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UNITED NATIONS PEACEKEEPING OR
PEACEENFORCEMENT: INTERNATIONAL LAW, THEORY
AND PRACTICE

BY

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To my loving parents and husband

UNITED NATIONS PEACEKEEPING OR PEACE ENFORCEMENT: INTERNATIONAL LAW, THEORY AND PRACTICE

Adiba A. Bark

Abstract

Peacekeeping and peace enforcement are two very different approaches in dealing with settlement of disputes and conflicts. Both have their pros and cons, especially as far as the involvement of the United Nations is concerned.

This thesis aimed to analyze the consequences of peacekeeping and peace enforcement involvement, militarily speaking, under the auspices of the United Nations. It aimed to prove that the United Nations should not resort to peace enforcement and should limit its intervention to peacekeeping because it is politically, militarily, and in terms of lack of resources, is unable to achieve the intended results in peace enforcement. The material and moral cost is therefore, high.

This thesis started with the historical background of peacekeeping, followed by an extensive elaboration on the meaning, essence, objectives and evolvement of peacekeeping. Two case studies of UNIFIL and UNFICYP were introduced to match the realistic objectives of a peacekeeping mission with the 'expected' fulfillment, making both of them some of the longest running peacekeeping missions.

The peace enforcement section, similarly, began with an elaboration of the concept, followed by two case studies, UNPROFOR and UNOSOM, both unsuccessful peace enforcement missions.

Now, with the increasing calls for a military intervention of the United Nations, this thesis proved that the organization should refrain from such involvement. It was created on the grounds of peaceful settlement of disputes, non violence, and preservation of human rights. Any military enforcement will put its credibility in jeopardy.

Keywords: Peacekeeping, Peace enforcement, United Nations Charter, Security Council resolution, Chapter IV of UN Charter, Chapter VII of UN Charter, Principles of peacekeeping operations.

Table of contents

Chapter	Page
I – Introduction	1 - 8
1.1 - Literature Review	8
II - Historical Background	12 - 16
III - Peacekeeping	17 - 35
3.1 - Understanding peacekeeping	17
IV - Peacekeeping under international law: UN Charter	27
4.1 - Why is peacekeeping always linked with the UN?	27
4.1.1- Articles 41 and 42	33
4.2 - Peacekeeping: Unilateral or collective?	35
V – DEVELOPMENT OF PEACEKEEPING	37 - 40
5.1 - Peacekeeping and Intrastate Conflict	37
VI – PRINCIPLES OF PEACEKEEPING	41- 52
6.1 - Consent of the Parties	44
6.2 – Impartiality	46
6.3 - Non-use of force	48
VII - Limitations and Challenges of Peacekeeping	53 - 57
VIII - Case Studies	58 - 71
8.1-United Nations Peacekeeping Force in Cyprus(UNFICYP)	58
8.2 - United Nations Interim Force in Lebanon (UNIFIL)	65

IX - PEACE ENFORCEMENT	72 - 86
9.1 - Why the UN should not resort to Peace enforcement	75
9.1.1 - Inexistence of appropriate structure	75
9.1.2 - Contradiction to the spirit of the UN	80
9.1.3 - Lack of resources	84
X – CASE STUDIES	87 - 93
10.1 – UNOSOM	87
10.2 – UNPROFOR	94
XI - CONCLUSION	100 - 110
Bibliography	111
Appendix I	120
Appendix II	122
Appendix III	123
Appendix IV	124
Appendix V	129

CHAPTER ONE

INTRODUCTION

Sixty four years have passed since the creation of the United Nations, an organization aiming to save succeeding generations from the scourge of war and thus to maintain international peace and security, according to its Charter (United Nations [UN], 1954, preamble)

Throughout those years, the United Nations has become renowned for peacekeeping, peace building, conflict prevention, and humanitarian assistance as its main activities to achieve the objective mentioned above (UN, n.d.). Although never explicitly mentioned in the UN Charter, “the blue helmets”¹ did create a unique position within the United Nations’ history. Nevertheless, the fact that peacekeeping operations do not form an integral part of the UN Charter— and thus no guidelines, principles or rules have been anticipated— has put them under constant trial and error, which resulted in undeniable success in some cases and absolute fiascos in some others. Accordingly, the nature of peacekeeping operations has evolved over the years being heavily influenced by two major factors: the first is

¹ The term ‘Blue Helmets’ symbolically refers to UN peacekeepers due to the Blue Berets they wear.

the shift from interstate to intrastate conflicts and multi-party civil wars. This became more significant following the end of the cold war, when new states emerged along ethnic lines while others dissolved into ethnic or racial conflicts. The second factor is the minimization of the Security Council paralysis following the cold war, thereby making it more effective. These factors have led to the evolvement of peacekeeping operations in their assigned tasks. In other words, they have expanded from observation missions and monitoring ceasefires, to humanitarian aid, formation and training of new armed forces, overseeing existing police forces, supervising existing administrations and even conducting elections.

In light of the current events in the Arab world that broke out in early 2011, what has become commonly known as the 'Arab Spring' has imposed new realities both on the regional and international levels. There have been several calls for the interference of the UN and its involvement in a form of military actions in the internal issues.

The UN's response varied from condemnation, to economic sanctions, to paving the way for military intervention; NATO in Libya. It is a complex political discussion to assess the variance in UN's response to the revolutions in the Arab world. But it could be briefly said that the UN cannot and should not get involved militarily in such events, but

rather to send observers, provide good offices or other mediation support for several reasons that will be further explored later.

In light of the above and most peacekeeping operations implemented since 1948, and out of the belief that the difference between peacekeeping and peace enforcement lies in the way peace is being approached; this thesis attempts to argue that it is better for the United Nations to refrain from getting involved in peace enforcement actions, militarily speaking, and focus more on peacekeeping because it has neither the political nor the military capability to do so. Although peacekeeping operations had modest objectives, most of them managed to keep the peace to a certain extent, and lessened the probability of outbreak of wars, thus eventually met the expectations listed in the resolutions, whereas peace enforcement operations in most cases failed to do so. First, enforcement measures, in the military sense of action, always hold a great of risk of civilian casualties, material loss, and violations of human rights. Second, enforcing peace requires a solid political will that is rarely obtained in the Security Council, and if obtained, can be withdrawn at any point when calculations shift, like the US' withdrawal from Somalia. In such situations, the consequences can be devastating. Third, enforcing peace, militarily speaking, requires a well-trained and well equipped

'army', with a very clear chain of command. Yet, the UN lacks all as mentioned earlier and as will be further explored in this thesis.

Added to this, is the difficulty in securing the political will needed for any coercive measures or enforcement due to the conflicting interests of the states, be them members of the Security Council or the international community in general. It could also be said that a peace enforcement mission, in the form of military action, need the technical support of a super power to be able to succeed, namely the U.S. Yet, this is risked by bringing the United Nations under the mercy of the U.S., or any other major power, and thus in acting in a biased manner. Finally, and most importantly, peace enforcement use of violence falls outside the spirit of the UN Charter and mission.

A highlight is worth being shed here on the difference between collective security and peace enforcement. While the two concepts might be used in describing the same cases, Collective security being "a type of coalition building strategy in which a group of nations agree not to attack each other and to defend each other against an attack from one of the others, if such an attack is made. The principal is that "an attack against one, is an attack against all." It differs from "collective defense" which is a coalition of nations which agree to defend its own group against *outside* attacks. Thus NATO and the Warsaw Pact were examples of collective defense, while the

UN is an attempt at collective security.” While peace enforcement is one of the tools of collective Security, had it been economic sanctions, air or water embargo, or military intervention, used to coerce a party to comply with the international rules of peace and security (Conflict Research Consortium, n.d.).

Collective Security could be criticized in that it applies to small states only. It is difficult to imagine that a collective security measure is taken against a major power, apart from the issue of veto. While in fact the wars involving major powers inflict more danger on international peace and security than wars involving small states (Thakur and Schnabel, 2001)

The importance of this thesis lies in its comprehensive comparative assessment of peacekeeping versus peace enforcement on theoretical and practical levels, using relevant examples. To pursue such a comprehensive assessment, several types of peacekeeping operations will be explored, namely traditional peacekeeping and expanded peacekeeping. Moreover, this work highlights the common general guidelines that define peacekeeping operations, while also providing the political, military, and international context of the peacekeeping and peace enforcement missions will be discussed.

There are no clear cut differences between observation, peacekeeping and peace enforcement actions. There are always grey areas in which one function amalgamates into another. A Leroy Bennett, differentiates between peacekeeping and "Collective Security" in aspects pertaining to the objectives, and use of force. He explains that peacekeeping and collective security are two different processes although both may involve the deployment of military forces. Yet, peacekeeping do not aim to defeat an aggressor; its scope of work to resemble that of the police than that of the military (Bennett & Oliver, 2002). In other words, peacekeeping forces are required to maintain ceasefire, to act as a buffer and thus are allowed to use their weapons for self-defense only. Furthermore, peacekeeping, unlike collective security, is to be isolated and segregated from the influence, direct involvement of major powers (Bennet & Oliver, 2002). In fact, the Somali and Bosnian cases, explained later in this thesis, will demonstrate the vagueness of the transition from peacekeeping to peace enforcement as well as its complications and nuances.

It should be noted here that the use of the term peace enforcement is in reference to military enforcement, as opposed to economic or any other type of enforcement. Also, the term peacekeeping includes the traditional peacekeeping along with its wider peacekeeping aspects; in other words, peacekeeping missions can involve humanitarian aid and

different forms of peacemaking and state building tasks. This wider meaning of the term is important in order to assess recent peacekeeping missions; otherwise, the only traditional peacekeeping missions that are primarily military representations of observing ceasefires and force separations after inter-state wars are those of the late 1950s, 1960s, and 1970s. This research briefly elucidates the disparities between traditional peacekeeping and wider peacekeeping.

This thesis will prove the hypothesis through a comparative approach by comparing between peacekeeping missions and peace enforcement missions. Since the UN has authorized a large number of cases, however, it is beyond the scope of this thesis to study all of them. This thesis will only look into the most important cases with a focus on two peace keeping cases: The United Nations Peacekeeping force in Cyprus (UNFICYP) and the United Nations Interim Force in Lebanon (UNIFIL), and two peace enforcement cases, Bosnia (UNPROFOR) and Somalia (UNOSOM).

These four cases were selected based on their recency and on being representative samples of successful peacekeeping and unsuccessful peace enforcement.

The assessment of peace enforcement cases varies based on whether they were debacles, whether they included aspects of success, and

whether the assessment is made in terms of objectives fulfillment, human casualties, or material loss. Although these cases have a relatively good range of literature coverage like Ray Murhy's book on UNIFIL, UNITAD and UNOSOM or Lamis Andoni's analysis on UNIFIL, or even Robert Allen's contribution on Somalia for example, yet they are not extensively covered when it comes to an assessment of peace keeping versus peace enforcement.

The United Nations Peacekeeping force in Cyprus (UNFICYP) will be examined here to exemplify successful peacekeeping where the objectives set by the mandate were achieved without resorting to force. The UNFICYP and UNIFIL are actually interesting cases because they have kept the traditional peacekeeping while adding a wider peacekeeping aspect. More so, they are ongoing missions until this day; consequently, little research has been done following the late 1990s and the first decade of the 21st century.

Bosnia and Somalia represent failed cases of peace enforcement. UNPROFOR peacekeeping mission in Bosnia demonstrates ensuing failure when peacekeepers are put in a position of peace enforcement.

1.1. Literature Review

With tens of peacekeeping operations achieved until this day, various assessments have been conducted on the performance of

peacekeeping operations indicating some as examples of success, and others as unmistakable failures. Some of the most prominent and comprehensive assessments done are Boutros Boutros Ghali's "*An Agenda for Peace*" 1994 and Lakhdar Brahimi report in 2000 which provided the milestones for reforming peacekeeping operations. Brahimi's (who is a UN envoy and advisor and has held several significant positions in the UN) Report has briefly tackled the issue of peace enforcement, though not in details, he tends to be in favor of going more into peace enforcement though not necessarily through the UN. George Oliver, Chief of Staff to the US Delegation to the UN Military Staff Committee, and Military Advisor to the US Permanent Representative to the UN, expresses similar point of view. Jane Boulden, who holds a Canada Research Chair (CRC) in International Relations and Security Studies at the Royal Military College of Canada, realizes in her book "Peace enforcement: the United Nations Experience in Somalia and Bosnia" the dangers and risks that peace enforcement missions may impose on the UN mainly. In fact, she assumes that with peace enforcement there is a high risk of failure (Boulden, 2005). Katharina Coleman, an assistant professor who holds a PhD. From Princeton University, on the other hand, tackles peace enforcement in as far as the implementing organization is concerned. She argues in her book "International Organizations and

peace enforcement: the politics of international legitimacy” that having an international organization taking over a peace enforcement mission actually provides the legitimacy for such missions. Other scholars like Trevor Findlay, Director of the Canadian Centre for Treaty Compliance (CCTC) and holds the William and Jeanie Barton Chair in International Affairs at the Norman Paterson School of International Affairs (NPSIA), Carleton University in Ottawa, in “The use of Force in UN peace operations” (Findlay, 2002) and Ramesh Thakur and Albrecht Schnabel in “United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement” go more into description by classifying peace enforcement within several generations of peacekeeping (Thakur & Schnabel, 2001).

The importance this thesis, in light of the above mentioned and other literature, is that it provides a constructive analysis on peacekeeping and peace enforcement. This is being achieved by gradually moving from the basic concepts to the more complicated grey areas combining the two. It also provides an analysis of the relevant case studies, without ignoring some successful cases of peace enforcement for instance, but with a cautious, analytical justification in an attempt to cover objectively the entire aspects and factors.

This thesis will begin by providing a short historical background on peacekeeping and peace enforcement. This chapter will be followed by demonstrating theoretically that the UN can continue being involved in peacekeeping missions. This theoretical chapter will be followed by studying two peacekeeping case studies. The same framework will be applied to the peace enforcement section.

CHAPTER TWO

HISTORICAL BACKGROUND

From the several reviews and studies that examine peacekeeping operations, very few have tackled its history prior to the creation of the United Nations. With those studies that have analyzed pre-UN peace keeping operations, there has been the constant challenge of determining the starting point of what is termed “peacekeeping operations”. The official point of view of the United Nations considers that peacekeeping operations have begun with United Nations Truce Supervision Organization (UNTSO)(O’Neill & Rees, 2005) sent to Palestine in 1948. UNTSO was created by Security Council resolution 50 (1948) although not formally as a peacekeeping force since the resolution never mentioned the mission by name (Nachmias, 1996). The Security Council called for a termination of fighting and decided to send observers to supervise the Armistice Agreement between Israel and the surrounding Arab countries. Consequently, the force was sent to Palestine in June 1948 to supervise the negotiated truce by Count Bernadotte. During that time, the British sponsored the resolution above to ensure compliance by both sides through sending a sufficient number of military observers. As a result, UNTSO was formed of sixty three unarmed officer observers provided by Belgium, France,

Sweden and the United States (MacQueen, 2006). UNTSO is still functioning till this day, which makes it the UN's longest running mission (Sinai, 1995). According to the Armistice Agreement, its mandate is limited to observing, reporting, and investigating cease-fire violations, did not include any enforcement aspect in its operation (Nachmias, 1996).

Today, UNTSO encompasses 151 military observers, supported by 88 international civilian personnel and 123 local civilian staff. It is still operating within the framework of observance and supervision but has geographically expanded to include Egypt, Lebanon and Syria (United Nations Truce Supervision Organization [UNTSO]).

However, most scholars consider the first peacekeeping operation to be the first United Nations Emergency Force (UNEF I), which was deployed in the Middle East between 1956 - 1967 following the 1956 war between Egypt and Israel. UNEF I was the first armed United Nations operation, which introduced a different type of peacekeeping, that is, a peacekeeping force. UNEF I laid the basis and guidelines for the peacekeeping operations that followed. It was because of UNEF I that the principles of impartiality, consent of the parties, and the minimum use of force (for self-defense) were adopted in the forthcoming peacekeeping operations. It is the corner stone for understanding peacekeeping operations, their history and evolution.

During the 1960s, six peacekeeping operations took place, three of which are significant. One was the UN peacekeeping force in Congo (ONUC) between 1960 and 1964 to decolonize the Congo from Belgium. Many categorize it as peace enforcement rather than peacekeeping seeing that it actually established a development in peacekeeping tasks by introducing the enforcement aspect. However, this trend was stopped for the following almost two decades. The other significant peacekeeping operation was (and still is) in Cyprus (UNFICYP), which intended to end the conflict between the Greek Cypriots and Turkish Cypriots over the island. The third significant peacekeeping operation in the 1960s was UNIPOM, which sought to monitor and consolidate a cease fire, following the end of the Indo-Pakistani war in 1965, along the international borders between India and Pakistan.

