

Maintaining International Peace and Security through United Nations Peacekeeping

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By the end of 2016, the number of people forcibly displaced by conflicts crossed 65 million, the largest such number since the end of the Second World War.¹ This huge human and material cost is the biggest indictment of the United Nations Security Council (UNSC) for not fulfilling its primary responsibility, given by the United Nations (UN) Charter, for maintaining international peace and security.²

The UN Charter restrains the United Nations General Assembly (UNGA) from making any recommendation on issues that are on the agenda of the fifteen-member UNSC.³ Within the UNSC, decision-making continues to be dominated by the five permanent members (the United States, the United Kingdom, France, the Russian Federation and the People's Republic of China) who have the power to veto decisions without giving any reason. This means that effectively, only five out of the 193 UNGA member states determine the UNSC's approach on how to maintain international peace and security. Since 2010, permanent members of the UNSC have assumed the right (which is not given to them by the UN Charter) to take the lead in drafting decisions of the UNSC. This is known as the role of the "pen-holder".⁴

The drafters of UNSC mandates for resolutions on UN peace-keeping operations (PKOs) see PKOs as the UNSC's main platform for both securing and sustaining peace and security. Currently, 16 UN PKOs are in the field under mandates given by the UNSC. These include relatively quiet PKOs like United Nations Peacekeeping Force in Cyprus (UNFICYP), where the number of UN peacekeepers deployed are not large. The bulk of UN peacekeepers are to be found in the PKOs deployed in Africa, which is also the region where the nature and effectiveness of UN

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PKOs as an instrument of maintaining peace and security faces its biggest test.⁵

Out of the more than 96,000 uniformed troops deployed in UN PKOs in April 2017, the vast majority is contributed by African member states (about 47,000 troops) and Asian member states (about 33,500 troops).⁶ Yet, in the decision-making process on how these UN peacekeepers are deployed, Africa is completely unrepresented in the permanent membership of the UNSC, while Asia (which has an equal number of 54 member states as Africa in the UNGA), has only one permanent member – China. So far, China has not played the role of “pen-holder” for UN PKOs.

The lack of any permanent representation from Africa in the UNSC has had a major adverse impact on the approach of the Council in formulating policy to maintaining the peace when confronted with crises in Africa. Although Council resolutions regularly invoke Chapter VII of the UN Charter, which obliges cooperation from member states, the Council has not been able to implement its resolutions due to its lack of representativeness. In turn, the ineffectiveness of the Council impacts negatively on the effectiveness of the PKO.

A look at specific UN PKOs deployed in Africa illustrates this problem, which needs to be addressed on an urgent basis. During the past year, 39 UN peacekeepers of the United Nations Multi-dimensional Integrated Stabilisation Mission in Mali (MINUSMA) have been killed; many due to terrorist attacks.⁷ A call to focus on the political aspects of peacemaking has been made with respect to MINUSMA, where clan warfare has fused with terrorism in a volatile manner.⁸ However, the UNSC remains indifferent to taking recourse to the provisions of Chapter VI of the UN Charter for peacefully negotiating the resolution of the crisis in Mali, relying instead on the robust provisions of Chapter VII of the UN Charter to guide MINUSMA’s mandate.

The situation is equally dire in the cluster of UN PKOs in central Africa. The crisis in South Sudan, which hosts the United Nations Mission in the South Sudan (UNMISS), is a good example.

The US, which has arrogated to itself the right to draft UNSC policy on South Sudan as a “pen-holder”, has ignored the provisions of Chapter VI of the UN Charter altogether.⁹ It has called for the

use of targeted sanctions and an arms embargo. The US failed to get a resolution, endorsing this approach, passed by the majority of the UNSC in December 2016, despite there being no vetoes on this resolution.¹⁰

China, which has significant financial and military investments in South Sudan, initiated a bilateral diplomatic effort with the appointment of a Special Envoy in January 2015. This was accompanied by the Chinese Foreign Minister hosting a meeting of the South Sudanese warring factions in Beijing the same month. China also invested significantly in UNMISS, contributing 1000 troops and the Deputy Force Commander.¹¹ Neither of these strategies adopted by China has had any impact on stopping the growing conflict in South Sudan.

