmopolitan peacekeeping" can be considered an effective way forward for peacekeeping operations. However, it is necessary to look at how these concepts are implemented the infield today. The next chapter examines how this movement has come so far, and what kind of challenges have been confronted to attain this new type of peacekeeping operation, drawing special attention to regional peacekeeping operations.

CHAPTER 3

3.0 CASE STUDY

The United Nations was founded, in the words of its Charter[135], in order to "save succeeding generations from the scourge of war." One of the most important ways in which the UN intervenes in conflicts and promotes peace is through peacekeeping operations, which have been a major activity of the United Nations almost since its establishment in 1945. The organization has been involved in over 63 peacekeeping missions since 1948.[136]As peacekeeping has evolved, particularly since the late 1980s, a growing number of United Nations peacekeeping operations have become multidimensional in nature, composed of a range of components, including military, civilian police, political affairs, rule of law, human rights, humanitarian, reconstruction, public information and gender.

Since complex emergencies frequently require a combination of traditional peacekeeping functions like the supervision and monitoring of cease-fires, disarmaments, demobilization, the overseeing of elections and combat-defined peace enforcement activities, peace-building or stability operations are oftentimes referred to as third-generation peace operations. They more closely resemble the original peace-keeping missions , in the sense that they enjoy the parties' overall consent, but also add something new in that they actively contribute to the rebuilding of state and social structures"[137]

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[135] Unite Nations Charter preamble.
[136] United Nations Peacekeeping Fact Sheet, http://www.un.org /en/peacekeeping /resources/statistics /factsheet.shtml
[137] Studer, Meinrad 2001. "The ICRC and Civil-Military Relations in Armed Conflict." *International Review of the Red Cross*, Vol. 83, No. 842, P. 367-391.

In this chapter, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and the United Nations Mission In Kosovo (UNMIK) will be analyzed. MONUC is one of the best illustrations of the new model of Peace Support Operations since it is multitasking, multicultural and strongly ambitious in its aims. Its mandate includes peace building facets and fosters the democratic transformation of the DRC. Moreover it deals with the sharply actual trans-border question of the reintegration of ex combatants. MONUC was established with a mandate to pursue a two-pronged approach: (a) continuing the disarmament, demobilization, repatriation, resettlement and reintegration of foreign armed groups operating out of North Kivu and South Kivu and (b) promoting local peace and reconciliation mechanisms[138].

3.1.1 The United Nations Mission in Congo (MONUC)

Since its establishment in 1999, MONUC has adapted many times following the political and social evolution in the DRC.[139] When MONUC started, it was conceived as a traditional peacekeeping operation, in which military observers were deployed with the aim of monitoring and supporting the implementation of the Lusaka Ceasefire Agreement. In the course of the years, it was recognized that the use of military observers was not enough to guarantee the safety of the country. The mission was, therefore, given the right to use force to implement its mandate, which included support in disarmament, demobilization and reintegration, support in humanitarian aid and the protection of civilians, amongst others. With the signing of the Global

[138] Regional Mandate Implementation Plan, MONUC, Kigali Liaison Office, December 2004
[139] Collier, Paul, Hoeffler, Anke & Söderbom, Måns (2006) 'Post-Conflicts Risks', University of Oxford: Centre for the Study of African Economies, Working Paper Series, 2006-12.

and All Inclusive Agreement in 2003, one of the most important pillars of the mission's mandate was support to the transitional process that led to elections in the DRC.

Democratic Republic of Congo and five regional states signed the Lusaka Ceasefire Agreement in July 1999 in response the UN Security Council passed Resolution 1279, which included the establishment of MONUC, to assist in the peace process. The mission originally had 500 military observers but in early 2000 the UN Security Council authorized an expansion to 5,537 military personnel, including the 500 observers. In two further expansions as the peace process evolved MONUC grew in strength to 16,700 troops. The mission's mandate also expanded to include protection of civilians under immediate threat of violence and the collection and disposal of illegal arms.

3.1.2 MONUC's Mandate

In any peacekeeping mission the mandate serves as the constitution of the operation. A peacekeeping mandate informs a peacekeeping operation (PKO) [140]. Many of the UN missions that had mandate issues and ended in failure had extremely limited mandates that were insufficient to address all of the conflict issues, and instead were limited to UN observers only, often in limited areas. For example, UNYOM was an extremely limited mission instigated to observe only following a 1963 disengagement agreement between three governments, Saudi Arabia, the United Arab Republic (Egypt), and Yemen. Saudi Arabia and the United Arab Republic had become involved in the Yemeni civil war, providing troops and supplies to

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[140] Boutros Boutros-Ghali ( )." *An Agenda for Peace, supra* note 56, at p.20.

different sides of the civil war.[141] For the UN observer mission however, the mandate only allowed for UN observers along a limited section of the Saudi/Yemen border, leaving more than three-fourths of the Yemeni border open, providing ample opportunity for both Egypt and Saudi Arabia to bring in troops, resources, or both without bothering with the limited UN observations posts. The mandate of UNYOM was terminated after fourteen months, and while the situation in Yemen had improved, the UN mission was unable to fulfill its entire mandate and was not considered a success.

The UN missions in Côte d'Ivoire, the DRC, Haiti and Kosovo all had integrated mission management structures. Integrated Missions have now been officially accepted as the mission structure of choice[142].MONUC was installed in 1999 to facilitate the implementation of the Lusaka Accords, initially as an observer mission. The mandate of MONUC was strengthened over time and transformed into an integrated mission to better respond to the challenges of the peace process. MONUC is currently authorized under Chapter VII of the UN Charter. "Its mandate authorizes it to use all means deemed necessary, within the limits of its capacities and in the areas of deployment of its armed units, to protect civilians under imminent threat of physical violence; and to contribute to the improvement of the security conditions."[143]

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[141]Wilkenfeld, J., & Brecher, M. (1984). International Crises, 1945-1975: The UN Dimension. *International Studies Quarterly, 28* (1), 45-67.

[142] Barth Eide, E, Kaspersen, A.T, Kent, R. and von Hippel, K. (2005), 'Report on Integrated Missions: Practical Perspectives and Recommendations', Independent Study of the Expanded UN ECHA Core Group, NUPI, Oslo. 'Note of Guidance on Integrated Missions', Secretary-General of the United Nations, 9 December 2005.

[143] Gudrun Van Pottelbergh, *An Examination of the Coherence Debate on the Sustainability of Integrated Peacekeeping Missions: The Cases of UNTAC in Cambodia and MONUC in the DRC.* UN Peacekeeping Best Practices, 2006.

Since MONUC is an integrated mission, its focus moves beyond traditional peacekeeping tasks. As a result, several actors inside the UN community deal with civil- military coordination: The mission of the Office for the Coordination of Humanitarian Affairs (OCHA) is to mobilize and coordinate effective and principles humanitarian action in partnership with national and international actors. On the other hand, the Civil Affairs Section, CAS, which was previously known as the Humanitarian Affairs Section, is part of MONUC and has as its objective to mobilize MONUC resources and direct them for the improvement of humanitarian conditions in the DRC. The other office is the MONUC CIMIC, which has the task to enhance and support military operations by achieving sustained humanitarian relief through coordination, liaison, facilitation, information sharing and mutual support between the military component of MONUC, MONUC CAS, OCHA and the local authorities.[144]

MONUC's mandate, as mentioned earlier, was mostly strengthened by Resolution 1493, dated 28 July 2003, whereby the Security Council, acting under the Chapter VII of the United Nations Charter, extended the mandate and increased the military strength of the operation. This mandate authorized MONUC to use force in Ituri and in the Kivu's to protect civilians and ensure passage for humanitarian agencies[145]. Through the adoption of Resolution 1493, the Security Council gave its peacekeeping mission in the Democratic Republic of Congo a new reinforced mandate in order to 'bring an end to conflict in the country, to advance more effectively the democratic transition process there, and to establish a durable peace between the

[144] Cedric De Coning, *Peace Operations in Africa: The Next Decade.* Working Paper. Norwegian Institute of International Affairs, 2007, No. 721.
[145] Dobbins, James, Seth G. Jones, Keith Crane, Andrew Rathmell, Brett Steele, Richard Teltschik, and Anga Timilsina. 2005. *The UN's Role in Nation-Building: From Congo to Iraq.* Santa Monica, Ca: RAND.

DRC and its neighbors'[146]. Despite regular ceasefires and peace agreements (most recently in January 2007), hostilities continue in the Eastern part of DRC. Since 28 August 2008, fighting resumed involving the four local military actors: FARDC, CNDP, FDLR and the Mai- Mai militia.[147] The changing composition of sides adds to the complexity of the conflict. The mandate of MONUC includes the support to the national government and the FARDC. Since MONUC is a peacekeeping mission and not a peace enforcement mission, it tries to remain as neutral as possible in the conflict. Unless there are real protection issues involved, as was the case in 2006 during the attack in Goma, MONUC will not directly intervene. But even if MONUC mission tries to limit its assistance to provision of logistics support to the FARDC for transportation of troops, to provision of training and of information, it is perceived as an actor in the conflict. The MONUC's expanded and revised concept of peace operations was clearly pointed out by the Ituri Brigade Commander[148], who observed that, "We are now acting under a Chapter Seven mandate authorized by the UN Security Council. This means the brigade is now enforcing peace, as opposed to keeping peace". In order to fulfill its new mandate, role and vision, MONUC developed four core programs which can broadly be summarized as below.