The 1970s marked the focus on the Middle East par excellence; three peacekeeping operations were established, all of which were located in the Middle East, and two of them remain until this day. The first one is the second United Nations Emergency Force (UNEF II) following the October 1973 war between the Arab states, mainly Egypt and Syria, and Israel, which lasted from October 1973 to July 1979. The second peacekeeping operation was the UN Disengagement Observer Force (UNDOF), which was established in 1974, following the 1973

war, to supervise the implementation of the truce on the Golan Heights that followed the agreed disengagement of the "Israeli" and Syrian forces. The Last peacekeeping mission established in the 1970s was the UN Interim Force in Lebanon (UNIFIL) created in 1978 following the Israeli invasion of Southern Lebanon. Initially, UNIFIL was intended to verify the Israeli withdrawal from Lebanon in addition to helping the Lebanese government restore its authority in the area. However, between 1978 and 2005 UNIFIL's mandate expanded to cover more aspects and following the 2006 war the Security Council expanded its tasks even more to include aspects of humanitarian relief and support for the community.

It's important to note here that during the cold war, it was difficult to establish peacekeeping missions due to the paralysis and lack of consensus in the Security Council, especially in the areas that were considered related to the struggle between the US and USSR. Accordingly, few conflicts gained the support of the Security Council to establish peacekeeping operations. During the 1980s, five peacekeeping operations were established, some of which were in Afghanistan-Pakistan, Iraq-Iran, Angola, and Central America. Whereas during the 1990s, following the end of the cold war, the breakdown of states, the creation of new ones, and the increase in civil wars, thirty five missions were established, two of which are still

present: United Nations Mission for the Referendum in Western Sahara, and the United Nations Interim Administration Mission in Kosovo (UNMIK) (United Nations[UN]). The scale of these missions varied considerably based on the circumstances. It was mostly in the 1990s that peacekeeping started developing, introducing new tasks of humanitarian relief, state building and other similar undertakings.

From 2000 to 2010, eleven peacekeeping missions were established, seven of which are still present, mainly in Liberia, Cote d'Ivoire, Haiti, Sudan, Timor-Leste, Darfur, and Congo².

² For more info on the current peacekeeping operations you can visit:
<http://www.un.org/en/peacekeeping/operations/current.shtml>

CHAPTER THREE

PEACEKEEPING

"Arguably the most important innovation in conflict management in the last fifty years is the practice of peacekeeping: the concept of sending personnel from the international community to help keep peace in the aftermath of war."(Fortna, 2003)

3.1 Understanding peacekeeping

Since 1948, sixty-three peacekeeping operations have taken place, sixteen of which are still in operation. A Hundred and seventeen countries have contributed either financially or in personnel. A total of 113,376 personnel are currently serving in the sixteen peacekeeping operations, with a cost of fifty four billion since 1948 (Department of Peacekeeping Operations [DPKO], n.d.). Although all has been developed by the United Nations, there is no agreed definition for peacekeeping (Goulding, 1993) since it is not mentioned anywhere in the Charter. In addition, the functions of peacekeeping missions have shifted dramatically from interposition between states in demilitarized buffer zones to more complex operations that involve new tasks like humanitarian assistance, support in transitioning through elections, and civil administration, among others, which further complicated the

endeavor to define peacekeeping(Sitkowski, 2006).Nonetheless, several attempts at defining peacekeeping are documented.

One of the attempts to define peacekeeping is that of the International Peace Academy, quoted in Denis Jett's book 'why peacekeeping fails', where he defines the role of peacekeeping as "the prevention, containment, moderation and termination of hostilities between or within states, through the medium of a peaceful third party intervention organized and directed internationally, using a multinational force of soldiers, police, and civilians to restore and maintain peace."(Jett, 2001).This definition provides a general description of a peacekeeping operation regardless of the umbrella under which it is legitimized. Alternatively, Marrack Goulding and Boutros Boutros Ghali directly associate peacekeeping with the United Nations, thereby defining peacekeeping within the context of the functions and obligations of the United Nations, which, in itself provides a clearer foundation to start from. Goulding defines peacekeeping operations within the lines of the United Nations, "Field operations established by the United Nations, with the consent of the parties concerned, to help control and resolve conflicts between them, under the United Nations command and control, at the expense collectively of the member states". His definition also includes the acknowledged general principles of peacekeeping, voluntarism in

contribution, impartiality, and *minimum* use of force (Goulding, 1993). Boutros Boutros Ghali shares his definition of peacekeeping operations in his 1992 report "*An agenda for Peace*": "peacekeeping is the deployment of a United Nations presence in the field, hitherto with the consent of all parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well, peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace" (Ghali, 1992). Both definitions facilitate a better understanding of the nature of peace enforcement (or actually the shift from peacekeeping to peace enforcement) in Somalia and Bosnia, where the pillars of the consent of the parties, impartiality, and the minimum use of force became absent leading to destructive consequences that will be further discussed later.

Although Brahimi led an extensive assessment and evaluation of the peacekeeping operations, he did not provide a comprehensive definition, probably leaving space for the flexibility that peacekeeping operations remarkably enjoy. He, thus, refers to peacekeeping operations merely as "a 50-year-old enterprise that has evolved rapidly in the past decade from a traditional, primarily military model of observing ceasefires and force separations after inter-state wars, to incorporate a complex model of many elements, military and civilian,

working together to build peace in the dangerous aftermath of civil wars.” (Brahimi, 2000)

Of all the previous definitions, one stands out, that is, the International Peace Academy’s definition, since it is the most comprehensive. In other words, it includes the different stages of peacekeeping, the fact that peacekeeping can be between or within states, that it is an international intervention composed of international police and civilians, and that its aim is to maintain peace. Therefore, it fits several types of peacekeeping operations under various circumstances and umbrellas. However, since this paper focuses mainly on the United Nations peacekeeping operations, it is natural to include the UN’s definition. Yet, the UN’s corner stone document on peacekeeping “United Nations Peacekeeping operations: Principles and Guidelines” clearly indicates that “Official United Nations definitions are being considered in the context of the ongoing terminology deliberations of the General Assembly’s Special Committee on Peacekeeping Operations on the basis of the Department of Peacekeeping Operations Interim Glossary of Terms” (DPKO, 2008). Nevertheless, Findlay indicates the UN’s definition to be, “missions involving military personnel, but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace and security in areas of conflict” (Findlay, 2002).

While this definition seems to be elastic, the UN has been hesitant to further elucidate peacekeeping since defining it may impose a straitjacket on a concept whose flexibility made it the most practical tool at the disposal of the UN (Findlay, 2002).

However, understanding peacekeeping in relation to peace enforcement necessarily entails understanding the various types of peacekeeping operations. Most scholarly articles, many were used in this thesis, classify peacekeeping operations as traditional peacekeeping, peace enforcement, expanded peacekeeping, first, second, third (or more) generations of peacekeeping operations and other classifications. This goes back to the evolvement of peacekeeping with new tasks entering the realm, leading to the invention of new terminologies to differentiate among the various emergent types. Accordingly, it is essential to fully comprehend the various types of peacekeeping in order to be able to clearly differentiate between peacekeeping operations and peace enforcement and hence be able to better assess the successes and failures of the peacekeeping operation in Cyprus (UNFICYP) and the peace enforcement operations of Somalia and Bosnia.

The first, and most significant, type of peacekeeping is the “traditional peacekeeping”, which marks the majority of early peacekeeping missions, especially in the period preceding the Cold War. It also

constitutes the starting point from which the new types emanated. Thus, traditional peacekeeping is categorized by some scholars, like Thakur and Schnabel, as “first generation” of peacekeeping operations (Thakur & Schnabel, 2001). An ideal example of traditional peacekeeping is the First United Nations Emergency Force (UNEF I) in the late 1950s and in fact, almost all of the peacekeeping missions that took place in the 1950s, 1960s and 1970s.

Findlay refers to UN peace operations as “involving the deployment of military contingents to monitor, supervise and verify compliance to ceasefires, ceasefire lines, withdrawals buffer zones and related military agreements” (Findlay, 2002). Yet the definition fails to cover vital elements of traditional peacekeeping; they had no military objectives, were not involved in active combat, were located between hostile parties rather than in opposition, and finally that their function was to negotiate rather than to fight (Thakur & Schnabel, 2001). This is not to mention the mandatory requirements, or the ‘holy trinity’ as Bellamy calls them, which are, the consent of the parties involved, impartiality and the minimum use of force— in cases of self-defense (Bellamy, Williams & Griffins, 2004).

Moreover, traditional peacekeeping operations are intended to create the conducive conditions to assist the conflicting parties in reaching a long term resolution by themselves or with the support of

international mediation; therefore, it usually takes place in the phase between a political settlement and a ceasefire (Bellamy, Williams & Griffins, 2004). Accordingly, it stands on three main assumptions: first is that the aggressors are states, second is that the fighting units are hierarchically organized, and third is that the protagonists actually have the intention of ending the conflict and seek a political resolution (Bellamy, Williams & Griffins, 2004). Briefly, the term 'peacekeeping operations' encompasses the military and civilian personnel positioned under a peacekeeping mandate (Osman, 2002)

Following the end of the Cold War, new realities were imposed on the international arena, namely, civil wars, the dissolution and creation of new states and systems, and the cessation of the polarization that was paralyzing the Security Council. With these new challenges, the UN had to respond quickly; but this time, the nature of the conflicts inflicted major modifications that would be incorporated into peacekeeping operations. Consequently, additional responsibilities and tasks were added to the spectrum of functions of peacekeeping operations.

Scholars like Bellamy, Thakur, and Goulding, although agreed on the principle of the expanded nature of peacekeeping operations, they, sometimes, disagreed on the terminology to use. For instance, a new type of peacekeeping that emerged following the Cold War, and

specifically in the early 1990s, was “expanded peacekeeping” which involved tasks like re-establishing democratic and accountable governance, promoting the development of civil society, resettling refugees, providing humanitarian aid and relief, like in Somalia and Bosnia, organizing elections, providing the thrust for economic development and reconstruction, and even nation building. Bellamy for instance, refers to similar operations as “managing transition” since, according to Bellamy (Bellamy, Williams & Griffin, 2004), they manage the transition from a state of conflict to a state of peace by providing the supporting grounds. This is also because they have a clear beginning, which starts with the signature of the political settlement with the call for a managing transition operation, and a clear ending marked by the completion of the mission, which in turn is characterized by the holding of free and fair elections or the recognition of the new state’s independence. UNTEA (United Nations Temporary Executive Authority) in Indonesia, UNTAG in Namibia, ONUSAL in El Salvador and UNTAC in Cambodia represent such cases although they will not be further discussed since they fall out of the context of this paper (Bellamy, Williams & Griffin, 2004).

Several other terminologies like wider peacekeeping, second generation of peacekeeping, type three and four refer basically to the same nature of expanded tasks of peacekeeping operations following

traditional peacekeeping. While they may include minor differences in classification, they refer to the same framework of the UN Charter which is Chapter VI or "Chapter VI and a half" ("Honoring 60 years of UN", n.d.).

Indar Rikhye, who was the military advisor to the United Nations Secretaries General Dag Hammarskjold and U Thant in the 1960s, focuses on three key roles that signify the value of peacekeeping operations: first is that during the Cold War, peacekeeping provided the means for resolving conflicts without the direct involvement of the super powers of the Cold War; thereby minimizing the risk of catastrophic escalation. This was no longer valid following the Cold War when the US did get directly involved in Somalia and Bosnia. It actually took over at some point and then, due to circumstances that will be described later, had to withdraw leaving a tragic situation behind. Second, peacekeeping operations assisted in rallying an international community that would make a commitment to maintain peace.

Rikhye, however, doesn't identify the nature of the commitment, whether it is moral or material, though both may be fallacious. In other words, a moral commitment towards maintaining peace is implicit once a country is admitted to the UN; therefore, it's not the establishment of peacekeeping operations that creates that

commitment. Furthermore, many major powers, especially European, refrained from providing military personnel and equipment due to political calculations or interests and sometimes even fell behind in paying their dues. Rikhye's final point, and probably the most important, is that he considers peacekeeping to be a diplomatic key to pave the way for further negotiations among parties of the conflict in order to resolve the conflict peacefully (Bellamy, Williams & Griffin, 2004).

CHAPTER FOUR

Peacekeeping under international law: UN Charter

4.1 Why is peacekeeping always linked with the UN?

Whenever discussing peacekeeping, the very first image that usually comes to mind is the blue helmet soldier with the white UN initials written on the front of the helmet. Why do most people tend to identify peacekeeping with the United Nations? Ghali summarizes the relation between peacekeeping operations and the UN when he states that "Peacekeeping can rightly be called the invention of the United Nations" (Ghali, 1992).

On the other hand, scholars offer several analyses on this matter. One of the reasoning offered is the loaded history of the UN in its role in international conflicts. Following the high risks of the enforcement-based collective security in the charter, that was a very risky ambitious plan. Therefore, peacekeeping "emerged to fill the embarrassing gap left when the more robust forms of intervention proved inapplicable to the polarized international system of the cold war." (MacQueen, 2006)

Moreover, UN is always associated with peacekeeping operations simply because the UN was in fact present in most of them. This was due to the organization's claim to legal supremacy in matters of world peace and security since the Charter had been deliberately designed to place the United Nations above all other institutional actors, thereby providing it with the necessary coercive powers to assist it in maintaining this position (MacQueen, 2006). Goulding, however, argues that the reason behind the "United Nationsness" of peacekeeping operations is that they were established by one of the legislative organs of the United Nations in the sense that they were commanded and controlled by the Secretary General who has the authority vested in him by the Security Council to which he reports regularly. In addition, peacekeeping operations are financed collectively by UN member states as "expenses of the organization" under article 17 of the Charter. Moreover, UN peacekeeping operations are the most popular because of their "United Nationsness", which has made them acceptable to member states to allow foreign troops on their territory. Had it not been under the UN, any foreign troop would remain subject to suspicions that it is acting as a tool of its government. This would severely damage the credibility of an operation (Goulding, 1993)

“The UN system is a legal order itself, since it frames and epitomizes universal values and principles and at the same time it produces law that defends, implements, and enforces the former” (Sarigiannidis, 2007). Accordingly, the Charter of the UN illustrates one of the most significant lawmaking documents, in addition to the resolutions that reflect the spirit of the UN and the international principles and values that the UN represents. Yet the UN is known to have always suffered from the lack of coercive or enforcement measures that could guarantee compliance with the laws produced by the Security Council and the General Assembly. Consequently, peacekeeping operations introduced a new dynamic and a means to insure a certain degree of conformity with the international standards or decisions set by the UN (Sarigiannidis, 2007).

The Charter provides legitimacy to resolutions and the mandates it authorizes, though, as mentioned previously, and most importantly, it never explicitly mentions peacekeeping operations or even refers to it in any special provision. Accordingly, the legal ground for each operation is the mandate given to it. The Security Council decides the limitations of the operation when it determines its mandate (Jett, 2001).

This leads us to the understanding that the body of principles and procedures regulating peacekeeping operations has been founded

through a gradual evolution over the years by the established operations. These operations are mainly the 13 operations created during the cold war, all of which provided a set of practices, thereby creating customs that became internationally recognizable and acceptable. Consequently, we may say that peacekeeping operations fall mainly under customary law since they are not referred to in treaties and since the legality and legitimacy of peacekeeping practices are weighed in comparison with previous cases (Goulding, 1993), keeping in mind that this also applies to peace enforcement missions.

Nevertheless, when referring to the Charter of the United Nations, a peacekeeping operation derives its legality and legitimacy from Chapter VI (peaceful settlement of disputes) and Chapter VII (Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression) (Sitkowski, 2006). Nevertheless, it has become “commonly known” to refer to peacekeeping operations as ‘Chapter six and a half’, which is a term invented by UN Secretary General Dag Hammarskjöld (United Nations Information Service, n.d.). The term indicates that they fall between the traditional means of peacefully resolving disputes, like negotiations under Chapter VI, and the more forceful measures authorized under Chapter VII. In other words, on the one hand, peacekeeping forms an actual military presence, and

therefore, does not only consist of basic fact finding missions or mere recommendations for conflict resolution as provided in Chapter VI. On the other hand, it is also not a pure military enforcement as provided in Chapter VII (as cited in O'Neill & Rees, 2005).