Why is the UNSC unable to succeed in its efforts to use PKOs to maintain peace and security, whether it is in UNMISS, or United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), the United Nations Multidimensional Integrated Mission in the Central African Republic (MINUSCA) and the United Nations Interim Security Force for Abyei (UNISFA), which all border South Sudan? In the past year, as many as 59 UN peacekeepers have died in these four PKOs alone. The main reason (with the exception of China's failed diplomacy in South Sudan) appears to be the disinclination (and inability) of the UNSC to be active on the ground, preferring instead to outsource peace-making outside the UNSC. This, ironically, substantiates the urgent need to increase representation in the Council's decision-making process, which has to be done by amending the UN Charter to create additional permanent seats in the UNSC.

Another reason for the UNSC's ineffectiveness is the lack of direct consultations between the 15 member states in the UNSC and the troop-contributing member states of the UN who are not represented in the UNSC. Such direct consultations are provided for by Article 44 of the UN Charter.¹² The UNSC has deliberately distorted these provisions by asking troop-contributing non-UNSC member states to consult with the Secretariat of the UN, which does not decide on the contents of UNSC decisions. Consequently, the UNSC does not receive valuable ground-level inputs from non-UNSC member states with UN troops on the ground, which

it could have used to tailor both the deployment of UN peacekeepers, as well as to craft a viable political solution to the problem.

In South Sudan, for example, the UNSC has ignored inputs from UN peacekeepers from non-UNSC member states on the ground pointing out that the origin of many of the initial disputes which have triggered off the current South Sudanese civil war are to be found in disputes over grazing rights for cattle between different ethnic or tribal groups. The lack of any permanent representation in the UNSC from Africa aggravates this problem, since UNSC resolutions drafted to resolve conflicts fail to consider local traditions and customs which can facilitate peace-making solutions and prevent local conflicts from becoming larger crises.

At a time when terrorism is becoming the single biggest threat to the international peace and security, it is important to look at how the UNSC has responded to the impact of terrorism on UN PKOs. The UNSC has adopted over 30 resolutions so far on countering terrorism. The impact of these resolutions on the ground has been minimal, often due to non-cooperation of member states. This is exacerbated by the Council's lack of transparency and accountability in decision-making. When terrorism has targeted the UN PKOs directly, the UNSC has been singularly ineffective. No action appears to have been taken by the UNSC so far to penalise the terrorists who held hostage UN peacekeepers in the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights in 2014.¹³ A similar weakness appears to guide the UNSC's approach to investigating, prosecuting and penalising terrorism directed against the MINUSMA PKO in Mali.¹⁴

These examples show that the solution to making effective use of UN PKOs by the UNSC would have to begin by addressing the ineffectiveness of the UNSC itself. This was recognised unanimously by world leaders more than a decade ago. At the UN World Summit held in 2005 in New York, world leaders committed themselves to *"early reform of the Security Council - an essential element of our overall effort to reform the United Nations - in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions."*¹⁵

The mandate given by the world leaders in 2005 has not yet been implemented. Implementation of this mandate has been blocked by a small group of a dozen anti-reform countries in the

UNGA banded together as “Uniting for Consensus”,¹⁶ who oppose any increase in the number of permanent members.

India, with like-minded pro-UNSC reform countries, has taken three initiatives to overcome this opposition. First, it pushed the decision of the UNGA to give formal structure to the mandate by launching inter-governmental negotiations in 2007.¹⁷ Second, it helped catalyse the UNGA decision in 2008 identifying five interlinked parameters for negotiations: categories of membership, viz. the question of the veto; regional representation; size of an enlarged Security Council and working methods of the Council; and the relationship between the Council and the General Assembly.¹⁸ Third, India led a concerted effort by 122 countries in the UNGA on 14 Sep 2015,¹⁹ to have a negotiating document adopted unanimously.²⁰ This document, tabled by the Ugandan Foreign Minister Sam Kutesa, who was the President of the UNGA, has been referred to as the “Kutesa Consensus”.²¹

Currently, momentum on UNSC reforms in the UNGA has faltered. This is due to the “missed opportunities by pro-reform States”²² and the aggressive diplomacy of the People’s Republic of China²³ which has reportedly used “levers of power and influence, including economic pressure”.²⁴ The result has seen an abrupt change of the Intergovernmental Negotiations (IGN) successful Chairman, a distortion of the agreed parameters of text-based negotiations,²⁵ and, most significantly, a visible dilution²⁶ in the rock-solid African Group support for the Kutesa Consensus.

