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# Bridging the Gap: The United Nations, Global Governance and the Crisis in Peacekeeping

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I declare that the following is my own work and has not been submitted in substantially the same form for the award of a higher degree elsewhere.


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## Abstract:

The following will argue that the development of the concept of Global Governance has had a dramatic impact on the discourse of United Nations Peacekeeping and has increased the gap between the official rhetoric of the organisation and what occurs on the ground in peacekeeping operations. It will investigate the connection between the development of the norms associated with the concept of global governance and the increased demand being made for UN mandated peacekeeping operations. The thesis investigates how the development of these norms can be directly connected to the increased demands being placed on UN mandated peacekeeping operations and the way in which these norms, which are directly associated with the concept of Global Governance have become integrated into United Nations Peacekeeping Operations. It also argues that the integration of these norms is having a detrimental impact on the gap between the rhetoric and reality of peacekeeping operations. A detrimental impact which will be analysed using six key criteria including access to resources, fulfilment of mandates, perceived legitimacy both local and global, challenges faced during the operation from both state and non-state actors, and issues of command and control within the operation including organization and integration with other actors. In doing so the thesis offers a new and original assessment of the relationship between the development of global governance and peacekeeping operation by drawing on the unique data created in the fieldwork interviews, the analysis of mission mandates and the secondary literature.

# Bridging the Gap: The United Nations, Global Governance and the Crisis in Peacekeeping

## Contents

## Introduction

With the end of the cold war in the early nineties the United Nations (UN) was at the forefront of the international communities attempts to forge a "new world order", a world order that would be based on freedom, cooperation and universal respect for human rights. It was hoped that the UN would finally be able to fulfil its promise to "save succeeding generations from the scourge of war."[1] That with the removal of the adversarial superpower competition, which had frozen the UN into inaction in many cases, the UN would be able to intervene in more situations to ensure international peace and security. This idealistic dream was soon put to the test as the UN faced an increasing number of complex and diverse conflicts. Situations which were only made more complex by the dramatic changes which were occurring within the international system; the involvement of new and more varied actors, the dramatic impact of globalization and technological advances, and the development of global problems that were beyond the capabilities of individual states to resolve, such as environmental degradation, terrorism, and health pandemics.

One response to these changes was the development of the concept of Global Governance, which focused on ways in which these global problems could be both managed and mitigated. The main focus of the concept has been the suggested diffusion of power away from traditional actors, such as states, to newer and more varied actors, such as Non-Governmental Organisations (NGOs) and Trans-National Corporations

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[1] United Nations, United Nations Charter Preamble, http://www.un.org/aboutun/charter/index.html ( 12th April 2010)

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(TNC's). It has also focused on the development and spread of particular norms and ideals such as democratisation, good governance and respect for human rights, norms which have also become associated with the wider UN organisation.

## Thesis Outline

This thesis examines what changes the development of Global Governance has created within the discourse of United Nations Peacekeeping and whether or not it has had an impact on resolving the gap between the official rhetoric of the organisation and what occurs on the ground in peacekeeping operations. It demonstrates that the development of global governance has transformed the environment in which international organisations, such as the United Nations, are operating and that the change in this environment has forced the organisation to undertake wider and more varied tasks in order to retain its relevance within the international system.

By focusing on the specific crisis which peacekeeping operations faced following the invasion of Iraq in 2003[2] up to the creation of the capstone doctrine in 2008[3], the

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[2] The United States of America and the Coalition of the Willing, including forces from the UK, invaded Iraq on the 19th of March under 'Operation Iraqi Freedom'. The invasion took place following the failure of the Iraqi regime, under the control of Saddam Hussein, to cooperate with inspections by the International Atomic Energy Agency. There has been much debate as to the legitimacy of the invasion, particularly in relation to the lack of a second United Nations Security Council Resolution explicitly authorising military action. For more see Thakur, Ramesh,*War in our time: Reflections on Iraq, Terrorism and Weapons of Mass Destruction* (United Nations University Press Tokyo: 2007), Berdal, Mats, *The UN after Iraq* (Survival: 46: 3: 2004) 83-101, Franck, Thomas M., *What happens now? The United Nations After Iraq* (American Journal of International Law: 97: 3: 2003) 607-621, Mills, Greg, *Better with the UN? Searching for peace and governance in Iraq* (Global Governance: 10: 2004) 281-288, Roberts, Adam, *The law and the use of force after Iraq* (Survival: 45: 2: 2003) and Nye, Joseph S., *US power and strategy after Iraq* (Foreign Affairs: 82: 4: 2003) 60-73.

[3] The capstone doctrine was approved on the 18th of January 2008 as part of a reform effort within the Department of Peacekeeping Operations. It was an attempt to codify the major lessons learned and was intended to "ensure that the growing numbers of United Nations peacekeeping personnel deployed in the field, as well as those serving at Headquarters, have access to clear, authoritative guidance on the

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thesis demonstrates the impact that the development of the concept of global

governance is having on peacekeeping operations as well as the wider implications of

the continued association of UN peacekeeping operations with that concept. The crisis

differs from previous challenges which the concept of peacekeeping operations has

faced in the past, including during the mid-1990s the failure to respond to the genocide

in Rwanda after the debacle in Somalia.[4] It is, unlike in the past, not a failure to

respond to situations but is rather a failure to respond in an appropriate way to different

crises. As Gowan argues the UN is currently facing both a systemic and paradigmatic

crisis, one which he identifies as grounded in the period 2006-2008.[5] This thesis argues

that while this crisis period is well defined, in order to understand the crisis facing

peacekeeping operations today you need to go further back to the invasion of Iraq in

2003, which is where the basis of challenges to the foundations of operations can be

established. Challenges which are based on the continued emphasis of the liberal peace[6]

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multitude of tasks they are required to perform." Foreword by Jean Marie Guehenno, Pg 7. For more see United Nations. *United Nations Peacekeeping Operations Principles and Guidelines* (New York: United Nations:2008)

[4] The failure to respond to the genocide in Rwanda in 1994 was one of the biggest failures of the United Nations particularly during a period when the ability of the Security Council to mandate operations had dramatically improved following the end of the Cold War. A victim of the so called 'mogadishu line' Rwanda descended into chaos as the international community prevaricated and world leaders avoided the use of the term genocide in order to avoid the obligations of the 1951 convention for the prevention and punishment of the crime of genocide. For more on the failings of the United Nations see Carlsson, Ingvar, Han Sung Joo and Rufus M. Kupolati,*Report of the Independent Inquiry into the Actions of the UN during the 1994 Genocide in Rwanda* (United Nations New York: 1999). For more on this crisis period in peacekeeping see Roberts, Adam, *The crisis in peacekeeping* (IFS: 2: 1994)

[5] See Gowan, Richard, *The Strategic Context: Peacekeeping in crisis, 2006-2008* (International Peacekeeping: 15: 4: 2008)

[6] The 'liberal peace' model of peacekeeping operations is analysed by academics such as Duffield, Richmond and Paris. This understanding of peacekeeping is based on the idea that rather than being concerned with solving crises peacekeeping is instead concerned with the maintenance of a particular liberal type of international order. Duffield for example argues that the liberal peace is ideologically a mix of neoliberal concepts of democracy, market sovereignty and conflict resolution that determine contemporary strategies of intervention. For more see Duffield, Mark,*Global Governance and the new wars* (Zed Books London: 2001). Duffield, Mark,*Development, Security and Unending War* (Polity

model of peacekeeping operations. It is this emphasis, the thesis will argue, coupled with the integration of the norms associated with global governance into the mandates of peacekeeping operations which have led to the current crisis.

