

Challenges to UN Peacekeeping

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Abstract

Two major challenges facing UN Peacekeeping Operations (UNPKOs) on the ground today are implementing the mandate of the UN Security Council (UNSC) on Protection of Civilians (PoC), and responding to threats to Peacekeeping Operations (PKOs) by international terrorism. It is useful to place these two challenges in context to consider the most effective response by Troop Contributing Countries (TCCs) and the UNSC working in an integrated manner, as envisaged in Article 44 of the UN Charter. The article concludes with a vision that drives India's push for 'reformed multilateralism'.

Protection of Civilians

Protection of Civilians (PoC) has become the main objective of the mandate of UN PKOs today. This requires proactive UN peacekeepers, trained to anticipate and mitigate actions by the warring parties inside the member-states of the UN where they are deployed. The application of this to UN PKOs has been evident across the board in recent years. However, in 2011, in the aftermath of the ill-fated UNSC resolution authorising military intervention in Libya¹ on the pretext of a responsibility to protect civilians in that country, the UNSC has been careful to endorse a 'multi-dimensional' approach to PKO mandates, prioritising PoC through national governance institutions. In order to appreciate how the PoC mandate has mushroomed into becoming a template for 10 out of the 12 UNPKOs active on the ground today, it is instructive to look at the case of the UNPKO in South Sudan (UNMISS).

In July 2011, the UNSC adopted resolution 1996 establishing the UNMISS PKO "to consolidate peace and security, and to help establish the conditions for development in the Republic of South

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Sudan".² India was an elected member of the UNSC when this resolution was adopted. By the end of 2012, it was clear to the peacekeepers deployed in UNMISS that instead of consolidating peace and security, they were witnessing the eruption of a violent civil war inside South Sudan along tribal lines. The UNSC reviewed this situation in July 2012, and prioritised the PoC in the mandate for UNMISS, favouring a top-down approach that relied on the commitments of the Government of South Sudan and the decisions of the civilian leadership of UNMISS represented by the United Nations Security General's Special Representative.³

On 09 April 2013, news came to the UN Headquarters from the UNMISS PKO deployed in South Sudan that 5 Indian UN peacekeepers along with two UNMISS national staff and five civilian staff contractors had been ambushed and killed while escorting a humanitarian convoy in Jonglei state. In his response, the UNSG called on the Government of South Sudan to bring the perpetrators of this crime to justice. 'He recalls that the killing of peacekeepers is a war crime that falls under the jurisdiction of the International Criminal Court'.⁴ The UNSC issued a Press Statement the same day condemning the attack and calling on the "Government of South Sudan to swiftly investigate the incident and bring the perpetrators to justice".⁵

At the UNSC open debate on PKOs in June 2014, India called on the UNSC "to ensure a mandatory inclusion in all UNPKO mandates of legally binding provisions for prosecuting, penalising and neutralising any non-governmental armed groups and armed militias causing, or threatening to cause, harm to UNPKOs".⁶ This has yet to be included in the mandate of UNPKOs. As President of the UNSC in August 2021, India issued a Statement that reiterated that attacks on peacekeepers 'may constitute war crimes'. The Statement stopped short (due to lack of consensus within the UNSC members) of proposing an automatic investigation by the UN into such attacks with the objective of prosecuting and penalising the perpetrators of such crimes.⁷ On the ground, the PoC mandate of UNPKOs continues to be challenged by a structural constraint. This is the determined rejection by the permanent members of the UNSC of proposals by TCCs not represented in the Council, who have contributed troops to the PKO, to participate in decisions on the deployment mandate of the PKO. This stand of the UNSC is in contravention of Article 44

of the UN Charter which clearly provides for such participation by TCCs in UNSC decisions.

Two consequences of this refusal by the UNSC to uphold the provisions of the UN Charter are evident in South Sudan. The first was the UNSC being unable to take inputs from India as a major TCC, during the mandate negotiations of UNMISS during 2013-2015 into account while considering how to respond to spiralling violence across South Sudan, which made 25 per cent of its population internally displaced. African and Indian UN peacekeepers deployed in UNMISS knew of the traditional tribal local dispute resolution structures in these communities, which could have been identified by the UNSC in a 'ground-up' approach to prevent local disputes, about grazing rights, from fuelling the larger civil war and displacing thousands of civilians. The second was a mismatch between the mission mandate negotiated in New York by the UNSC and the ground realities in South Sudan, with skewed allocations of resources including financial and material resources for strengthening the PoC mandate.