Furthermore, the Security Council is the UN body that is mainly responsible for designing and establishing peacekeeping operations when matters relating to international peace and security are brought to its attention by the Secretary General, the General Assembly, and/or individual members of the Security Council. The Security Council then designs the mandate of the operation, which is influenced by the nature and substance of the agreement reached by the parties to the conflict (DPKO, 2008). Some scholars argue that when the Security Council determines the breach of peace, the way is open, at least on the legal level, for it to decide on enforcement measures (Osman, 2002). However, the Security Council rarely mentions a specific chapter under which the mandate is authorized. It has never invoked Chapter VI for instance (DPKO, 2008). In fact, the Security Council does not need to refer to a particular Chapter of the Charter when passing a resolution approving the deployment of a UN peacekeeping operation. But the conviction has been that peacekeeping operations are authorized under Chapter VI of the charter whose decisions are known to be recommendatory and not

enforceable. Hence, a peacekeeping operation authorized by the Security Council under Chapter VI normally requires having the consent of the parties involved in the conflict in order to be deployed. As far as the use of force is concerned, it is assumed to be limited to self-defense under Chapter VI. The use of force beyond the scope of self-defense may be resorted to only with the consent of the parties, which is unlikely to happen since this would imply authorizing using force against themselves (Findlay, 2002). Accordingly, and though a clear difference exists between peacekeeping and peace enforcing—which will be further explained later in this paper—the two terms are sometimes mistakenly used in describing the same cases. Peacekeeping is thus associated with Chapter VI, whereas using military force by the UN for enforcement purposes draws its legality from Chapter VII, which gives the Security Council's decisions the enforceable nature such as imposing economic sanctions and taking military action. Therefore, under chapter VII, an operation may use force beyond self-defense for enforcement, which in turn is considered to be illegal had the operation been mandated under chapter VI. This was also 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" (Findlay, 2002). Nonetheless, it remains crucial to note here, as far as peacekeeping and peace enforcement are concerned, the "use of force" is never specifically mentioned in a Security Council's resolution. They refrain from indicating in advance the suitable level of force to be used. They usually mandate a mission "to use all means necessary" to carry out the mandate (Findlay, 2002).

4.1.1. Articles 41 and 42:

Articles 41 and 42 directly relate to forceful military and non-military responses. Article 41 states the following:

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." (UN Charter, n.d.)

Article 42, on the other hand, states:

"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." (UN charter, n.d.)

Clearly enough, a military measure is to be taken following the proven failure of the 'non-military' enforcement measures. However, the application of such measures implies that the aggressors are states the Security Council expanded such threats to include a rebellion in

South Rhodesia (1965) and a nuclear weapons program in South Africa (1977) as threats to international peace and security. Moreover, following the 1991 Gulf War, new types of threats to international peace and security were introduced by the Security Council like the flow of Kurdish refugees (resolution 688), the collapse of the state in Somalia, the massive abuse of human rights in Kosovo, the overthrow of a democratically elected government in Haiti, and international terrorism in resolution 1373 (Bellamy, Williams & Griffin, 2004). However, Article 42 remained inactive during the cold war period due, to the UN's catastrophic first experience in interstate peace enforcement in the Congo (1960 – 1964) on the one hand, and due to the Security Council paralysis which put off any further experimentation (Coleman, 2007), on the other hand. The authorization of enforcement measures requires an affirmative vote of nine members of the Security Council, including the five permanent members; and of course, it also requires the Security Council to identify what forms a threat to international peace and security.

Ghali differentiates between Article 40 and Article 42 by clearly stating that peace enforcement, being more heavily armed, is constitutionally based on Article 40 rather than Article 42 of Chapter VII (as cited in Osman, 2002).

Furthermore, it is essential to bear in mind the political factor constantly present in the process of designing the Security Council resolutions. Accordingly, and in order to maximize political support, mandates can turn out to be vague, and at the time of implementation, a considerable space will surface for disagreement on defining the purposes and the best ways to go about achieving them (Druckman et al., 1997).

4.2 Peacekeeping: Unilateral or collective?

It should be stated here that one of the important advantages of peacekeeping is that it doesn't have to fall under the mercy of one state, namely a major power as is the case of military enforcement. It doesn't require a high scale significant and sophisticated equipment that could only be supplied by a super power since it doesn't involve coercive measures, while such a privilege could not be available for a peace enforcement mission.

Hence, it is difficult to conceive a unilateral activity as peacekeeping and vice versa. Consequently, is it adequate to consider an ad hoc multilateral intervention of a group of states as a peacekeeping force? Or does peacekeeping have to function within the framework of an institutionalized international organization?

Previously, various peacekeeping schemes have taken place through 'coalitions of the willing' without formally referring to any international organization (MacQueen, 2006). However, it is often regarded as a second option since it emerges following the failure of attempts to establish a peacekeeping force *within* an international organization (MacQueen, 2006). As a result, there is no rule or law stating that peacekeeping should be affiliated with and form of regional or international organizations; however, it is clearly comprehended and expected that any unilateral peacekeeping initiative will remain subject to accusations of having hidden agendas and hidden intentions and motives (MacQueen, 2006) that they intend to achieve through the peacekeeping mission.

On the other hand, having a collective acceptance and support by middle range and neutral powers is sufficient for peacekeeping missions; as opposed to peace enforcement missions which more likely to be 'successful' with the support of major powers.

CHAPTER FIVE

Development of Peacekeeping

It has been previously mentioned in this paper that several factors have contributed to the evolvement of peacekeeping operations, most significantly, the end of the Cold War, the decrease of interstate wars and the upsurge of civil wars, and globalization. Understanding these factors will help to better comprehend the status of peacekeeping and peace enforcement operations today and potentially to predict their future.

5.1 Peacekeeping and Intrastate Conflict

Globalization has deeply affected the international political process; new factors stepped into the fore while others moved into the background. For instance, non-state actors have gained significant weight on the international arena and sometimes over weighed state actors, indicating that states are no longer at the heart of global politics and international relations. Such a shift from 'Westphalian to post-Westphalian' order (Bellamy, Williams & Griffin, 2004) has significantly affected peacekeeping operations, having traditional peacekeeping mainly associated with the 'Westphalian order', while

the other types of peacekeeping operations associated with the 'post-Westphalian order'³.

Basically, at the time of the inception of the United Nations, the only type of relationship foreseen by the authors was that between states as sole actors. Even prior to the creation of the United Nations, the laws that governed relations between states were those derived from treaties and customs created by the states themselves, and no other entity. Nevertheless, an international entity like the UN has introduced a new approach, where the decision of going to war is no longer vested in the hands of the states, who, by admitting to the UN, have more or less given up this right in favor of collective security, thereby, giving up part of their sovereignty (Sarigiannidis, 2007). Self-defense became the only viable option. This has also played a role in reshaping the "Westphalian" concept, in as far as minimizing the role of states— by giving up part of their sovereignty— is concerned.

Peacekeeping operations fall within the same context of giving up part of a state's sovereignty in favor of a third actor outside its entity. In this case, it will be moving from the Westphalian to the post-Westphalian phase.

³Westphalian order refers to the Westphalia treaty signed in 1648 which ended the Thirty Years' War between Spain and the Dutch Republic. The term now refers to the nation state sovereignty, respect of territorial integrity, non-intervention of one state in the internal matters of other states.

States and scholars differ in their perception of Westphalian peacekeeping in comparison with post-Westphalian peacekeeping. Russia, China and India, for instance, favor the Westphalian conception and accordingly view the role of peacekeeping operations as merely to provide the space and structure for sovereigns to resolve their disagreements peacefully. Based on this, the UN is expected to not interfere in matters that are considered internal or domestic and should only act upon the consent of the sovereigns. While other states, mainly western, believe that the UN should be involved in building democratic societies in places torn by war; believing that more democratic systems means less wars. This necessarily implies giving up some of their sovereignty, thus, moving towards the Post-Westphalian concept (Bellamy, Williams & Griffin, 2004), which gives more space and legitimacy to peace enforcement. Yet the nature of conflicts, following the Cold War, annulled the Russian, Chinese and Indian perceptions. Having civil wars no longer involves sovereigns, rather non-state actors like warlords and militias. Cases of Somalia's warlords illustrate such new developments.

Moreover, involvement in civil wars turned out to be exceptionally difficult since it is hard for belligerents in civil wars to achieve an armistice under which they retreat to the opposite sides of the ceasefire line as there are no clear boundaries that separate them.

This also keeps the soldiers with the constant possibility of coming into contact with their civilian victims or their former enemies. Consequently, reconciliation becomes a daily task and even harder to achieve (Fortna, 2003).

CHAPTER SIX

Principles of peacekeeping operations

Having clear set principles of peacekeeping, which are not available to peace enforcement, make it better and easier to fulfill its objectives; troops know the dos and don'ts and the red lines not to cross.

In principle, and as mentioned earlier, peacekeeping was designed and envisaged to operate solely within inter-state conflicts. Yet following the end of the Cold War, new realities were imposed and inter-state peacekeeping seemed to be a memory of the past. In fact, in 1992, the large operation that was launched in Cambodia was designed to reconstruct the Cambodian state itself, in addition to other operations in Africa like Mozambique, Angola, Rwanda, and Somalia (MacQueen, 2006).

Consequently, since peacekeeping operations can take place within the borders of states, the question that naturally emerges is the issue of sovereignty. In other words, where does sovereignty fit within the context of peacekeeping? And do allowing peacekeeping operations into a state's territory jeopardize its sovereignty? The concept of sovereignty has been evolving significantly following the end of World War II, by moving towards a less dramatic approach, especially

following the creation of the United Nations, which withdrew a margin of states' sovereignty through the admission process.

For further illustration, when it comes to UN peacekeeping operations, admitting to the UN necessarily means giving up a margin of a state's sovereignty. This is because the Security Council, under Chapter VII of the Charter, is permitted to take obligatory measures against a country while other countries are required, in a sense, to cooperate accordingly. Nevertheless, the general rule necessarily implies respect for a state's sovereignty. In fact, one of the basic three principles of peacekeeping operations is the consent of the parties where the operation is to be located.

However, it is necessary to note that in some cases, the above principle no longer applies. For instance, in cases of genocide, "the response can't be guided by a live-and-let-live pluralism" (MacQueen, 2006). Genocide and violent eviction of populations are obviously unacceptable on the universal level; they are not rightful or valid local customs to be respected by the outsiders, who accept their validity even though they don't share them. In such cases, the "Westphalian sovereignty must become subordinate to global values. The external response should surely be one of solidarity within a world community." (MacQueen, 2006)

Therefore, the trend towards using force has been gaining more acceptances; though it is related to the failures of peacekeeping, mainly in Somalia and Bosnia, it is also related to the issue of sovereignty. In other words, if a state's approval to the deployment of peacekeeping operations is becoming less of a requirement, then the presence of a force may be physically challenged. This may require imposing some sort of force on uncooperative parties (MacQueen, 2006). UN's presence in Somalia was challenged when UN Pakistani peacekeepers were attacked by one of the warlords, and in May 1995 Bosnian Serbs kidnapped more than 350 UNPROFPR personnel (Lyman, 2004).

Some formal recognition of this was provided in the early period of the Cold War in 1992 when the then Secretary General Boutros Boutros Ghali noted in his report *An Agenda for Peace* the difficulty of establishing a clear cut line between peacekeeping and peace enforcement. He actually proposed the creation of 'peace enforcement units' that would be deployed in specific circumstances with terms of reference specified in advance⁴ (Ghali, 1992, para. 4). Since then,

⁴ "I recommend that the council consider the utilization of peace enforcement units in clearly defined circumstances and with their terms of reference specified in advance. Such units from member states would be available on call and would consist of troops that have volunteered for such service. They would have to be more heavily armed than peacekeeping forces and would need to undergo extensive preparatory training within their national forces. Deployment and operation of such forces would be under the authorization of the Security Council and would, as in the case of peacekeeping forces, be under the command of the Secretary General. I

the theoretical debate on the use of force in the United Nations has minimized (MacQueen, 2006).

Since Peacekeeping operations were not mentioned anywhere in the Charter, the design, characteristics, principles and mode of operation were accumulated through experience and a process of trial and error. Nevertheless, the basic principles that have been, and still are, governing peacekeeping operations in general have been outlined by the UN Secretary General Dag Hammarskjold, established principally on the experience of UNEF I. Those principles are briefly summarized to be: the consent of the parties, impartiality, and the non-use of force. While attempting to preserve the same essence, there has nevertheless been substantial development of the scope of functions of peacekeeping operations in response to new needs, especially with regard to traditional peacekeeping and peace enforcement.

6.1 Consent of the Parties

The principle of the consent of parties refers directly to the parties of the conflict, whether states or non-states, and by consent, it means that they approve the involvement of a peacekeeping operation to

consider such peace enforcement units to be warranted as a provisional measure under Article 40 of the Charter. Such peace enforcement units should not be confused with the forces that may eventually be constituted under Article 43 to deal with acts of aggression or with the military personnel which governments may agree to keep on stand-by for possible contribution to peacekeeping operations."

help in solving the conflict. The consent of the parties is necessary based on the assumption that lacking such consent would hinder the work of peacekeepers and thus prevent the operation from achieving its objectives. This principle applies mainly to traditional peacekeeping which, under Chapter VI, lacks any enforcement measure, thus making such support a necessity. Without this, the operation is subject to a high risk of becoming a party to the conflict, thus jeopardizing getting involved in enforcement actions, and consequently being driven away from its inherent role of keeping the peace (DPKO, 2008). But this principle can as well be a major weakness since the consent can be withdrawn at a later stage, which counters all the efforts of the peacekeepers. Moreover, it's important to note that it has become much more difficult to obtain the consent of the parties now that interstate wars have diminished in favor of intrastate wars. In other words, since civil wars have marked the post-Cold War period, the dynamics of conflicts have changed. It has become more difficult to precisely identify the parties of the conflict, and under such conditions, the consent can easily be withdrawn or denied afterward. Furthermore, seeking consent of the warlords might bestow a semblance of recognition or legitimacy without necessarily achieving any results (Sitkowski, 2006).

When the UN second peacekeeping mission for Somalia (UNOSOM II) was established, it was recommended by the then Secretary General Boutros Boutros Ghali to have it under Chapter VII. He predetermined that the operation should not be subject to the consent of the local parties and factions involved (Osman, 2002). One year later, Boutros Ghali had to withdraw this stipulation following a series of hostile attacks against UNOSOM II and American forces, including the killing 25 Pakistani soldiers and the shooting down of two US helicopters. Ghali then declared that UN forces would withdraw unless local clans showed readiness and willingness to cooperate with UNOSOM II.

6.2 Impartiality

The principle of impartiality on the other hand, is a duty laid on the shoulders of the mission and the peacekeepers directly. The operation is supposed to be impartial in dealing with the parties of the conflict, “but not neutral in the execution of their mandate” (DPKO, 2008).

For instance, peacekeepers can mobilize international support, can criticize, use pressure, negotiate, and even use some forceful measures when any of the parties breach the agreed arrangements, but they cannot take sides.

The concept of impartiality is believed to be derived from Article 40 of Chapter VII of the UN Charter. The article states that “in order to

prevent an aggravation of the situation, the security Council may . . . call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned." Yet, similar to the remaining articles of Chapter VII, Article 40 was rarely explicitly referred to in UN resolutions during the Cold War due to the stalemate that the war had produced. This, however, did not prevent the missions from constantly working within such parameters (Boulden, 2005). It is within the same atmosphere that peacekeepers are also anticipated to be enablers rather than enforcers, in that they have no enemies and thus they are not there to win. Their efficiency and success relies on their voluntary cooperation. This facilitates their role to act impartially since they don't form a threat on any one (Findlay, 2002).

But the concept of impartiality has been subject to constant controversy and debate on whether it is concrete and applicable, and whether it is in the best interests of the objectives of the mission and the UN. Moreover, it is debatable whether peacekeeping missions whose mandates go beyond just monitoring, reporting, and mediating can truly be impartial, keeping in mind that impartiality must not be confused with neutrality, which is an integral component of humanitarian organizations like International Committee of Red Cross

(ICCR) or UN High Commissioner for Refugees (UNHCR) (Sitkowski, 2006). In other words, how can impartiality be interpreted in traditional peacekeeping operations versus peace enforcement missions? The above mentioned issues will be further elaborated later in this paper.