The thesis investigates how the development of these norms can be directly connected to the increased demands being placed on UN mandated peacekeeping operations and the way in which these norms, which are directly associated with the concept of Global Governance have become integrated into United Nations Peacekeeping Operations. It also argues that the integration of these norms is having a detrimental impact on the gap between the rhetoric and reality of peacekeeping operations. A detrimental impact which will be analysed using six key criteria including access to resources, fulfilment of mandates, perceived legitimacy both local and global, challenges faced during the operation from both state and non-state actors, and issues of command and control within the operation including organization and integration with other actors.[7] In doing so the thesis offers a new and original assessment of the relationship between the development of global governance and peacekeeping operation by drawing on the unique data created in the fieldwork interviews, the analysis of mission mandates and the secondary literature.

The following sections go on to illustrate the surrounding literature, the background to the research project, the methodology utilised in undertaking the project and the organisational structure of the chapters.

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Cambridge: 2007), Paris, Roland, *At war's end* (Cambridge University Press Cambridge: 2004), Paris, Roland, *Broadening the study of peace operations* (International studies Review: 2: 3: 2000) and Richmond, Oliver, *Maintaining Order, making peace* (Palgrave Basingstoke: 2002).
[7] For more see Chapter two Pg 83 and Chapter six Pg 239 - 244

## Literature Review

Since the end of the Cold War the number of actors on the international stage has

increased exponentially. The certainties of the balance of power have been removed

from international politics and we are now living in an increasingly interdependent

world where there are new items invading the security agenda. These new challenges

"range from illegal drug trafficking and transnational criminal activity, to

environmental degradation, economic and trade disputes, resource scarcities, mass

human migrations, and excessive population growth."[8] Political problems have

occurred in relation to a number of developments in the international system including,

the collapse of empires leading to new independent states[9], the ending of the cold war,

and the increasingly problematic issue of the right to national self determination which

has sparked civil wars all across the globe.[10] The traditional theories of international

relations, such as Realism and Liberalism, have attempted to explain these new

problems as a continuance of international politics as it was. For realists the end of the

Cold War was simply a shift in the balance of power, while for liberals it represented

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[8] Klare in Michael T. Klare, Yogesh Chandrani, and Daniel C. Thomas *World Security: Challenges for a new century* (Palgrave Macmillan Five College Program in Peace and World Security Studies (Mass.): 1998) pg. 61

[9] For a concise examination of the after effects of Colonialism see Tharoor, Shashi, *The messy afterlife of colonialism* (Global Governance: 8: 2002) 1-5

[10] For more on the issue of self determination see Marc Weller, Barbara Metzger and Niall Johnson, *Settling Self-determination Disputes: Complex Power-sharing in Theory and Practice* (Brill: New York 2008) also, Hannum, Hurst. *Autonomy, Sovereignty and Self-determination: The Accommodation of Conflicting Rights (Procedural Aspects of International Law)* (University of Pennsylvania Press Philadelphia 1996). For a more European focus on the issue of national self-determination see Ronen, Dov.*The challenge of ethnic conflict, democracy and self determination in Central Europe* (Frank Cass: London: 1997) and for a focus on the connection between globalisation and self-determination see David R. Cameron, Gustav Ranis, and Annalisa Zinn, *Globalization and self-determination: is the nation state under siege?* (Routledge: London: 2006).

the clear victory of liberal democratic states over communism.[11] Following the end of

the Cold War developments within the international system, including the exponential

increase of economic globalisation, coupled with rapid technological advances and an

increase in actors on the international stage has led to large scale global change.

The concept of Global Governance has been developed in relation to these changes

in two key ways; first through the work of key writers such as Rosenau as an attempt to

develop a comprehensive approach for analysing these changes[12] and secondly as a

way to emphasis the implications of more specific global changes such as the growth in

civil society.[13] As an emerging theory Global Governance is still a contested concept,

with active debates as to how it has developed and why, and what role the theory will

play in the development of world politics. These debates surround issues such as the

shift in location of authority away from nation states to other actors. With proponents of

the concept such as Rosenau and Held emphasising that shift whilst critics such as

Soederberg and Murphy argue that states still retain the primary position in

international relations.[14]

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[11] For the liberal view on the post-Cold war international system see Fukuyama, Francis,*The end of history and the last man* (Free Press London: 1992). For a post 9/11 analysis see Mandelbaum, Michael,*The ideas that conquered the world* (Public Affairs London 2003) For analysis of the Realist position see Waltz, Kenneth N., *Structural Realism after the Cold War* (International Security: 25: 1: 2000) 5-41 and Cox, Robert W.,*The new Realism: Perspectives on Multilateralism and World Order* (Macmillan: London: 1997). For a post 9/11 analysis of the realist position see Mearsheimer, John J.,*The tragedy of great power politics* (W.W. Norton: New York 2003).

[12] For the structural analysis see Rosenau, James N. and Ernst-Otto Czempiel *Governance without government: Order and change in world politics* (Cambridge University Press Cambridge: 1992), Rosenau, James N., *Governance in the 21st Century* (Global Governance: 1 1 1995) , Rosenau, James N.,*The study of world politics: globalisation and global governance* (Routledge: New York 2005) and Rosenau in Martin Hewson and Sinclair, Timothy J. , *Approaches to global governance theory* (State University of New York Press: Albany: 1999).

[13] For more see Hewson and Sinclair in Martin Hewson and Sinclair, *Global Governance Theory (1999)*

[14] For arguments supporting the relocation of authority away from states see Rosenau,*World Politics (2005)* , Held, David,*Democracy and the global order* (Stanford University Press Stanford: 1995) and

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Overtime the use of the concept has expanded and the term Global Governance is now used in reference to a wide variety of subjects including the study of international organisations, the increase in multilateral action and the growth in civil society as well as in relation to the study of globalisation and the changing authority within the international system. The literature surrounding the debates can therefore be divided into four key areas relating to the spread of the concept; the international governance approach, based on an understanding of the role of international institutions, the ability of new actors to enhance the potential of global governance, the view that Global governance is transforming the international system and that authority has been relocated away from states to other actors, and finally the argument that the concept of Global Governance itself needs to be refashioned in order to provide a more humane international system. Although it is possible to divide the literature this way there is also a large amount of crossover between the various viewpoints and debates surrounding the concept.

The development of the concept of Global Governance as an understanding of the roles of international organisations can be attributed to an increased interest in international regime theories during the 1980s, and the writings of authors such as Keohane, Ruggie and Czempiel who were attempting to understand the ongoing changes in the international system.[15] Their work focused on the role of international

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Held, David,*Global Covenant* (Polity Press Cambridge: 2004). For the opposing view see Soederberg, Susanne,*Global Governance in Question* (Pluto Press: London: 2006) and Murphy, Craig N., *Global Governance: Poorly done and poorly understood* (International Affairs: 76: 4: 2000) 789-803

[15] International regimes were defined by Ruggie as "a set of mutual expectations, rules, and regulations, plans, organizational energies, and financial commitments, which have been accepted by a group of states." In Ruggie, John G., *International responses to technology: concepts and trends* (International

organisations and has been built upon by other academics such as Diehl in his edited

volume on the politics of global governance[16] and, Nye and Donahue in their volume

on governance in a globalizing world.[17] Along with Abbott and Snidal[18], Murphy and

Wriggins, these authors focus on the role of international organisations in creating and

managing the concept of global governance.[19] They also examine the ways in which

these organisations can contribute to making global governance more democratic and

accountable. Focusing on a state based view of the international system they argue that

powerful states should be subjected to greater demands for accountability and that in

order to achieve that accountability there is a need for increased multilateralism in a

variety of forms.