The example of how the UNPKO responded to protecting civilians fleeing from the fighting in Melut in South Sudan in 2015 is instructive. Many of Melut's population of 49,000 people sought shelter in the UNMISS base. The area for protecting civilians from attacks had been demarcated by UNMISS peacekeepers, but apart from expanding the space in the base and erecting perimeter fencing, the PKO's requests for appropriate shelters to protect civilians from mortar attacks and shelling had not been responded to by the UN Secretariat, reportedly due to lack of funds. In the fighting for the surrounding oil rich areas, a section of the South Sudan People's Liberation Army (comprising of the Shilluk tribal community, commanded by Major General Johnson Olony) defected from the government forces and marched towards the oilfields of Palogue through Melut. UNMISS decided, to evacuate the humanitarian peacekeepers, responsible for feeding the civilians and giving them medical attention, leaving the 125 UNMISS troops from India to look after the security of CSB Melut as well as the thousands of sheltering civilians. Eight civilians died in the attacks, which were repulsed by the UNMISS troops.⁸ While India was not a participant in the UNSC discussions on South Sudan following this informal briefing, Resolution 2223 adopted by the UNSC on 28 May 2015 expressed 'appreciation for UNMISS's efforts to

support internally displaced persons seeking protection on its sites, while underlining the necessity to find sustainable solutions for the internally displaced population'.⁹

UNMISS is only one example of how the PoC mandates given routinely by the UNSC for UNPKOs today need to be conceptualised holistically, and implemented in a 'human-centric', proactive, and flexible manner, using a wider range of inputs from TCCs whose troops know the ground realities of the region better than many UNSC members in New York.

Threat to PKOs from International Terrorism

The first stirring of international terrorist groups targeting UNPKOs came as a warning shot to UN member-states in New York in 2013. The 'Arab Spring' that brought this phenomenon to UNPKOs had begun in Tunisia in December 2010, and after impacting Libya and Egypt, it crossed into West Asia and parts of the Gulf. Syria was a particular focus due to its unique fault lines from the breakup of the Ottoman Empire at the end of the First World War. The unrest in the Arab world proved fertile ground for spawning new violent extremist groups that gravitated towards the umbrella of Al-Qaida, and expanded their footprint from West Asia to Afghanistan and Central Asia.

On 06 March 2013, the UNSG issued a statement condemning the kidnapping of 21 Filipino UN peacekeepers of United Nations Disengagement Observer Force (UNDOF) by 'armed elements', and demanded their unconditional release. Due to the back-channel efforts by the UN, these UN peacekeepers were released on 9 March 2013. The UNSC in a press statement issued on 27 March 2013, after a briefing by the UN Secretariat, "underscored the increased risk the situation poses to United Nations personnel on the ground, as highlighted in particular by the detention of the 21 UNDOF military personnel by armed elements of the Syrian opposition, the firing directed at United Nations personnel and facilities, and the carjacking of United Nations vehicles".¹⁰

On 07 May 2013, four UN peacekeepers of UNDOF were kidnapped by 'armed elements', which were released on 12 May 2013 with "the assistance of Qatar" according to the UNSG.¹¹ The UN Security Council in a Press Statement issued by its President (the UK) admitted that the kidnapping had been conducted by

armed elements of the Syrian opposition',¹² but did not propose any measures to counter this terrorist act.