6.3 Non-use of force

The third principle, non-use of force, can be the most ambiguous and tricky one, yet the most essential. Basically, with the creation of peacekeeping operations, new realities were imposed on the ground, most importantly, the introduction of light arms into the missions. Accordingly, the use of force principle was founded to apply in self-defense cases only, and only as a last resort. The aim was to provide the peacekeeper with the means to protect himself, or his colleague through his own personal weapon. In fact, Dag Hammarskjöld's view in this regard was that use of force in peacekeeping operations should be restricted to self-defense only. He suggested that this was a potential complexity because of the fact that a broad interpretation of the right of self-defense might confuse the distinction between peacekeeping operations and combat operations which require a Chapter VII authorization (MacQueen, 2006). Consequently, and in order to clarify this matter, Hammarskjöld "proposed a 'prohibition

against any *initiative* in the use of armed force'. This formulation, if applied, might have closed off the possibility of peacekeepers' actions impacting on the outcome of the conflict they were engaged with." (as cited in MacQueen, 2006)

The non-use of force principle—or minimum use of force as some may call it—has also evolved over the years to include broader elements. Experience established the need to allow peacekeepers to use force to halt attempts to disarm them, to defend their possessions such as their vehicles and equipment against seizure or attack, and to defend UN personnel and civilian agencies from attack. The decision of where to set the boundaries and limits was left to individual force commanders (Findlay, 2002).

The last note to be mentioned here is that force, when used, should be proportionate to the threat. Lakhdar Brahimi had clearly recommended in his report of 2000 that UN peacekeepers should be capable of defending themselves, the mission's mandate and its other components, with vigorous measures against those who seek to weaken the peace accords by violence, or to break their commitments toward them (Brahimi, 2000, Annex II, para. 3)

Eventually, more than half of the UN peacekeeping operations before 1988 had consisted of unarmed military observers only and force was used strictly in cases of self-defense; this could be directly identified

with traditional peacekeeping. Nevertheless, experience demonstrated that at some points, non-use of force made the peacekeeping operation ineffective (Yilmaz, 2005). For example, in Cyprus in 1974 and in Lebanon in 1982, the presence of UN peacekeeping could not prevent foreign invasions. Yet, as an overall assessment, it could be said that UN peacekeeping operations between 1948 and 1988 were relatively successful (Yilmaz, 2005). The UN's booklet "United Nations peacekeeping operations: Principles and Guidelines" does not make this principle less ambiguous. Although the booklet restates that the use of force should be limited to self-defense and defense of the mandate, it also states that the Security Council has allowed the UN peacekeeping operations to "use all necessary means" to prevent forceful attempts to disturb the political process, protect civilians that are subject to threats of physical attack, and to support the national authorities in maintaining law and order, through giving them "robust" mandates (DPKO, 2008).

Moreover, according to this booklet the use of enforcement should be resorted to as a last alternative, when other methods of persuasion have failed, and "an operation must always exercise restraint when doing so. The ultimate aim of the use of force is to influence and deter spoilers working against the peace process or seeking to harm civilians; and not to seek their military defeat." (DPKO, 2008)

The use of force has been a subject of debate for long, not only concerning whether the UN should opt to use force, or how and when it should allow for the use of force, but also on how the different types of missions might be classified in terms of the degree of force they used (Findlay, 2002).

The principle is that the use of force is limited to the minimum and in cases of self-defense only. In fact, Security Council resolutions usually do not mention the specific type of operation foreseen or the guidelines for the use of force it is supposed to operate under. As a matter of fact, such broad guidelines are provided by the Secretary General in a report where he includes his proposals for the use of force. The Security Council then endorses the Secretary General's recommendations in the resolutions. Afterwards, whenever there is a need to change guidelines for the use of force during a mission, they are usually enclosed in a report of the Secretary General endorsed by the Security Council, but these are hardly ever mentioned in the resolution of the Security Council (Findlay, 2002).

Basically, regulations regarding the use of force between the UN and the state hosting the peacekeeping operation are included in a document called the 'Status of Forces Agreement' (SOFA) (sometimes referred to as Status of Mission Agreement (SOMA) or Standing (or standard) Operating Procedures (SOP)). This does not mean, as it

may seem, that the details, the rules and regulations on the use of force are included in this agreement or that the purpose of the agreement is to include such details. In fact, the reference to the use of force issue is extremely general (Findlay, 2002).

On another level, the commander of the force may also formulate rules for the use of force through 'Rules of Engagement' (ROE) that are issued in written form to the troops in the field. The document specifies the circumstances and limitations under which the military forces can initiate or maintain fighting with the enemy (Findlay, 2002).

So, what is the limit of the use of force in comparison to restraint? Who can identify which party of the conflict is the 'spoiler'? Wouldn't using force against the 'spoiler' pose a threat against UN's impartiality? Where is the line between using force against spoilers of peace and achieving, or not, a military defeat?

CHAPTER SEVEN

Limitations and challenges of Peacekeeping

One of the limitations of peacekeeping is the lack and inadequacy of resources. Initially there was no agreement between major powers on whether to have a standing army for peacekeeping missions or for peace enforcement missions; therefore, Secretary Generals had relied heavily on the volunteerism of the states to provide the needed personnel and equipment (Goulding, 1993). In fact, some states have been more involved in contributing than others, yet their contribution may not always be appropriate for the operation; for their contingents may not be well trained to handle a mission. In fact, developing states were mostly the major contributors to missions rather than developed states, whereas states like the US, Russia, China and some European states were reluctant to commit forces where the risk of casualties was high (O'Neill & Rees, 2005). The five permanent members were significant contributors in providing logistical support, however, states like Poland, Bangladesh, Fiji, Ghana, Nepal, Canada and Scandinavian states were the regular troop contributing countries and helped in

defending the impartiality of the operation (Malone& Wermester, 2000).

Although states' contributions to peacekeeping operations are often seen as the international community's commitment toward preserving international peace and security, there are sometimes other motives that encourage states to make such commitments. Examples of such motives may be to earn money from the UN in return for their services (Sitkowski, 2006), or even to influence the direction of events or to have a say on the ground. In other words, states and their troops get paid in exchange of their participation in the peacekeeping mission. Moreover, being on the ground and getting directly engaged in the daily issues of the peacekeeping missions may provide the participant state with a privilege in deciding on matters that are small to be communicated to the headquarters, yet significant to influence the directions of the events.

However, although willingly contributing upon the request of the organization, deployment is still slow in response to the emergency of the situations, which composes a second limitation of peacekeeping. Though not mentioned in this thesis, the severity of the Rwandan tragedy may have been less acute had the international system been able to immediately call on troops ready for battle; the rapid interposition of peacekeeping missions may have, as it is believed,

saved thousands of lives (Kennedy& Russett, 1995). Therefore, two suggestions were proposed: either creating Rapid Reaction forces to be 'owned' by the United Nations, or creating units within the national armed services of states, upon negotiation with the governments, that are ready for deployment immediately for the UN's purposes.

However, previous experience has demonstrated that making arrangements with governments does not necessarily work out. The "Stand by Arrangement System" mentioned previously in this document failed to maintain the states' commitments towards contributing personnel. Although around 70 states pledged to do so, they did not fulfill their pledge in Rwanda.

Furthermore, whether the first suggestion or the second is more convenient is still subject to debate; it is also deeply dependent on the nature of the operation, whether it is peacekeeping or peace enforcement. In other words, governments tend to be reluctant to contribute forces to the UN fearing that they may get involved and trapped in an operation whose purposes might alter with time (Kennedy& Russett, 1995) and change from being a peacekeeping operation to a peace enforcement operation.

Nevertheless, in cases of emergency, some sort of cooperation and joint effort between different actors is required for an immediate

response to crises. This may imply cooperation between UN peacekeeping, peace restoring or peace making operations on the one hand, and the UN and other regional and non-governmental organizations (NGOs) on the other hand. This approach has been taking place through the involvement of several regional and international actors by dividing tasks according to their comparative advantages. This approach, as necessary as it is, still holds certain risks that are worth mentioning; for instance, it is crucial to be sensitive to the risks of “the tribalization” of peacekeeping if regional bodies begin to assert ownership of conflicts within their geographic coverage (Thakur and Schnabel, 2001).

However, the heavy reliance on the UN as a main provider of peacekeeping operations began to gradually diminish in favor of other options like regional organizations or other forms of alliances and organizations like NATO. In fact, almost all contemporary operations that fall, more or less, within the peace enforcement spectrum were launched under the umbrella of an international organization (Coleman, 2007), similar to NATO’s intervention in the case of Bosnia. In November 1995, following the efforts of the UN, and even the EU, that provided options and new alternatives, Serbs, Bosnians and Croats signed the Dayton Accords under the auspices of the United States (Osman, 2002); and by December 1995 the presence of the

United Nations in Bosnia was formally replaced by US led NATO forces. This represented the first incident where the United Nations handed over a whole peace enforcement mission and mandate-- not only the command of forces-- to member states (Osman, 2002).

CHAPTER EIGHT

Case studies

8.1 United Nations Peacekeeping Force in Cyprus (UNFICYP)

Following the independence of Cyprus in 1960, tensions kept mounting up between Greek Cypriots and Turkish Cypriots and eventually, particularly in 1963, inter-communal violence broke out. The governments of Turkey, Greece, and Britain offered a joint effort for peacemaking in Cyprus until a conference that was intended to take place in London is convened to reach an agreement. With the agreement of the government of Cyprus, peacemaking efforts did occur. A ceasefire was established and a neutral zone, or “green line”, was created along the ceasefire line in Nicosia.

Meanwhile, the representatives of Cyprus, Turkey, Greece and the United Kingdom requested that the Secretary General appoints a special representative to observe the peacemaking operation. The representative, Lieutenant-General P S Gyani from India, was eventually appointed; his mission lasted for two months. However, the London Conference failed to reach an agreement and the Gyani

reported a serious deterioration in the situation with the prevalence of killing and kidnapping.

After close consultations with the influential parties, Turkey, Greece and the United Kingdom, and with the consent of the Cypriot government, the Security Council voted unanimously to adopt resolution 186 (1964)⁵ authorizing the establishment of a peacekeeping force in Cyprus (UNFICYP) ("Establishment of UNFICYP", n.d.).

In resolution 186(1964), the UN clearly indicates that the situation in Cyprus is considered a threat to international peace and security (Security Council Resolution 186(1964), 1964, para.1). The peacekeeping force was requested to "use its best efforts to prevent the recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions" (Security Council Resolution 186(1964), 1964, para.5). In addition to explaining the funding, the command and the reporting of the force, the resolution, interestingly, recommended that the Secretary General designate a mediator to work on a peace settlement and a resolution for the conflict. The resolution also named the governments of Turkey, Greece and the United Kingdom on several occasions, indicating the essential role they have both in the

⁵ See Appendix I

composition of the force, and in their support for the designated mediator.

It was clear in the resolution that the force (or the mission) did not have any political role but to maintain peace and prevent the situation from lapsing into violence. This embodies a traditional peacekeeping par excellence, which intended to provide the necessary stability that would allow the conflicting parties to reach an agreement. It included the two main principles of a peacekeeping operation: the consent of the parties involved in the conflict and impartiality. However, the margin of the use of force was not mentioned at all in the resolution.

The force was to be established for 3 months as mentioned in the resolution, yet, expectedly, the mandate was extended, and following six months after the establishment of the mandate a collection of guiding principles, still functioning until this day, were laid down by the Secretary General. The guiding principles reinforced the hierarchy of the chain of command as indicated in the resolution; yet, most importantly, the Secretary General's guiding principles explained the use of force and clearly indicated that it is exclusively for self-defense which includes defense of the United Nations posts, premises and vehicles if attacked. When self-defense is used, then the principle of minimum force shall always prevail, and only if all other peaceful

means of persuasion are exhausted ("Deployment and Organization, n.d.)⁶.

Several security unrests have taken place over the years, the most significant being that of 1974 when a coup d'état was initiated by the Greek Cypriots who favored a union with Greece. A Turkish military intervention followed and eventually occupied several areas of the Turkish Cypriot part. The Security Council convened and reached several resolutions that called for a cease fire, for an immediate withdrawal, and for negotiations among the parties concerned. In the meantime, UNFICYP was taken by surprise as it was not mandated nor prepared for large scale hostilities by armed forces, especially by one of the peace sponsoring powers. Its functions were limited to inter-communal incidents. Following the first period of deployment,

⁶"The Force is under the exclusive control and command of the United Nations at all times. The Commander of the Force is appointed by and responsible exclusively to the Secretary-General. The contingents comprising the Force are integral parts of it and take their orders exclusively from the Force Commander.

The Force undertakes no functions which are not consistent with the provisions of the Security Council's resolution of 4 March 1964. The troops of the Force carry arms which, however, are to be employed only for self-defense, should this become necessary in the discharge of its function, in the interest of preserving international peace and security, of seeking to prevent a recurrence of fighting and contributing to the maintenance and restoration of law and order and a return to normal conditions. The personnel of the Force must act with restraint and with complete impartiality towards the members of the Greek and Turkish Cypriot communities.

As regards the principle of self-defense, it is explained that the expression of self-defense includes the defense of United Nations posts, premises and vehicles under armed attack, as well as the support of other personnel of UNFICYP under armed attack. When acting in self-defense, the principle of minimum force shall always be applied and armed force will be used only when all peaceful means of persuasion have failed. The decision as to when force may be used in these circumstances rests with the Commander on the spot. Examples in which troops may be authorized to use force include attempts by force to compel them to withdraw from a position which they occupy under orders from their commanders, attempts by force to disarm them, and attempts by force to prevent them from carrying out their responsibilities as ordered by their commanders."

violence still broke out; however, following another Security Council Resolution, which called for an immediate ceasefire, the governments of Turkey and Cyprus complied without conditions ("Supervision of the Cease-Fire, n.d.). A ceasefire came into effect in August 1974. Since then, the UNFICYP has continued observing any violations of the ceasefire and the military status quo in the buffer zone, especially in the absence of a formal ceasefire agreement. UNFICYP worked to protect civilians in a number of isolated villages, assisted in several evacuations, and maintained ceasefires at certain points. In fact, the ceasefire line was extended to 180 kilometers across the island ("UNFICYP Background", n.d.), but this was the best it could do; for it was clearly neither prepared nor equipped to stop large scale hostilities.

In his final report, the UN Secretary General Ban Ki Moon mentioned the decrease in the military violations between both sides, and that for the fourth consecutive time; the military annual exercise has been cancelled on both sides ("Security Council Extends Mandate", 2011)

On the other hand, in a very recent report in "Insight Turkey" on the development of the Cypriot issue, the author clearly states that "there has been virtually no violence between the two communities of the island--the Greek Cypriots and the Turkish Cypriots--since 1974" (Sozen, 2012) where both are split by the UN Buffer Zone. Moreover,

several check points were established in 2003 that allowed for Cypriots from both communities to cross to the other sides, and even with this new development no significant inter communal incidents were reported (Sozen, 2012).

As far as the governments' positions on UNFICYP are concerned, it could be summarized in the statement of the permanent representative of Cyprus to the UN Ambassador Minas Hadjimichael:

"You all know the position of my government. It has been the same all along. We consider the presence of the United Nations peacekeeping force in Cyprus as indispensable as a *conditio sine qua non* as long as the occupation of part of the territory of the Republic of Cyprus by Turkey persists" ("Remarks by Ambassador Minas Hadjimichael", 2009).

It would be fair to note, however, that some scholars, like Suha Bolukbasi, argue that in some disputes, an extended calming down period may actually lead the parties to take on more inflexible and uncompromising positions, thereby gradually diminishing the chances for a rational and practical compromise (Bolukbasi, 1998). Whether UNFICYP provided such conditions or not remains open for discussion. Nonetheless, UNFICYP continues to be the only viable option until a permanent political settlement is reached.

Turkey on the other side, in the request for the extension for UNFICYP in 2010, has received the resolution with a negative vote. The Turkish Ambassador justified the vote on the grounds that the Turkish part of the island is not recognized in the resolution and that there hasn't been a joint government representing both communities ("Security Council Extends UN Mission in Cyprus", 2010). However, the extension has been regularly taking place, the last being till July 2012, knowing that other UN good offices efforts are taking place in parallel to reach a permanent agreement between both communities.

At this point, UNFICYP had taken several humanitarian tasks that were mentioned later on in the Security Council resolutions and this was when the wider peacekeeping aspect started to become part of the tasks of the force. In fact, a humanitarian and economics branch was founded at the force's headquarters. UNFICYP supports both communities in resuming their regular civil activities like resuming farming and the supply of electricity and water

UNFICYP is a success story because it managed to realize the objectives of the mandate authorizing it. UNFICYP was not in any way requested to provide a political solution for the Cyprus dilemma. It was the UN's good offices and the parties involved who failed to reaching a political settlement. A clear distinction should be made in this regard.