Will the UNSC be able to re-orient its approach to using PKOs for maintaining the peace? A beginning could be made by the UNSC in recognising the approach of the new Secretary General (SG) of the UN, whom it recommended for appointment by the UNGA after a fairly long and transparent selection process. The new SG is committed to restore the core vision of the UN Charter, which is the peaceful settlement of disputes. In his pre-election statement circulated in April 2016, SG António Guterres informed the member states of the UN that he wanted to strengthen the *“nexus between peace and security, sustainable development and human rights policies - a holistic approach to the mutually-reinforcing linkages between its three pillars”* (emphasis added).²⁷ The SG has set out five priorities to achieve this objective. These are:

First, a surge in diplomacy for peace. Under the guidance of the Security Council and in accordance with the Charter,

he advocated the SG should actively, consistently and tirelessly exercise his good offices and mediation capacity as an honest broker, bridge builder and messenger of peace.

Second, a “peace continuum”. He clarified that this meant developing a comprehensive, modern and effective operational peace architecture, encompassing prevention, conflict resolution, peacekeeping, peacebuilding and long-term development. This architecture would be built on the foundation of the recently concluded UN reviews on peacekeeping, peacebuilding and on women, peace and security. The SG emphasised that the UN should ensure the primacy of political solutions at all stages, promote preventive approaches, mainstream human rights, and foster inclusive engagement and empowerment of women and girls.

Third, further investment in capacity and institution-building of States. He saw this as a central element of prevention, promoting inclusive and sustainable development, overcoming fragilities and strengthening the ability of governments to address the needs of their people and respect their rights.

Fourth, the crucial role of prevention in combating terrorism. According to him, the international community has the legal right and the moral duty to act collectively to put an end to terrorism “in all its forms and manifestations, committed by whomever, wherever and for whatever purposes”.

Fifth, the SG placed importance on the common values which give strength to the UN. To this end, he suggested fostering inclusion, solidarity and the cohesion of multi-ethnic, multi-cultural and multi-religious societies.²⁸

To implement this vision, in February this year the SG initiated structural reforms of the UN Secretariat that directly deals with peacemaking, with the objective of integrating the work of the Departments of UN Peacekeeping and Field Support with that of the Department of Political Affairs. A report commissioned by him is expected to be submitted soon, to be followed by consultations initiated by the SG. It is to be hoped that these consultations will be not only with the five permanent members of the UNSC and the major financial contributors to the UN, but also the major troop

contributing countries like India, who have been significantly involved in the peacekeeping and peacebuilding activities of the UN.

It is evident that the SG's emphasis on a "holistic" approach needs to be implemented by the UNSC. The consequences of conflicts are felt not only by the populations in the zone of such conflicts, but by others in the region and beyond. Conflicts impact on the integrity of the infrastructure on which national, regional and even international socio-economic development processes are based, seriously jeopardising the implementation of Agenda 2030's 'Sustainable Development Agenda'.

Beyond structural reforms and augmentation, it is probably time to bring a broader array of stakeholders to reform the UNSC. The UNGA has already seen the results of such a broader, multi-stakeholder, approach to crafting responses to the challenges of sustainable development, climate change and cyber issues in 2015. There is no reason why a similar approach should not be applied to the way in which the UN responds to challenges to international peace and security. To do this, the closed inter-governmental negotiation process in the UNGA on UNSC reforms should be converted into a multi-stakeholder process. Meetings on UNSC reforms should be globally webcasted to ensure transparency and accountability for positions taken by participating governments.

Such a move would resonate across the wider international community across all continents. It would demonstrate that their stakes in sustaining the peace and security, upholding human rights and making progress on sustainable development, objectives for which approximately 3500 UN peacekeepers so far have laid down their lives, are integral to upholding the common values that imbue the UN.

Endnotes

¹ "Figures at a Glance", United Nations High Commissioner for Refugees. Available at <http://www.unhcr.org/figures-at-a-glance.html>

² UN Charter, Article 24. Published by the Department of Public Information, United Nations, New York. Available at <http://www.un.org/en/charter-united-nations/>

³ Ibid. Article 12.