The need for an increase in multilateralism also forms the basis for the debates

surrounding the potential for new actors to enhance the development of global

governance. Clear arguments in support of this point of view can be found in the report

Organisation: 29: 1975) . For more see Ruggie, John G. and Friedrich Kratochwil, *International organization: A State of the Art on an Art of the State* (International organisation: 40: 1986) 753-775. Also Keohane, Robert,*After Hegemony* (Princeton University Press: Princeton, NJ: 1984), Rosenau, James N. and Ernst-Otto Czempiel,*Global Changes and Theoretical Challenges: Approaches to World Politics for the 1990s* (Prentice Hall and IBD: London: 1989) and Mayer, Peter and Volker Rittberger, *Regime Theory and International Relations* (Clarendon Press London: 1995)

[16] Diehl, Paul F., *The politics of global governance* (Lynne Riener: usa: 2001)

[17] Nye, Joseph S. and John D. Donahue, *Governance in a globalizing world* (Brookings Institution Press Cambridge, Massachussetts: 2000)

[18] Abbott, Kenneth W. and Duncan Snidal,*'Why states act through formal international organisations'*, in Diehl, Paul F., *The politics of global governance* (Lynne Riener: New York 2001)

[19] For analysis of the changing role of international organisations see Murphy, Craig N.,*International Organization and Industrial Change: Global Governance since 1850* (Oxford University Press New York: 1994) also Wriggins, W. Howard, *Prospects for International Order and Governance (Book Review)* (Journal of international Affairs: 46: 2: 1993) 525-537

of the Commission on Global Governance.[20] These arguments are supported by

academics such as Weiss and Gordenker who state that

> "global governance...can be fostered by a better division of labour between
> universal membership and other intergovernmental and non-governmental
> institutions...Strengthening the UN system necessitates that the world
> organisation do what it does best, or at least better than other institutions,
> and devolve responsibilities when other institutions are in a position to
> respond effectively"[21]

Weiss has written extensively on the development of global governance and he focuses

on the importance of a coordinating role for the United Nations in ensuring success.[22]

The arguments raised by Weiss are supported by other authors such as Thakur and

Ruggie who emphasises the importance of coordination and the need for the UN to

harness the power of non-state actors.[23] Along side the need to improve coordination

other authors such as Stiglitz focus on the need to improve transparency and

accountability in order to enhance global governance.[24]

One suggestion for improving this accountability is made by Richard Falk who

outlines nine steps required in order to refashion global governance to provide a more

humane international system.[25] His work fits into the debates surrounding the growing

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[20] Commission on Global Governance, *Our global neighbourhood* (Oxford: Press, Oxford University: 1995)

[21] Weiss, Thomas G. and Leon Gordenker *'Devolving Responsibilities: a Framework for Analysing NGOs and Services'*, in Weiss, Thomas G., *Beyond UN subcontracting* (St Martins Press New York: 1998) pg xi

[22] For more see Weiss, Thomas G., *Governance, Good governance and Global Governance: conceptual and actual challenges* (Third World Quarterly: 21: 5: 2000) 795-814, Ruggie, John G. and Thomas G. Weiss and Ramesh Thakur,*Global Governance and the UN: An unfinished journey* (Indiana University Press: Bloomington 2010), Weiss, Thomas G. David P. Forsythe and Roger A. Coate,*The United Nations and Changing World Politics* (Westview Press Boulder: 2004) and, Weiss, Thomas G.,*What's wrong with the United Nations and how to fix it* (Polity Press Cambridge: 2009)

[23] Ruggie,*Global Governance (2010)*

[24] Stiglitz, Joseph,*Globalization and it's discontents* (Penguin: London: 2002)

[25] Falk, Richard A.,*On Humane Governance* (Penn State Press University Park, PA: 1995)

influence of civil society with questions as to what constitutes global civil society,[26]

and what kind of impact it is having on the international system. The increase in Global

civil society is also a key component in the development of David Held's cosmopolitan

democracy.[27] According to Held, global governance today is undermining the

democratic process which is necessary in order to create a truly cosmopolitan

international society. The system of governance therefore needs to be reformed in order

to achieve a system of multilevel governance based on an overarching cosmopolitan

legal framework. The achievability of this ideal is however questioned by other

academics such as Keohane, who questions how feasible the achievement of a global

cosmopolitan society really is.[28] Keohane also questions how much the involvement of

newer actors such as NGOs will improve the accountability of the international system

given the potential disconnect between their accountability to wealthy donors and their

claims to represent the underprivileged and marginalised.

The work of Craig Murphy also focuses on the need for accountability within Global

Governance.[29] Rather than focusing on enhancing the already existing institutions of

global governance as outlined by Weiss. Murphy instead focuses on global governance

as a transformation, or re-articulation of authority within the international system.

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[26] For an in depth analysis of Global Civil Society see Anheier, Helmut, Marlies Glasius and Mary Kaldor (eds.),*Global Civil Society 2001* (LSE: London: 2001) and Kaldor, Mary,*Global Civil Society: An answer to war* (Polity Press London: 2003)

[27] For more on Held's concept of cosmopolitan democracy see Held, David,*Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Polity Press London: 1995), Held, David, Daniele Archibugi and Martin Kohler, *Re-imagining Political Community: Studies in Cosmopolitan Democracy* (Polity Press London: 1998). Also Held, David and Anthony McGrew, *The global transformations reader* (Polity Press London: 2003) and Held, David and Garrett Wallace Brown, *The Cosmopolitanism Reader* (Polity Press London: 2010)

[28] Keohane, Robert,'*Global Governance and democratic accountability'*, in Held, David and Mathias Koenig-Archibugi. *Taming Globalization: frontiers of governance* (Polity Cambridge: 2003)

[29] Murphy, *Global Governance (2000)*

Within this debate the core argument is that Global Governance is trying to move away

from the state based view of international relations, towards a more inclusive

understanding of the global system.[30] The key writer in this area is Rosenau who argues

that

> "global governance is conceived to include systems of rule at all levels of
> human activity -from the family to the international organization - in which
> the pursuit of goals through the exercise of control has transnational
> repercussions."[31]

Rosenau sees a world in which the nature of authority is fundamentally changing

and where global interdependence ensures that what occurs in one corner of the world

has the potentially for lasting impact across the globe. Connected to Rosenau's work is

the investigation by Cox of the locations of authority within these new systems. He

emphasise the influence of the 'nebuleuse' which he argues is an opaque cloud of

ideological influences which have nurtured a global consensus around the needs of the

world market.[32] His arguments are then further examined by Murphy, who, by taking a

more critical approach to the literature, examines the role of the 'nebuleuse' and tries to

establish how and why global governance has developed in the way it has and what is

required to make it both more democratic and accountable.[33] By doing so Murphy

attempts to address one of the key problems within the academic debates surrounding

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[30] See Dingwerth, Claus and Pattberg, Philipp, *Global Governance as a perspective on world politics* (Global Governance: 12: 2: 2006) 185-203 and Held, David and Anthony McGrew, *Governing globalization: Power, authority and global governance* (Polity Press Cambridge: 2002)
[31] Rosenau, *Governance (1995)*
[32] For more see Cox, Robert W., *Social forces, states and world orders: Beyond International Relations Theory.* (Millenium: 10: 2: 1981), Cox, Robert W. and Timothy J. Sinclair, *Approaches to World Order* (Cambridge University Press Cambridge: 1996), and Cox, Robert W., *Civil society at the turn of the millenium: prospects for an alternative world order* (Review of International Studies: 25: 1999) 3-28
[33] See Murphy, *International Organization (1994)*, and Murphy, *Global Governance (2000)*

global governance which is the failure to incorporate the issue of power and power

relations into the understanding of how actors behave in the international system. As

Dingwerth and Pattberg argue "the notion of global governance starts from the

assumption that a wide variety of forms of governance exist next to each other and that

a hierarchy amongst these various mechanisms is hard, if not impossible to discern."[34]

The need to address the issue of power relations has also been recognised by other

academics such as Barnett and Duvall who realise that the introduction of the issue of

power into global governance fundamentally changes the way in which the various

relationships and interactions within the system can be understood.[35] It raises important

issues of choice and legitimacy as well as leading to questions over participation and

influence.

