Peace, the most cherished dream of humanity is and has been the ultimate human aspiration. The essence of human nature being struggle and competition, to that extent perfect peace is an almost meaningless abstraction.\footnote{LL.M (Cochin); Lawyer, High Court of Kerala, Ernakulam.}

The aim to achieve peace has always been a man’s dream. The Confederacy of Delos, which linked a number of Greek city-states in an “international” organization for the purpose of preserving peace, was established in 477 B.C. This was the first recorded attempt to set up an international navy and police force.\footnote{Javier Perez de, “The UNPKF”, Nobel Lecture on 9 January (1989), http://nobelprize.org/peace/laureates/1988/un-lecture.html as on 24.01.2006.}

Twenty-first century witnessed various efforts to maintain peace through international organizations. It has shown theoretical models for collective security, especially after the birth of UN in 1945. Which was considered to be unworkable during the League of Nations era, and especially after the birth of UN in 1945, attention shifted to the more flexible concept of peacekeeping — by “soldiers without enemies” whose mission is not to fight wars, but to prevent them.

One of the purposes of the UN Charter is to “bring about adjustment or settlement of international disputes or situations which might lead to a
breach of the peace". This undoubtedly was aimed to be achieved through peaceful means and in conformity with the principles of justice and international law. The Charter also provided for individual and collective self-defense. The General Assembly and the Security Council have been authorized to discuss and formulate principles for governing and maintaining peace and security. However in practice the Security Council had not had much success in settling disputes and situations under the provisions of chapter VI. In most cases, discord among great powers either blocked the proceedings of the council or weakened the effectiveness of its resolutions and recommendations.

This failure on the part of the Security Council have been tried to be compensated by the General Assembly of the UN. The UN General Assembly began to assert its authority and order certain kinds of actions without Security Council’s approval. The adoption of U.S sponsored “uniting for peace” resolution provided *inter alia* that “if the Security Council, fails to exercise its primary responsibility for maintenance of international peace and security in any case where there appears a threat

4. Ibid.
5. Id., Article 2.
6. Id., Article 11 and Article 12.
7. Events like Soviet intervention in Czechoslovakia, conclusion of Brussels Pact (1948), the breakdown of negotiations over Germany’s status, the enforcement of the Soviet blocked of Berlin and the establishment of NATO in 1949 led to the division of Europe into two armed hostile camps. The successful communist revolution in China (1949) and the Korean crisis (1950) further aggravated the East-West conflict. The two major powers which were allies became the ‘bitterest rivals and the most implacable foes’. Thus, satisfactory peace settlements, which were essential preconditions for cooperation between U.S.S.R. and the U.S. for the successful functioning of Security Council, eluded the major powers.
of peace... the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures including...the use of armed forces when necessary, to maintain or restore international peace and security”’. Thus, this resolution made the position that the General Assembly had its own say in maintaining peace when Security Council is not reacting to a situation. However, it is to be noted that the General Assembly is ill suited for the purpose of taking effective steps to bring international peace. The assembly is too big, too slow, and being diffuse in political composition can hardly provide arrangement for collective security. Nevertheless, it enhanced the possibilities of the UN undertaking more “peacekeeping” with the help of Security Council itself.

Moreover the exigencies of the cold war and specifically the urgency of the Suez crisis (1956) made it necessary to set up a UN force. The result was the formulation of the idea of establishing UNEF. This idea was further developed into the concept of United Nations peacekeeping. Later vigorous efforts for several years and evolution of new methods and procedures enabled the otherwise incapacitated principal organs of the organization to act as agents of preventive diplomacy.

Peacekeeping, was thus a byproduct of cold war. It was an improvisation in the effort of the UN to transcend or bypass the constraints of the cold war. It was an assertion of the UN General assembly to play a

9. A peace observation commission and a collective measures committee were also set up, Official records of the G.A., GAOR, session 5 supplement 20 (A/1775), pp.10-12.
10. Lester B. Pearson formulated the idea. This earned him Nobel price.
12. The credit goes to the Political ingenuity and international statesmanship of Dag Hammarskjold, the Second Secretary General of U.N.
13. This was with the help of non-aligned and relatively uncommitted member states.
crucial role in a specific crisis. This general context as well as that of the specific crises modulated it. It was later systematized to become the sharpest tool of the "preventive diplomacy".

This distinctive and realistic approach to international peace was further perfected during the UN operations in Congo (ONUC). It led to the institutionalization of the basic rules and principles governing the various aspects of UN peacekeeping operations. In this peace operation the primary concern was to stabilize the situation to avoid incidents, which might lead to a resumption of war, and to insulate the Middle East from the cold war.

**Peace Keeping Defined**

Peacekeeping is a technique pioneered and developed by the United Nations that defies simple definition. It is based on the principle that an impartial presence of the United Nations on the ground can ease tensions and allow negotiated solutions in a conflict situation. Peacekeeping, entails situations or circumstances where the peacemaking body, say the UN, acts as an influence for claim by physically separating factions. This goes to mean that UN acts as an impartial third party between two conflicting factions, they try to bring back normal peaceful atmosphere. This act of bringing back the normal situation mainly aims at protection of the rights of the people there, it is only in a peaceful environment that one can ask for or enjoy ones political as well as socio-economic rights. As such, it has been applied on different occasions to describe a wide range of actions, measures, or proposals of varying degrees of comprehensiveness that have generally been intended to or designed to maintain peace.

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Peacekeeping operations are defined as “actions involving the use of military personal in international conflict situations on the basis of the consent of all parties concerned and without resorting to armed force except in cases of self defense”\(^{17}\).

The term “peace keeping” was first applied in a UN context to the UNEF established by UN General Assembly during Suez war to oversee the withdrawal of Anglo-French and Iraqi forces from Egyptian testing. Interestingly the word “peacekeeping” does not appear in the UN Charter nor were the authors of the charter precise in their use of the term peacekeeping.

Despite the emergence of new patterns of peacekeeping, there is still no fully agreed-upon definition of the term. This fact has been deplored by many, including a Citizens Commission charged with preparing a report for a “White House Conference” on this subject. As noted by the Citizens Commission, peacekeeping within the United Nations experience has encompassed “both political and military missions, the defining factor being their function as an adjunct to pacific-settlement endeavors”.\(^{18}\) The lack of an agreed definition has led to some confusion and has made the task of reviewing, discussing, and furthering the goals of peacekeeping more difficult. However, there have been efforts to overcome this deficiency. For example, Paul Martin, the Canadian Secretary of State for External affairs, has outlined a four-part definition as follows:

1. Peacekeeping involves the interposition of an international army’s presence in one form or another.


2. The object of peacekeeping is essentially, to prevent violence from breaking out or to contain or curtail it where it has already broken out. United Nations forces are strictly debarred from taking the initiative in the use of armed force and, indeed may use it only as a last resort.