⁴ "The Procedure of the UN Security Council", 4th edition. Available at <https://www.scprocedure.org/chapter-5-section-6b>

⁵ Peacekeeping Fact Sheet, the United Nations. Available at <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>

⁶ “Contributors to UN Peacekeeping Operations”, as of 30 April 2017. Available at the United Nations website at http://www.un.org/en/peacekeeping/contributors/2017/apr17_1.pdf

⁷ “International Day of UN Peacekeepers”, the United Nations. Available at <https://www.un.org/en/events/peacekeepersday/>

⁸ <https://www.crisisgroup.org/africa/west-africa/mali/open-letter-un-security-council-peacekeeping-mali>

⁹ Op. Cit note 4.

¹⁰ “Security Council decides against imposing arms embargo against South Sudan”, Statement No. SC/12653 dated 23 December 2016. Available at <https://www.un.org/press/en/2016/sc12653.doc.htm>

¹¹ “Explaining China’s Involvement in the South Sudan peace process”, The Lowry Institute, May 26, 2017. Available at <https://www.lowryinstitute.org/the-interpreter/explaining-chinas-involvement-south-sudan-peace-process>

¹² UN Charter, Article 44. Published by the Department of Public Information, United Nations, New York. Available at <http://www.un.org/en/charter-united-nations/>

¹³ “Syrian Rebels surround Filipino UN peacekeepers in Golan Heights”, The Guardian, 29 August 2014. Available at <https://www.theguardian.com/world/2014/aug/29/syria-rebels-filipino-un-peacekeepers-golan-heights>

¹⁴ Op. Cit. note 7.

¹⁵ UN General Assembly Resolution A/RES/60/1 dated 16 September 2005, paragraph 153. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/1

¹⁶ Italy convenes this group, comprising Argentina, Canada, Colombia, Costa Rica, Malta, Mexico, Pakistan, Republic of Korea, San Marino, Spain, and Turkey.

¹⁷ This group tabled a draft resolution for inter-governmental negotiations, bearing the number A/61/L.69/Rev.1, because of which it is called the L69 group in the negotiations on UNSC reform in the UNGA. See http://www.un.org/en/ga/search/view_doc.asp?symbol=A/61/L.69/REV.1&Lang=E

¹⁸ “Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters”, UNGA Decision 62/557 dated 15 Sep 2008. Available at <http://www.centerforunreform.org/sites/default/files/62%3A557.pdf>

¹⁹ Press Release by United Nations, “General Assembly adopts, without vote, ‘landmark’ decision on advancing efforts to reform, increase membership of Security Council”, available at <http://www.un.org/press/en/2015/ga11679.doc.htm>

²⁰ “India’s ‘mission UN’ on track”, India Today, 16 September 2015. Available at <http://indiatoday.intoday.in/story/india-mission-united-nations-on-track/1/475387.html>

²¹ Hardeep S Puri “Why the Kutesa Consensus is a victory for the UN”, The Wire on 16 Sep 2015. Available at <https://thewire.in/10789/vital-reform-the-world-cannot-afford-to-postpone-any-longer/>

²² E Courtenay Rattray, “A Security Council for the 21st Century: Challenges & Prospects”, IDSA Issue Brief, 20 Jul 2016. http://www.idsa.in/issuebrief/a-security-council-for-the-21st-century_eccrattray_200716

²³ It is revealing, for example, that while the USA, the UK, France and Russian Federation have endorsed India’s permanent membership of the reformed UNSC, the PRC is the only permanent member not to have endorsed India’s candidacy.

²⁴ Op. Cit. note 22.

²⁵ Letter of the PGA to member states, dated 17 May 2016. http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/17-May_Security-Council-Reform-17-May-2016.pdf

²⁶ In October 2015, for example, the common position of India and Africa in favour of additional permanent seats in a reformed Security Council could not find any mention in the Delhi Declaration issued at the end of the India-Africa Summit. See “Delhi Declaration”, available at http://mea.gov.in/Uploads/PublicationDocs/25980_declaration.pdf

²⁷ “Vison Statement of Antonio Gutteres as candidate for position of UN Secretary General”, available at http://www.un.org/pga/70/wp-content/uploads/sites/10/2016/01/4-April_Secretary-General-Election-Vision-Statement_Portugal-4-April-20161.pdf#page=4

²⁸ Ibid.