The understanding of power in global governance is paramount as it leads to

numerous questions over the development and role which various institutions and

actors play in the process. It informs opinion on who is responsible for decision making

in global governance and whether it is states or other actors who really control the

agenda.[36] As Sir Jeremy Greenstock notes in relation to states "their own interests are

in keeping power in their own domestic jurisdictions and in furthering their own

national interests, and that's quite a damper on UN activities and on Global

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[34] Dingwerth, *Global Governance (2006)* pg 192

[35] For an analysis of the role of power relations in global governance see Barnett, Michael, and Raymond Duvall, *Power in global governance* (Cambridge University Press: Cambridge: 2005), Held, *Governing Globalization (2002)*

[36] For academics such as Duffield the nature of power and authority has changed, see Duffield, *Global governace (2001)* . This is however contested by other writers such as Lord David Hannay, who argues that states retain their prime position within the international system, see Hannay, David, *New World Disorder* (I.B. Tauris: London: 2009)

Governance."[37] It is not only the continued pre-eminence of states which raises questions as to the legitimacy of the concept of global governance. It is also a matter of who is setting the agenda? Who is producing or influencing the actions of numerous actors, and whether or not these actors are truly independent or overwhelmingly influenced and controlled by others with more power?

The issue of power within Global Governance raises questions in relation to the substance, aims and possible outcomes of the development of the theory. One side of the argument is that Global Governance is purely an ideological and theoretical project based on an investigation of the development of new connections, relations and networks and the development of civil society.[38] For critics of global governance such as Soederberg, Duffield, and Gaan, however, it is a hegemonic project which represents the actions of a predominant actor type trying to realise a certain vision of order.[39] As Gaan argues "the liberal framework of multilateralism distorts the natural world order and stark reality of power relations."[40] This view is supported by others such as Karns who argues that "much of what has emerged to date in the way of global governance has been a product of western conceptions of government and governance."[41] The association of the concept of global governance with the development of the neo-liberal agenda and the question of the dominance of particular states within global governance

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[37] Interview with Sir Jeremy Greenstock 8th December 2009.
[38] As argued by supporters of the concept such as Falk, Rosenau and Held. For more see Falk,*On human governance (1995)* , Held,*Global Order (1995)* and Rosenau, *Governance without government (1992)*
[39] See Soederberg,*Global Governance (2006)* ,Duffield,*Global governace (2001)* and Duffield,*Development (2007)*
[40] Gaan, Narottam, *Globalization and the international system: economic and political changes* (International Studies: 43: 3: 2006)
[41] Karns in Hobbs, Heidi, *Pondering Postinternationalism* (SUNY Press Albany: 2000) pg 56

raises difficult questions; questions which make the understanding of the role of power in the concept of global governance even more important.

Since the end of the Cold War international relations has been based on the victory of liberal democracies and for many of its critics such as Lederer and Muller global governance is nothing more than an extension of the neo-liberal agenda.[42] This argument is supported by Soederberg who notes that "restructuring does not occur in outer space but in and between nation states, as well as through international organisations."[43] If international organisations are key actors within the development of global governance then their domination by a particular kind of state also gives credence to the suggestion that global governance is nothing more than a hegemonic project. In more traditional international relations theory there is a clear understanding of how power is gained and executed;[44] states are viewed as the only legitimate representatives of their citizens and are held accountable to those citizens in a myriad of ways. This analysis of the power is missing from the debates surrounding global governance.[45] Although there has been an increase in the participation of other actors

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[42] See Lederer, Markus and Philipp S. Muller, *Criticizing Global Governance* (Palgrave Macmillan New York: 2005)

[43] Soederberg,*Global Governance (2006)*

[44] For realists power is based on states, military, economic, political, diplomatic, or even cultural resources. For an analysis of the Realist understanding of power see Carr, Edward H.,*Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations* (Harper Perennial: London: 1964) and Morgenthau, Hans J.,*Politics Among Nations: The Struggle for Power and Peace* (Alfred A. Knopf New York: 1985). For liberals power is based on the preferences and social power of individuals and groups which is then translated into state policy. State power is then constrained by the underlying identities, interests and power of individuals and groups. For a liberal analysis of power see Keohane, Robert and Joseph S. Nye,*Power and Interdependence* (Scott, Foresman and Co: London: 1989) and Moravcsik, Andrew, *Taking Preferences Seriously: A Liberal Theory of International Politics* (International organisation: 51: 4: 1997) 513-553.

[45] Critics of Global Governance such as Murphy argue that key thinkers such as Rosenau fail to address the issue of power and the impact this has on the development of the concept. For more see Murphy, *Global Governance (2000)*

this participation is, as will be demonstrated, controlled by states, particularly in relation to civil society actors such as NGOs. This is in direct contrast to the arguments of supporters of global governance who emphasise the diffusion of power away from states.[46] Despite the emphasis placed on the importance of democratisation and good governance, the theory fails to analyse the context in which these ideas have developed and how support for such ideas can impact on the influence and status of actors within the system.

What is clear is that the development of the concept of global governance has not only altered the understanding of the international system but has also transformed the environment in which world, or international organisations, such as the United Nations are operating. As Rosenau argues "The international system is less dominant, but it is still powerful. States are changing, but they are not disappearing. State sovereignty has eroded, but it is still vigorously asserted. Governments are weaker, but they can still throw their weight around."[47] International organisations are now playing a more active role in the globalisation of norms, ideas and standards of behaviour which states and other organisations are expected to uphold. This is particularly true in relation to those norms which have become associated with the concept of global governance, democratisation, good governance and respect for human rights. It is therefore in the emphasis and use of these norms that the most tangible form of global governance can be established.

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[46] Proponents of Global Governance such as Rosenau argue that power is being diffused amongst newer actors rather than remaining concentrated in the hands of states. For more on this see Rosenau,*World Politics (2005)*

[47] Rosenau in Michael T. Klare, *World Security (1998)*  pg 18

One of the ways in which norms are spread is through the actions of United Nations Peacekeeping Operations. As Roland Paris argues peacekeeping mandates and practices emerge from the prevailing global norms that legitimize certain policies over others.[48] He also argues that peacekeeping missions provide a window into larger phenomenon within the international politics including the role of norms, and the nature of global governance. Along with other writers such as Bellamy[49], Paris is looking at what the experiences of peacekeeping operations can tell us about the wider changes in global politics. This examination of peacekeeping operations moves away from the more traditional academic evaluations which have focused on either, the functions and capabilities of peacekeeping operations, or on particular case studies which are utilised to illuminate wider practices.

Since the 1990s many academics have focused on creating taxonomies of peacekeeping, focusing on the idea of different generations of operations, or different categories of operations. The number of categories varies greatly amongst the studies from the original three generations outlined by Doyle and Richmond[50], a somewhat chronological organisation which is again utilised by Macqueen in 2006 to identify what constitutes a peacekeeping operation.[51] Rotberg outlines four categories in

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[48] See Paris, Roland, *Peacebuilding and the limits of Liberal Internationalism* (International Security: 22: 2: 1997) 54-89 and Paris, Roland, *International peacebuilding and the mission civilisatrice* (Review of International Studies: 28: 2002) 637-656
[49] Bellamy, Alex J., *The 'next stage' in peace operations theory?* (International Peacekeeping: 11: 1: 2004) 17-38
[50] Doyle, Michael W., *Ways of War and Peace* (W.W. Norton and Co.: New York: 1997), Doyle, Michael W. and Nicholas Sambanis *Making War and building peace: United Nations Peace Operations* (Princeton University Press: Princeton: 2006), and Richmond, *Maintaining order (2002)*
[51] MacQueen, Norrie, *Peacekeeping and the international system* (Routledge New York: 2006)

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relation to operations in Africa,[52] whilst Thakur and Schnabel highlight six 'cascading

generations' of operations.[53] Berdal suggest there are eight different categories of

operation[54] but, the largest number of differing operations is suggested by Diehl, who

differentiates operations into twelve different categories.[55] More recently Bellamy and

Williams have identified seven key types of operations which they have more

importantly divided into westphalian and post westphalian operations.[56] This division is

particularly important in relation to the development of global governance as it divides

operations into missions based on the peaceful resolution of conflicts between states

(Westphalian) and newer operations which are based on the suggestion that "in the

long-run, peaceful relations between states require liberal democratic regimes and

societies within state" (post-Westphalian).[57] Under this division the majority of post-

Cold war peacekeeping operations have been about, not only securing the international

peace and security, but also about emphasising the fact that states' domestic peace and

the way in which they conduct their foreign relations is based on the nature of their

internal political system. Bellamy and Williams also focus on the ways in which

peacekeeping is shaped by the global context and how operations can illuminate

developments in the wider international system.