Until today, UNFICYP, that has been composed of troops from Argentina, Austria, Canada, Hungary, Peru, Slovakia and the United Kingdom and total fatalities of 178 personnel of the mission ("UNFICYP Fact Sheet", n.d.), has been restructured to meet the changes, while maintaining the core tasks of supervising ceasefire lines and maintaining a buffer zone, assuming humanitarian activities, and supporting the good offices and missions of the Secretary-General ("UNFICYP Background", n.d.).

8.2 United Nations Interim Force in Lebanon (UNIFIL)

The United Nations Interim Force in Lebanon is one of the long peacekeeping operations, being in existence since 1978. It is a complex case that has witnessed difficult circumstances, being involved in one of the most complicated conflicts in modern history, which is the Arab -Israeli conflict and as other peacekeeping missions that took place in Egypt and Syria.

It should be clarified that UNIFIL is an interesting case in because it went through three stages and modifications caused by three different events; the first phase being from 1978 to 1982, the "Israeli" invasion, the second from 1982 to 2000, the Israeli withdrawal and up to the 2006 war, and finally, the third being the phase following 2006 and resolution 1701.

It started when the Palestinian Liberation Organization in Lebanon conducted an attack in "Israel", leading to an Israeli invasion of Lebanon in 1978. The Israeli invasion occupied Southern Lebanon. The Lebanese government protested to the Security Council based on the argument that the Lebanese government had no connection to the Palestinian commando operation. Accordingly, the Council adopted resolution 425 and 426⁷ upon which UNIFIL was formulated.

Resolution 425 called "Israel" for the immediate cessation of military action and for the withdrawal of its forces from all Lebanese territories. On the operational level, the force is required to confirm this withdrawal, assist the government of Lebanon in ensuring the return of its effective authority in the area, and restore international peace and security ("Security Council Resolution 425(1978)", n.d.). Yet, resolution 425 requested the Secretary General to present a report on the implementation of the resolution; therefore, UNIFIL is said to be established under resolution 425 and 426, since the actual decision of the establishment of UNIFIL was stated in resolution 426, based on the Secretary General's report.

The report, upon which resolution 426 was based, included a detailed *Terms of Reference* for the force. It is important to be familiar with the basics upon which it was established. For instance, in clause (2) –

⁷ See Appendix II

d of the report, the force is required to “use its best efforts”, and *not* “all necessary means”, to prevent the return of fighting (“Report of the Secretary General”, 1978) although clause six of the report states that the force is to take ‘all measures deemed necessary’ to assure the effective restoration of Lebanese sovereignty (“Report of the Secretary General”, 1978, clause 6). However, neither the resolution nor the report mentioned any other actor than the Lebanese and Israeli governments; in other words, the PLO was not mentioned anywhere in either of the documents since it was not recognized by the UN. Finally, both the resolution and the report state that the force will be deployed for an initial period of six months but may continue operating afterwards if the Security Council decides so.

The resolution did not explicitly mention the chapter under which it is authorized, which traditionally means that it falls under Chapter VI of the charter. The report also stated that the force must comply with the principles and guidelines that were set by UNEF I, which are impartiality and the minimum use of force— for self-defense only.

UNIFIL’s success or failure is clearly directly attached to the extent of compliance of the parties involved since it has no enforcement measures; “Israel’s” compliance on the other hand is directly connected to the amount of pressure that the United States is willing to put. Moreover, assessing UNIFIL cannot be comprehensive without

assessing the UN's, mainly the Security Council's, approach and the way it handles the Lebanese "Israeli" conflict. This is because to a large extent it affected the formation of and authorities given to UNIFIL. Although some might consider that this is only natural, it has a different connotation when it comes to "Israel" and the United States' influence in anything that has to do with Israel. Although the U.S. originally sponsored and supported the proposal of establishing UNIFIL, it did not put sufficient pressure on its allies to cooperate with UNIFIL as it was preoccupied with other issues happening in the Middle East at the time like the Camp David peace agreement and the revolution in Iran (Murphy, 2002). In fact, Ray Murphy, (a lecturer in law at the Irish Centre for Human Rights, Faculty of Law at the National University of Ireland, argues that the central elements of the crisis in the Middle East were ignored in the resolution, which made many members reluctant to support the establishment of the force; therefore, UNIFIL was established with unclear and unrealistic objectives but was nonetheless agreed on, reluctantly, in order to resolve the crisis (Murphy, 2002).

The tasks were limited then to *confirm* Israeli withdrawal from South Lebanon, and to assist the government of Lebanon in re-establishing its effective authority in the area in addition of course to the observation of ceasefire.

Eventually, UNIFIL did not have an easy task when it came to carrying out the objectives set in the resolution; Israel remained occupying the South, and a new military force, South Lebanon Army, supported by and affiliated with "Israel", was formed in 1979 and carried out military actions in Lebanon.

Moreover, significant turning points took place in 1982 when Israel invaded Lebanon, reaching Beirut, and overrode UNIFIL. UNIFIL initially was not meant to fight and was not equipped to do so. Accordingly, UNIFIL's role at the time was limited to the provision of humanitarian assistance for local population and to report on the situation ("Security Council Resolution 518 and 519", 1982), as mandated in Security Council resolutions 518 and 519⁸. The situation remained unchanged until the withdrawal of the Israeli forces in May 2000, which was perceived at the time as "Israel's" compliance with resolution 425, although it came 22 years late. However, the 'Shebaa Farms' remain disputed land. During that phase, UNIFIL maintained its humanitarian aid in addition to monitoring the line of withdrawal. The marking of the Blue line was one of the most significant updates during this period. Although the situation remained relatively calm, there were several breaches by the Israelis of the Blue line, and air

⁸ See Appendix III

and sea boundaries. Despite these breaches, the extension continued every six months.

The 'Israeli' war in July 2006 was probably the most significant event in the life of UNIFIL. "Israel" launched a full scale war that caused massive destruction of the infrastructure and the loss of lives of civilians. The war lasted 33 days. A resolution had to be issued and that is resolution 1701⁹, which called for "a full cessation of hostilities in the month-long war based on, in particular, "the immediate cessation by Hizbollah of all attacks and the immediate cessation by Israel of all offensive military operations" in Lebanon ("Security Council Resolution 1701", 2006).

Resolution 1701¹⁰ expanded UNIFIL's mandate. For the first time, the Council decided to include the Maritime Task Force as part of the UN peacekeeping operation. It also significantly developed UNIFIL from about 2,000 troops just before the war to 15,000 military personnel, and expanded its original mandate.

The main tasks remained more or less the same, revolving around monitoring the cessation of hostilities but with extended tasks when it comes to humanitarian and civilian assistance and support, in addition to support to the Lebanese Armed Forces and the Lebanese

⁹ See Appendix IV

government in matters of securing the borders. Accordingly, UNIFIL, even with the new modifications, remained working within the same old limitations. It is still a peacekeeping force.¹¹

Violations are still taking place by the Israelis. The most recent was in December 2010 when Israel penetrated the Shebaa farms and two Israeli troops crossed the technical fence at the Ras al-Sammaqa site in the Shebaa Farms and moved 20 meters into disputed territories ("Israel Again Violates Lebanese Air Space", n.d.).

Finally, it is worth mentioning that the total fatalities of UNIFIL amounted to a total of 294 and the contributing countries throughout the years were Armenia, Austria, Bangladesh, Belgium, Cambodia, China, Cyprus, Spain, El Salvador, Portugal, FYR of Macedonia, Germany, Brazil, Ghana, Greece, Croatia, Guatemala, Hungary, Brunei, India, Indonesia, Denmark, Ireland, Italy, Malaysia, Belarus, Nepal, Serbia, Nigeria, France, Qatar, Republic of Korea, Sierra Leone, Slovenia, Tanzania, Sri Lanka, Turkey and Timor-Leste.

¹¹The tasks were to: "Monitor the cessation of hostilities; Accompany and support the Lebanese Armed Forces (LAF) as they deploy throughout the South, as Israel withdraws its armed forces from Lebanon; Coordinate these activities with the Governments of Lebanon and Israel; Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons; Assist the LAF in taking steps towards the establishment between the Blue Line and the Litani river of an free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL deployed in this area; Assist the Government of Lebanon in securing its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related material".

CHAPTER NINE

Peace enforcement

The concept of peace enforcement was derived from the principle of collective security though they are not the same (Osman, 2002). Peace enforcement holds a different set of classification and tasks that have evolved over time due to unanticipated needs, such as restoring democracy and combating international terrorism, and other tasks like attaining compliance (Osman, 2002). For instance, Peace enforcement operations are known to fall under Chapter VII of the UN Charter and are mandated by the Security Council. This gives it [the Security Council] the authority to determine when a threat or breach of international peace and security has occurred, to order interim measures under Article 40, and to call for enforcement actions to be taken against a state or entities within a state (Bellamy, Williams & Griffin, 2004). Thus, peace enforcement uses means that include the use or threat of military force in an aim to “enforce peace” by inducing one or more parties to adopt peace agreement or a settlement previously approved. “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” (Findlay, 2002).

The concept of peace enforcement was thought up and introduced by the former Secretary General Boutros Boutros Ghali in 1992-1993, following peacekeeping failures in Somalia, Angola, Croatia and Bosnia and Herzegovina. He proposed the formation of 'peace-enforcement units' capable of protecting ceasefires against disobedient factions. The idea then rapidly developed into the concept of peacekeeping operations that are authorized under Chapter VII and that do not necessarily require the consent of the conflicting parties to be legitimized (Coleman, 2007).

However, it's crucial to note that, theoretically speaking, peace enforcement is intended to be impartial in dealing with all parties. It is in this sense that they are different from an invasion: they do not explicitly seek to alter the political or geographical status quo to the benefit of the invader (Coleman, 2007), although they necessarily require involvement in the internal affairs of the states targeted, especially since the consent of the parties involved is not a prerequisite. On the opposite side, Shashi Thoroor tends to be harsher in his perception of peace enforcement; he considers peace enforcement to be used as a cover up for the desire to resort to war "without making the hard political and military choices that war requires" (as cited in O'Neill & Rees, 2005).

According to scholars like David Malone and Karin Wermester, the peacekeeping operations preserved their original tasks of bolstering peace processes, keeping the peace, and observing the peace, until the end of 1980s (Malone& Wermester, 2000).

It is difficult to pinpoint the mission of peace enforcement since throughout the cases there was no clear line separating between peacekeeping and peace enforcement. The resolutions creating the missions were seldom clear about the scope of the mission especially as far as the use of force is concerned. Moreover, some missions started as peacekeeping missions, and due to several developments, shifted to become peace enforcement mission.

Peace enforcement increased significantly in 1990s when UN (between 1990 and 1999) invoked 166 Chapter VII resolutions compared to 24 similar resolutions between the years 1946 and 1989 (Bellamy, Williams & Griffin, 2004). It has also been affected by the new post-Cold war realities, namely the increase in intra-state conflicts and complicated civil wars .Furthermore, it has actually been invoked in the face of civil wars despite the fact that the authors of the charter did not envisage that a collective security system will be directly dealing with internal wars and delivery of humanitarian aid to civilians; a collective security system was presumed to take only between states (Osman, 2002).

In summary, peace enforcement includes the employment of Chapter VII of mandatory enforceable measures by the Security Council including arms embargo, diplomatic and economic sanctions, air and maritime blockade and the use of force (though this thesis will solely focus on the use of force). The consent of any party to the conflict would be helpful for the operation, but it is not a prerequisite for military deployment" (Osman, 2002).

9.1 Why the UN should not resort to Peace enforcement

The UN was founded to preserve international peace and Security, but not to impose peace by force. It lacks the necessary structure, equipment, political consensus to do so.

9.1.1 Inexistence of appropriate structure

"At present there is no continuum from consensual peacekeeping to collective enforcement" because there is still no mechanism for setting up a collective security force under Chapter VII and so the United Nations has resorted to subcontracting enforcement operations (Thakur and Schnabel, 2001). In fact, the UN still doesn't have 'peace enforcement units' as foreseen by former UN Secretary General Boutros Ghali, though it has established the State of High Readiness Brigade (SHIRBRIG) (declared operational since January 2000) which

forms the closest approximation to a permanent UN military capability. This was in light of the fact that at the time of the formulation of the Charter by the great powers, each participant was in favor of a permanent force at some point in the process, which was indicated in Article 43 of the Charter that established a Military Staff Committee (Bellamy, Williams & Griffin, 2004).

In addition, the organizational structure of the UN imposes an additional complication because it consists of numerous agencies in the context of a complex organizational system that has its internal difficulties in coordination, and thus, the ability of the UN to organize cooperative actions still hasn't fully matured and still needs to be demonstrated (Osman, 2002). Marrack Goulding stated: "As for the UN system, there are well-known jealousies and competition between its programs, funds and agencies, each of which has its own intergovernmental policy-making body, its own mandate, its own sources of funding and its own chain of command" (Goulding, 1999)

Accordingly, there has been a grey area between peacekeeping and peace enforcement that can impose considerable hazards and risks. In other words, there is a great difference between deploying troops with the consent, support and cooperation of the parties concerned to help them carry out the agreement they have reached, and between deployment without their consent yet with the powers and means to

use force to coerce them to accept the decisions of the Security Council. This applies in political, military and legal terms and in terms of the survival of the troops (Goulding, 1993). In fact, in Somalia, the Somali warlords were against the peacekeeping missions and eventually forced them out (Rotberg, 2000) (which will be explained later).

Furthermore, peacekeeping has been prevalent over peace enforcement, this prevalence has had an intense impact on the conception of peace enforcement. Writers tended to use the term 'operations' to describe peace enforcement measures, although it was originally applied to peacekeeping. This understanding obfuscates the differences in functions and mandate between the two methods and diminishes peace enforcement to the act of 'deployment' (Osman, 2002).

Additional reason why the UN should not resort to peace enforcement is the lack of political will, in other words, the UN is politically incapable of doing so. For instance, establishing a peace enforcement mission requires a clear wording in the resolutions and a clear mandate. This requires unanimity and a unified position on the part of the Security Council, which is never the case. Ambiguity imprinted most of the supposedly "peace enforcement" missions leading to catastrophic results, not to mention having unrealistic mandates and

inadequate command and control. All of these were major reasons behind the failure of the UN's mission in Somalia (UNOSOM I and II) (Allen, 1997)

Moreover, an unshakeable commitment on the part of the contributing members should be present prior to resorting to peace enforcement mission. When the U.S. suffered casualties during its involvement in Somalia through "Restore Hope operation", it departed and other coalition members began to follow. Things were left again in the hands of UNOSOM II, and being much weaker now, it pulled out as well in 1995.

some scholars tend to favor peace enforcement while others prefer maintaining traditional peacekeeping missions, especially as far as the involvement of the United Nations is concerned.

Katharina Coleman, for instance, tends to favor peace enforcement. Coleman argues that the failure of UN peacekeeping forces to stop massacres and genocide in Bosnia and Somalia demonstrates the limitations of peacekeeping methods and the need to impose peace on a continuing conflict, even if it had to be against the wishes of some combatants, via enforcement operations. She explains that peace enforcement operations, unlike peacekeeping operations, are expected to use military force when required. Therefore, their

personnel are deployed fully equipped in arms and permitted to use the needed force to accomplish their mission (Coleman, 2007).

Scholars disagree on whether the UN should or should not resort to peace enforcement. Some, like Michael O'Connor, have laid his judgment on the ineffectuality of the UN in peace enforcement. He attributes the reasons to the difficulty of achieving consensus among the permanent members of the Security Council, or at least enough of a consensus to avoid the use of veto. Additionally, it is due to the inability of the United Nations to deploy a credible and capable force without the leadership of a permanent member, usually the USA (O'Connor, 2001). Somalia is the case of a clear such demonstration, and later Bosnia.

Nevertheless, a general rule can be that in an ideal situation, having all the convenient circumstances of impartiality, lack of political interest of the international community, and accessibility of the needed resources available, peace enforcement can potentially encourage a remarkable shift towards achieving international peace and order. Yet, this requires an ideal world where there is an international consensus on what is just and what is unjust, where interests can be put aside for the collective good of human beings, and where unlimited resources are available, which is absolutely not the case.

Thakur and Schnabel on the other hand, are more cautious in their analysis, as they realize that peace enforcement would have a strong humanitarian character when peacekeepers are willing to put their lives at stake to protect humanitarian aid deliveries or to strike back when belligerents violate human rights, yet only if applied successfully (Thakur and Schnabel, 2001). This is with the realization that such operations become deeply involved in the internal affairs of the states concerned, and lack of consent and support of the conflicting parties is considered only an impediment to the expanded mandate of the mission. Nevertheless, "the selective application and frequent failure of many peace enforcement missions in triggering lasting peace questions the assumption that peace and justice can indeed be achieved through war" (Thakur and Schnabel, 2001).