3. Peacekeeping is designed to create or restore, as the case may be, an environment in which a peaceful solution to the problems at issue can at least be contemplated.

4. While peacekeeping is not itself a form of conciliation or mediation, it has been specifically coupled with mediation in some situations and has served to underpin the carrying out of mediatory solutions in others.¹⁹

Thus, as per this definition peacekeeping may then be considered to include:

1. An international military or quasi-military presence in some form,
2. The consent of the country or countries in which the operation occurs and of the troop contributing states,
3. The objective of preventing or curtailing violence,
4. Strictly limited use of force to achieve this objective, and
5. An attempt to create the conditions or environment in which pacific settlement can occur.

It must be acknowledged that this definition is still deficient. It provides no detailed guidance regarding the size or nature of the international

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presence. Furthermore, it lacks precision regarding other particulars such as the extent to which force may be used to achieve the objective, the relationship of peacekeeping to pacific settlement procedures and the constitutional aspects governing initiation. In the absence of full agreement on such questions, it is considered necessary that an effort to be more specific would prove to be limiting and could be counterproductive. Peacekeeping as it has evolved within the United Nations experience has varied considerably and make the setting of a precise, yet inclusive, definition difficult.

However, the meaning and scope of that term is still a matter of political and legal controversy between the two power blocks. “The meaning of peacekeeping is capable of differing interpretations and, as much, incapable of being currently and clearly defined to the satisfaction of all member states”20.

The former Security General of UN, Boutros Ghali, defined “peacekeeping as the development of a UN’s presence in the field hither to with the consent of all parties concerned, normally involving UN’s military and/or police personal and frequently civilians as well”21.

This definition brings out the basic characteristics of these operations. Peacekeeping operations must have a mandate conferred by the Security Council or the General Assembly. It is usually to fulfill an international task. The other follows from its consensual base – its legally provisional nature, it is not provided as such by any international document. It was meant to undertake actions on a “without prejudice” basis, i.e. not taking a position on the claims of parties on their legal positions, or on their contentions as to why they have acted in a particular way.

Peacekeepers were not expected to fight fire with fire. As a general rule, they were deployed when the ceasefire was in place and then parties to the conflict had given their consent. UN troops observed from the ground and reported impartially on adherence to the ceasefire, troop withdrawal or other elements of the peace agreement. This gave time and breathing space for diplomatic efforts to address the underlying causes of conflict.  

The General Assembly set up a special committee to make a comprehensive review, of all the aspects of the UN peacekeeping operations. The Secretary General and the President of the General Assembly, after attending many meetings of the committee and consulting many member states, confessed in their summary interim report that there was no consensus among states on the meaning of the term peacekeeping. Most of the governments seemed to feel that peacekeeping though meant for maintenance of international peace and security, did not include enforcement action under Chapter VII of the Charter. They were non-mandatory and non coercive in nature. They did not place any obligation on member states as to their contribution in terms of armed forces or logical support, and they should not be a pretext for foreign intervention or for infringement of the national sovereignty of any country. If armed personal were used the use of force should be strictly limited to the requirement of self-defense. The report held that peacekeeping might include frontier observation, mediatory and conciliatory missions, fact-finding in regard to alleged interference from outside in the domestic affairs of member states and other similar functions.

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24. He was ex-officio chairman of the Committee.


26. Such operations were essentially voluntary actions and required an invitation from or attest the comment of the countries involved.
World attention has turned to peacekeeping operations because of the acceleration of UN activities in this area. The list of countries where the UN is carrying out peacekeeping operations of some sort continues to expand. Since the end of the cold war, the UN’s peacekeepers have been engaged in operations of a so called “second generation type”. In this second generation, the peacekeeping activities go beyond the concept of as a simple interposition of a neutral third party between warring nation-states, soldiers serving UN command as peace keeping observers or troops, wearing their familiar blue berets or blue helmets, are being joined by increasing number of civilians. Together they have been given more challenging mandates. They have helped for promoting national reconciliation and respect for human rights and organized administrative, management, institution building and the restoration of infrastructure and services27.

In 1988, the Nobel Peace Prize was awarded to the UN peacekeepers for “demanding and hazardous service in the cause of peace”. In accepting the award on their behalf the then Secretary General Javier Perez de Cuellar, said: “Peacekeeping operations symbolize the world community’s will to peace and represent the impartial, practical expression of that will. The award of the Nobel Peace prize to these operations illustrates the hope and strengthens the promise of this extraordinary concept”28.

The UN can be proud of the speed with which peacekeeping has evolved in response to the new political environment resulting from the end of cold war. The last few years have confirmed that respect for certain basic principles of peacekeeping are essential to its success. Three particularly important principles are the consent of the parties, impartiality

27. The Blue Helmets - Review of UNPK, UN Dept. of Public Information, N.Y. (3rd edn., 2003), pp.3-5.
28. Mr. Javier Perez de Cuellar served as the 5th UN Secretary General from January 1982 until 31 December 1991.
and the non-use of force except in self-defense. Analysis of recent successes and failures shows that in all the successes those principles were respected and in most of the less successful operations one or other of them was not\textsuperscript{29}.

UN peacekeeping comes as an indispensable tool in situations where inadequate political structures fail to provide for the orderly transfer of power, where dissatisfied and vulnerable populations are manipulated and when competition for scarce resources intensifies the anger and frustration among people trapped in poverty, armed conflict will continue to flare. These elements provide fuel to the human suffering, often on a massive scale, threats to wider international peace and security and the destruction of the economic and social life of the entire population. UN peacekeeping operations then, can open doors, which might otherwise remain closed to efforts in peace making and peace building, to secure lasting peace.

With all these hails on the one side, one needs to look at the crisis in UN peace operations that become more apparent in these days. There is much criticism of the misguided interference, lack of resolve to assist victims and civilians and the various human rights violations caused by the peacekeepers.

Peacekeeping of course, has done enormous good, but peacekeeping missions have not always achieved all their goals. Lessons have been learnt-sometimes the hard way. When UN operations have been assigned peacekeeping roles without receiving military resources, equipment and logistic support commensurate to these tasks, peacekeepers have suffered heavy strains and pressures and the United Nations itself has come under attack. When the mandates have been unclear or when necessary political and material support has been lacking, UN operations have found themselves cramped\textsuperscript{30}.

\textsuperscript{29} Supra n. 27.