The UNGA resolution on Syria on 15 May 2013 provided India with an opportunity to highlight the gestating terrorist dimension of the threat. In its explanation of vote, India said:

"Violence has assumed a serious sectarian nature, and terrorist groups, including al Qaida, have entrenched themselves...We are particularly concerned that UN peacekeepers (in the UNDOF PKO) have been repeatedly targeted by rebel groups and taken hostage, including on two occasions in the recent past. This is completely unacceptable. It is imperative that the sanctity of United Nations peacekeepers be respected by all sides. A clear signal must be sent by the UN that such acts will not be tolerated and will attract the full weight of the international community against the perpetrators".¹³

The UNGA resolution against Syria had been sponsored by Qatar, with the strong backing of France, the United States, and many Arab League member-states. It sought to endorse a political transition in Syria in favour of a national coalition displacing the Government of President Bashar al-Assad, while calling for humanitarian assistance to the victims of the conflict. Syria stated that "the Ambassador of the Coalition in Qatar [...] had given instructions to the Brigade of Martyrs of Yarmouk to kidnap UNDOF peacekeepers". Russia pointed out that the "conflict in Syria was a serious internal conflict, with the Government fighting terrorist groups, including Al-Qaida". The view of Syria on external instigation of terrorism against the UNPKO was opposed by Saudi Arabia and France. In reply, Syria posed the question, "The regimes of Saudi Arabia, Qatar and Turkey persisted in funding *jihadi* and transnational terrorist organisations, [...] Special Representative Lakhdar Brahimi had already referred to the presence of 40,000 terrorists who had shed blood in Syria, including members of Al-Qaida. How could Qatar have such influence as to secure the release of UN peacekeepers kidnapped by rebels in the Golan if not for its involvement with rebel groups"?¹⁴ The resolution was adopted with 107 in favour to 12 against, with 59 abstentions (including countries like Brazil and India).

Due to the low profile adopted by the UN Secretariat, and the inability of the UNSC to label the 'armed elements' as terrorists,

these terrorist groups were emboldened to repeat their tactic of kidnapping UN peacekeepers in UNDOF for ransom again. On 28 August 2014, a group of 45 Fijian troops and 40 Filipino troops in the UNDOF PKO were held hostage by ‘armed elements’. The Filipino troops were ‘extricated to safety’ while the Fijian troops were released on 11 September 2014. This time, the UNSC declared that this kidnapping had been conducted by ‘Security Council-designated terrorist groups and by members of non-state armed groups’. In an indication of UNSC policy on terrorism against UNPKOs, the Security Council President (the UK) ‘called upon countries with influence to strongly convey to the armed members of the opposition in the UNDOF area of operation to immediately release the peacekeepers’.¹⁵ On 30 August 2014, the UNSC reiterated its “strong condemnation of the ongoing detention of 44 Fijian peacekeepers from position 27, as well as the surrounding of position 68, where Security Council-designated terrorist groups and non-state armed actors continue to trap 40 Filipino peacekeepers. The members demanded the immediate and unconditional release of these peacekeepers, as well as their safe passage”.¹⁶ In another press statement issued on 03 September 2014, the UNSC President (the United States) ‘called upon countries with influence to strongly convey to those responsible to immediately release the peacekeepers’.¹⁷

There was no mention of the Security Council using counter-terrorism measures adopted by it under Resolution 1267 for terrorists and terrorist entities listed in its Sanctions Lists for Al-Qaida, creating a dangerous ambivalence that catalysed terrorist attacks against UNPKOs elsewhere, particularly in United Nations Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA). According to the UN, as many as 163 UN troops in MINUSMA have been killed by “malicious acts”¹⁸ (a euphemism for terrorism) since the PKO was established in April 2013 with a ‘robust’ mandate, making it one of the most dangerous PKOs active today for UN peacekeeping troops.

At the UNGA review of the annual report submitted by the UNSC in 2014, India underlined the importance of effective action to be taken by the UNSC to counter terrorism. It said:

“Specific examples in this case are of attacks in Golan Heights and Mali. Unless effectively deterred, such threats will only

increase in number and scope. In the case of UNDOF, it has been alleged that the foreign terrorist fighters who attacked UN peacekeepers belong to the Al Nusra Front, which is proscribed by the Security Council as a terrorist group. The Report does not give any information on the Security Council's steps to use its authority to investigate, prosecute, and penalise the perpetrators of such terrorist acts. A clear obligation for all member states to act against foreign terrorist fighters who attack UN peacekeepers should become an integral part of the peacekeeping mandates approved by the Council'.¹⁹

Honouring fallen UN Peacekeepers

The brunt of the costs of implementing UNSC mandates for PKOs is borne by individual UN peacekeepers. Every year, the TCCs to UN PKOs participate in the bitter-sweet function on the "International Day of UN Peacekeepers"²⁰ to commemorate UN peacekeepers have made the supreme sacrifice in defending the principles of the UN Charter. The UNGA had adopted a resolution in December 2002 to commemorate 29 May every year as this day of commemoration. The date marked the anniversary of the first deployment of UN military observers to the Middle East to form the United Nations Truce Supervision Organisation (UNTSO) to monitor the Armistice Agreement between Israel and its Arab neighbours.