9.1.2. Contradiction to the spirit of the UN

Even if the concept ever gains unanimous acceptance, the UN still is not the party to adopt such an approach due to several reasons. First, the question remains: should the UN be involved in war fighting at all? Imposing peace, forcefully, contradicts the spirit on which the UN was established. Concepts like peaceful settlement of disputes, and conflict resolution are often incompatible with enforcing peace while neglecting the collaboration and cooperation of the parties of the conflict. In fact, Westphalian enforcement measures were initially

designed and envisaged to protect states, reduce the use of force between them, and guard them against imperialism. Therefore, UN's attempt of enforcement, in the post Westphalian phase, has been criticized for being a form of neo-imperialism (Bellamy, Williams & Griffin, 2004).

Added to the lack of the material factors to support peace enforcement operations is also the lack of the consensus in the Security Council necessary to provide the political cover. Though the main responsibility of the Security Council as determined by Article 24 of the Charter is to maintain international peace and security, this principle is contradicted in theory by yielding the special privileges of the veto power to the permanent members. This is often used to protect their interests, or even resort to compromises between the great powers and with the non-permanent members to safeguard limited national interests. As a result, the system may authorize an action at the request of a permanent member while such an action may not necessarily reflect the interests of the majority of member states in the UN as a whole (Osman, 2002).

The Charter of the UN adds a further complication to the assessment of peace enforcement since neither peacekeeping nor the problems that accompanied its evolution were envisaged when it was drafted and similar to many national constitutions, it is almost impossible and

inflexible to amend such documents. Consequently, this has left a great space for constant reinterpretation “to sanction undertaking which, on the face of it, were never intended” (Findlay, 2002).

Even political and lawful circumstances are not always available for peacekeeping operations, whether within peacekeeping or enforcement context. Resolutions never clearly indicate the enforcement nature of a peacekeeping mission for example. Consequently, being vaguely worded raises questions of interpretation particularly over the precise conditions that need to be achieved in order to cease the enforcement measures (Bellamy, Williams & Griffin, 2004). Moreover, and in addition to questions of command and control of enforcement operations, is the question of the political will, in other words, whether the contributing states can maintain the political will to proceed with enforcement measures despite the rising costs and casualties they may face, which is equally crucial for the mission (Bellamy, Williams & Griffin, 2004).

Turning a peacekeeping mission into a fighting force may impose several problems. First, the nature of peace enforcement missions requires a long commitment. “Foreign armies, including those fighting under the UN blue flag, cannot impose peace on civil wars without also imposing foreign rule: this was the logic of colonialism” (Thakur and Schnabel, 2001). Second, impartiality, being one of the most

significant principles of peace keeping, is difficult to be implemented in peace enforcement; the forces can't join the fight without taking sides when they want to impose peace. On the other hand, the doctrine of impartiality is itself an obstacle to peace enforcement even as far as law is concerned. In other words, the law cannot be impartial between those who break the law and those who respect it and abide by it (O'Connor, 2001).

Upon researching peacekeeping and peace enforcement, one may notice that there is a tendency to regard all UN peace operations basically corresponding to peacekeeping. The tendency to use such terms to describe authorized enforcement actions reflects an intention to safeguard the impartiality of peacekeeping (Osman, 2002). "For practical reasons, the UN tended not to declare its intention to undertake coercive measures in relation to internal conflicts in order to avoid provocation and obvious resistance" (Osman, 2002). This is because this might lead some of the parties involved in the conflict to believe that the UN is taking sides and may take actions against them, thus fostering hostility against the UN forces.

Sir Brian Urquhart, former UN Under Secretary General for Special Political Tasks, stated: "The real strength of a peacekeeping force lies not in its capacity to use force, but precisely in its *not* using force and

thereby remaining above conflict and preserving its unique position and prestige” (as cited in Findlay, 2002).

Even the impartiality of the UN is put at stake if it is involved in peace enforcement, since the prerequisites and requirements of the forces deployed to enforce a mandatory measure is different from that of the peacekeeping forces. In other words, the enforcement forces do not have to obtain the consent of the conflicting parties, and they may even be instructed to desert impartiality at some point or to direct their weapons against one side (Osman, 2002).

9.1.3. Lack of resources

“The UN cannot easily intervene militarily for peace to prevent intrastate or interstate conflicts. Nor can it do so rapidly, if at all” (Rotberg, 2000).

Securing the convenient circumstances for establishing similar (military) forces is in itself a very difficult task. For instance, the UN lacks the availability of the needed resources, peacekeeping forces are not sufficiently equipped, nor are the peacekeepers well trained; there are no financial resources or equipment that are readily available. In fact the equipment used is mainly provided by the

contributing countries that are mostly poor countries with poor equipment.

The UN doesn't have the troops or the equipment required for enforcement measures. Accordingly, there is a detachment between the theoretical provision for UN military enforcement measures and the matter-of-fact lack of UN military capability. Therefore, the Security Council has been repeatedly obligated to hand over its Chapter VII powers to UN principal or subsidiary organs, or to UN member states or regional arrangements (Bellamy, Williams & Griffin, 2004).

Before concluding this section, it is worth mentioning the UN's intervention in Iraq in 1990-1991 that might be considered successful peace enforcement.

As mentioned earlier, a successful peace enforcement mission has to be supported by a major power and a unanimous political will from the Security Council. Yet, this means risking the objectivity of the mission, and its failure if the major power decides to withdraw its support, similar to US's intervention in Somalia.

As Iraq invaded Kuwait in 1990, the Security Council granted Chapter VII authorities to the US led coalition. The mission, desert shield, was heavily equipped with 500,000 US troops, and 200,000 from 27 other

states (The UN and the Gulf War, n.d.). The mission, followed by 'Desert Storm' has succeeded in liberating Kuwait and thus in achieving the objectives of the intervention.

This successful intervention is caused by the rare availability of the following factors, the political will of the major powers, the provision of the needed resources for the fulfillment of the objectives, and a clear chain of command, led also by a major power. All of which have rarely ever existed later on. In fact, Amitai Etzioni clearly stated that "if one looks at Operation Desert Storm that pushed Saddam out of Kuwait in 1991, one will rank it as very successful if one assumes its goal was to reaffirm the long established Westphalian norm that lies at the very foundation of the prevailing world order—that no nation may use its armed forces to invade another nation, and nations that do so will be pushed back and "punished." (Etzioni, 2012)

CHAPTER TEN

Case Studies

10.1 UNOSOM

Somalia represents *the quintessential* example of the absence of consent of the conflicting parties, UN organizational incapability, lack of consensus of the Security Council and use of force outside the self-defense boundaries, all of which lead to the failure of the intervention both on the level of un-fulfillment of the objectives and casualties.

Following the independence of Somalia in 1960, British and Italian Somali lands were unified, and Mohamed Siad Barre took over in a coup after which Somalia went through an authoritarian era that went through several ups and downs in terms of both the allegiances with the US and Soviets and the Ethiopian issue on the border. It is not in the scope of this thesis to discuss the details of the pre-civil war era, but in brief Somalia had reached 1990 having several political factions, mostly clans, emerged and ready to challenge and topple Siad Barre's rule.

The most important of those clans was the one led by Mohammad Farrah Aideed. Aideed eventually managed to topple Siad Barre and a

new era of inter-clan complex relations started. An additional actor appeared on the scene and that is Mohammad Ali Mahdi who was elected as the President of Somalia in 1991. Aideed challenged Mahdi's rule as he believed he was more righteous for the leadership. Accordingly, Aideed and Ali Mahdi were the two most significant actors on the Somali Arena and thus were internationally sought for negotiations.

Eventually, in 1991 civil war broke out in Somalia where lawlessness and chaos grew massively. Spread of drought added more tragedy, and famine dominated the scene. Accordingly, humanitarian and relief organizations entered the country to reduce the suffering. The government was not functioning at the time and there was no infrastructure to rely on. Therefore, food had become a source of power, and local warlords were seizing up to 80 percent of the relief aid deliveries (Allen, 1997).

Initially, the Security Council, showed interest in dealing with the Somali issue. This was reflected in the budget dedicated to the cause, which reached \$2 (Howard, 2008) billion, and in the fact that sixteen out of the seventeen Security Council decisions regarding Somalia between 1992 and 1994 were unanimous with no abstentions (Howard, 2008).

Having an unbearable humanitarian situation, the United Nations decided to intervene in the situation. Accordingly, the Security Council authorized three operations over the years; UNOSOM I (April 1992 – March 1993), UNITAF (December 1992 – May 1993), and UNOSOM II (March 1993 – May 1995), although they were different in nature, in the sense that UNOSOM I was a simple peacekeeping force; UNITAF was a US led multinational force, and UNOSOM II was the “peace enforcement” mission.

Initially, UNOSOM I was formed of fifty unarmed UN military observers for the simple task of overseeing a ceasefire and the delivery of humanitarian aid. At first, it obtained the initial approval of Ali Mahdi and Mohamed Farah Aideed and therefore achieved a promising beginning (Howard, 2008). One of the major challenges here is that none of the five permanent members participated in UNOSOM I, and their type of interest and involvement changed with the developing course of actions. This is also one of the challenges of peacekeeping in internal and civil wars.

Eventually, it was impossible to secure the humanitarian aid with only 500 peacekeepers. It was then that the US stepped in and influenced the course of events significantly.

It should be noted clearly that the US' role in the Somali matter affected the course of events profoundly. Initially it did not participate in the UNOSOM I, but the interest increased as the media projected the humanitarian suffering in Somalia, causing public pressure to intervene and put an end to the suffering.

The second challenge is that the internal UN problems and dysfunctions reflected gravely on the missions; for instance, there was a disconnection between the field and the headquarters. An example of that are the miscommunication and the lack of coordination between the UN's representative in the negotiations, Algerian Ambassador Mr. Mohamed Sahnoun and the UN headquarters.

Sahnoun managed to build confidence with the various political leaders involved, where he listened to their concerns and negotiated extensively with them. He could even get the political will of the warring parties to cover for the UNOSOM I, therefore it started promisingly and successfully. He could get the approval of Aideed and Ali Mahdi to deploy 500 UN peacekeepers to protect the humanitarian aid although it was a challenge to convince Aideed that the UN and its troops would maintain impartiality.

Yet Sahnoun did not find the common grounds with the UN headquarters where his efforts could be interpreted into UN initiatives to capture the moment and achieve peace (Howard, 2008). Tension raised between the headquarters, mainly the Secretary General at the time, Boutros BoutrosGhali, and Mr. Sahnoun. Eventually, the miscommunication and lack of coordination was translated into the UN's Security Council resolution to deploy additional 3000 troops without consulting with Sahnoun or the conflicting parties which caused Aideed to withdraw his approval and support to UN efforts.

Sahnoun was forced to resign and another representative, Iraqi Ambassador Ismat Kittani was appointed. Kittani had a different approach to dealing with the issue, which in itself marked inconsistency in the UN's handling of matters. Kittani had more of a headquarters approach, where decisions would be taken at the headquarters level, and then implemented in the field (Howard, 2008).

Yet the situation continued deteriorating and the Security Council declared the situation in Somalia to be "a threat to international security" and by the end of 1992 both the Secretary General and the Security Council stated that it was time to move from peacekeeping to peace enforcement by allowing coercive measures in Somalia (Osman, 2002) and thus issued authorization to "use all necessary

means to establish a secure environment for humanitarian relief operations in Somalia” (Allen, 1997). That was when the US initiated the large scale “Restore Hope” operation where the US led and provided 28,000 military forces to the UN coalition known as the United Task Force (UNITAF). So, in December 1992 the UNITAF was established. It was composed of multinational troops deployed in Somalia, most of which were Americans. Its aim was mainly to secure the routes for humanitarian aid.

However, UNITAF was not able to achieve much towards ending the war, yet it managed to secure the humanitarian routes to some extent (Howard, 2008). But the tasks were given up and handed over to the UN again, this time under UNOSOM II.

Yet, the way the UN handled the matter made a significant difference especially when moving from peacekeeping (in UNOSOM I) to peace enforcement (in UNOSOM II and UNITAF), which will be further discussed later.

UNOSOM II’s tasks were wider in scope. Specifically, they included restoring order to Somalia, rebuilding the political and economic institutions and disarming the Somalis in addition to securing humanitarian routes, accordingly, this was established under Chapter

VII, which authorized "all means necessary to protect humanitarian relief efforts and to disarm the combatants.

The major problem was that the resolution was vague and there was no plan or clear instructions for how to proceed with the implementation on field (Howard, 2008). Moreover, the troops, equipment and funding were insufficient, and the chain of command was unclear. They had a peace enforcement mandate with peacekeeping preparations and equipment.

Therefore, the U.N. had to ask the member states for additional support especially in providing airlifts of humanitarian relief supplies. The U.S. responded, and an additional Pakistani force joined. But, having enforcement authorized in a civil war context it was difficult for the forces to stay clear of the competing political agendas and warlords within the country (Lyman, 2004). The Pakistani peacekeepers were eventually attacked, and casualties were high. The UN and the U.S. decided to reply and capture the warlord Aided which made the situation even worse, and this time Americans were subject to an ambush where 18 Americans were killed (Felitz, 2002). Eventually the American troops withdrew and handed it over to the UN which ended shortly after without achieving the main objectives. The withdrawal was justified by the hostility and the lack of cooperation on the part of the conflicting parties (Osman, 2002).

Somalia returned to a state of chaos that remained for many subsequent years.

Poor management affected UNOSOM II deeply. There was a lack of coordination between the different countries involved in the peacekeeping mission and the UN, to the extent where the commanders insisted on consulting with their governments before accepting orders from UN commanders. And ultimately it was considered a catastrophic mission both for the U.N. and the U.S.(Felitz, 2002)

10.2 UNPROFOR

Bosnia represents another complicated case that has put many questions on the table regarding peacekeeping and peace enforcement.

Following the collapse of communism and the death of Tito, Yugoslavia was burning with various ethnicities and nationalities longing for separation and independence. War broke out, and the international community was stuck in hesitation and struggle between several strategies to control the situation. There was a preference towards avoiding military intervention, yet the UN could not get away

from the mix (Lyman, 2004). The initial plan was a mixture of cease fire, reaching an agreement on partition, and a deployment of UN force to protect the "safe areas", where a Muslim minority was surrounded by territories controlled by the Serbs. The hope was to achieve withdrawal of the Serbian forces and disarm militias (Lyman, 2004), a plan that would soon prove to be too ambitious and ill prepared.

Accordingly, Resolution 713 was issued by the Security Council which imposed a mandatory and complete embargo on all deliveries of weapons and military equipment to all parts of Yugoslavia (Security Council Resolution 713, 1991). The UN at the time realized that the conditions were not suitable to deploy forces, therefore, at first, a small UN mission of 50 liaison officers was sent to supervise the ceasefire. Yet the mission soon expanded although the conditions were still not suitable (Lyman, 2004).

In February 1992, the United Nations Protection Force (UNPROFOR) was created with a mandate to establish conditions of peace and security for the negotiation of a peaceful settlement. It did not include using force at first; the use of all necessary means was later authorized for the sole reason of protecting the delivery of humanitarian relief.

The mission was too ambitious, and was not designed to be a traditional peacekeeping mission, yet it lacked the mandate, and the means to act as more than such. It was slightly armed and not large enough to make any significant combat intervention (Lyman, 2004). In fact, and in order to be more specific, 12,000 lightly armed peacekeepers were deployed under UNPROFOR before the war broke out. Therefore, at the time, there was no clear mandate given for the mission as there was no peace agreement to keep or implement or a stalemate on the battlefield (Howard, 2008).

The problems facing the UN's intervention were many, one of which was the different points of view and perceptions that the major powers had about the history and reasons of the war, and accordingly the way to deal with it. For instance, the United States viewed the conflict as an ancient ethnic hatred leading to the conclusion that any intervention would be fruitless. Germany on the other hand, and most Europeans, saw the war as an aggression by Serbia in a bid to create greater Serbia. Meanwhile China viewed the war as an internal matter and was against international intervention (Howard, 2008). However, the most influential stand was that of the Non-Alignment movement which supported UN's use of force since it viewed the conflict as that of the Serb's aggression.