\textsuperscript{30} Supra. n. 22 at p.3-4.
From a solid and promising start in the Suez crisis and later in the Congo, UN peacekeeping forces have faced a serious decline with regard to efficiency in deployment. In Cyprus, the deployment of UN forces appeared to perpetuate a division of the Island. In Somalia, the UN efforts proved to have little result and in former Yugoslavia, the UN forces proved to have an inappropriate mandate. Their work was coupled with humanitarian aid, easily diverted to attacking troops. And the UN forces proved to be embarrassingly incapable of protecting civilians.

On numerous occasions the UN ‘blue helmets’ have totally failed to protect and aid civilians. The decision-makers in New York have often preferred to evacuate well-armed UN soldiers, when the situation has become ‘dangerous’ for them. In such situations hundreds of civilians were left to die. The ‘safe areas’ or ‘safe havens’ proposed by the Secretary General Boutros Ghali in Bosnia fell without any effort by the UN troops to defend them. The people, who had taken refuge there, in the belief that they would be ‘safer’ than elsewhere, were slaughtered mercilessly by the peacekeepers. In Gregoria the UN forces, UNOMIG, were heavily criticized for failing to protect the ‘security zone’ protected by the UN.

The UN as a neutral intervening force and honest negotiator remains an important factor in peacekeeping and confidence building. Maintaining neutrality, however, can present peacekeepers with a dilemma, especially when they confront situations in which civilians are victimized or when blue helmets themselves are attacked or killed.

Sometimes states have urged the withdrawal of the UN assistance missions in the face of indecisive peace process. In many cases problems

encountered were caused by the inadequate and inappropriate recruitment of personnel to UN forces\textsuperscript{34}.

In reality, the importance of the reconciliatory ability of UN troops or the capacity of the world organization to enhance human rights protection in the ‘host state’ is rarely taken into account. When considering efforts by UN to promote dialogue between the conflicting parties as part of the peacekeeping strategy, analysis has been limited to the mediation and negotiation skills of the UN Secretary General or his appointed mediators or special representatives. The capacity of UN peacekeepers to protect human rights of the civilian population as a determining element for the success of peace keeping was seldom explored.

It is high time to analyse that how the peacekeepers tend to bring about peace. And in doing so, how these peacekeepers bring about protection of or violation of human rights, the stories of the past always bring about a sorry figure of the peacekeepers who have committed various atrocities on the civilians who are already broken and torn.

Evaluation

There are a number of approaches for evaluating a peacekeeping mission’s success. One is whether the purpose, as stated in the mandate, was fulfilled. The specific accomplishments of the mission such as the number of people fed, disasters avoided, and cease-fires achieved is useful as an evaluating scale, but leaves open the question as to how many accomplishments are needed to qualify as successful. A third criterion is the impact of the operation on the local population. Important as this criterion is, it begins with the question “compared to what,” and ignores

\textsuperscript{34} Indonesian battalions were selected as peacekeeping operations when Indonesia itself has been heavily criticized in the United Nations for its actions in East Timor. Similar was the case of Yugoslavia, who invaded their neighbors but were dispatched to be peacekeepers for Angola.
the impacts on broader political processes that may have larger impacts on the lives of the local population. Rather than focus on what has been accomplished, another approach examines the manner in which it has been achieved. While placing a premium on efficiency, this criterion may favor the interests of particular constituencies or organizations over the broader goals as defined, for example, by the United Nations. More broadly, an analyst can examine the extent to which an operation contributes to conflict avoidance or resolution. Although these criteria provide a basis for comparison across operations, they may place too large a burden on the peacekeepers, obscuring other positive benefits provided by the operation.

**Increasing Significance**

International peacekeeping is at the top of the agenda of the UN and many national governments, with the end of the Soviet-U.S. rivalry apparently resulting in a “new world order.” Yet, despite the increasing resort to peacekeeping, there is little systematic understanding of its appropriate application. It is particularly important to understand what these missions are designed to accomplish and to determine the extent to which they have in fact accomplished these goals. Progress depends on advances in conceptualization and methodology as well as the relations among theory, policy and practice.

Recent headlines notwithstanding, fewer people are being killed by war than at almost any time in the past century. Some 25,000 were killed in armed conflict in 2002, barely one tenth the number killed each year during the 1990s. Even incidents on September 11, and wars in Afghanistan and Iraq, have not inverted the decline. A large number of conflicts are moving towards resolution, and millions of lives are being saved.

To ensure that some of these conflicts really do have a chance of ending completely, the UN Security Council is creating a number of new

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35. Terrorist attack on the Pentagon and the World Trade Centres, U.S.
peacekeeping missions. Some 50,000 soldiers and police personnel are wearing the UN’s blue helmet, mainly from developing countries, led by India, Pakistan and Bangladesh. In the scheme of world military activity, this is not much. Even if the bill for UN peacekeeping rises to $4 billion a year, which is possible if the Security Council calls for new missions in all of the places currently on its list, UN peacekeeping will still cost less than 1 percent of what the United States alone spends each year on defense.

But in the UN context, the current flow will push the system to the outer limits of its capacity. For every person in the Peacekeeping Department at the New York headquarters, there will be more than 100 in the field, creating major challenges in the areas of planning, force generation, logistics, procurement and command and control. If this wind down in war is to work at all, there will have to be some hard decisions by the international community.

Guiding Principles

The Department of Peacekeeping has to plan, prepare, manage, and direct UN peacekeeping. This undoubtedly should be in accordance with the Charter of the United Nations. The end goal is to alleviate human suffering, to create conditions and build institutions for self-sustaining peace and security.

There are four well-established principles to guide the decisions. First, UN should not involve in hot wars. The United Nations cannot fight wars, and cannot keep the peace where there is no peace to keep. At best, it can stare down some of the “spoilers” who break a promise on peace agreements after the UN is deployed. If there is real campaigning to be done, then military coalitions, such as the one the Security Council authorized in the Gulf in 1990, should be used.

Second, partners are necessary. The last few years has seen the rise of partnership peacekeeping – the UN working alongside the regional
organizations like the European Union, NATO\textsuperscript{36} and ECOWAS\textsuperscript{37}. These arrangements have their complications, but the neighbors and friends have a role in settling disputes smoothly. In a world of uncertainty, there is a need for those who would stand with you through out.

Third, nothing can be done without the tools. When U.S. forces withdrew from Somalia a decade ago, the UN mission failed. If the community of nations wants peacekeeping to be done, the support must be there to do it well – the men and women in uniform from developed and developing countries alike; the specialized military support services from those countries that have them, the financial resources, the strategic force reserves, the sustained commitment. Without that support, the peace will invariably fail.

Fourth, stick with the mandate until peace is restored. Building peace from the ashes of war takes time and the international community must be willing to work with local institutions until they are ready to shoulder responsibility for democratic governance, the rule of law and continued economic development. Peacekeeping operations (PKO) must be linked to a longer term plan for achieving this sort of stability.