The first core program identified is the Peace and security mandate, which was aimed at stopping the killing and ending the violence. The focus of the peace and security program was centered on a number of activities, namely: stabilizing the district of Ituri and the Kivu Provinces; enabling 300,000 Congolese refugees to return; ensuring effective disarmament,

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[146] Regional Mandate Implementation Plan, MONUC, Kigali Liaison Office, December 2004
[147] OCHA, *Humanitarian Situation Update, Violence in North and South Kivu*, 11 September 2008.
[148] Henri Boshoff, "Overview of MONUC's Military Strategy and Concept of Operations" , in Mark Malan, Joao Gomes Porto [eds.], *Challenges of Peace Implementation*, (Institute for Security Studies, Pretoria: 2004), p. 142

demobilization, and reintegration; enforcing the arms embargo; and promoting the normalization of regional relations. The second program involves facilitating the transition from the civil war into peacetime. MONUC's Neutral Force filled the security void in Kinshasa, then began to focus greater attention on supporting the national electoral framework, as well as the normal functioning of transitional government institutions across the whole territory. Thirdly, the Rule of law and human rights program was instituted. This mandate aimed at ending impunity and the culture of impunity as well as assisting in the development of stable government institutions. Police training and criminal justice capacity building were initiated in Ituri and the Kivus. In addition, MONUC supported the establishment of a National Human Rights Observatory and a Rule of Law Task force to coordinate security sector reform. The fourth and last program involves Improving human conditions. This focused on programs that addressed the tragic legacy of war. MONUC's priorities were to enhance humanitarian assistance, provide support to the reintegration of child soldiers and addressing sexual violence and HIV-AIDS[149].

At the outset, MONUC was called upon to deal with a complex conflict, employing a more global vision of peacekeeping, which goes beyond a tradition perception of it, but it rather corresponds to peace building and peace-enforcements facets. [150] Its structural composition mirrors the multilayered tasks of the operation: diverse section, liaison offices and bureaus were set up and worked in partnership. The new mandate introduced a significant mindset evolution and led MONUC to re-interpret its role in the DRC. While the previous rules of engagement did

[149] Henri Boshoff, "Overview of MONUC's Military Strategy and Concept of Operations" , in Mark Malan, Joao Gomes Porto [eds.], *Challenges of Peace Implementation*, (Institute for Security Studies, Pretoria: 2004), P. 134-138
[150] Philip Wilkinson, "Sharpening the Weapons of Peace: Peace Support Operations and Complex Emergencies", in *International Peacekeeping*, Vol. 10, No. 4, Winter 2003, pp. 67-69

not allow MONUC to enforce the peace by, for example, interposing peacekeepers between the parties in conflict, resolution 1493 effectively changed MONUC from a static deployment to a responsive, mobile and influencing operation[151].On 9th November 2001, by its resolution 1376, the United Security Council supported the beginning of MONUC phase III devoted to Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) of the foreign armed groups located in DCR. This process was set up by the Lusaka Agreement, which also listed the "forces other than government forces still present in Congo"[152]. The presence of several thousand armed foreign combatants in the Democratic Republic of the Congo were at the heart of the conflict in the Great Lakes region. This was not only damaging to internal security, but also represented a standing obstacle to the improvement and normalization of relations between the DRC and its neighbors[153].

3.1.3 Civil- Military Coordination Challenges In MONUC

Despite recording enormous levels of success as a mission, Civil-Military coordination in MONUC has experienced numerous challenges. The first challenge is the Security Situation in Congo. Regardless of the regular ceasefires and peace agreements, most recently in January 2007, hostilities continue in the Eastern part of DRC. Since 28 August 2008, fighting resumed

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[151] Security Brief, "New Challenges for a New MONUC", in *African Security Review*, Vol. 12, No 4, 2003
[152] They include ex-FAR (Rwanda), Allied Democratic Forces (Uganda), Lord's Resistance Army (Uganda), National Army for the Liberation of Uganda, Interhamwe militias (Rwanda), Former Ugandan National Army, Forces for the Defense of Democracy (Burundi), West Nile Bank Front (Uganda), UNITA (Angola), and especially the umbrella- group FDLR (Forces Démocratiques de Libération du Rwanda).
[153] Peter Swarbrick, "DDRRR: Political Dynamics and Linkages", in Mark Malan, Joao Gomes Porto [eds.], *Challenges of Peace Implementation*, (Institute for Security Studies, Pretoria: 2004), pp. 134-138

involving the four local military actors: FARDC, CNDP, FDLR and the Mai- Mai militia.[154] The changing composition of sides adds to the complexity of the conflict. The mandate of MONUC includes the support to the national government and the FARDC.

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[154] OCHA, *Humanitarian Situation Update, Violence in North and South Kivu*, 11 September 2008. P. 21
[155] OCHA, *Humanitarian Situation Update, Violence in North and South Kivu*, 11 September 2008. P. 35

Attacks on MONUC and Military Observers expanded to affect humanitarians in terms of car-jacking, stoning, roadblocks, looting and hostile public demonstrations. Outbursts of aggression became more and more violent. Trucks of the World Food Program (WFP) and the local NGOs were stolen for troop transportation, and some delivery of relief was prevented due to hostile demonstrations. Medical stocks were looted in favor of the conflict parties. Consequently, humanitarian actors have no choice, but to decrease their operations outside Goma or even to evacuate their staff from the field, while fully realizing that the current humanitarian activities are insufficient considering the high need. ECHO is also concerned about the confusion between MONUC and the humanitarians and the resulting perception of humanitarians as a party to the conflict. In situations of large humanitarian need, military assets can sometimes be a useful tool to assist in humanitarian assistance. This is especially the case for air transport, such as helicopters and large cargo planes. The Logistics Cluster in DRC came to an agreement with Belgium to use a military C-130 to conduct ten flights between Goma and Kinshasa to transport relief goods. Upon arrival, the goods are distributed by NGOs.[156]

3.1.4 International Humanitarian Civil- Military Coordination

The Guidelines for Interaction between MONUC Military and Humanitarian Organizations in DRC were launched in December 2006 and were the result of collaboration between OCHA, humanitarian actors, MONUC military and substantive sections, including CAS and the Office of the Deputy Special Representative of the Secretary General (DSRSG). Based on a clear division of tasks, they identified the following areas for coordination: establish a

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[156] Logistics Cluster DRC, *Avion Belge pour la communaute humanitaire.* 12 November 2008. http://www.logscluster.org/countries/ cod /latest- updates/unjlcarticle.2008-11-12.2353999732, Consulted 16 November 2008.

secure environment; protection of civilians under imminent threat of violence; protection of human rights; security of humanitarian assistance and protection of humanitarian personnel, UN or non UN; voluntary return of refugees and internally displaced; and Disarmament, Demobilization, Repatriation, Reintegration or Resettlement. Based on the identified challenges, the international civil- military coordination can be analyzed as follows:

It was deemed important to establishing a Secure Environment, since Information sharing is one of the three main tasks identified in the UN- Civil- Military Coordination Concept, together with task division and planning.[157] Security information is probably the most important part of information exchange. In South Kivu, regular meetings between international military and international humanitarian organizations take place. In the meetings of the Integrated Management Team both the heads of the UN agencies as the military brigade participate to share information concerning the security situation and threats. In the weekly OCHA information meetings the CIMIC officer takes part and exchanges information on the security situation. Two or three times a year a mission of the UN Department of Peacekeeping Operations (DPKO) comes to Bukavu to assess the relations. Outside these formal meetings, the importance of informal meetings should be stressed. Social activities allow for quick communication at a lower level. In the field, humanitarians are in contact with Military Observers to exchange security situation.

The protection of civilians is a priority for the international community and requires coordination between a number of humanitarian, civilian and military organizations. While MONUC has received the responsibility to protect, it acknowledges that this is not only a

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[157] OCHA, *United Nations Civil- Military Coordination Officer Field Handbook. Version E 1.0.* Geneva, OCHA, 2008.

military task. Inside MONUC civilian and military sections are cooperating to improve MONUC's protection role. Two initiatives confirm the importance of coordination in the protection issue. In Kinshasa, a Protection of the Civilians Committee was set up and is chaired by Deputy Special Representative of the Secretary General/Humanitarian Coordinator/Resident Coordinator (DRSRG/HC/RC) Ross Mountain and includes all heads of UN agencies, MONUC sectors, the MONUC Force Commander and Police Commissioner.[158] In March 2007, a Directive of the Force Commander gave exact guidance to the peacekeeping force on the responsibility to protect civilians. This resulted in a joint military and humanitarian protection concept.

From the humanitarian side, the Protection Cluster[159] indicates good practice of civil-military coordination. The chair of the cluster is UN High Commissioner of Refugees (UNHCR), while CAS operates as a co- chair of the cluster. Even if in the future an international NGO might take over the position as co- chair, the civil- military liaison will remain central in the cluster. Concretely, this resulted in a coordinated and joint planning— another main task according to the Basic UN- Civil Military Co-ordination Concept - in anticipation of the hostilities in North Kivu in August 2007. In this specific case, humanitarian priorities were inserted in the military planning of MONUC in order to minimize the impacts of operations on the population and to assist timely and coordinated in humanitarian response.