Accordingly, the Non-Alignment movement supported a Security Council resolution to protect "safe areas". This was a response to the deteriorating humanitarian situation in Bosnia Herzegovina in 1993, mainly because of the Bosnian Serb attacks on 'isolated pockets' in Bosnia where Srebrenica was one of the areas where thousands of Muslims were seeking refuge but were attacked by Serb forces leading to a death of 30 to 40 persons daily ("Former Yugoslavia-UNPROFOR", 1996). Accordingly, the Security Council passed resolution 819 (1993) under Chapter VII and called all parties to consider Srebrenica and its surroundings as safe areas and accordingly to end any armed attacks and to withdraw the Bosnian Serb paramilitary units ("Former Yugoslavia-UNPROFOR", 1996). However, the mandate was still unclear and did not even specify the boundaries of the safe areas or the methods for demilitarization. The attacks of the Serbs continued, and several other resolutions were established, the third of which was sponsored by the United States, France, Russia, the United Kingdom and Spain. Although it included a mandate of preventing attacks and monitoring cease fire, it was not based on a formal report by the Secretary General (Howard, 2008). Here, the UN succumbed to the same mistake of taking decisions without proper consultation and coordination between the field, the

headquarters and the Secretary General, resulting in a weak resolution.

The resolution, being under Chapter VII, authorized the mission to take necessary measures, including the use of force to protect the area, the UNPROFOR and the humanitarian convoys ("Former Yugoslavia-UNPROFOR", 1996). The Secretary General, however, expressed his reservation about UNPROFOR's ability to stop the attacks while it lacks the sufficient numbers of peacekeepers. Ultimately, the Security Council decided to provide 35,000 troops to UNPROFOR to be able to carry out the mandate, but the vote resulted in providing 7500 instead (Howard, 2008).

Their lack of commitment in so far as providing sufficient resources was an additional obstacle. UN Secretary General Boutros Boutros-Ghali had asked for 34,000 additional troops to undertake the protection of the "safe areas"; he received only 7,000 (Lyman, 2004).

"The Security Council made decisions about the "safe areas" that were almost completely divorced from a vision of implementation" (Howard, 2008). The error was not limited to the design and formulation of the resolution and mandate, but even to the implementation on field. There were constant problems in the chain of command, and in the disorganization and miscommunication between

the commanders on the field and the UN headquarters, mainly the Secretary General. Additionally, there was a lack of integration and coordination between the UN forces on the ground and the Bosnian government. Both Osman and Lyman attribute the failure of UNPROFOR to the disagreement between the Security Council permanent members which paralyzed UNPROFOR: "In order to overcome the differences the Council had to compromise over the terms its resolutions and to sacrifice the clarity of the mandate of the UN forces. It is argued that ambiguity in the mission's mandate caught UNPROFOR between peacekeeping and peace enforcement" (Osman, 2002).

350 UNPROFOR personnel were kidnapped, and the mission failed to stop the massacre of Srebrenica. UN forces could not stand in the face of the Serbs troops and actually stepped aside in places like Srebrenica which was declared as a "safe area". The suffering continued for years, accompanied by an international community increasingly confused on how to deal with the matter. The circumstances were difficult, with UNPROFOR essentially stuck in a massive ethnic war between half a dozen national ethnic groups (as cited in Osman, 2002).

The Americans stepped into the scene, and in November 1995 Dayton Accords were signed by the Bosnians, Croats, and Serbs under the

auspices of the United States which is believed to have given momentum to the peace process. By December 1995 the presence of the United Nations in Bosnia was formally replaced by a U.S. led NATO force and the UN slogan was removed from all of the equipment (helmets and vehicles). This represented the first instance of the UN handing over to member states a whole peace enforcement mission and mandate and not only the command of forces (Osman, 2002).

CHAPTER ELEVEN

Conclusion

Peacekeeping operations, though never mentioned in the Charter, have become a significant aspect and image of the United Nations. Massive efforts - politically, financially, legally and logistically, were invested to make the best of it. The efforts were not always successful; some mistakes were deadly and left scars on the organization until this day. Nevertheless, this didn't hinder the concept of the peacekeeping operation from renewing, evolving, and adapting.

Many factors affected the evolution of peacekeeping operations, mainly the end of the cold war where new realities appeared: post Westphalian status, intrastate rather than interstate wars, influential non-state actors, and the end of the bipolar system that has paralyzed the organization for years.

One of the reasons that peacekeeping operations fail is if the mandate itself sets objectives that cannot be achieved. In other words, "a mandate can suffer from being unrealistic, unsupported, too vague, or too weak. Sometimes it is intentionally so. As Durch noted, "mandates tend to reflect the political play in the Security Council" (Jett, 2001). Consequently, Andrzej Sitkowski defines three crucial factors for an intervention to be effective: the relevance of the mandate to the actuality of the conflict, the speed of deployment, and the sufficiency of the means employed (Sitkowski, 2006).

When it comes to the use of force, it is also governed by the mandate given to the operation by the Security Council. "The drafting of such mandates is an intensely political process, driven by various considerations that are not relevant to the use-of-force issue" (Findlay, 2002). In fact, one of Brahimi report's recommendations was that there is a need to have a clear distinction between peacekeeping and peace enforcement and that whenever peace enforcement is

decided to be the means, then the UN traditional peacekeeping “was the wrong vehicle” (Brahimi, 2000).

Eventually, peace enforcement became a product of the new developments and the new realities imposed on the ground. Peacekeeping being the “passive” and peace enforcement involved using force beyond mere self-defense. This has created a set of new questions to be considered, on whether the UN is the appropriate organization to resort to these approaches, or whether it should remain as far away as possible from enforcing peace.

The United Nations’ spirit does not comply with enforcing the peace but rather to keep, make, and build peace. Additionally, with peace enforcement, the organization’s impartiality will always be under question, not to mention that it lacks the means – political, logistical and financial, to go for peace enforcement on a full scale. Somalia’s and Bosnia’s experiences represent this fact. Accordingly, and as mentioned before, peacekeeping operations and more importantly peace enforcement operations are difficult to achieve, especially within a civil war context. The conviction remains that the international community performed better in peacekeeping between states than within them, but no one has tested this supposition (Fortna, 2003).

Since the circumstances requiring the creation of a peacekeeping operation are usually sudden and urgent, the practice was that the Security Council is instigated to resort to the Secretary General and the Secretariat to act rapidly in sending out the needed military personnel and military back up with little or no guidance from the appropriate political organs (Shimura, 2001). The case is no different when it comes to peace enforcement missions, therefore, Murrack Goulding has recommended a clear political commitment on the part of the Security Council towards the countries contributing troops, in that it [the Security Council] is determined to overcome and succeed against any opposition and has considered this a prerequisite for a successful peacekeeping operation (as cited in in Findlay, 2002). Though experience has shown that such commitment is very idealistic and difficult to attain; in Somalia and Bosnia the UN was not equipped to use the needed force, the U.S. took over using force and eventually withdrew. The use of force was not explicitly mentioned in the Security Council resolutions authorizing the mandates, which left it in a vague position and reflected a "non determination" of the Security Council to prevail against any opposition, the UN was put in critical situations at numerous instances.

However, the non-readiness of the military troops to be deployed instantly remains an issue to be addressed by the Organization. In

order to solve it, Boutros Boutros Ghali established a "stand by arrangement system" where states provide a certain number of personnel to be on standby and ready to be dispatched in any future peacekeeping operation. However, contribution of states is voluntary, and they can even decide their contribution on a case by case basis. Initially, 70 states contributed a total of 100,000 personnel, but the system failed in its first test which was Rwanda in 1994 where all member states that had registered in the system turned down the Secretary General's request for troops (Shimura, 2001). Although it should be noted here that Trygve Lie was the first Secretary General to suggest the idea of establishing a permanent peacekeeping force, "UN Guard" that was trained to use coercive measures if necessary (Nachmias, 1996).

Moreover, since there is no mention of peacekeeping operations in the Charter, there is a lack of reference material for the UN, Security Council or member states. This means that peacekeeping operations are always created from scratch and are dealt with on case-by-case basis depending on the circumstances surrounding each one. Bellamy supports this notion of dealing with peacekeeping operations on a case-by-case basis since it is an ad hoc technique that was in fact developed through dealing with individual problems. Therefore it is a misconception to believe that all the peacekeeping cases during the

cold war were of Westphalian nature and all those post Cold War are of post Westphalian nature (Bellamy, Williams & Griffin, 2004). Although, in 1992 a major development occurred when the department of peacekeeping operations known as (DPKO) was created to serve as a body that will follow up the creation and daily developments of peacekeeping operations. It included the Office of Operations, the Office of Planning and Support, and the 24-hour Situation Center. Although it expanded the civilian staff, and 50 additional military officers were taken on loan from member states to be incorporated into the system, the DPKO suffered a shortcoming exemplified in the lack of expertise and adequate knowledge within the secretariat about the region or the country where the operation was to take place (Shimura, 2001). Moreover, the chain of command of the military advisors is vague and not clearly defined in the DPKO; the military officers are dispersed through the various divisions of the department, and it appeared in the 1990s that there are dual lines of responsibility to the military advisor and the Under Secretary General (O'Connor, 2001) which creates serious complications for peacekeeping missions, not to mention peace enforcement.

It is equally important to think conceptually about the nature of the operation and the interrelation between concepts of peacekeeping, peace enforcement, peace building and peacemaking (Bellamy,

Williams & Griffin, 2004) and *An Agenda for Peace* by Boutros BoutrosGhali.

Yet, it should be kept in mind that for cases that clearly need peace enforcement, "coalition of the willing" may present a valid option. Such a coalition would be authorized by the UN but would be composed of those states with a sufficient interest and willingness to commit combat troops, to fund those troops, and to use force as necessary (Lyman, 2004).

It is not claimed at any point that the United Nations as an international organization represents the perfection or idealism of what the international system is supposed to look like. 65 years after its establishment and the UN is still evolving, learning from mistakes, and adapting to surprising changes in the world order. The concept of peacekeeping is no exception and is still facing challenges, some of which are out of the UN's hands, while others are due to lack of willingness and miscalculations. Boutros Boutros Ghali summarized these problems in the early 1990s to be related to the availability equipment and personnel, to the information capacity of the operations and to the command and control and lack of adequate equipment and training. The principle is that contributing countries send personnel and equipment, but on many occasions they send troops without the necessary equipment or the adequate training

needed. Therefore, in such cases the UN has to resort to purchasing equipment from other countries, which requires more time to get the peacekeepers trained with equipment that they are usually exposed to for the first time (Ghali, 1995). Language imposes another challenge to the peacekeepers, as simple and technical it may seem, but it can be crucial when a unit contains contingents of different nationalities and background which hinders their communication. Furthermore, when the peacekeepers do not speak the local language and are thus unable to communicate with the local population, this also impairs the work of policing, administration and even intelligence (Yilmaz, 2005)

Other challenges lie in the vagueness of the “script” for international peacekeepers; the studies, debates, and lessons, from past experiences show that there is no deficiency or shortage in experience and competence on the subject, but a lack in the political will for change (Sitkowski, 2006).

Accordingly, reformation is still needed and should always be in progress. Most importantly, the Security Council should move beyond its current model of reactions and actually try to identify and address potential crises at their root before war and violence explode (Thakur and Schnabel, 2001). Kofi Annan noticed this in one of his statements when he stated that: “It is also necessary to recognize that any armed intervention is itself a result of the failure of prevention. As we

consider the future of intervention, we must redouble our efforts to enhance our preventive capabilities – including early warning, preventive diplomacy, preventive deployment and preventive disarmament... Even the costliest policy of prevention is far cheaper, in lives and in resources, than the least expensive use of armed force” (“Secretary General Presents his Annual Report”, 1999). Nevertheless, when a violent conflict occurs, the UN, partly through peacekeeping operations should engage in post-conflict reconciliation and peace building through empowering the structures that will contribute to consolidating the peace (Thakur and Schnabel, 2001). And, when planning a peacekeeping operation or a peace enforcement operation, it must take into account the worst case scenario of all possibilities, since one of the lessons learnt from past experiences in enforcement operations is that “the good faith of the parties cannot be taken for granted” (O'Connor, 2001). Therefore, it is suggested that the UN, when it comes to enforcing peace, could resort to regional arrangements and coalitions of the willing; the UN has learned that those types of interventions are better addressed by others. Recently, and in the wake of Somalia’s and Bosnia’s experiences, there has become a general agreement that peace enforcement missions should be given to military coalitions, supported

by the blessings of the UN, but not under its direct control (Jett, 2001).

On a second level, when violence does break out, there is an urgent need to make the mandates and goals clear and to match this with military and financial resources. The divergence within the Security Council is often reflected in the ambiguity of the literature of the resolutions, which imposes a price that has to be paid by the peacekeepers on the field (Thakur and Schnabel, 2001). As well, there should of course be peace to keep in the first place.

Moreover, although the idea of having a stand-by military structure to be dispatched rapidly in cases of emergencies was proposed on several occasions, the idea was opposed by many governments mostly on political grounds, fearing that this might give the United Nations sovereign powers (Urquhart, 2004). But Urquhart stresses that if the UN still intends to deal with practical emergencies in the world, then such arrangement is indispensable (O'Neil and Rees, 2005). Robert Johansen suggests in this regard the creation of the above mentioned permanent UN force where individuals from many nations would volunteer to participate and would be individually recruited by the UN, assuming that it should be loyal to the UN and not to the variable and changeable political goals of their

governments who provide contingents 'on loan' for ad hoc forces (Johansen, 1990).

Finally, the UN will continue to face the dilemma and conflict between the norm of respect for state sovereignty, and the demand for humanitarian intervention until one of them prevails, which will probably be the latter (Karns & Mingst, 2001). NGOs, regional organizations and coalitions will continue to have an increasing role, but the UN will, for better or for worse, remain the most widely acceptable international institution.

Whether for peacekeeping or for peace enforcement, the process of trial and error is still in progress. Each corner hides a new challenge that the UN is committed to address, and to hopefully overcome. Yet, peacekeeping operations will always represent the core of the spirit of the United Nations.

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Appendix I

Resolution 186 (1964)

Adopted by the Security Council on 4 March 1964

The Security Council,

Noting that the present situation with regard to Cyprus is likely to threaten international peace and security and may further deteriorate unless additional measures are promptly taken to maintain peace and to seek out a durable solution.

Considering the positions taken by the parties in relation to the Treaties signed at Nicosia on 16 August 1960,

Having in mind the relevant provisions of the Charter of the United Nations and its Article 2, paragraph 4, which reads: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

1. Calls upon all Member States, in conformity with their obligations under the Charter of the United Nations, to refrain from any action or threat of action to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace;
2. Asks the Government of Cyprus, which has the responsibility for the maintenance and restoration of law and order, to take all additional measures necessary to stop violence and bloodshed in Cyprus;
3. Calls upon the communities in Cyprus and their leaders to act with the utmost restraint;
4. Recommends the creation, with the consent of the Government of Cyprus, of a United Nations Peace-Keeping Force in Cyprus. The composition and size of the Force shall be established by the Secretary-General, in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom. The commander of the Force shall be appointed by the Secretary-General and report to him. The Secretary-General, who shall keep the Governments providing the Force fully informed, shall report periodically to the Security Council on its operation;
5. Recommends that the function of the Force should be in the interest of preserving international peace and security, to use its best efforts to prevent

a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions;

6. Recommends that the stationing of the Force shall be for a period of three months, all costs pertaining to it being met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for the purpose;

2. Recommends further that the Secretary-General designate, in agreement with the Government of Cyprus and the Governments of Greece, Turkey and United Kingdom a mediator who shall use his best endeavors with the representatives of the communities and also with the aforesaid four Governments, for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people as a whole and the preservation of international peace and security. The mediator shall report periodically to the Secretary-General on his efforts;

8. Requests the Secretary-General to provide, from funds of the United Nations, as appropriate, for the remuneration and expenses of the mediator and his staff.

Adopted unanimously at the I 102nd meeting.

Appendix II

At its 2073rd meeting, on 18 March 1978, the Council decided to invite the representative of the Sudan to participate, without vote, in the discussion of the question.

At its 2074th meeting, on 19 March 1978, the Council decided to invite the representatives of Iraq, Mongolia, Pakistan and Qatar to participate, without vote, in the discussion of the question.

Resolution 425 (1978) of 19 March 1978

The Security Council,

Taking note of the letters from the Permanent Representative of Lebanon¹⁹ and from the Permanent Representative of Israel,²⁰

Having heard the statements of the Permanent Representatives of Lebanon and Israel,²¹

Gravely concerned at the deterioration of the situation in the Middle East and its consequences to the maintenance of international peace,

Convinced that the present situation impedes the achievement of a just peace in the Middle East,

1. *Calls* for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

2. *Calls upon* Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;

3. *Decides*, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for Southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States;

4. *Requests* the Secretary-General to report to the Council within twenty-four hours on the implementation of the present resolution.

Adopted at the 2074th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).²²

¹⁹ *Ibid.*, documents S/12600 and S/12606.

²⁰ *Ibid.*, document S/12607.

²¹ *Ibid.*, *Thirty-third Year*, 2071st meeting.