Currently, PKO's are created on an \textit{ad hoc} basis, and peacekeepers are drawn from any member state which is neither a permanent Security Council member (though this have been overlooked in recent years), nor

\begin{itemize}
\item \textsuperscript{36} The North Atlantic Treaty Organisation (NATO), also called the North Atlantic Alliance, the Atlantic Alliance or the Western Alliance, is an international organisation for collective security established in 1949, in support of the North Atlantic Treaty signed in Washington, DC, on 4 April 1949. Its headquarters is located at Brussels, Belgium.
\item \textsuperscript{37} The Economic Community of West African States is a regional group initially of sixteen West African countries, founded as per Treaty of Lagos on May 28, 1975. Its mission is to promote economic integration and to achieve "collective self-sufficiency" for the member states by means of economic and monetary union creating a single trade block.
\end{itemize}
a party to the conflict. Troop-contributing countries are responsible for
equipping their peacekeepers and providing the financial support necessary
to sustain the mission\textsuperscript{38}. Furthermore, because PKO’s are theoretically non-
military in nature, each operation requires the consent of the government(s) on
whose territory the force will be stationed. After this has been secured,
the peacekeepers are briefed, trained and are then deployed to the area.
But, one of the key current problems is the \textit{ad hoc} way of planning and
mounting operations, which has made rapid reaction to crisis situations
virtually impossible. The time lag between authorization and deployment -a lag which can range from forty-eight hours to four months - is often the
difference between containing the conflict and aggravating it.

The ability to respond quickly to international crises is crucial in
order to contain the conflict and to prevent the increase of human casualties.
The UN is often criticized for lacking this capability. Such criticism was
levied against the UN Assistance Mission for Rwanda (UNAMIR), as
troops were deployed months after the initial cease-fire, and even then,
were not sufficient enough to meet the challenges that lay ahead\textsuperscript{39}. The
difficult experiences of the mid-1990’s in countries such as Bosnia-
Herzegovina and Rwanda prompted the UN to reassess its approach to
peacekeeping.

There are now several studies which identify the importance of
communicating and negotiating skills for peacekeepers. We know less;
however, about how peacekeepers actually do negotiation and mediation,
and how different types of training prepare them for these experiences\textsuperscript{40}.

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\textsuperscript{38} Adam Roberts and Benedict Kingsbury, \textit{United Nations Divided World},

\textsuperscript{39} “Comprehensive Report on Lessons Learned from United Nations Assistance

\textsuperscript{40} James Wall (University of Missouri) and Dan Druckman (George Mason
University) initiated a multi-country study of peacekeepers’ experience to
(f.n. contd. on next page)
Since 1992, Dave Davis at George Mason University has been building a 'Conceptual Model of Peace Operations' within a clear theory framework for conducting an operation, to make the process better. Each year, there are new practical applications, several of which are now field-tested. ⁴¹

In March 2000, a Panel on United Nations Peace Operations issued a report that has come to be known as the “Brahimi Report”⁴², named after the Panel’s chairperson, Under-Secretary-General Lakhdar Brahimi. The report offered an in-depth critique of the conduct of UN peace operations and made specific recommendations for change. The report also underlined consent by the warring parties, a clear and specific mandate and adequate resources as minimum requirements for a successful UN mission. Consequently, the UN and Member States initiated a number of reforms aimed at improving UN peacekeeping, such as the establishment of a pre-mandate financing mechanism to ensure that adequate resources are available for new mission start-ups.

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⁴¹ For example, when parties in the Liberian conflict could not agree on the modalities of a national election, a model was built to chart the decisions which had to be made and the resources which had to be applied in order to hold an election by a certain date. By making decision-points concrete and necessary actions specific, intervenors were able to cut through much of the rhetoric and hidden agendas surrounding the discussion of election dates. This is just one example of a practical tool which can be developed from the conceptual model of peace operations, http://ralph.gmu.edu/cfpa/peace/model.html as on 24.01.2006.

A strong military presence is considered essential during the initial stages of a peacekeeping operation in order to deter potential spoilers and establish the mission's credibility. Finding troops with the necessary training, equipment and logistical support to effectively undertake the complex and often dangerous tasks required of UN peacekeepers remains a key determinant of an operation's success. However, this is easier said than done, since the member states who possess such troops have often proven unwilling or unable to make them available for UN peacekeeping operations. Threats to the safety and security of UN field personnel has also become an issue of great concern, particularly after the 2003 terrorist attack on UN headquarters in Baghdad, prompting the Secretary-General to order a review of the entire United Nations security system. Improvements are ongoing in this area and require further support by Member States. Restoring some appearance of a functioning state is an increasingly important aspect of complex peacekeeping operations. There is a growing consensus on the need to shore up basic state services, including the judiciary, civil administration and public utilities, for the post-conflict societies to return to normalcy as quickly as possible. In this regard, the rule of law component has become a critical part of mission planning and considerable progress has been made in establishing capacity to support police, judicial and connection activities in post-conflict societies. Additionally, in recent years it has become increasingly apparent that elections, which are often identified as the end point of post-conflict transitions, are not a quick fix and can only serve as an exit strategy for the UN if other conditions have been fulfilled.

It is now necessary to reflect upon how the PKO of UN be conducted in the present day settings. Here, an attempt is made to depict some of the salient points of PKO.

The first and perhaps the most important point to reflect on is the problem of how, in what way and to what extent the UN should become involved in a situation where there is a civil war and where the country's central authority has collapsed, in particular in relation to the task of providing humanitarian assistance. The position of the UN on this problem has not always been sufficiently clear, to say the least. As a result of this
lack of a clear mandate, the operation of peacekeeping has sometimes become overburdened.

In particular, as PKO expand their scope so that they engage in activities to secure compliance with requirements for humanitarian purposes, there is always a dilemma between the principle of impartiality inherent in the traditional PKO and the need for imposing an element of enforcement in the situation. The element of enforcement involved will almost inevitably bring about a situation where the UN will risk becoming to that extent a party to the conflict, as the experience of Somalia. This is an extremely delicate point that requires clear-headed reflection; since the principle of impartiality is particularly important if future PKO’s are to be successful in the traditional context.

The second and equally important point to keep in mind is the problem of co-relationship between the PKO and the overall process for political settlement. The traditional PKO to prevent the recurrence or aggravation of a conflict by intervening between the disputing parties has a better chance to succeed in bringing about a durable peace when conducted in the context of a parallel political process for peace.43

It should also be remembered in this connection that when PK activities are undertaken as part of such a comprehensive peace process, their success depends to a great extent on the political will for peace of the parties concerned. Another problem which is of critical importance to the viability of the UNPKO in the future is the problem of safety of personnel engaged in UN operations44.