High risk zones in terms of civil protection and humanitarian access were agreed upon by CAS, CIMIC, the Protection Cluster and other UN/NGO partners. This allowed better military prioritization. This cooperation is now being repeated in South Kivu. Another outcome of the

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[158] Human Rights Watch, *Nouvelle Crise au Nord- Kivu*. Octobre 2007, Vol. 19, no. 17 (A).
[159] Human Rights Watch, *Nouvelle Crise au Nord- Kivu*. Octobre 2007, Vol. 19, no. 17 (A).P. 32

cooperation in the Protection Cluster is the operation and location of Mobile Operating Bases and the deployment of MONUC troops to secure access for humanitarians in certain identified areas. The Protection of Human Rights is a big challenge for MONUC due to two factors. First, the abolishment of the existing culture of impunity depends on the fulfillment of Security Sector Reforms and an improved judicial system. Second, the national army forces remain one of the main perpetrators of human rights abuses. At the same time of supporting the FADRC, MONUC needs to pressure for more discipline. Calls are made for MONUC to openly denounce observed human rights violations.

The Security of Humanitarian Assistance and Protection of Humanitarian Personnel is another big challenge for MONUC. Due to the tense security situation, the use of military escorts, normally a last resort according to the Military and Civil Defense Assets (MCDA) Guidelines of OCHA, has become a common practice for UN agencies. In OCHA's viewpoint, the cooperation with the military on the use of their escorts does not add to the current risk.[160]

Nevertheless, ECHO tries to limit the use of military escorts since it feels it contributes to the current confusion between MONUC and humanitarians. When necessary to visit UN projects, it does not do so in ECHO vehicles. The distinction with FARDC is probably even more crucial. ECHO, for example has no systematic communication with the army, but does contact them in relation to evaluation missions or follow- up of projects. The issue of distinction is especially relevant since humanitarian NGOs have to deal directly with rebel forces in order to acquire access to beneficiaries in the areas controlled by these forces. Realizing the need for humanitarian assistance, the rebel forces do welcome NGOs to provide health care in the jungle

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[160] Koen Vervaeke, *The EU's Africa Strategy : What are the Lessons of the Congo Mission?* in: Security & Defense Agenda Discussion Paper. Brussels, 2007.

or to build schools. Providing assistance to the rebels is heavily criticized by the authorities. This relates to the discussion of 'Do No Harm' and the provision of aid to the Hutu refugees after the Rwandan genocide. OCHA, which is an autonomous entity in DRC, is often called upon to explain the need of humanitarian principles.

The voluntarily return of refugees is hampered by the security situation. The refugees living in the areas controlled by the rebel forces fear that MONUC might attack them. Realizing this trend, MONUC encourages participation of civil society and local government to take ownership in the process. Increasingly, it tries to bring a 'civilian face' to MONUC and improve the communication with the population. The disarmament, demobilization and reintegration of the ex-militants is the other big challenge facing MONUC. Civil- military coordination is needed to mitigate possible consequences of the DDR process that is often accompanied by offensive operations. In the Nairobi Communiqué between DRC and Rwanda of November 2007, it was agreed that the Congolese government would come up with a plan to disarm the FLDR by December 1. MONUC had to assist in the planning and the implementation of the process. The deadline of March 15, 2008, expired however. CAS feared that the redeployment of MONUC-trained FARDC for military operations in the area would lead to new population movements and have humanitarian implications in March/April 2008. MONUC intervened to avoid large scale civilian movements. However, due to renewed fighting, the DDR process is going in the opposite direction and new recruitment has started among the rebel forces.

3.1.5 The United Nations Interim Administration Mission in Kosovo (UNMIK)

The United Nations Mission in Kosovo is an Integrated Mission that combines such a diverse range of functions under one institutional framework, which however, has proven to be a daunting task for the UN[161]. In order to manage these interdependencies in the field, the UN has developed the 'integrated missions' model that is essentially aimed at enhancing coherence between the UN Country Team, that is humanitarian and developmental in focus, and the UN peace operation, that is peace and security focused.

As former UN Secretary-General Kofi Annan notes: "An integrated mission is based on a common strategic plan and a shared understanding of the priorities and types of program interventions that need to be undertaken at various stages of the recovery process. Through this integrated process, the UN System seeks to maximize its contribution towards countries emerging from conflict by engaging its different capabilities in a coherent and mutually supportive manner."[162] For the purpose of implementing Security Council Resolution 1244, UNMIK was empowered to issue legislative acts and 'may change, repeal or suspend existing laws to the extent necessary for the carrying out of his functions, or where existing laws are incompatible with the mandate, aims and purposes of the interim civil administration'[163]

Contemporary UN complex peace operations, like UNMIK, are in effect Peacebuilding operations, in that they have mandates that combine political, security, development, rule of law and human rights dimensions in the post-conflict phase aimed at addressing both the immediate

[161] Uvin, P. 2002, 'The Development/Peacebuilding Nexus: A Typology and History of Changing Paradigms', Journal of Peacebuilding & Development, Vol. 1, No. 1, P.5.
[162] United Nations, Note of Guidance on Integrated Missions, Issued by the Secretary-General on 9 December 2005, paragraph 4.
[163] United Nations (1999) 'Report of the Secretary-General on the United Nations Interim Administration in Kosovo', UN Doc. S/1999/779, 12 July, P. 39.

consequences and root causes of a conflict[164]. The UN peace operations in Kosovo is an example of post-conflict interventions that heavily emphasized justice sector reform (including legal systems reform). Analyzing their approaches to and experiences with local ownership complements well the existing research on local ownership in SSR. The mission also serves as an important reference point for rule of law and justice sector assistance in international peacekeeping, as it belongs to the first and biggest UN peace operations with such focus[165].

3.1.6 The Mandate for UNMIK and KFOR under Security Council Resolution 1244

The Security Council was explicitly acting under Chapter VII of the UN Charter when authorizing Member States to establish the international security presence and the Secretary-General to establish the international civil presence by means of Resolution 1244. This provided sufficient legal ground for the deployment of a territorial administration, including the complete take-over of governmental functions for UNMIK in Kosovo.[166] UNMIK's mandate was, inter alia, to organize and oversee the development of provisional institutions for democratic and autonomous self-government, and to transfer its administrative responsibilities as these institutions are established. While overseeing and supporting the provisional institutions for self-government, it shall progressively transfer authority to them and oversee the final transfer of

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[164] Dahrendorf, N. 2003, "A Review of Peace Operations: A Case for Change", London: King's College, P 22

[165] T. Blume (2008) 'Implementing the rule of law in integrated missions: Security and justice in the UN Mission in Liberia (UNMIL)', *Journal of Security Sector Management*, 6: 5.

[166] T.H. Irmscher, "The Legal Framework for the Activities of the United Nations Interim Administration Mission in Kosovo: The Charter, Human Rights, and the Law of Occupation", *GYIL* 44 (2001), 353 et seq. (353);

authority from the provisional institutions to the institutions to be established in conformity with the final settlement.[167]

Resolution 1244 does not provide for a specific timetable, nor has UNMIK ever set one. After five years, it still had not transferred all administrative authority to the newly built institutions and had not started the political process towards a final settlement. UNMIK's political governance in pursuit of this objective could be roughly divided into three phases. In a first phase, lasting from July 1999 to January 2000, executive and legislative powers were entirely taken over by UNMIK and the SRSG; it constituted during this time a fully-fledged direct administration without meaningful local participation.[168] In a second phase lasting from January 2000 to May 2001, UNMIK allowed local representatives to have limited participatory rights in administrative matters. The third phase which has lasted from the first general elections to the Kosovo Assembly in November 2001 to-date is defined by the "Constitutional Framework for provisional self-government in Kosovo", promulgated by the SRSG in May 2001.[169]

3.1.7 Objectives and General Format of the Mission

KFOR was designed to generally support UNMIK, but nevertheless retained an independent position *vis-à-vis* UNMIK, as it was authorized separately and had its own area of responsibility.[170] This is clarified in Resolution 1244 which stipulated that KFOR should be

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[167] UN Security Resolution 1244 (1999) of 10 June 1999, par. 5, 7 and 9.

[168] Ibid., par. 11 (c), (d)

[169] L. von Carlowitz, "Settling Property Issues in Complex Peace Operations: The CRPC in Bosnia and Herzegovina and the HPD/DD in Kosovo", *LJIL* 17 (2004), 599

[170] E. de Wet, "The Direct Administration of Territories by the United Nations and its Member States in the Post Cold war Era: Legal Bases and Implications for National Law", *Max Planck UNYB* 8 (2004), 291 et seq. (312-318).