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[52] Rotberg, Robert,'Peacekeeping and the effective prevention of war', in Rotberg, Robert, Peacekeeping and Peace Enforcement in Africa (Brookings Institute Washington: 2000)
[53] Thakur, Ramesh and Albrecht Schnabel, United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement (Brookings Institution: New York: 2001)
[54] Berdal, Mats,Whither UN peacekeeping? (IISS: London: 1993)
[55] Diehl, Paul F.,'Forks in the road' in Diehl, Paul F., The politics of global governance (Lynne Riener: New York 2001)
[56] Bellamy, Alex J. and Paul D. Williams,Understanding Peacekeeping (Polity Press Cambridge: 2010)
[57] Ibid. pg 4

The investigation of peacekeeping operations in relation to wider developments in

international relations theory began with Alan James and his work on Peacekeeping in

International Politics.[58] Since then academics such as Keohane and Krasner have begun

to examine peacekeeping as a tool for exploring other aspects of the international

political system including the ongoing use of the concept of sovereignty.[59] This type of

investigation of peacekeeping tends to focus on how operations relate to the

development of specific norms or ideas, for example academics such as Weiss[60],

Ayoob[61], Welsh[62], and Chesterman[63] have focused on the development of humanitarian

intervention. Chesterman[64], along with Fukuyama[65] has also focused on the role of

peacekeeping operations in post-conflict state-building situations. Another area of

growing interest is a re-examination of the concepts surrounding the liberal peace, or

democratic peace theory[66], whereby democratic states are much less likely to be

involved in conflict with other democratic states. The ideas that make up the

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[58] James, Alan,*Peacekeeping in International Politics* (St Martin's Press: London: 1990)
[59] Keohane, Robert,*Political authority after intervention: gradations of sovereignty* in Holzgrefe, J.L and Robert Keohane, *Humanitarian intervention: Ethical, Legal and Political dilemmas* (Cambridge University Press: Cambridge: 2003), Krasner, Stephen, *Shared Sovereignty: New Institutions for Collapsed and Failing States* (International Security: 29: 2: 2004) 85-120, Krasner, Stephen, *The Case for Shared Sovereignty* (Journal of Democracy: 16: 1: 2005)
[60] Weiss, Thomas G. ,*Humanitarian Intervention* (Polity: Cambridge: 2007)
[61] Ayoob, Mohammed, *Humanitarian Intervention and International Society. (Cover story)* (Global Governance: 7: 3: 2001) 225, Ayoob, Mohammed, *Third World Perspectives on Humanitarian Intervention and International Administration* (Global Governance: 10: 1: 2004) 99-118
[62] Welsh, Jennifer M., *From Right to Responsibility: Humanitarian Intervention and International Society* (Global Governance: 8: 4: 2002) 503, Welsh, Jennifer M., *Humanitarian Intervention and International Relations* (Oxford University Press Oxford: 2004)
[63] Chesterman, Simon *You, the People: The United Nations, Transitional Administration, and State-Building* (Oxford University Press Oxford: 2004)
[64] Ibid.
[65] Fukuyama, Francis,*State-building: governance and world order in the 21st century* (Cornell University Press New York: 2004)
[66] Democratic Peace Theory, or the Liberal Peace developed from the ideas of Immanuel Kant's Perpetual Peace, for more see Kant, Immanuel *Perpetual Peace* (Cosimo: New York: 2005 (originally published 1795)) Doyle, Michael W., *Liberalism and World Politics* (American Political Science Review: 80: 1986) 1151-1170, Kant,*Perpetual Peace (1795)*

foundations of Democratic Peace Theory have become directly associated with the development of the norms of global governance and as Miall points out the argument for the spread of both these concepts is now based on the question of "what if democracy, complex interdependence, and global governance spread to the entire world? In this case, extrapolation from the findings about democracy and peace would suggest that a comprehensive liberal peace might come about."[67] The need for a reduction in conflict has become increasingly important as states become ever more interdependent and interconnected through the ongoing phenomenon of globalisation. Academics such as Paris[68] argue that operations are designed to support the continuation of westphalian style states an argument also made by Jarstad and Sisk who highlight the ways in which democratization has become an integral part of peacekeeping operations.[69] This argument is also supported by MacQueen who again highlights the westphalian aims of operation.[70]

In order to gain a greater understanding of the role and impact of peacekeeping operations there has been a clear shift towards examining the political and normative context of operations, rather than focusing solely on the operations, independent of larger changes in the international system. There is, as Cousens and Kumar argue, a clear need to understand peacekeeping and peacebuilding as political, both in

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[67] Miall and McKinlay in Ingham, Hilary Ingham and Mike, *EU expansion to the east: prospects and problems* (Edward Elgar: London: 2002) pg 255Duffield,*Global governace (2001)*
[68] Paris, *Peacebuilding (1997)* , Paris, *Study of peace operations (2000)* , Paris, Roland, *Peacekeeping and the constraints of global culture* (European Journal of International Relations: 9: 3: 2003) 441
[69] Jarstad, Anna K. ,*'Dilemmas of war to democracy transitions'* in Jarstad, Anna K. and Timothy D. Sisk, *From war to democracy* (Cambridge University Press Cambridge: 2008)
[70] MacQueen,*Peackeeping (2006)*

motivation and realisation.[71] Many other academics have also begun to examine both

the political and normative context of peacekeeping operations and how these are

shaped by the wider global context. Academics such as Richmond[72], and Woodhouse

and Ramsbotham[73] examine the normative assumptions that form the basis of

peacekeeping operations whilst others such as Bellamy and Williams[74], Johnstone[75]

and Finnemore[76] examine how the wider global context influences the norms of

peacekeeping operations. This means that the investigation of peacekeeping operations

has a dual benefit, it not only improves the understanding of operations themselves, but

also as Paris argues provides a window into changes in the wider international system.

This then makes peacekeeping operations a useful way of examining the impact of the

development of the norms associated with the concept of global governance.

Ruggie, Weiss, and Thakur[77] have utilised peacekeeping operations to help identify

five key gaps in the development of global governance, whilst McClintock[78] sees the

development of global governance as a solution to the current problems facing the

wider UN organisation. What also needs to be investigated in more detail is the impact

which the development of the norms associated with global governance is having on

peacekeeping operations within the field. This is particularly important when connected

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[71] Cousens, Elizabeth M. and Chetan Kumar, *Peacebuilding as Politics* (Lynne Rienner London: 2001)
[72] Richmond, Oliver, *The globalization of responses to Conflict and the Peacebuilding consensus* (Cooperation and Conflict: 39: 2: 2004) 129, Richmond, Oliver, *UN Peace operations and the dilemmas of the peacebuilding consensus* (International Peacekeeping: 11: 1: 2004) 83-101
[73] Woodhouse, Tom and Oliver Ramsbotham, *Cosmopolitan peacekeeping and the globalization of security* (International Peacekeeping: 12: 2: 2005) 139-156
[74] Bellamy,*Understanding peacekeeping (2010)*
[75] Johnstone, Ian, *US- UN relations after Iraq: The end of the world (order) as we know it?* (European Journal of International Law: 15: 4: 2004) 813-838
[76] Finnemore, Martha,*The purpose of Intervention* (Cornell University Press: London: 2003)
[77] Ruggie,*Global Governance (2010)*
[78] McClintock, John,*The uniting of nations: An essay on global governance* (Peter Lang Oxford: 2010)

to the questions being raised around the development of global governance in relation to whether or not it is a hegemonic or ideological undertaking. The United Nations is based on the principle of the sovereign equality of all its member states and the norm of non-intervention. Within the General Assembly all states are equal with one member having one vote, the Security Council however is a different matter altogether. As the organ responsible for the mandating and operation of peacekeeping missions the Security Council, with its hierarchical power structure, offers a clear demonstration of the continued importance of nation states within the international system, and presents a direct challenge to the theory of global governance as purely an ideological project.