43. The Cambodian operation is an exemplary case in this sense, in that it demonstrated that a PKO, carried out in the context of an overall peace process conducted through closely coordinated diplomatic efforts, can achieve remarkable results within a defined time frame.

44. The number of casualties incurred during these operations has increased rapidly: 59 personnel engaged in UNPROFOR and 81 in UNISOM II have been killed in the short span of time these operations have been underway.

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To look at one important area where a new approach to the UNPKO has given rise to a delicate problem, i.e. the protection of human rights. When the authority of a central government has completely collapsed and the competing factions within the country are engaging in acts of violence, a PK force is required to ensure that humanitarian assistance is delivered to those for whom it is destined. Under these special circumstances the concept of peace enforcement as proposed by the Secretary-General would seem to have some validity. At the same time the lessons gained through the experience in Somalia have taught the Security Council to be cautious in invoking the provisions of Chapter 7 of the UN Charter for launching a new type of PKO for this purpose. Any enforcement action should be carefully planned, in which the time-tested principle of impartiality should be carefully weighed against the need for taking an action containing an element of enforcement so that peacekeepers may not become victim to the conflict themselves. It would seem useful in this connection to engage in an exercise in post-mortem of the operation in Somalia in order to ascertain how the outcome of the operation could have been different if the operation had been conducted in a more cautious way and in a less authoritative manner, thus avoiding the risk of antagonizing the local population.

Next, with regard to the problem of co-relationship between the PKO in a situation of military conflict and the overall process for political settlement, the successful conclusion of the Cambodian operation provides a valuable lesson. The secret of the success in Cambodia lay in its comprehensive and multifaceted approach. Because the situation in Cambodia was extremely complex, it would have been futile to attempt to succeed in its PK goal simply by deploying a traditional PKF there. Japan together with other like-minded countries played a decisive role in close co-ordination with the permanent members of the Security Council and

As a result, some countries are withdrawing their troops from these operations; others are expected to do so in future. The situation has a very serious implications for the future of PKO as a whole.
succeeded in bringing about a degree of national reconciliation which enabled the establishment of a clear framework. UNTAC was then established with a mandate that included a wide range of tasks, from the organization and conduct of free and fair elections to civil administration. UNTAC itself involved some 22,000 personnel and was the costliest operation ever launched by the UN, but what was equally important was that parallel with the countries concerned were engaged in a concerned diplomatic action for creating a political environment conducive to durable peace, together with the offer of economic assistance which laid the groundwork for an economic recovery plan once the elections were held. This well-planned operation should serve as a model for the future UN efforts.

But, whatever are the arguments for UNPK, about their protection of human rights: the adequate monitoring of human rights is often lacking in multifaceted PKO. If the right to life is generally guaranteed through the holding of a ceasefire, the respect of basic human rights such as freedom of movement, association and expression is not an unavoidable conclusion. However, these basic political rights are indispensable ingredients for creating the conditions conducive to fair and above all credible elections. The establishment of a neutral and unified police force which can guarantee the respect of these basic political rights is therefore indispensable. But the police components of UNPKO are often too weak to guarantee the establishment of a neutral police force and, moreover, the human rights component within a second generation PKO is most often too weak or non-existent.

One notable exception is the UN operation in El Salvador (ONUSAL) where the existing government police force was reorganized and trained with the assistance of UN police observers. Furthermore, and in this initiative, ONUSAL helped to create an ombudsman for human rights. This no doubt contributed significantly to creating conditions for the presidential, parliamentary and municipal elections which were held in El Salvador in March 1994.
Current Problems of the UNPK and Challenges

1. The Nature of Current Conflict Situations:

While ethnic, religious and internal conflicts are not new, the UN's involvement in such situations is relatively new and a number of participants pointed to the need to better understand the problems that such complex situations pose, including the difficulties of failed or collapsed states also present the difficulty of operating in a fragile political environment with no legitimate political authorities. One speaker predicted that this phenomenon of interstate conflict is just and the beginning and that the process of change will accelerate, requiring an urgent and a deeper analysis of all aspects of the problem.

2. The Erosion of Standard PKO Doctrine

It was noted that the era of First-generation of PKO was gone forever since the international community was now facing completely different types of challenges and could no longer tie itself to the original principles. Principles such as non participation of the Permanent members of the Council or neighboring countries in peacekeeping operations have been eroded by the recent practice. Good judgment as to what is necessary was needed to replace doctrinal principles, since general rules could no longer be applied to particular crisis. Related to this, several participants highlighted the sheer complexity and difficult issues that the decision makers at all levels (on the Security Council, at UN Headquarters and in the field) are facing. Decisions based on thousand of facts have to be taken quickly, sometimes with in the hour. Agonizing choices had to be made between different principles and different requirements. Inevitably, some mistakes are made. By studying the outcomes and consequences of these decisions, future decision-making can be improved.

It should be noted that if judgment was the most important rule, this raises the question of the composition of the Security Council and whether it sufficiently represents the concerns of the member states as a whole.
3. The Need for Clearer Mandates and “Status of Force Agreements”

Clarity of the mandate given by the Security Council to PKO is essential since it not only state what an operation can do but also provides a legal basis for these actions. Lack of clarity can undermine an operation.\(^{45}\)

Further, it is noted that the conclusion of a “Status of Force Agreement”, as to the position of the force should also be a precondition of approval of peacekeeping operations by the Security Council. One of the major problems in Yugoslavia was that troops are deployed in a very large scale operation without a Status of Force Agreement and, hence, without an agreement with any of the parties.

4. Attacks on UN Peacekeepers: Investigation and Jurisdiction

The massive expansion of UN military and civilian personnel deployed in the field in the last couple of years, peace-keepers have faced increasing attacks and higher numbers of casualties among their ranks, with over 170 killed in 1993 alone. According to the UN Spokesman’s Office, over 22% of all UN peace-keeping fatalities since the first UN

\(^{45}\) Resolution 688 regarding the Kurdish situation in Iraq, for example was extremely unclear about whether it came under chapter VI or VII, and led to a dispute between the Permanent Members of the Council and the Secretary-General on the one hand and the Legal Office on the other. Another illustration was Resolution 837, which was adopted in the aftermath of the attack on peacekeepers in Somalia and which authorized all necessary measures to be taken against those responsible, including their arrest, prosecution and punishment. The resolution, however, was taken without due consideration as to how it would be implemented. The Security Council took the decision over a weekend, in haste, and apparently did not consider the Legal issues, such as under what law accused perpetrators could be tried, by what Court, and so on, causing grave problem for the entire operation. Routine consultations between the President of the Security Council, or the Security Council as a whole, and the office of the legal affairs should facilitate clarity and improve coordination.
peace-keeping operations occurred in the first nine months of 1993 alone. 754 UN peace-keepers were killed in the period between 1948 and 1988; 269 were killed between 1989 and October 1993; and from January to October 1993, there were 170 fatalities, 81 of these in Somalia alone. Even where peace-keepers are mandated to use force, as in Somalia, the UN has suffered serious casualties. This has made UN Member States understandably increasingly reluctant to risk the safety and lives of their own soldiers in such operations, and the UN is now faced with a crisis of confidence in this regard.46