"coordinating closely with the work of the international civil presence"[171] in "a mutually supportive manner".[172]

While KFOR's responsibilities resembled those of traditional UN authorized troops with a strong mandate, UNMIK's tasks were of an unprecedented scope.[173] In order to deal with the multitude of objectives and to coordinate the different organizations, UNMIK comprised four different pillars, each corresponding to a different task area as required by Resolution 1244. Each pillar was placed under the authority and supervision of the Special Representative of the Secretary-General (SRSG) and was headed by a Deputy SRSG. The coordination and provision of humanitarian assistance[174] (Pillar I) was provided by the Office of the High Commissioner for Refugees (UNHCR) until the emergency stage was over and the engagement was phased out at the end of June 2000. The civil administration (Pillar II) and the police and justice administration were run directly by the UN. The objective of democratization and institution building (Pillar III) was being pursued under the leadership of the Organization for Security and Co-operation in Europe (OSCE). Finally, the task of reconstructing the economy and infrastructure[175] (Pillar IV) was managed by the European Union. The main long-term political objective for UNMIK was to promote the establishment "of substantial autonomy and self-government in Kosovo".[176] The "development of provisional institutions for democratic and autonomous self-government" and the holding of elections was to be accompanied by a transfer of administrative responsibilities

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[171] Ibid, par. 9 (f).
[172] Ibid, par. 6.
[173] A. Yannis, "The UN as Government in Kosovo", *Global Governance* 10 (2004), P. 67
[174]UN Security Resolution 1244 (1999) of 10 June 1999, par. 11 (h).
[175] Op Cit., par. 11 (g).
[176] UN Security Resolution 1244 (1999) of 10 June 1999, par. 11 (a).

"as these institutions were being established", while UNMIK was "overseeing" their consolidation.[177]

3.1.9   The Nexus between Peacekeeping, Peacemaking and Peacebuilding in UNMIK

In response to the new context of conflict, peacekeeping missions have been expanded to include the disciplines of peacemaking and Peacebuilding. While peacekeeping aims to provide an environment of stability to facilitate the processes of both reconstruction and progress toward peace, peacemaking is a diplomatic and political endeavor applied strategically to confrontation situations, through such undertakings as mediation and negotiation, in order to arrest the conflict or at least prevent it from escalating. The securing of human rights, the facilitation of elections, the support given to attempts at political reconciliation and new modes of governance, all agendas on United Nations peacekeeping mandates, also fall within the ambit of peacemaking. Peacebuilding is the peaceful political and socio-economic reconstruction of a country. Peacebuilding works to prevent a recurrence of conflict through the practical implementation of reconstruction on all fronts; political, social, economic and humanitarian, embodying the peace builder's objective in the creation of peaceful social change after conflict[178]. The activities of UNMIK in Kosovo illustrate the dynamics of the relationship between these three pathways in the progress toward peace. Where political violence has divided communities, issues of national reconciliation become extremely important[179]. However, reconciliation at the community level is usually not specified in mandates and therefore remains a less visible goal of social

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[177] Ibid. par. 11 (f).
[178] Harbottle, M. 'The Strategy of Third Party Interventions in Conflict Resolution', *International Journal*, 35 (1980), P.118-131.
[179] Lewis, N. 'The Tasks of Political Recovery' in Harris, G. (ed) Recovery from Armed Conflict in Developing Countries: An Economic and Political Analysis (London: Routledge, 1999), P.77.

reconstruction. This is paradoxical for surely reconciliation must be a basic goal of the peacekeeping, peacemaking and Peacebuilding processes. Indeed, it is the bedrock upon which all other recovery action rests.

3.1.10 CONCLUSION

One of the innovations that emerged from the nexus between Peacebuilding and robust peace operations in the context of the UN Mission in the Democratic Republic of the Congo (MONUC), is collaborative offensive operations. MONUC is operating alongside, and in support of, the integrated brigades of the Armed Forces of the Democratic Republic of the Congo (the FARDC), in offensive operations aimed at protecting civilians and forcefully disarming armed groups. Some of the collaborative offensive operations undertaken have had the desired effect in that they have resulted in larger numbers of combatants entering the disarmament process. However, these operations have also raised various technical, budgetary and administrative challenges. The most serious concerns relate to the unintended consequences[180] generated by these Undirected and supported actions, including the impact of the predatory behavior of some of the FARDC troops on the populations where they have been deployed, and the human rights abuses and internal displacements that have come about as a result.

On the other hand, the approach to post-conflict state-building as employed in Kosovo combines a set of features which, taken together, outline a specific model of international territorial administration. Such a model can be situated at the extreme end of a spectrum of international involvement. A central feature is the assumption of complete governmental power on the part of a United Nations sub-organ, mandated by the Security Council under Chapter VII. Numerous

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[180] Chiyuki Aoi, Cedric de Coning and Ramesh Thakur (eds.), 'The Unintended Consequences of Peacekeeping Operations', United Nations University Press, 2007, Tokyo.

other actors and organizations are integrated into an administration under the umbrella of the UN as the leading agency. The political transition and devolution of power occur in phases; the initial absolute authority of an international actor is progressively transferred as institutions are built and conditioned upon the implementation of standards of human rights, in particular with respect to vulnerable minorities, democratic governance and rule of law. The end point of the development is the determination of the final status. This approach to transition, which has been called "earned sovereignty" approach350 despite the fact that only status discussions, but not sovereignty in the real sense can be "earned", intends to mitigate the dichotomy of sovereignty and self-determination. It is especially salient in the "standards before status" policy of UNMIK, which incorporates an element of conditionality into the approach. The trend in post-conflict peace-building towards a larger scope of responsibilities for international actors and for direct intervention in the internal affairs of states had already marked the UN missions in Cambodia and Bosnia-Herzegovina. In both cases, either the initial approach (Cambodia) or the actual implementation (Bosnia-Herzegovina) contained elements of direct administration such as the administration of core governmental functions or legislative powers.

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Cambodia) existed alongside, a fact that forbids the classification as direct administrations. The development of the 1990s towards ever stronger international involvement culminated in a structure which effectively replaced the authority of the sovereign state over the territory.

CHAPTER 4

4.0 ANALYSIS OF THE NEW TRENDS IN PEACEKEEPING

Since its creation, the United Nations (UN) has been called upon to prevent disputes from escalating into war, to persuade opposing parties to use the conference table rather than the force of arms and to help restore peace when conflict breaks out. This in spite of the fact that the UN Charter does not provide a definition for peace operations, nor does it provide guidelines for when peace operations should be established. Peace operations came about as a result of the foresight and creative interpretation of the United Nations Charter by Lester Pearson and Dag Hammarskjöld. Pearson was the Canadian Permanent Representative to the United Nations, and Hammarskjöld the UN Secretary-General at the time when peace operations were first conceived and implemented in 1949.[181]

Although the structure and capacity of the Department of Peacekeeping Operations has evolved significantly in recent years, the UN's formal policy framework does not yet reflect the fluidity of peacekeeping evolution, nor is it much reflected in academic analysis.[182] The day-to-day managers of peacekeeping operations in the UN and in troop contributing governments are familiar with the multi-faceted implications of this evolution, but many others, including in the UN Secretariat, are less familiar with the nuances of recent developments. This is reflected in a confused lexicon for referring to the various hybrid or partnership operations that now dominate the peacekeeping landscape. Over the decades, the United Nations has helped to contain or end

[181] Dahrendorf, N. 2003, A Review of Peace Operations: A Case for Change, King's College, London, P 5
[182] Sheppard Forman and Andrew Greene, "The Security Council and Regional Organizations" in David Malone (ed.) The UN Security Council in the 1990s. New York: Lynne Reinner P. 23

numerous conflicts, in many cases through the deployment of peacekeeping operations. Initially developed as a means of dealing with inter-State conflict, peacekeeping has increasingly been used in intra-State conflicts and civil wars, which are often characterized by multiple armed factions with differing political objectives and fractured lines of command. These realities have led to an evolution in the structure of peacekeeping missions.

A large number of peacekeeping operations are still based on the "traditional" model of a military operation deployed in support of a political activity. These operations involve military tasks such as monitoring ceasefires and patrolling buffer zones between hostile parties and are carried out by United Nations peacekeepers who may or may not be armed and who are widely known as "blue helmets" or "blue berets" because of their distinctive headgear[183]. Although past military observer missions have also included non-military tasks, a growing number of United Nations peacekeeping operations have become multidimensional, composed of a range of components including military, civilian police, political, civil affairs, rule of law, human rights, humanitarian, reconstruction, public information and gender. Some of these operations do not have a military component but carry out their mandates alongside a regional or multinational peacekeeping force.

In the mid-1990s, following the peacekeeping experiences in Somalia, the former Yugoslavia and Rwanda, it became obvious that United Nations forces could not keep the peace when there was no peace to keep. The Security Council judged it wiser to authorize an enforcement action by a coalition of willing States, directed by a lead nation, which had both the military capability

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[183] Durch, William J. 1996. *UN Peacekeeping, American Politics, and the Uncivil Wars of the 1990s.* New York: St. Martin's Press. P 32

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and political will to bring an end to the conflict using all necessary means. These interventions, although authorized by the Council, are not conducted under United Nations command. As it has been established, the trend in changing peacekeeping responses in the 1990s was a sharp rise in the deployment of peacekeepers to internal wars – usually accompanying a war-ending agreement. The early-to-mid 1990s saw a sharp decline in the number of internal wars. More precisely, there was a sharp rise in the number of internal wars that ended [184]. The phenomenon of civil wars ending was a major driver of growing demand for peacekeeping in the late 1980s and early 1990s.

4.1 New trends in Peacekeeping as observed in the case study

The engagement of the international community through peacekeeping activities has often been decided quickly and with unclear mandates, especially in the early 1990s. This resulted in compromises on how and where to engage, which inevitably led to discrepancies between the objectives and the impact of certain operations. Because of this, the concept of peace interventions has undergone a difficult learning process over the last two decades. This process is reflected in the three phases in peacekeeping.