As noted above the concept of global governance has become directly associated with several international norms, including democratisation, good governance and respect for human rights. These norms have also become directly integrated into United Nations peacekeeping operations, as Johnson argues "The underlying liberal norms that structure global governance projects internationally have been institutionalized in the post-conflict reconstructions efforts undertaken by the UN, EU and NATO."[79] With the emphasis the theory places on the diffusion of power the fact that UN peacekeeping operations are focused on creating a particular kind of post conflict society, based on the liberal democratic model, offers further evidence that the development of global governance may not be as benign as its supporters suggest.

These concepts are not passive, they represent the influence of powerful states, and have been utilised to successfully engineer the rebuilding of post conflict societies in a

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[79] Johnson in Lederer, *Criticizing Global Governance (2005)* pg 176

manner which suits the agenda of those states. For example the UN intervention in the Former Yugoslavia which was afforded more resources and political will than the intervention in Somalia which occurred at the same time.

In this respect United Nations Peacekeeping operations are being utilised by powerful member states to enforce the norms associated with the concept of global governance in order to create a society of stable liberal democratic states capable of cooperating to resolve global problems. The fact that these norms are not being applied consistently across all operations is another clear demonstration of the ways in which peacekeeping operations are influenced by the power politics and national interests of the Security Council members.

By examining both the theoretical concepts and the practical application of the norms associated with global governance, argues that the development of the concept of global governance is having a tangible impact on the discourse of United Nations Peacekeeping in a variety of ways. This impact will be analysed using six key criteria including access to resources, fulfilment of mandates, perceived legitimacy both local and global, challenges faced during the operation from both state and non-state actors, and issues of command and control within the operation including organization and integration with other actors.[80] These criteria will be analysed alongside the extent to which particular norms associated with the concept of Global Governance including, democracy, human rights, and good governance have been integrated into the mandates of peacekeeping operations.[81] By examining these issues and the connection between

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[80] For more see Chapter Two Pg 83 and Chapter Six Pg 243 - 265
[81] For more see Chapter Two pg 99 – 101 and Chapter Six Pg 243 - 265

the development of the norms associated with global governance, the gap between the rhetoric and reality of peacekeeping operations, and the crisis in peacekeeping between 2003 and 2008, this thesis provides a new and original assessment of the relationship between global governance and peacekeeping operations. The following sections explain the background to the project before looking at the methodology and chapter structure.

## Methodology

The main aim of the research project was to examine the impact that the development of the concept of global governance is having on United Nations peacekeeping operations and the apparent disconnect between what the organisation says it can achieve and what it actually achieves in the field. In order to explore this issue the project approach was based on the accumulation of qualitative data which represented the interviewees' subjective views of both the organisation and its peacekeeping operations.

The research project was based on a constructivist ontology in which the assumption is that people have an active role in constructing both social reality and social structures. Because of this role any social structures are therefore in a constant state of flux as both people and societies change. This approach was chosen over the objectivist approach which views social structures as independent and objective, free from the influence of humans and with an existence independent of social phenomena. The constructivist approach was more appropriate in relation to this research project as it is

examining the constantly changing status of the United Nations as an international organisation. The status of the UN within the international system is constantly changing as member states alter their perceptions of the organisation and the international system as a whole. It is this changing perception which the research project aimed to reveal particularly in relation to the developing concept of global governance.

As the research project was aimed at understanding the changing status and capabilities of the United Nations it was conducted utilising an interpretevist epistemology through which it seeks to understand human behaviour, or in the case of this project the behaviour of member states of the United Nations. Because of this epistemology there is an increased need for the appreciation of the subjectivity of the findings as well as the potential for bias in both the interpretations of the researcher and the interviewees. There is a need for the project to not only understand the basis for the information received but also the added meanings and values which both the subject and researchers ascribe to social structures. This is opposed to a positivist approach which would seek to gain information in a value free objective manner, more associated with pure scientific research in search of a single knowable truth. The other potential approach which could have been taken is a realist approach which argues that there is an objective reality that is possible to know separate from description or understanding. Because the research project was looking to understand the meanings and values behind both peacekeeping operations and the United Nations position in the international system a qualitative approach was the most effective means of gaining such

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information. The next section of this chapter will now go on to outline the research question before moving on to examine the approach taken, the positives and negatives of that approach and why this was chosen over alternatives.

## The Research Question

For the first few weeks of the project the majority of time was spent on refining the research question to be examined. The field of UN peacekeeping has been widely researched so it was important to find a way of contributing something which was both new and relevant to peacekeeping operations today. Previous studies of peacekeeping operations have been concerned with why and how things go wrong in the field but not necessarily on what happens before operations deploy which can also impact on the potential success of any mission.[82] The conceptual basis of peacekeeping operations has also not been examined in great detail, although there are many studies on the various types of peacekeeping operations which have been deployed there is again less focus on the wider aims of these operations in relation to the continued stability of the international system.[83] The official studies as referenced above tend to focus on

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[82] For example the analysis undertaken in Biermann, Wolfgang and Martin Vadstet *UN Peacekeeping in Trouble: Lessons Learned from the Former Yugoslavia* (Ashgate Aldershot: 1998) and Barnett, Michael *Eyewitness to a genocide* (Cornell University Press Ithaca: 2002). Or reports by the United Nations such as Nations, United,*The UN and Somalia* (Department of Public Information UN: New York: 1996) also, United Nations, Report of the Secretary General pursuant to General Assembly resolution 53/35 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/348/76/IMG/N9934876.pdf?OpenElement> ( 23rd August 2010) into the fall of Srebrenica and United Nations, *Comprehensive report on lessons learned from United Nations Assistance Mission for Rwanda (UNAMIR)* (New York: United Nations Deparment of Peacekeeping Operations Nations, United: 1996)

[83] For analysis of the evolution of peacekeeping operations see Durch, William J.,*The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis* (Palgrave Macmillan: London: 1993), Doyle, Michael W. and Olara A. Otunnu,*Peacemaking and Peacekeeping for a new century* (Rowman and Littlefield Oxford: 1998), Bellamy, *Peace operations (2004)* , Bellamy,*Understanding peacekeeping (2010)* , Goulding, Marrack, *The evolution of UN peacekeeping* (International Affairs: 69: 3: 1993) 451 -

particular missions and the reasoning behind those, whilst outside evaluations focus on the changes in wider peacekeeping trends, but again there has not been a large amount of research into the broader aims the United Nations and its member states have in deploying peacekeeping troops to conflict zones.

The lack of focus on the norms that are now being associated with peacekeeping operations such as good governance, democratisation and respect for human rights, provided the basis for this project. From this initial starting point the project became more focused on the gap between the official rhetoric produced by the UN, as to how post conflict societies will be reconstructed to ensure the application of those norms, and what is actually occurring in conflict zones where peacekeepers are deployed, in relation to the resources provided to reconstruct those societies. The gap between the rhetoric and resources is directly connected to the ongoing development of the concept of Global Governance which is focused on the spread of the norms mentioned above. The development of the concept, with its emphasis on the need for increased management of global crises and the spread of the norms associated with it has had a tangible impact on the success rate of UN peacekeeping operations. This impact has occurred in a number of ways, through the selective use of the norms which has brought the legitimacy of operations into question, through the misuse of norms to justify interventions, which again raises the issue of legitimacy, and also through the large increase in the number and variety of tasks which peacekeeping operations are

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464, MacQueen,*Peackeeping (2006)* , and Neethling, Theo, *International peacekeeping trends* (Politikon: 31: 1: 2004) 49-66.

now being mandated to undertake in relation to the spread of the norms associated with the concept of global governance.