It is now almost standard for Security Council resolutions authorizing peacekeeping operations to include statements that individuals found guilty of attacks on international peace-keeping and humanitarian personnel will be held individually accountable for these acts. In a March 1993 Presidential statement, the Security Council made it clear that it ‘may consider measures appropriate to the particular circumstances to ensure that persons responsible for attacks and other acts of violence against United Nations forces and personnel are held to account for their actions’47. The Secretary-General similarly suggested in a report on the security of UN operations that all attacks on UN personnel should be considered ‘interference with the exercise of the responsibilities of the Security Council under the respective provisions of the Charter of the United Nations and may require the Council to consider measures it deems appropriate.’48


In many cases where a UN presence has been secured without recourse to enforcement powers, it should be expected that the national authorities in the country where the peace-keepers are stationed would investigate and prosecute such attacks. National authorities would normally be obliged to do this under status-of-forces agreements with the UN through which they grant permission and set the terms for the deployment of the peace-keeping force. While it may be quite legitimate for the Security Council to authorize the investigation of attacks on the UN and the arrest of those suspected of being responsible, it would be fine and just if the review of the grounds for detention, prosecution, judgment and any eventual punishment be handled by independent judicial bodies. At the moment, however, such bodies do not exist at the international level to adjudicate crimes of this nature. The New Zealand Government has suggested that, where no state can assume responsibility for detention, trial and punishment, then international jurisdiction ought to extend to individuals who have violated norms of international law covering UN forces and personnel. They rightly point out that there would be less incentive for the Security Council to employ Chapter VII and for the UN to use grave options if there were an established regime for exercising such jurisdiction. 49.

5. Disproportionate Use of Force and Other Abuses by UN Peace-keeping

According to Security Council Resolution 794, the Secretary-General and Member States are authorized under Chapter VII of the Charter ‘to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations’ in Somalia. As stated above, Resolution 814 similarly authorized UNISOM II, and, following the 5 June 1993 attack on the Pakistani UN troops, Resolution 837 (quickly passed on Sunday 6 June) reaffirmed that the Secretary-General was authorized to take ‘all necessary measures against those responsible

for the armed attacks’. On occasions, PKF are clearly involved in open combat situations, responding to armed attacks. But when launching operations to establish a secure environment, UNISOM II or US forces cannot exceed the Council’s authorization and pursue a course which is aimed at traditional military gains. It must be stressed that the word ‘necessary’ has a legal meaning which implies that there are no alternative options which would be less harmful. In fact, applying the customary principle of proportionality in this context demands that, for any one attack, the civilian damage must be the minimum necessary to achieve the particular aim. If the civilian casualties and damage are disproportionate to the attempted gains by the international forces, then those forces and their commanders would be in breach of international humanitarian law and acting outside the authority mandated to them by the Security Council.

It is explicit in the UN Charter that the Security Council must ‘act in accordance with the Purposes and Principles of the United Nations’, which include respect for justice and international law. The problem arises due to the fact that it is not explicitly stated that UN personnel are bound by international humanitarian and human rights law in the carrying out of their tasks. So, in particular, the UN must ensure that troops under its command carrying out law enforcement functions, such as arrest, detention, search and seizure, crowd dispersal or ensuring public order are trained in and abide by international human rights and criminal justice standards. Such standards should include, among others, the Code of Conduct for Law Enforcement Officials50.

50. Adopted by the General Assembly in Resolution 34/169 of 17 December 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Adopted in September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba. The fundamental principle of these standards is that force may be used only when strictly necessary and only to the minimum extent required under the circumstances. Principle 9 of the Force and Firearms Principles states: ‘In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life’. 
The functions of arrest, detention and assisting Somali police in investigation and prosecution procedures, which have been mandated to UNOSOM II soldiers, are also policing rather than military functions. If troops are to carry out these policing functions they must abide by and be trained in international standards of policing, rather than the practices of war. Any pre-emptive use of force resulting in unlawful killing, rather than a fair and prompt judicial procedure, would exceed the Security Council’s authorization in any peacekeeping operation.

When actually responding to an armed attack it must similarly be made clear to all troops that, despite the humanitarian nature of their mission and the authorization of the Security Council, they still have to abide by international humanitarian law as set out in the Geneva Conventions and their Protocols as well as general principles of humanitarian law such as proportionality and the avoidance of indiscriminate attacks. It cannot relate to the mission’s overall military objectives, as the peace-keeping soldiers are not fighting a war with military aims. The principle is applicable whether or not the Geneva Conventions are legally binding. In fact, the report of the independent expert engaged to carry out an investigation into the 5 June 1993 attack on UN forces in Somalia notes that, with regard to the principles embodied in the Conventions: ‘Plainly a part of contemporary international customary law, they are applicable wherever political ends are sought through military means. No principle is more central to the humanitarian law of war than the obligation to respect the distinction between combatants and non-combatants’.

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51. Proportionality in this context means only using the force necessary to avert the immediate danger.

52. According to Article 51(4) of Protocol I of the Geneva Conventions, indiscriminate attacks are those which cause incidental civilian losses and damage excessive in relation to the concrete and direct military advantage anticipated.

Again, because the advantages are not military but merely what is necessary for self-defence or the protection of humanitarian assistance, or even exceptionally the arrest of someone wanted in connection with war crimes, the permissible use of force is likely to be even less than that which might be justified in the event of all-out war. It has recently been pointed out that there is now increasing danger that UN forces operating in an enforcement capacity may perceive themselves to be fighting a just war and therefore believe those objectives would somehow warrant taking the risk of greater collateral civilian casualties than would normally be anticipated.54

6. Ways for the UN to Address and Prevent Abuses by UN Personnel:

As early as 1961, the International Committee of the Red Cross (ICRC) drew the attention of the UN Secretary-General to the application of the Geneva Conventions to UN forces. The Memorandum of 10 November 1961, states that: 'since the UN as such, is not a party to the Conventions, the ICRC considers that each State remains individually responsible for the application of these treaties whenever it provides a contingent for a PKF'. In consequence, the State should do what is necessary, especially by issuing appropriate instructions to the troops before they are posted abroad.