The first phase was the expansion after the Cold War. Traditional peacekeeping during the Cold War was authorized under Chapter VI of the UN Charter and, as Diehl[185] notes, most generally comprised the "imposition of neutral and lightly armed interposition forces following a cessation

[184] Marshall, Monty G. and Ted R. Gurr. 2003. *Peace and Conflict 2003: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy.* College Park: University of Maryland, Center for International Development & Conflict Management, P 65
[185] Diehl, Paul F. 1993. *International Peacekeeping.* Baltimore and London: The Johns Hopkins University Press. P 13

of armed hostilities, and with the permission of the state on whose territory these forces are deployed, in order to discourage a renewal of military conflict and promote an environment under which the underlying dispute can be resolved"[186] During its massive expansion after 1989, traditional peacekeeping was overstrained by new tasks, for which it had not been designed. Its failure provoked a re-assessment, leading to a change of approach in how peacekeeping operations were conducted.

The second phase saw a new approach to Peacebuilding. This new, more ambitious approach combines traditional peacekeeping with instruments of political intervention intended to stabilize the political and social environment that had caused or allowed conflict. As Jeong[187] noted, the rapid rise in civil wars and ethnic strife in the decade following the end of the Cold War and the desperate need for action to help the civilian populations who were the targets of ethnic cleansing demonstrated the need for the international community to go beyond peacekeeping and authorize peace enforcement operations under Chapter VII of the UN Charter in order to compel compliance with international resolutions and sanctions and to "maintain or restore peace and support diplomatic efforts to reach a long-term political settlement"[188] However, in this new political role, peace interventions have abandoned their former neutrality and created a series of new contradictions.

[186] Diehl, Paul F. 1993. *International Peacekeeping.* Baltimore and London: The Johns Hopkins University Press. P 14
[187] Jeong, Ho-Won. 2005. *Peacebuilding in Post-conflict Societies: Strategy & Process.* Boulder, CO: Lynne Reinner.
[188] Department of the Army, Headquarters. 1994. *Field Manual (FM) 100-23: Peace Operations.* Washington, DC: U.S. Government Printing Office. P 6

The last phase comprises of the impact of the global economic crisis. As well as affecting the overall conditions for peace interventions, financial and political restrictions have curtail the future engagement of Western governments. At the same time, peace intervention generally may be increasingly questionable, as a largely Western project. For peacekeeping to be more widely accepted and supported, and therefore more effective, wider international cooperation is necessary. The UN and other international actors undertake a wide range of activities to foster peace and security in different conflict areas around the world. Among these activities, collective peace interventions account for by far the largest part of total personnel and costs.[189] Apart from 'conflict prevention', intended to keep 'tensions and disputes from escalating into violent conflicts'[190], the UN defines four other types of peace activities that have characterized recent peacekeeping operations as follows:

The first type of peacekeeping activities is Peacemaking, which falls between the tasks of seeking to prevent conflict and keeping the peace; it involves efforts to bring hostile parties to agreement by peaceful means. Peacemaking addresses conflicts in progress, attempting to bring them to a halt, using the tools of diplomacy and mediation. Peacemakers may be envoys of governments, groups of states, regional organizations, or the United Nations; peacemakers may

[189] Department of Peacekeeping Operations, Department for Field Support (2008) 'United Nations Peacekeeping Operations, principles and guidelines', New York, P.17-20.
[190] Birger Heldt (2008) 'Trends from 1948 to 2005: how to view the relation between the United Nations and Non-UN entities', p. 16f, in Donald C.F. Daniel, Patricia Taft and Sharon Wiharta (eds), Peace Operations, Washington DC

likewise be unofficial and non-governmental groups, as was the case in Mozambique, where negotiations leading to a peace accord were led by a team of four non-UN personnel.[191]

The second peacekeeping activity is the Peace enforcement which aims to re-establish peace and security by legal force in a conflict, provoked by aggression. Offensive military force has been legalized only twice, in Korea (1953) and against Iraq (1991). In defending a ceasefire agreement, UN missions in various situations have applied military force, extending beyond self-defense. The third activity is defined as Peacekeeping, which is undertaken when conflict has broken out and the UN intervenes in order to assist in keeping peace; such initiatives aim to create space for the parties to negotiate a settlement. Examples include peacekeeping missions in South Africa[192], Haiti[193], and Balkans[194]. Typically, the UN deploys a large force to keep the parties apart and enforce preserve the peace, however fragile, where fighting has been halted and to assist in implementing agreements'.[195] whatever peace accords to which the parties agree.

The final activity is referred to as Peacebuilding. It is a term of more recent origin that defines activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war. [196] This occurs after both a ceasefire and a political settlement have been

[191] The United Nations and Mozambique 1992-1995 (1995). United Nations Department Of Public Information, P 4
[192] Security Council Resolution 772, U.N. Doc. S/RES/772 (Aug. 17, 1992) (United Nations Observer Mission in South Africa
[193] Security Council Resolution 1542, U.N. Doc. S/RES/1542 (Apr. 30, 2004) (United Nations Stabilization Mission in Haiti
[194] Security Council Resolution 1244, U.N. Doc. S/RES/1244 (June 10, 1999) (United Nations Interim Administration Mission in Kosovo);
[195] United Nations Foundation, Keeping the Peace: A Brief Guide to UN Peacekeeping, UNF Insight: New Ideas for International Cooperation.
[196] Ibid. P. 45

reached. In other words, in these cases, the parties have already agreed upon their solution to the conflict. These types of operations incorporate a substantial number of civilians alongside the military component. Thus Peacebuilding is not limited to demobilizing and reintegrating former combatants into civilian society; Peacebuilding also includes building institutions of governance, building a civil service and the judiciary, and strengthening the rule of law (for example, through training and restructuring of local police and judicial and penal reform).

In the previous years, the United Nations relied on intervention, peace enforcement coupled with peacemaking for containing and managing conflict situations. However, various trends are now emerging. These includes subcontracting peacekeeping, and the South Asian and African nations standing as major contributors to the peacekeeping troops. Peacekeeping today is in a flux, if not crisis, and if it is to serve as a useful instrument in maintaining international peace and security, it needs conceptual clarity, political support and financial resources. Having critically analyzed the two United Nations Peacekeeping missions in the Democratic Republic of Congo (MONUC), and in Kosovo (UNMIK), several new trends have emerged in such missions. In comparison to other United Nations Peacekeeping missions, these emerging trends can be analyzed under the following characteristics as observed:

4.1.1 Peace Enforcement

Peace enforcement constitutes a type of military activity that, while coercive in nature, remains distinct from war. It refer to peace operations, mandated by the Security Council, which aim to induce one or more parties to adhere to a peace arrangement or agreement previously consented

to by using means which include the use or threat of military force.[197] They do not attempt to militarily defeat the party concerned, but rather to coerce it to comply with the will of the international community and with its previously agreed commitments. They usually attempt to act impartially in dealing with all the parties, in the manner of an umpire, but in doing so may be forced to penalize one or more of them, including through the use of force. They are not normally only involved in peace enforcement, but will undertake the range of activities involved in expanded peacekeeping, including humanitarian assistance and nation-building. Like peacekeeping operations, they employ both positive and negative inducements, but they also have the use and threat of the use of force as the ultimate negative inducement.[198]

The concept of peace enforcement rests on the premise that force is being used to enforce a mandate. An example would be the use of force in Sierra Leone to make the rebels abide by the peace agreements they had signed. It is also found in country doctrines. According to the UK military doctrine, peace enforcement initiatives are neither in support of nor against a particular party, but are designed to restore peace and ensure compliance with the mandate in an evenhanded manner.[199] This form of peacekeeping operations came up with UN efforts to deal with the intra-state conflicts and civil wars to essentially seek their de-militarization, so that peace and security could be restored.

[197] Daniel, D. C. F., 'Wandering out of the void? Conceptualizing practicable peace enforcement', eds A. Morrison, D. A. Fraser and J. D. Kiras, *Peacekeeping with Muscle: The Use of Force in International Conflict Resolution* (Canadian Peacekeeping Press: Clementsport, 1997), P. 2.
[198] James, A. 'Is there a second generation of peacekeeping?', *International Peacekeeping*, vol. 1, no. 4 (Sep./Nov. 1994),P. 110–13.
[199] United Kingdom Ministry Of Def, JWP 3-50, The Military Contribution To Peace Support Operations (2nd Ed. June 2004).

4.1.2 The Use of Force

While UN peacekeepers have always had the right to use force in self defense, it has been used sparingly, even in extreme life-and-death circumstances where it would be universally perceived as legitimate and warranted. The chief concern of commanders at all levels has been to avoid exacerbating a situation and damaging the consent of the parties to the UN's presence, both at the tactical and, more dangerously, at the strategic level. Overall, the use of force has been marked more by its absence than by its presence. However, it has been a central issue and a source of abiding controversy in UN peace operations. While principles and practices have evolved, they have been subject to the vicissitudes of time and place as various missions across almost half a century have struggled to fulfill the mandate of a Security Council that often seemed oblivious to the facts of the situation in the field.[200] In both United Nations peacekeeping missions in the Democratic Republic of Congo (MONUC) and in Kosovo, there is a notable move towards the use of force. This trend is the new, more robust approach to the use of force that has become a defining characteristic of contemporary complex United Nations peace operations. Although contemporary United Nations complex peace operations in Africa are still grounded in, and characterized by, the core principles of consent, impartiality and the minimum use of force, the interpretation and application of these principles in practice, have undergone significant development. Consent still implies that the parties to the conflict must invite the United Nations presence and agree on its role, but it is now recognized that strategic consent at the level of the leadership of the parties to the conflict does not necessarily translate into operational and tactical consent on all levels in the field.