As the research progressed it became increasingly clear that the United Nations plays an essential role in coordinating the agenda of global governance, marshalling the actors and attempting to ensure that progress is made. From this it was then posited that peacekeeping operations were playing an increasing part in that coordination and in the development of the concept of global governance and the spread of the norms associated with the concept in relation to the creation of a society of stable states which would be able to work together to combat global problems. Although this might be the end aim of the United Nations it was also posited that the abilities of the organisation and its member states to achieve this were severely limited and that this was being clearly demonstrated by the ongoing crisis within peacekeeping operations and the disconnect between the operations being mandated and the resources provided to complete those mandates. The research question was then formulated as below:

**What changes has the development of Global Governance created within the discourse of United Nations Peacekeeping and has it had an impact on resolving the gap between the official rhetoric of the organisation and what occurs on the ground in peacekeeping operations?**

## The Research Project

Once the research question had been defined the different approaches to investigating it were examined. As mentioned above the project is based on a constructivist ontology and an interpretivist epistemology. Because of this the use of a qualitative method of investigation was the best method of enquiry as qualitative research is often based on subjective data items, which cannot be given a numeric value, for example the attitudes and opinions of a range of individuals on an issue. This was exactly the kind of information which the project was hoping to generate, the experience and understanding of a variety of actors involved within peacekeeping missions in relation to the changes brought about by the development of the concept of global governance. It was also decided to combine the qualitative fieldwork with the use of specific case studies in relation to peacekeeping operations in the field as this would provide the practical application of the issues raised through the fieldwork investigation.

After careful consideration the use of semi-structured interviews was selected as the means of fieldwork. This was chosen over other options such as focus groups or observation because of the kind of in-depth information about specific experiences which the project required. The use of semi-structured interviews meant that there was enough flexibility within the questions to adapt to the specific interviewee whilst still providing the breadth of information required to make analysis of the results possible. As the research question focuses on the development of global governance which involves a range of newer actors in the international system as well as more established

organisations such as the United Nations it was important to engage a wide variety of research subjects in the interview process. It was also important to cover as many different perspectives as possible so the subjects were broken down into five key groups; Academics, who would provide insight into the development of the conceptual background as well as into past research on UN peacekeeping, Military operatives, including former peacekeepers, advisers to the Security Council and Ministry of Defence Officials, Representatives of NGOs, who could provide insight into the expanding roles of these type of organisations, United Nations officials, who could provide evidence of the inner workings of the organisation, and finally external observers of UN peacekeeping missions which included subjects such as reporters and civilians.

As the project was based on a qualitative means of data production the collection of the data and the analysis were somewhat intertwined. The semi-structured interview format utilised meant that the researcher and the responder were involved in an interactive process in which the respondent had an active influence on the analytical process. This fits in with the interpretivist epistemology on which the project was based. It also meant that as the interviews were conducted the questions could be adapted to incorporate any new evidence which might be presented. Conducting the interviews was a learning experience, particularly in terms of encouraging participants to share their views in detail, views which perhaps they had not necessarily analysed in great detail prior to the interview.

The interviews were generally conducted on a semi-formal basis more often than not at the location at which the subject worked. The subjects were presented with a consent form which outlined the research project and asked whether or not they required anonymity throughout the project. They were also asked whether or not the interview could be recorded, and if it was whether or not they would like a copy of the transcript produced. The consent forms were produced in line with the ethical requirements of the universities ethical review board. This involved analysis of any potential impact on the right to privacy of the interviewees and also any potential risks that may be posed if they participated in the research process. In order to meet with the ethical requirements the process had to be assessed in terms of anonymity, confidentiality and data protection. It also required that all participants been informed as to how the data would be utilised and stored in line with the Data Protection Act.

At the outset of the interview each participant was informed that the data produced would be utilised for the project specified, with potential for future publication, and that the only people who would have access to the complete records of the data and interviewee details would be the researcher, the supervisor and the two examiners. Participants were also given the option to opt out of their comments being utilised in future research, although only one chose to do so. As the research was focused on high level persons the risk involved in participation was minimal and the majority of the interviewees would not be classed as 'persons at risk'. In order to ensure the lowest level of risk the consent forms offered the choice of anonymity to participants in order to protect them from any potential backlash for participating in the research, although

this was again deemed to be a minimal risk because of the content of the research. Those who have requested anonymity were also given the option of establishing an alternative way in which they could be referred to, the location of specific interviews will also not be disclosed to a wider audience although the dates will, this is another measure designed to protect the anonymity of those who have requested it. Finally once the interviews had been transcribed, those participants who requested a transcript were sent a copy. Several participants also asked for specific quotes to be sent in context in order to be edited. Once the changed were received these were then incorporated into the final thesis. All of the above measure ensured that the project met the guidelines for a low risk project as outlined by the ethical review board. In order to complete the process a self assessment form was also submitted to the board.

Overall the interviews were a positive experience and provided a vast amount of unique information which was both relevant and important to the development of the project. There were some problems with this form of fieldwork, the biggest being the length of time required to generate enough interviews for a solid basis of data. The largest hurdle in generating these interviews was in finding a reliable way of contacting potential interviewees, for some groups this was straightforward, particularly the academics, but for others, in particular the former peacekeepers and UN officials it was much more complicated than had been anticipated at the outset. There were also inevitable delays in terms of scheduling interviews, as many of the subjects are high level operatives their daily working lives are obviously extremely hectic which meant that the time scale between the interview request being sent and the interview being

scheduled and then occurring was sometimes quite substantial. The variety of locations involved also posed some logistical challenges, particularly in relation to scheduling. Interviews were conducted both in the United States and in the UK which required a large amount of coordination and time management to ensure all interviews could be conducted with the minimum interference to the progress of the project. The locations also raised other issues, particularly in relation to the recording of interviews and the problems of background noise. In order to minimise the impact of this on the recording a microphone was utilised although in most cases this did not remove all of the background noise. A few of the interviews were also conducted over the telephone, when a face to face meeting was unable to be scheduled. These presented their own unique set of problems, particularly in relation to the interaction between the interviewer and interviewee. There was also a logistical issue in terms of recording the interviews and ensuring the consent form was adequately dealt with. In most cases the interview was recorded directly through a speakerphone and the consent form was sent in advance to be returned, either by fax or post.

The data produced from the interviews was generally of an excellent quality and it provided a unique insight into the functioning of both UN peacekeeping operations and the wider international system. The analysis of the data was conducted directly in relation to the research question and the already established research as highlighted above. This was again an interactive process between the unique data generated by the interviews and the previous research conducted by others in the field. As will be explored in later chapters the information which was generated does contest some of

the previous research which as well as answering the current research question opens up avenues for further investigation in the future.

As mentioned above the project also makes use of four specific case studies in relation to the overall research question. The four cases selected are the ongoing conflict in Somalia, the UN interventions in the Former Yugoslavia, in particularly the intervention of UNPROFOR in Bosnia, the UN intervention in Burundi ONUB, and the ongoing situation in the Democratic Republic of the Congo currently being monitored and managed by MONUSCO. These case studies provide a clear practical application of many of the issues raised in the fieldwork. They cover two distinct regions which have seen a marked disparity in the level of resources applied to interventions, a disparity which is only highlighted by their occurrence in a similar time frame. These interventions have also involved other international actors outside of the United Nations system, in the FYR the involvement of the EU and NATO alongside various NGOS, in the DRC the support of the EU, and in Somalia, the USA's intervention and again the involvement of various NGOs. Because of the involvement of a variety of actors they are also highly relevant to the more conceptual arguments of the research project, particularly in relation to the development of the concept of global governance.

The following section will now go on to outline the chapter breakdown and how each of the individual chapters contributes to the wider argument.

## Chapter Outline

Chapter one argues that there is indeed a tangible form of global governance and that different parts of this, states, international organisations, and civil society are all involved in trying to create a more stable international system. That whilst newer actors, such as non-governmental organisations, are becoming increasingly involved in resolving international problems, states retain their privileged position as the most important actor in the international system. This importance, as the chapter argues, is clearly demonstrated by the continued emphasis placed on the sovereignty and sovereign rights of states. This leaves the United Nations in a precarious position, trying to both ensure the sovereign rights of states whilst also securing the protection of citizens within those states. The UN is also dealing with increased challenges to its authority, both from member states and other regional organisations.