²² One member (China) did not participate in the voting.

Resolution 426 (1978) of 19 March 1978

The Security Council

1. *Approves* the report of the Secretary-General on the implementation of Security Council resolution 425 (1978), contained in document S/12611 of 19 March 1978;²³

2. *Decides* that the United Nations Interim Force in Lebanon shall be established in accordance with the above-mentioned report for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

Adopted at the 2075th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).²⁴

Decision

At its 2076th meeting, on 3 May 1978, the Council proceeded with the discussion of the item entitled "The situation in the Middle East: letter dated 1 May 1978 from the Secretary-General to the President of the Security Council (S/12675)".²⁵

Resolution 427 (1978) of 3 May 1978

The Security Council,

Having considered the letter dated 1 May 1978 from the Secretary-General to the President of the Security Council,²⁶

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978,

1. *Approves* the increase in the strength of the United Nations Interim Force in Lebanon requested by the Secretary-General from 4,000 to approximately 6,000 troops;

2. *Takes note* of the withdrawal of Israeli forces that has taken place so far;

3. *Calls upon* Israel to complete its withdrawal from all Lebanese territory without any further delay;

4. *Deplores* the attacks on the United Nations Force that have occurred and demands full respect for the United Nations Force from all parties in Lebanon.

Adopted at the 2076th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).²⁷

²³ See *Official Records of the Security Council, Thirty-third Year, Supplement for January, February and March 1978*.

²⁴ One member (China) did not participate in the voting.

²⁵ See *Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978*.

²⁶ *Ibid.*, document S/12675.

²⁷ One member (China) did not participate in the voting.

Appendix III

At its 2073rd meeting, on 18 March 1978, the Council decided to invite the representative of the Sudan to participate, without vote, in the discussion of the question.

At its 2074th meeting, on 19 March 1978, the Council decided to invite the representatives of Iraq, Mongolia, Pakistan and Qatar to participate, without vote, in the discussion of the question.

Resolution 425 (1978) of 19 March 1978

The Security Council,

Taking note of the letters from the Permanent Representative of Lebanon¹⁹ and from the Permanent Representative of Israel,²⁰

Having heard the statements of the Permanent Representatives of Lebanon and Israel,²¹

Gravely concerned at the deterioration of the situation in the Middle East and its consequences to the maintenance of international peace,

Convinced that the present situation impedes the achievement of a just peace in the Middle East,

1. *Calls* for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

2. *Calls upon* Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;

3. *Decides*, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for Southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States;

4. *Requests* the Secretary-General to report to the Council within twenty-four hours on the implementation of the present resolution.

Adopted at the 2074th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).²²

¹⁹ *Ibid.*, documents S/12600 and S/12606.

²⁰ *Ibid.*, document S/12607.

²¹ *Ibid.*, *Thirty-third Year*, 2071st meeting.

²² One member (China) did not participate in the voting.

Resolution 426 (1978) of 19 March 1978

The Security Council

1. *Approves* the report of the Secretary-General on the implementation of Security Council resolution 425 (1978), contained in document S/12611 of 19 March 1978;²³

2. *Decides* that the United Nations Interim Force in Lebanon shall be established in accordance with the above-mentioned report for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

Adopted at the 2075th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).²⁴

Decision

At its 2076th meeting, on 3 May 1978, the Council proceeded with the discussion of the item entitled "The situation in the Middle East: letter dated 1 May 1978 from the Secretary-General to the President of the Security Council (S/12675)".²⁵

Resolution 427 (1978) of 3 May 1978

The Security Council,

Having considered the letter dated 1 May 1978 from the Secretary-General to the President of the Security Council,²⁶

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978,

1. *Approves* the increase in the strength of the United Nations Interim Force in Lebanon requested by the Secretary-General from 4,000 to approximately 6,000 troops;

2. *Takes note* of the withdrawal of Israeli forces that has taken place so far;

3. *Calls upon* Israel to complete its withdrawal from all Lebanese territory without any further delay;

4. *Deplores* the attacks on the United Nations Force that have occurred and demands full respect for the United Nations Force from all parties in Lebanon.

Adopted at the 2076th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).²⁷

²³ See *Official Records of the Security Council, Thirty-third Year, Supplement for January, February and March 1978*.

²⁴ One member (China) did not participate in the voting.

²⁵ See *Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978*.

²⁶ *Ibid.*, document S/12675.

²⁷ One member (China) did not participate in the voting.

Appendix IV

The full text of Security Council resolution 1701 (2006) reads as follows:

"The Security Council,

"Recalling all its previous resolutions on Lebanon, in particular resolutions 425 (1978), 426 (1978), 520 (1982), 1559 (2004), 1655 (2006) 1680 (2006) and 1697 (2006), as well as the statements of its President on the situation in Lebanon, in particular the statements of 18 June 2000 (S/PRST/2000/21), of 19 October 2004 (S/PRST/2004/36), of 4 May 2005 (S/PRST/2005/17), of 23 January 2006 (S/PRST/2006/3) and of 30 July 2006 (S/PRST/2006/35),

"Expressing its utmost concern at the continuing escalation of hostilities in Lebanon and in Israel since Hizbollah's attack on Israel on 12 July 2006, which has already caused hundreds of deaths and injuries on both sides, extensive damage to civilian infrastructure and hundreds of thousands of internally displaced persons,

"Emphasizing the need for an end of violence, but at the same time *emphasizing* the need to address urgently the causes that have given rise to the current crisis, including by the unconditional release of the abducted Israeli soldiers,

"Mindful of the sensitivity of the issue of prisoners and *encouraging* the efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel,

"Welcoming the efforts of the Lebanese Prime Minister and the commitment of the Government of Lebanon, in its seven-point plan, to extend its authority over its territory, through its own legitimate armed forces, such that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon, *welcoming also* its commitment to a United Nations force that is supplemented and enhanced in numbers, equipment, mandate and scope of operation, and *bearing in mind* its request in this plan for an immediate withdrawal of the Israeli forces from southern Lebanon,

"Determined to act for this withdrawal to happen at the earliest,

"Taking due note of the proposals made in the seven-point plan regarding the Shebaa farms area,

"*Welcoming* the unanimous decision by the Government of Lebanon on 7 August 2006 to deploy a Lebanese armed force of 15,000 troops in South Lebanon as the Israeli army withdraws behind the Blue Line and to request the assistance of additional forces from UNIFIL as needed, to facilitate the entry of the Lebanese armed forces into the region and to restate its intention to strengthen the Lebanese armed forces with material as needed to enable it to perform its duties,

"*Aware* of its responsibilities to help secure a permanent ceasefire and a long-term solution to the conflict,

"*Determining* that the situation in Lebanon constitutes a threat to international peace and security,

"1. *Calls for* a full cessation of hostilities based upon, in particular, the immediate cessation by Hizbollah of all attacks and the immediate cessation by Israel of all offensive military operations;

"2. Upon full cessation of hostilities, *calls upon* the Government of Lebanon and UNIFIL as authorized by paragraph 11 to deploy their forces together throughout the South and *calls upon* the Government of Israel, as that deployment begins, to withdraw all of its forces from southern Lebanon in parallel;

"3. *Emphasizes* the importance of the extension of the control of the Government of Lebanon over all Lebanese territory in accordance with the provisions of resolution 1559 (2004) and resolution 1680 (2006), and of the relevant provisions of the Taif Accords, for it to exercise its full sovereignty, so that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon;

"4. *Reiterates* its strong support for full respect for the Blue Line;

"5. *Also reiterates* its strong support, as recalled in all its previous relevant resolutions, for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders, as contemplated by the Israeli-Lebanese General Armistice Agreement of 23 March 1949;

"6. *Calls on* the international community to take immediate steps to extend its financial and humanitarian assistance to the Lebanese people, including through facilitating the safe return of displaced persons and, under the authority of the Government of Lebanon, reopening airports and harbours, consistent with paragraphs 14 and 15, and *calls on* it also to consider further assistance in the future to contribute to the reconstruction and development of Lebanon;

"7. *Affirms* that all parties are responsible for ensuring that no action is taken contrary to paragraph 1 that might adversely affect the search for a long-term solution, humanitarian access to civilian populations, including safe passage for humanitarian convoys, or the voluntary and safe return of displaced persons, and *calls on* all parties to comply with this responsibility and to cooperate with the Security Council;

"8. *Calls for* Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the following principles and elements:

-- full respect for the Blue Line by both parties;

-- security arrangements to prevent the resumption of hostilities, including the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL as authorized in paragraph 11, deployed in this area;

-- full implementation of the relevant provisions of the Taif Accords, and of resolutions 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon, so that, pursuant to the Lebanese cabinet decision of 27 July 2006, there will be no weapons or authority in Lebanon other than that of the Lebanese State;

-- no foreign forces in Lebanon without the consent of its Government;

-- no sales or supply of arms and related materiel to Lebanon except as authorized by its Government;

-- provision to the United Nations of all remaining maps of land mines in Lebanon in Israel's possession;

"9. *Invites* the Secretary-General to support efforts to secure as soon as possible agreements in principle from the Government of Lebanon and the Government of Israel to the principles and elements for a long-term solution as set forth in paragraph 8, and *expresses* its intention to be actively involved;

"10. *Requests* the Secretary-General to develop, in liaison with relevant international actors and the concerned parties, proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559 (2004) and 1680 (2006), including disarmament, and for delineation of the international borders of Lebanon, especially in those areas where the border

is disputed or uncertain, including by dealing with the Shebaa farms area, and to present to the Security Council those proposals within thirty days;

"11. *Decides*, in order to supplement and enhance the force in numbers, equipment, mandate and scope of operations, to authorize an increase in the force strength of UNIFIL to a maximum of 15,000 troops, and that the force shall, in addition to carrying out its mandate under resolutions 425 and 426 (1978):

(a) Monitor the cessation of hostilities;

(b) Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon as provided in paragraph 2;

(c) Coordinate its activities related to paragraph 11 (b) with the Government of Lebanon and the Government of Israel;

(d) Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons;

(e) Assist the Lebanese armed forces in taking steps towards the establishment of the area as referred to in paragraph 8;

(f) Assist the Government of Lebanon, at its request, to implement paragraph 14;

"12. Acting in support of a request from the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, *authorizes* UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence;

"13. *Requests* the Secretary-General urgently to put in place measures to ensure UNIFIL is able to carry out the functions envisaged in this resolution, *urges* Member States to consider making appropriate contributions to UNIFIL and to respond positively to requests for assistance from the Force, and *expresses* its strong appreciation to those who have contributed to UNIFIL in the past;

"14. *Calls upon* the Government of Lebanon to secure its borders and other entry points to prevent the entry in Lebanon without its consent of

arms or related materiel and *requests* UNIFIL as authorized in paragraph 11 to assist the Government of Lebanon at its request;

“15. *Decides* further that all States shall take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft:

“(a) The sale or supply to any entity or individual in Lebanon of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories; and

“(b) The provision to any entity or individual in Lebanon of any technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in subparagraph (a) above;

except that these prohibitions shall not apply to arms, related material, training or assistance authorized by the Government of Lebanon or by UNIFIL as authorized in paragraph 11;

“16. *Decides* to extend the mandate of UNIFIL until 31 August 2007, and *expresses its intention* to consider in a later resolution further enhancements to the mandate and other steps to contribute to the implementation of a permanent ceasefire and a long-term solution;

“17. *Requests* the Secretary-General to report to the Council within one week on the implementation of this resolution and subsequently on a regular basis;

“18. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 1515 (2003) of 18 November 2003;

“19. *Decides* to remain actively seized of the matter.”

Appendix V

In a letter dated 14 November 1991,¹⁶² the President of the Security Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter, dated 12 November 1991¹⁶¹ concerning an addition to the

Member States contributing military personnel to the United Nations Advance Mission in Cambodia has been brought to the attention of the Council members. They agree with the proposal contained in your letter."

LETTER DATED 19 SEPTEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 19 SEPTEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 20 SEPTEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF HUNGARY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 24 SEPTEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Decision

At its 3009th meeting, on 25 September 1991, the Council decided to invite the representative of Yugoslavia to participate, without vote, in the discussion of the item entitled:

"Letter dated 19 September 1991 from the Permanent Representative of Austria to the United Nations addressed to the President of the Security Council (S/23052);²²

"Letter dated 19 September 1991 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council (S/23053);²²

"Letter dated 20 September 1991 from the Permanent Representative of Hungary to the United Nations addressed to the President of the Security Council (S/23057);²²

"Letter dated 24 September 1991 from the Permanent Representative of Yugoslavia to the United Nations addressed to the President of the Security Council (S/23069)."²²

Resolution 713 (1991) of 25 September 1991

The Security Council,

Conscious of the fact that Yugoslavia has welcomed, through a letter from the Permanent Representative of Yugoslavia to the United Nations addressed to the President of

the Security Council,¹⁶³ the decision to convene a meeting of the Security Council,

Having heard the statement by the Minister for Foreign Affairs of Yugoslavia,¹⁶⁴

Deeply concerned by the fighting in Yugoslavia, which is causing a heavy loss of human life and material damage, and by the consequences for the countries of the region, in particular in the border areas of neighbouring countries,

Concerned that the continuation of this situation constitutes a threat to international peace and security,

Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Recalling also the provisions of Chapter VIII of the Charter,

*Commending the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, to restore peace and dialogue in Yugoslavia, through, *inter alia*, the implementation of a cease-fire including the sending of observers, the convening of a conference on Yugoslavia, including the mechanisms set forth within it, and the suspension of the delivery of all weapons and military equipment to Yugoslavia,*

Recalling the relevant principles enshrined in the Charter, and in this context taking note of the declaration of 3 September 1991 of the States participating in the Conference on Security and Cooperation in Europe that no territorial gains or

changes within Yugoslavia brought about by violence are acceptable,

Taking note of the agreement for a cease-fire concluded on 17 September 1991 in Igalo, and also that signed on 22 September 1991,

Alarmed by the violations of the cease-fire and the continuation of the fighting,

Taking note of the letter dated 19 September 1991 from the Permanent Representative of Austria to the United Nations addressed to the President of the Security Council,¹⁸⁵

Taking note also of the letters dated 19 and 20 September 1991 from, respectively, the Permanent Representative of Canada¹⁸⁶ and the Permanent Representative of Hungary¹⁸⁷ to the United Nations addressed to the President of the Security Council,

Taking note further of the letters addressed to the Secretary-General dated 5 and 22 July, 6 and 21 August and 20 September 1991 from the Permanent Representative of the Netherlands,¹⁸⁸ the letter dated 12 July 1991 from the Permanent Representative of Czechoslovakia,¹⁸⁹ the letter dated 7 August 1991 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland,¹⁹⁰ and the letter dated 19 September 1991 from the Permanent Representative of Australia,¹⁹¹ as well as the letter addressed to the President of the Security Council dated 7 August 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Austria,¹⁹² and the letters dated 29 August and 4 and 20 September 1991 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland¹⁹³ to the United Nations,

1. *Expresses its full support* for the collective efforts for peace and dialogue in Yugoslavia undertaken under the auspices of the member States of the European Community with the support of the States participating in the Conference on Security and Cooperation in Europe consistent with the principles of that Conference;

2. *Supports fully* all arrangements and measures resulting from such collective efforts as those described above, in particular with regard to assistance and support to the cease-fire observers, and to consolidate an effective end to hostilities in Yugoslavia and to assure the smooth functioning of the process instituted within the framework of the Conference on Yugoslavia;

3. *Invites* to this end the Secretary-General to offer his assistance without delay, in consultation with the Government of Yugoslavia and all those promoting the efforts referred to above, and to report as soon as possible to the Security Council;

4. *Strongly urges* all parties to abide strictly by the cease-fire agreements of 17 and 22 September 1991;

5. *Appeals urgently to and encourages* all parties to settle their disputes peacefully and through negotiation at the Conference on Yugoslavia, including through the mechanisms set forth within it;

6. *Decides*, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Yugoslavia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia until the Council decides otherwise following consultation between the Secretary-General and the Government of Yugoslavia;

7. *Calls upon* all States to refrain from any action which might contribute to increasing tension and to impeding or delaying a peaceful and negotiated outcome to the conflict in Yugoslavia, which would permit all Yugoslavs to decide upon and to construct their future in peace;

8. *Decides* to remain seized of the matter until a peaceful solution is achieved.

Adopted unanimously at the 3009th meeting.

LETTER DATED 30 SEPTEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF HAITI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Decision

At its 3011th meeting, on 3 October 1991, the Council decided to invite the representatives of Canada, Haiti and

Honduras to participate, without vote, in the discussion of the item entitled: "Letter dated 30 September 1991 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council (S/23098)."²²