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[200] Findlay, T. C., *The Blue Helmets' First War? Use of Force by the UN in the Congo 1960–64* (Canadian Peacekeeping Press: Clementsport, 1999).

Impartiality still implies that United Nations peace operations will not take sides in the conflict among the parties to the conflict, but as it has been the new trend, it does not imply that the United Nations will stand-by when civilians are in imminent threat of danger in case the mission has a civilian protection mandate, nor that it will not record and report, for instance, to the International Criminal Court, human rights abuses that may have or are still taking place, including by the parties to the conflict. In contrast to peacekeeping, the use of military force by the UN for enforcement purposes is seen as deriving its legality from Chapter VII of the UN Charter, action with respect to threats to the peace, breaches of the peace, and acts of aggression. This is the chapter under which the Security Council makes decisions which are enforceable, including the imposition of economic sanctions and the taking of military action.[201] A Chapter VII operation, in contrast to a Chapter VI operation, may therefore be authorized to use force beyond self-defense for enforcement purposes. This understanding was confirmed by the International Court of Justice (ICJ) in July 1962 when it ruled that, while the UN has an inherent capacity to establish, assume command over and employ military forces, these may only exercise 'belligerent rights' when authorized to do so by the Security Council acting under Chapter VII.[202] This ruling suggests that the use of force by a Chapter VI peacekeeping operation beyond self-defense is illegal under the UN Charter. Along with impartiality and the consent of the parties, the self-defense rule may thus be seen as a key criterion that distinguishes peacekeeping from peace enforcement.

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[201] United Nations, Report of the Secretary-General in pursuance of General Assembly resolutions 1124 (XI) and 1125 (XI), UN document A/3527, 11 Feb. 1957, para. 19.
[202] International Court of Justice, 'Certain expenses of the United Nations (Article 17, para. 1), Advisory Opinion of 20 July 1962', *Reports of Judgments, Advisory Opinions and Orders* (International Court of Justice: The Hague, 1962), p. 177.

Despite these conventions, Security Council resolutions which envisage the use of force never specifically mention it. Usually they mandate a mission simply to use 'all necessary means' to accomplish its mandate. Hence they refrain from specifying in advance the appropriate level of force to be used.[203] While the mandate for UNPROFOR in Bosnia authorized 'all measures necessary' and that for UNOSOM II in Somalia authorized 'all necessary means', the ways in which force was used in the two theatres were quite different. The minimum use of force still implies that United Nations peace operations will use the minimum use of force necessary to protect itself and others covered by its mandate, but it is now understood that United Nations peace operations should have the capacity and mandate to prevent or counter serious threats, including to those it has been mandated to protect. It is unlikely, for the foreseeable future, that the United Nations Security Council will deploy new complex peace operations in Africa, or elsewhere, without mandates that reflect this new interpretation and contain elements of Chapter VII's enforcement authority.

4.1.3 The Changing Nature of Peacekeeping Tasks

As observed, an extremely important trend in both these Peacekeeping missions is the exponential rise in the civilian dimensions of peacekeeping. The Special Representative of the Secretary-General (SRSGs) are also increasingly required to manage a wide range of non-military issues, such as human rights, gender, child soldiers, aid coordination and many others. A sub-set of this trend has been the increasing resort to transitional administration missions. In Kosovo, the United Nations, along with the European Union, the Organization for Security and

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[203] Warbrick, C., 'Current developments: public international law', *International and Comparative Law Quarterly*, vol. 43 (Oct. 1994), p. 947.

Co-operation in Europe and the United Nations High Commission for Refugees provides the civilian and police dimensions of an operation, under single command, while NATO provided the military arm of the operation, under separate but coordinated command.

In The scope of this mission, the degree of their authority then steadily rose, culminating in UNMIK, in which the United Nations had full governing authority. From traditional peacekeeping missions, which had a minimal civilian staff, the United Nations mission in Kosovo had a staffing table of 700 civilians, in addition to several hundred other personnel supplied by European regional organizations, covering an extraordinary range of issues and aspects of the Peacekeeping mission.[204] International civilian personnel with specialized areas of expertise are indispensable to the successful implementation of peacekeeping mandates. At the same time, the UN places great priority on the development of local capacities. The "light footprint"[205] approach advocates that UN activities should be limited to those that are appropriate to the local needs and context, and that international staff should be limited to the minimum required, with an effort to ensure local capacity-building, so that nationals can take over from the UN as soon as possible.

4.1.4 Sub-contracting Peacekeeping operations

Another feature which has emerged in the peacekeeping operations is that external military interventions for conflict management or humanitarian purposes by single states, groups

[204] Griffin, Michele and Bruce Jones. 2000. "Building Peace through Transitional Authority: New Directions, Major Challenges." *International Peacekeeping* 7(4): P. 75-90.
[205] Dahrendorf, Nicola, Project Director. 2003. *A Review of Peace Operations: A Case for Change.* London: The Conflict, Security and Development Group, International Policy Institute, King's College London.

of states and regional and sub-regional organizations have increased. While many of these interventions have been conducted with the authorization of the UN Security Council (legally required in the case of enforcement operations and morally desirable in all cases), growing numbers have not. Furthermore, even those operations sanctioned by the Council have frequently been conducted in a questionable manner, with dubious motives.[206]

Subcontracting has been heralded as an innovative solution to the operational crisis of the United Nations. It might relieve some of the financial burden of the UN and also promote wider participation in the maintenance of international peace and security. There is a growing feeling that regional and sub-regional organizations should play a lead role in peacekeeping and peace-building in their respective regions as they know the region better than the United Nations. It also is clear that their efforts seem less intrusive in many instances. The United Nations and its member states have increased their efforts to enhance the peacekeeping capacity of the regional organizations like the African Union. Due to the growing demand for peacekeeping operations and the ongoing operational crisis at the UN, move towards this form of conflict management is likely to become an established feature of the peace and security landscape. It is essential that more dialogue takes place on how to ensure that it develops in a manner that is coherent, controlled and conducive to conflict management. But, unfortunately, beyond vague encouragements to the Secretary General to enhance cooperation with regional organizations, the Security Council has, until very recently, shown little inclination to meet the challenge of

[206] Griffin, Michele "Blue Helmets Blues: Assessing the Trend towards 'Subcontracting' UN Peace Operations", Security Dialogue, vol.30, no. 1, March 1999 P.43-60.

ensuring that subcontracted operations are conducted with appropriate accountability or oversight.[207]

4.1.5 Civil Protection

Another interesting example of the trend towards greater synergy and cohesion across the traditional security and development divide is the way in which civil protection is emerging as a common theme for both the humanitarian and peace operations community. Since 1999, seven UN peace operations; Burundi, Haiti, Côte d'Ivoire, the DRC, Sierra Leone, Liberia and Sudan, have been mandated to protect civilians under imminent threat of violence.[208] In 2005, the Deputy Special Representative of the Secretary-General (DSRSG), Resident Coordinator/ Humanitarian Coordination (RC/HC) of the UN Observation Mission in the Democratic Republic of the Congo (MONUC), Ross Mountain, took the initiative to establish a protection working group that explored the potential of using protection as a common theme among the military, police and civilian peacekeepers and the humanitarian community. After a successful pilot period in North Kivu the concept was broadened to the rest of the country. Similar initiatives are underway in the UN Mission in Sudan (UNMIS). Civil protection is set to become one of the dominant themes of UN peace operations in the short- to medium-term.

4.1.6 Regional Variation in Response and Troop Deployment.

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[207]Griffin, Michele "Blue Helmets Blues: Assessing the Trend towards 'Subcontracting' UN Peace Operations", Security Dialogue, vol.30, no. 1, March 1999 P .48.
[208] Victoria K. Holt, 'The Military and Civilian Protection: Developing Roles and Capacities' in Victoria Wheeler and Adele Harmar, 'Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations', HPG Report 21, March 2006

A series of variations in regional patterns of deployment and the scale of response can be identified as a mark of new trend in Peacekeeping. First, there was an important regional variation in the United Nations' peacekeeping responses. An analysis of United Nations peacekeeping responses by Stephen Stedman and Michael Gilligan[209], comparing rapidity of responses to internal wars which was measured by the number of deaths that have occurred before a response is generated, as well as number of years, and the relative frequency of responses to the number of wars, by region, highlights the fact that United Nations peacekeeping was most responsive to conflicts in Europe and Latin America, followed by Africa, and was least responsive in Asia.