In 1988, the Nobel Peace Prize was awarded to UN Peacekeeping. In the citation for this award, it was stated that "UN forces represent the manifest will of the community of nations to achieve peace through negotiations, and the forces have, by their presence, made a decisive contribution towards the initiation of actual peace negotiations".²¹

The Dag Hammarskjold Medal, named after the second UNSG who is widely considered to have been the most effective UNSG till now and was killed under mysterious circumstances while on an official visit to Congo in September 1961, was instituted in 2000 by the then UNSG Kofi Annan. Since 2014, the Captain Mbaye Diagne Medal is also awarded on the International Day of UN Peacekeepers, for those who lost their lives during service with a peacekeeping operation under the operational control and authority of the United Nations. Captain Mbaye Diagne saved

hundreds of lives in 1994, before he was killed while serving as a UN peacekeeper in Rwanda.

The poignancy of these medal ceremonies on the occasion prompted TCCs led by India, to propose the construction of a permanent memorial wall in memory of UN peacekeepers since 1948 who have given their lives while deployed to maintain international peace and security.

In his address to the Leaders' Summit on UN Peacekeeping on 28 September 2015, India's Prime Minister Shri Narendra Modi said:

"I would like to pay homage to the peacekeepers who have laid down their lives in defending the highest ideals of the United Nations. It would be most fitting if the proposed memorial wall to the fallen peacekeepers is created quickly. India stands ready to contribute, including financially, to this objective".²²

The proposal for constructing a permanent memorial wall to fallen UN peacekeepers was approved by the Special Committee, who's Report was unanimously adopted by the UNGA in 2016.

The operative paragraph of the Special Committee's Report reads:

"In this regard, the Special Committee recommends the establishment, through voluntary contributions, of a memorial wall at the UN Peacekeepers Memorial at Headquarters and requests that due consideration be given to the modalities involved, including the recording of the names of those who have made the supreme sacrifice".²³

The total number of Indian troops who have given their lives while serving under the UN flag is the highest among all UN member-states, standing at 177 out of 4245 casualties between 1948-2022.²⁴ The vast majority of the 281 deaths in the MINUSMA PKO in Mali so far are due to terrorist attacks.

Conclusion

Challenges to UNPKOs from structural shortfalls in implementing the PoC mandate as well as the threat to UNPKOs deployed in volatile regions from international terrorist groups require a more

effective UNSC, which oversees UN PKOs. This can be achieved by implementing the mandate given by world leaders in 2005 to reform the UNSC to make it ‘more broadly representative, efficient and transparent, and thus, to further enhance its effectiveness and the legitimacy and implementation of its decisions’.²⁵ It is this vision that drives India’s push for ‘reformed multilateralism’.

Endnotes

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¹⁴ United Nations, "General Assembly adopts text condemning violence in Syria", 15 May 2013. <https://press.un.org/en/2013/ga11372.doc.htm>

¹⁵ United Nations Security Council Press Statement on UNDOF, 28 August 2014. <https://press.un.org/en/2014/sc11540.doc.htm>

¹⁶ United Nations Security Council Press Statement on UNDOF, 30 August 2014. <https://press.un.org/en/2014/sc11546.doc.htm>

¹⁷ United Nations Security Council Press Statement on UNDOF, 3 September 2014. <https://press.un.org/en/2014/sc11548.doc.htm>

¹⁸ UN Peacekeeping, "Fatalities by Mission and Incident Type up to 30 September 2022". https://peacekeeping.un.org/sites/default/files/stats_by_mission_incident_type_4_79_september_2022.pdf

¹⁹ Permanent Mission of India, New York. "Statement by India", 21 November 2014. <https://pminewyork.gov.in/IndiaatUNGA?id=NzA0>

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