The memorandum also stressed that by virtue of Article 1 common to the four Conventions, which also requires the High Contracting Parties to ensure respect for the Conventions, the States providing contingents "should each, where necessary, use their influence to ensure that the provisions of humanitarian law are applied by all the contingents concerned as well as by the unified command".55

More recently, the ICRC has stated that ‘the measures decided upon and recommendations made by the Security Council under Chapter VII of the Charter cannot be considered neutral within the meaning of international humanitarian law, even though their ultimate objective may in some cases include the aim of putting an end to violations of that law. The use of armed force is thereby not excluded. Should such force be used, it will itself be subject to the relevant provisions of international humanitarian law.’

In addition, it is now imperative that the UN explicitly state in some appropriate form that it considers itself bound by the Geneva Conventions and their Protocols. Furthermore, it is also necessary that the UN should state in an equally explicit manner that the UN itself, and all forces and other personnel acting under a UN mandate, are bound by UN standards in human rights, the administration of justice, and law enforcement.

Violations of these international humanitarian norms carries individual criminal responsibility — that is to say, any individual found to have committed such violations may be prosecuted, regardless of having acted under orders of a commanding officer. Ever since the 1956 Status of Forces Agreement, under which the first UN Emergency Force (UNEF I) was established in Egypt, exclusive jurisdiction has traditionally been granted to the national authorities of the state contributing troops to the UN operation whose soldiers committed a crime while serving in a UN operation. Some incidents where UN peace-keeping soldiers have reportedly been involved in the disproportionate use of force in Somalia, including killings of unarmed civilians, have apparently been the subject of


such national inquiries. After accusations that members of the Belgian parachute regiment in UNOSOM II had been responsible for extrajudicial killings, torture, ill-treatment and racial abuse of Somali citizens, the Belgian military judicial authorities initiated an inquiry. It is interesting to note that the Belgian military has military inspectors attached to the armed forces for this purpose. These inspectors were sent to Somalia in August 1993 to investigate the allegations. Preliminary investigations were reported to have confirmed accusations of deliberate murder of Somali citizens during military operations, leading the Belgian military inspectors to state their belief that the soldiers had not acted in legitimate self-defence. The problem of military investigation and even court-martial procedures may be that they are inadequately designed or orientated for dealing with breaches of standards for the use of force and the protection of human rights. Another concern is the often closed nature of such procedures. In addition such procedures will generally not be appropriate for investigating the contravention of international human rights and criminal justice standards relating to the arrest, detention and treatment of detainees held under UN authority and to fair trial procedures for such persons. Nor would they necessarily extend to civilian as opposed to military UN personnel involved in a peace-keeping operation.

The UN’s overall responsibility for the conduct of its personnel cannot be absolved through such national procedures, and the UN operation as a whole will probably suffer the impact of increasing negative public opinion regarding its impartiality and a growing public awareness of UN impunity and self-absolution if an impartial and public complaint and investigation procedure is not available in such cases. The responsibility for ensuring proper and open investigative channels rests with the UN. The UN should make explicit and promote its own existing criminal justice standards. If national authorities fail to deal properly with allegations of criminal behaviour, the UN should set up its own inquiries, the results of which should be made public.
The UNRISD\textsuperscript{58} has pointed to the need to have better guidelines regarding the recruitment, briefing and training of peace-keeping and other international personnel. In a recent workshop the Institute also concluded: ‘There is a need to establish a monitoring unit to assess the conduct of peace-keeping personnel and public perceptions concerning the behaviour of United Nations security personnel. It is important that there exist an office (or ombudsman) with sufficient resources and powers to investigate and deal promptly with complaints concerning behaviour.’\textsuperscript{59} It is also essential to establish proper and regular institutions both for training and for monitoring the law enforcement and other activities of UN civilian and military peace-keeping personnel.

Whatever investigative mechanisms are established or utilized, whether regularly or for specific incidents, the fact to be considered with highest importance is that these should always conform to the UN standards, including the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions\textsuperscript{60}.

In general, in contexts where clear international jurisdiction for such abuses is still absent, the UN Commission on Human Rights, special rapporteurs and human rights investigative mechanisms should also be able to receive complaints and follow up incidents of violence and allegations of the lethal use of force by UN peace-keepers. At present, the situation is that there is no part of the UN system which is looking at the institution’s own potential for human rights abuses, and so the UN is taking no serious steps to prevent such abuses. As the UN consolidates its human rights system under the umbrella of the High Commissioner for

\textsuperscript{58} United Nations Research Institute for Social Development.

\textsuperscript{59} UNRISD workshop, Geneva, 29-30 April 1993, p. 3 www.un.org/ as on 14.02.06.

\textsuperscript{60} Adopted by the Economic and Social Council in Resolution 1989/65 of 24 May 1989. These principles set crucial standards for the conduct of thorough, prompt and impartial investigations, including the need for a public written report of such investigations.
Human Rights, the Commissioner’s functions will be looked up to infuse the highest human rights standards into the UN system and particularly into its peace-keeping and field operations\textsuperscript{61}.

7. The Need for Better Co-ordination

Co-ordination of multiple actors carrying out multiple types of interventions with varied mandates represents another problem. In some situations, the UN, regional organizations and bilateral actors act in contradictory ways. Early actions by multiple actors in the area of former Yugoslavia led to lot of problems there.

A need is there for better co-ordination between the headquarters and the field, as well as between the Member States and the Secretariat\textsuperscript{62}. Moreover, a better consultation process is necessary to keep member states, especially troop contributors, involved and committed to PKO’s\textsuperscript{63}.

8. “Political Will” and the Use of Positive Incentives

Insufficient political will was often cited as a source of problems. This includes both the will of third parties to become involved in a conflict, and that of the parties themselves to resolve their conflict.

The UN is sometimes subjective, leading the Security Council to act “selectively” based on the factors such as “perceived self interest”, and other variables, rather than on the basis of principle or the dictates of the Charter\textsuperscript{64}.

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\textsuperscript{61} The General Assembly has now created the post of High Commissioner for Human Rights whose Office is to be located in Geneva with a liaison office in New York, resolution 48/141, 20 December 1993.


\textsuperscript{64} Hence, conflict situations such as Afghanistan (Since the Soviet withdrawal), Angola (since the failed elections), Sudan, Rwanda and other had been left unattended for a longtime, while vast resources were poured into other situations.
“Political Will” of the members of the Security Council also affects decisions about what type of action the UN will take in any situation. There is so, a need to develop a stronger imperative for collective action to uphold international norms and values, so as to uphold the rights of people irrespective of their nationality.

9. Management, Logistic and Procurement Problems

The lack of relationship between the decision-making process of the Security Council and the availability of resources continues to be a major source of problems for the UN. The organisation continues to operate in an *ad hoc* manner which is unworkable with a number of PKO’s in the field.