It is also noted that the United Nations sends vastly more peacekeepers to Africa than anywhere else. However, there was a significant variation in the scale/density/intensity of peacekeeping responses. It is important to note a wide variation in the scale or density of mission deployment to different regions. This is best captured in the 2002 study by Stedman, Rothschild and Cousens[210], which notes the wide disparities in per capita spending and per kilometer troops levels, for example, between the United Nations response in Kosovo and the Democratic Republic of the Congo, which indicates that the latter would require several hundred thousands of troops to perform the same tasks that peacekeepers perform in Kosovo. It is imperative to note that those two missions have very different functions, but that very fact is reflective of the disparity of response. A comparison of the numbers of peacekeepers per conflict death would reveal an even more extreme disparity.

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[209] Stedman, Stephen and Michael Gilligan. 2001. "Where Do the Peacekeepers Go?" New York University and Stanford University. (Unpublished manuscript.) P. 32
[210] Stedman, Stephen John, Donald Rothschild, and Elizabeth M. Cousens, eds. 2002. *Ending Civil Wars: The Implementation of Peace Agreements.* Boulder: Lynne Reiner, P. 68

## 4.1.7 Decline in troop contribution by developed states

A notable trend in current peacekeeping missions is witnessed in a decline in the troop contributions of developed states to Blue Helmet missions, especially in Africa. According to a report by the Stimson Center, developed industrial states contributed 6% of the Blue Helmets deployed in Africa by 2003.[211] The table below, obtained from the International Institute of Strategic Studies,[212] shows a steady decline in troops contributions by major Western states to United Nations-Commanded missions.

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[211] William J. Durch et al, *The Brahimi Report and the Future of UN Peace Operations.* Henry Stimson Center, November 2003 P. 34
[212] The Military Balance. Volume 7, London: International Institute of Strategic Studies, 2001, P 56

Figure 3: Troop contributions by major Western states troop to UN-commanded missions.

Percentage of Total Contributions to UN Commanded Peacekeeping Operations
by Year: Major Western States
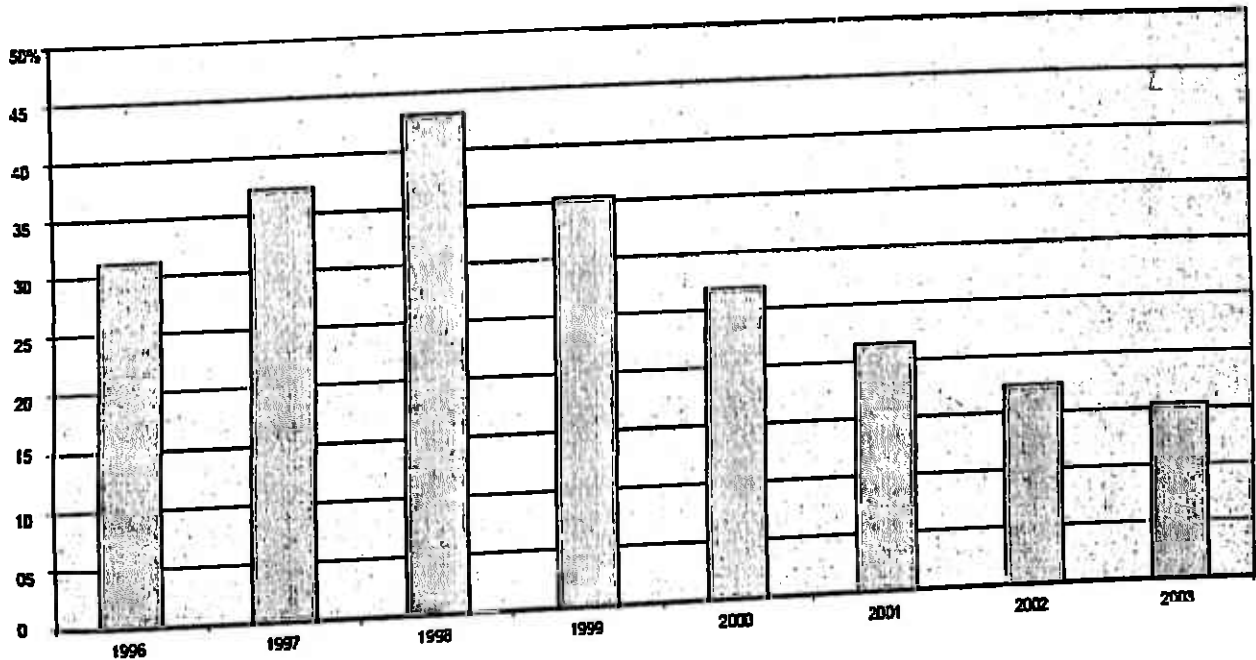
Source: *Military Balance*, International Institute of Strategic Studies

Conversely, there has been a rapid growth in the contributions of troops by developed states to multinational forces. It should be noted that if with regards to the United Nations - authorized operations, Western troop contributions to these operations more than outweigh the decline in contributions to United Nations -commanded operations, thus suggesting that responsibility for skewed regional patterns of troop deployments lies primarily with the Security Council, especially the permanent members, rather than with a broader set of developed state troop contributors.

Figure 4: NATO states' contributions to UN-authorized, non-UN-commanded operations.

NATO States' Contributions to UN Authorized Missions
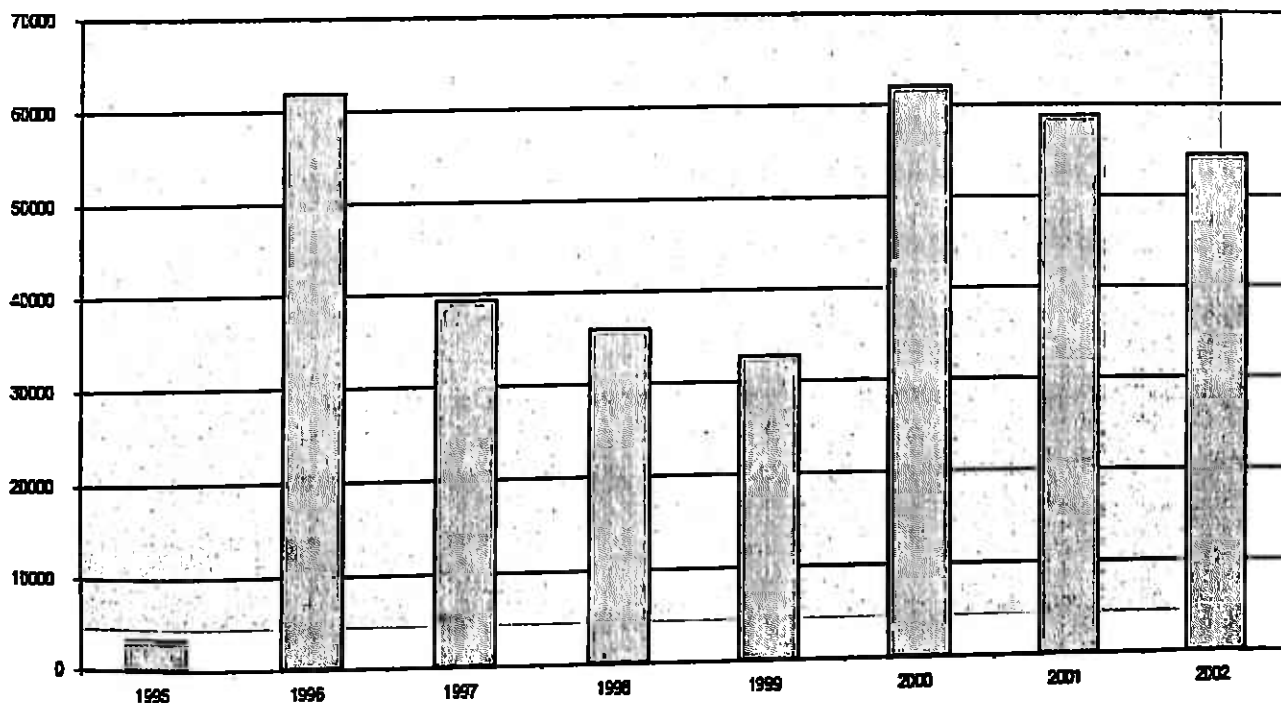
Source: *Military Balance*, International Institute of Strategic Studies
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4.1.8 The Changing Actors in Peacekeeping

The fifth set of trends relates to changes in the actors involved in peacekeeping operations. The 1990s saw the slow but steady rise of regional and sub-regional organizations as important actors in the response to internal conflicts, sometimes in partnership with the United Nations, which is a widely documented phenomenon. Here, an important distinction can be made between

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213 The Military Balance. Volume 7, London: International Institute of Strategic Studies, 2001 P. 46

regions[214]. In Europe, the 1990s witnessed a proliferation in the activities of the regional security institutions, often with competing mandates. These operated in varied relationships with the United Nations, even during the same conflict. In Kosovo, for example, NATO first represented an alternative to the United Nations in the bombing of Yugoslavia. Subsequently, NATO and the United Nations have been partners on the ground in the post-conflict operation. This change of Peacekeeping Actors can be attributed to several factors that have led member states to use regional operations rather than United Nations peacekeeping operations to solve problems. These include: institutional competition; concerns about United Nations command and control systems; financial issues; political divisions at the Security Council; and challenges to the legitimacy of the United Nations.

First, there is a basic level of institutional competition that, particularly throughout the 1990s, was in evidence as the European Union, the Organization for Security and Co-operation in Europe, NATO and the United Nations, driven by state interest, and by bureaucratic and national competition, vied for roles in Europe. Competition within and between governments related to institutional development was probably the most important factor driving the trends towards hybrid operations during the 1990s. This was most evident in the Kosovo Peacekeeping Mission. Secondly, there is concern that the UN does not have the right commanders, especially in African Peacekeeping missions.

Western governments are reluctant to put their troops into Blue Helmet operations in Africa, based on their concerns that 'the United Nations doesn't have adequate command and

[214] Forman, Sheppard and Andrew Greene. 2003. "Collaborating with Regional Organization." In *The UN Security Council: From the Cold War to the 21st Century*, David Malone, ed. Boulder: Lynne Reiner Publisher, P. 65

control'. In truth, they don't trust the quality of the Special Representative of the Secretary-General (SRSGs) and Force Commanders that the United Nations has designated in many African missions. A structural concern about command and control is the limited role played by troop contributors in decision-making over United Nations-commanded operations. This issue is by definition limited to states that are not permanent members of the Security Council. Although troop contributor meetings do provide a consultation forum, actual decisions and real influence are limited to the Permanent 5 (sometimes the Permanent 3) and to those states with the capacity to penetrate the Secretariat and influence the decision-making of the Secretary-General. This is a cause for concern for all troop contributors and may have led those with other institutional options to exercise their freedom and eschew the Blue Helmet framework. This is a particular bone of contention for former European troop contributors to UN operations in Bosnia. The experience of being excluded from real decision-making during UNPROFOR continues to shape European military officers' negative perception of UN command and control systems. [215]

Third, an additional impetus toward hybrid operations, especially in terms of NATO deployments, is the differences between the financial arrangements of organizations. Due to the high degree of burden-sharing through assessed contributions, many United Nations staff members presume that the question of financing an operation will largely work to the United Nations' advantage. Indeed, once operations are agreed and underway, this argument is often salient and part of what brings operations back into the United Nations fold even when they have

[215] Tardy, Thierry. 2003. "Limits and Opportunities of UN-EU Relations in Peace Operations: Implications for DPKO," Geneva Center for Security Policy, P 42

begun outside. But in the planning stages, military planning staff have a far larger say than foreign affairs or treasury staff in preparing options for decision-making.

Military planning staff in many Western armed forces prefer to operate within their own national financing systems, rather than through those of the United Nations, with which they are unfamiliar and do not control, and which in many cases provide fewer resources per soldier than their national financing mechanisms. That the overall operation may be cheaper if conducted through the United Nations, or at least that the national contribution of a given country may be less if done through the United Nations is a salient argument at the inter-departmental level. But early in the operational planning stages, it turns into a counter-argument for military command and planning staffs. In fast reaction contexts, these latter arguments may win out.

CHAPTER 5

5.0 CONCLUSSION

The simultaneous operation of multiple organizations in hybrid arrangements, as was the case in Kosovo, puts a premium on coordination. This can be loose, as in post-Dayton Bosnia, which is generally seen to have been problematic. It can be structured, as with the relationship between UNMIK and KFOR in Kosovo, which was largely positive though not without challenges, or it can be integrated, as in UNMIK – generally positive, though again, not without difficulties. The use in UNMIK of a Joint Planning Cell, regularly bringing together senior decision makers from all contributing organizations under the chairmanship of the Principal Deputy, was an important innovation, not yet adequately replicated.

However, the lack of confidence in United Nations member states that UN peacekeeping mechanisms are appropriate tools for tackling the hard military edge of conflict management suggests a structural problem with the United Nations that goes beyond the questions of Department of Peace Keeping Operations management or United Nations command and control mechanisms. This lack of confidence seems particularly evident among the permanent members of the Security Council, four out of five of which have in recent years led non-United Nations commanded operations. Indeed, it raises important questions about whether the United Nations' structures are appropriately geared for managing international security challenges in a context of great diversity in state power and capacity. More immediately, it seems evident that in developing a policy response to the question of hybrid operations, division-of-labor operations and to the declining contributions to Blue Helmet operations in Africa by Western states, the

critical first step is to shift the analysis away from institutions and to focus instead on the question of the quality of response, particularly as seen from the perspective of those the responses are intended to help, i.e. victims of conflict. UN country teams, led by the RC, provide a ready successor to many peacekeeping operations for activities that build sustainable peace in post-conflict situations. If properly planned, coordinated and managed, the exit strategy of a peacekeeping operation could very well constitute handing over key activities and programs to the RC and UN country team for continued implementation. RCs can work to deepen and strengthen the short-term economic recovery that may have been established during a peacekeeping operation. With appropriate funding and political support, RCs can undertake and facilitate the long-term initiatives necessary to stabilize fragile political systems according to the principles of participation, accountability, good governance and rule of law.

For a number of missions, the initial mandate proved to be insufficient to deal with the situation presented to the UN once it deployed into an area and required such a reworking of the mandate that the new mission mandate was given a new name. This was particularly true in complicated sub-state conflicts such as the breakup of Yugoslavia (UNPROFOR, UNCRO, UNPREDEP), Somalia (UNOSOM I and II), Angola (UNAVEM II and III), Rwanda (UNAMIR, UNOMUR), and Haiti (UNMIH, UNSMIH, UNTMIH). In all of these instances, the mandates were insufficient to deal with the conflict in the state, and in only one of these instances was the mandate changed to the point where the resulting follow-up mission was considered a success by the United Nations (UNPREDEP was created out of the reworking of the UNPROFOR mandate).It is clear that even among those familiar with recent developments, there is a disparity in views about whether these trends represent a challenge to the primacy of the UN, or a helpful,

flexible addition to the conflict-management repertoire. Certainly, the proliferation of regional and multinational force responses to internal conflicts in the past few years has generated a heated debate, requiring clarification. Further, it is arguable that, notwithstanding the ongoing implementation of the Brahimi reforms[216], DPKO and the UN Secretariat are still not adequately structured to manage both the hybrid nature of many new operations and their increasingly large civilian components – especially in terms of its limited capacity to plan and set policy for the civilian dimensions of operations. Following this extensive study of the emerging trends in peacekeeping, the following recommendations can be made:

One, Hybrid operations will continue to be a major feature of the peacekeeping landscape and should be welcomed, not resisted, by Department of Peacekeeping Operations as an important contribution to managing costly conflicts. Two, with respect to communication with troop contributors about potential deployments in or alongside United Nations commanded operations, Department of Peacekeeping Operations should stress the importance of a geographically equitable response (in terms of numbers, but also capability) over the institutional form of response thus maximize flexibility in terms of accepting contributions to United Nations operations (including shorter deployments, enabling capacities, and flexible rotation schedules) or support from non-United Nations operations.

Three, renewed efforts should be made through working with supportive member states, to strengthen the Department's role in planning and setting policy for the civilian dimensions of multidimensional peacekeeping, including more effective backstopping to SRSGs on intra-UN, inter-organization and donor coordination. A peacekeeping operation is a joint venture of many

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[216] William J. Durch et al, "The Brahimi Report and the Future of Peace Operations", Stimson Center, November 2003.

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players with legitimate interests operating within the parameters of the mandate provided. To be effective, the mission must work with its partners as an integrated and inclusive unit. After the deployment of a peacekeeping operation, additional partners often arrive on the scene and can include bilateral agencies, international organizations and other entities involved in social and economic development, institution building and reconciliation. In addition to maintaining peace and security, peacekeepers are increasingly charged with assisting in political processes, reforming judicial systems, training law enforcement and police forces, disarming and reintegrating former combatants, and supporting the return of internally displaced persons and refugees. UN electoral assistance has also become an increasingly essential feature in UN peace operations. Additionally, the United Nations increasingly works in peacekeeping partnerships with other international and regional organizations, such as the African Union (AU), the Economic Community of the West African States (ECOWAS) or the European Union (EU), for maximum effect.

To date, hundreds of thousands of personnel, the vast majority of them soldiers, have served in 56 UN peacekeeping operations. Military and civilian police personnel in peacekeeping operations remain members of their own national establishments but serve under the operational control of the UN and are expected to conduct themselves exclusively in accordance with the international character of their mission. They wear their national uniforms, but also wear blue berets or helmets and the UN insignia. Civilian staff serving in peacekeeping operations include personnel drawn from within the UN system (including the United Nations Volunteers), loaned by Member States, or recruited internationally or locally to fill specific jobs. In complex missions, some partners such as UN agencies, or regional organizations may be integrated into the structure of the operation. This creates special coordination requirements because they staff and fund their work separately but operate under the umbrella of the mission. These components

will still have a special relationship with their own headquarters, which in turn have long-standing relations with the Secretariat on issues beyond the mission.

The trend towards new hybrid alternatives as one of the defining elements of modern peacekeeping raises more problems than previously thought. One of the main problems with hybrid force arrangements is the risk of sidelining the UN in favor of hegemonic unilateral initiatives. As the most representative supranational body in existence, the UN should not be unwittingly allowed to wither away or become obsolete in the global peacekeeping agenda. While the catastrophes of Somalia and Rwanda severely undercut the UN's credibility in Africa in the early 1990s, there is growing international acceptance that UN operations are legitimate and therefore have a significant role to play in peacekeeping, peace enforcement and Peacebuilding. The UN not only has the moral high ground or impartiality that other organizations may not necessarily have, but also has certain clear comparative advantages in setting global security standards, humanitarian assistance and development.

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