Arrears on peacekeeping contributions also greatly constrain the work of the organisation. Resources are so tight that various peacekeeping operations have to compete with one another for resources and attention from headquarters. The UN departments are so under resourced that they are unable to anticipate logical needs or to carry out satisfactory contingency planning.

Co-ordination in the field is inadequate, as well. Lack of co-ordination between the political and military components in UNOSOM headquarters in Mogadishu resulted in the civilian side having no warning of what the military side was going to do; hence proper legal advice could not be provided.

Lacks of respect for command structures also cause problems. There should be no orders from external sources, as occurred in several instances where national troops have said to have taken orders from national sources, causing enormous difficulties. Integrated units would help to overcome this difficulty. Finally, there continues to be a lack of properly trained military and civilian units.
10. Democracy and State Building

It is to be noted that peacekeeping operations cannot, in themselves, create democracy or state building – instead, they can create an environment that enables local actors to achieve their goals. Peacekeeping operations can sow the seeds of democracy, but it is the people in the country themselves who need to nurture these seeds. To accomplish this goal, peacekeepers need to work closely with the population and local institutions to help them understand what a participatory democracy involves, including the meaning of human rights. The UN’s role in helping to achieve this also needs to be clearly specified.

Being involved in state building, however, requires cultural sensitivity. Those handling such operations need to be careful not to adopt a position of intellectual arrogance in imposing their own values or decisions in a country with a strong tradition. Involvement of parties in making their own decisions, and assistance in helping them to resolve differences provides them with experience in process of democracy and a model for peaceful conflict resolution.

Moreover, universal standards such as those on Human Rights cannot be imposed but have to be accepted, since compliance has to come from the people themselves. Establishing mechanisms to provide an ongoing promotion of these norms is one way to foster them. Peacekeeping operations have to develop and be integrated with local institutions in order to have a lasting effect.

The UN’s role as the administrator of peace agreements, as mediator of disputes regarding peace accords, as a guarantor of successful implementation of peace accords are sometimes difficult to reconcile and balance, particularly in situations of decaying consent. Codes of conduct of political parties, civil education of former soldiers and the population as a whole, training in human rights for police officers and others, confidence-building measures, and in some cases, transitional governments of national reconciliation can all facilitate this process.
Guaranteeing ‘Human Rights’ in Peace Agreements

In addition to the major international human rights treaties, the following treaties are to be particularly relevant to the protection of human rights in UN peace-keeping operations: the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights; the two Optional Protocols to the International Covenant on Civil and Political Rights, the first of which allows individual petitions and the second of which aims at the abolition of the death penalty; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Conventions on the Elimination of Racial Discrimination and the Elimination of all Forms of Discrimination against Women; and the Convention on the Rights of the Child.

Incorporation of and respect for the following non-treaty human rights standards must also be guaranteed by all parties to a conflict, reformed and emerging security forces established by virtue of peace settlements, as well as by international peace-keeping personnel involved in peace settlements. These include:

§ Standard Minimum Rules for the Treatment of Prisoners, and the Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (adopted by the Economic and Social Council in Resolutions 663 (XXIV) and 1984/74, respectively)

§ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (adopted by the General Assembly in Resolution 43/173)


§ Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council in Resolution 1989/65) and the UN’s Manual on these Principles.

§ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (adopted by the General Assembly in 1992 as resolution 47/135)

§ Declaration on the Protection of All Persons from Enforced Disappearances (adopted by the General Assembly in 1992 as resolution 47/133)

§ Declaration on the Elimination of Violence against Women (adopted by the General Assembly in 1993 as resolution 48/104).
Conclusions and Suggestions

It is clear that peace is necessary if the people of the world are to be free and prosperous. But peace does not come by accident, it has to be built by many kinds of actions working together to provide for collective security and to remove the causes of war. United efforts to build a more prosperous world by co-operation among people of different nations and races may also help to lay the foundations for a lasting peace. People who work together against the hostile forces of nature often become friends. And finally the united pressure of world opinion in support of human rights will in time help to reduce some of the causes of war among peoples of the world.

The challenges that any operations face are many but a little effort on the part of the mandate makers and the enforcers can go a long way in protecting the rights of the people. This is necessary in this era when people are more aware of their rights and denial of their rights in any manner whatsoever may cause serious setbacks to the system as a whole.

UN peacekeeping operations conducted during the cold war focuses primarily on the ability to limit armed conflict, the position and influence of the great powers and the willingness of parties to the conflict to end violence when identifying criteria for the success or failure of peacekeeping. Today, it can be said that for peacekeeping to be effective it should have a multifaceted approach, various failures in the past brings about a picture that any step ahead should always keep in mind the element of ‘people’ their comfort and their rights.

If peace operations are to be effective and efficient, the UN must improve the way peace operations are managed. Our goal is not to create a global high command but to enable the UN to manage its existing load more effectively. At present each UN operation is created and managed

separately by a still somewhat understaffed UN Department of Peacekeeping Operations (DPKO). As a result, support to the field may suffer, economies of scale are lost, and work is duplicated. Moreover, the UN’s command and control capabilities, particularly in complex operations, need substantial improvement. Structural changes at UN Headquarters, some of which are already underway, would make a positive difference.

The proposals for reconfiguration of the Department of Peacekeeping Operations are significant in this context. They included to create:

§ Plans Division to conduct adequate advance planning and preparation for new and on-going operation;

§ Information and Research Division linked to field operations to obtain and provide current information, manage a 24 hour watch center, and monitor open source material and non-sensitive information submitted by governments;

§ Operations Division with a modern command, control and communications architecture based on commercial systems;

§ Small Public Affairs cell dedicated to supporting on-going peace operations and disseminating information within host countries in order to reduce the risks to UN personnel and increase the potential for mission success;

§ Small Civilian Police Cell to manage police missions, plan for the establishment of police and judicial institutions, and develop standard procedures, doctrine and training.

§ Trained civilian reserve corps to serve as a ready, external talent pool to assist in the administration, management, and execution of human rights documents peace operations;

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66. Ibid.
§ A cell for professional Peace Operations Training Program for commanders and other military and civilian personnel.

UN peacekeeping stands out as one of the most original and ambitious efforts to control conflict and promote peace. For making UN more effective at securing peace, the promotion of prosperity and spreading freedom must be the common imperatives of the member states. While supporting the UN peacekeeping activities as an article of faith it is a fact that durable peace can only be based on economic growth and development. Many of the peacekeeping efforts are not to be substitutes for the elimination of iniquities and inequalities. Therefore energy and resources are also to be devoted as priority to achieve these wider goals and objective. Ultimately, the success depends on the political will of every member state to enforce Security Council resolutions, to abide by their agreements and to advance the fundamental freedoms and rights upon which the UN was founded.