All of these new developments will be examined in relation to their impact on the UN and its ability to function in a peacekeeping capacity. By looking at the conflict between the more traditional norms of the international system and more recent developments the chapter will argue that all of these issues are only increasing tension between what the UN as an organisation sets out to achieve and what in reality it is actually capable of achieving. Finally this chapter demonstrates the essential role the UN plays at the forefront of international peacekeeping endeavours and argues that the UN is a key organisation in the international system and an important building block in the development of the concept of Global Governance for the international system. However the role which the UN is both taking and being assigned in the development

of the norms associated with the concept is having a detrimental impact on the ability of the organisation to function in its peacekeeping role and it is clear that the UN is an organisation under pressure. Pressure from its member states, from the international system and from those it is meant to help and protect. It is the only organisation with a specific mandate to maintain international peace and security but, in order for it to be able to fulfil that mandate, changes need to occur.

This chapter offers a different perspective on Global Governance; By looking at the conflict between the more traditional norms of the international system and the norms associated with the concept of Global Governance it argues that the misuse of these norms is having a detrimental impact, not only on the development of the concept but also on the tension between what the UN as an organisation sets out to achieve and what in reality it is actually capable of achieving.

Chapter Two follows on from these arguments and examines in greater detail the impact that these norms are having on United Nations peacekeeping. The chapter argues that the evolution of United Nations peacekeeping, along with the increasing use of the UN as an enforcer for particular ideals, has in part led to the crisis now facing the organisation in relation to this key role. That over time the increasing complexities of the international system in the post Cold War era and the development of the concept of global governance have led to the organisation compromising its abilities to respond to crises on an international level. It also argues that the development of the norms associated with the concept of global governance, including democratisation, good governance and respect for human rights are connected directly to the increased amount

of tasks which peacekeeping missions are now mandated to undertake. An increase in tasks which has not seen an equivalent increase in the resources required in order to complete those tasks successfully.

This chapter offers a different perspective on the development of peacekeeping in relation to the concept of global governance. It directly connects the developments within peacekeeping operations to the increased emphasis being placed on the norms associated with global governance. By examining the impact of global governance on the UNs role as the most prominent international peacekeeper it also offers a new lens through which to view the development of the concept of global governance. It offers a practical application of some of the theoretical ideas under debate within global governance and highlights some of the potential problems that the misuse of the norms associated with the concept poses both to UN peacekeeping operations and the development of the wider notion of global governance.

Chapter Three then argues that the challenges facing the UN today are directly attributable to the way in which the United Nations has become increasingly involved in the development of the concept of global governance and is being utilised to spread the norms and ideals espoused by supporters of that concept. It argues that the UN has become directly involved in promoting the concept of global governance and that the role that the United Nations, and in particular the Security Council, has taken in helping to rebuild states in post conflict situations, through resolutions mandating peacekeeping operations, plays a key role in the transmission of the particular norms and ideals associated with that concept. These norms and ideals then influence the way in which

these states are reconstructed which is then having a direct impact on the way in which operations mandate by the Security Council are viewed by the wider international community.

The operations being mandated are now being directly associated with the norms of global governance which is problematic as many member states of the organisation, and many states which face potential interventions in the future, view the concept as nothing more than an extension of the neo-liberal agenda, and as little more than a mask for powerful states to continue to do as they please. The argument will be illustrated by outlining the increasing emphasis placed on rebuilding states as liberal democracies and the ways this is being used to underline the importance of creating an international system of stable, democratic states. It also argues that the role the UN is undertaking in the transmission of these norms is having a detrimental impact on its role as an international peacekeeper.

The new perspective in this chapter comes from the argument that the UN needs to be more careful in the application of norms and ideals in peacekeeping missions as the misuse and selectivity in the use of particular ideals is currently undermining the legitimacy of the United Nations as an international peacekeeper and has only increased the likelihood of failure, loss of international support and, legitimacy which the organisation constantly battles.

Chapter four continues this line of argument by looking at the role of the Security Council and the ways in which particular member states are utilising their power and influence. It argues that the asymmetrical power relations within the Council are having

a negative impact on peacekeeping operation mandates as these are utilised by member states to transfer particular norms and ideals to conflict situations. This transfer is then directly impacting on the development of the idea of global governance as the UN becomes involved in the reconstitution of states that can once recovered, move forward to become responsible members of the international community, and partners in resolving global problems. This chapter emphasises the importance of the understanding of power within global governance through examination of the Security Council, an understanding which is lacking in some of the other literature which tends to focus on global governance as a powerless development.[84] From Chapter Four it will be clear that the inequality within the Council, between permanent members and non-permanent, developed countries and developing, troop contributors and those mandating the operations is having a negative impact on the actions of the Council itself.

Chapter Five then examines three of the issues connected to this inequality which are having a large impact on the provision of peacekeeping operations; sovereignty, legitimacy and conditionality. It argues that the Security Councils legitimacy, whilst under scrutiny is still robust. That despite this robustness there has however been increasing attempts to establish legitimate alternatives to the Security Council and the success of these alternatives will also be examined. It also argues that there has been a clear shift in the concept of sovereignty, that there are new conditions being applied in

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[84] For more see Pg 5 of the Introduction and Chapter One.

order for states to earn this right and that this is making it easier for interventions to occur.

There is however a need to understand how this shift in sovereignty is being applied in relation to interventions and to establish if some states are treated as more sovereign than others. It goes on to argue that some states still guard their sovereignty more jealously than others and that this is having an impact on how those states view the legitimacy of council actions. Finally it argues that this is having a direct impact on peacekeeping operations as they are asked to undertake a much wider variety of tasks than ever before. That UN peacekeeping missions, or 'peace support operations' as they are now often termed have become directly involved in the rebuilding of post conflict states, in the reconstruction of sovereign entities and that this role is having a detrimental impact on the role of the UN as a peacekeeper as these projects are not always viewed as legitimate.

This chapter offers a new perspective on the changes within state sovereignty, arguing that while there has been a shift this is not applied or accepted on a uniform basis. Whilst more developed states have proved somewhat willing to have limitations placed on their sovereignty, secure in the knowledge that they have control of any potential threats to that right, other developing states are less inclined to remove the protection which the traditional understanding of the norm affords them. The chapter argues that it is the failure to appreciate this that has led to failures within peacekeeping operations which are not viewed as legitimate by those on the ground and that this has led to a desire on behalf of some states to search for alternatives to the UN Security

Council, particularly in the form of regional organisations where their influence might be larger.

Chapter Six will further some of the arguments raised in the last chapter in relation to peacekeeping operations. Utilising four case studies it argues that the development of the concept of Global Governance is having a detrimental impact on peacekeeping as operations are given ever increasing mandates. It also argues that the UN has been tasked with the responsibility of helping to create a society of 'good' states based on the liberal democratic model and that this emphasis is causing problems in the UNs ability to intervene in conflicts, particularly in relation to resource allocation. It examines the new organisations developing peacekeeping abilities and how all of these organisations are coordinated within the field. It also analyses the impact on resources and mandates that increasing demands have made and the successes and failures of the UN in the field.

Alongside the look at newer organisations it will also examine the changing attitudes of states especially the shift in America's attitude towards the UN and how this has limited the organisations ability to deal with conflict management. It assesses the disparity in both resources and action in relation to the different case studies and examine the reasoning behind this arguing that certain conflicts are more important in relation to the development of the liberal project than others. This chapter is the practical application of the theoretical concepts of the previous chapters. It provides a new perspective on the problems facing peacekeeping operations and the evident disconnect between rhetoric and reality within UN operations.

Chapter Seven then argues that the UN is the only organisation capable of legitimising interventions despite the challenges it faces in the international system. It examines the idea that global governance is in fact weakening the UN by removing its influence in particular areas and bypassing it altogether in others. It argues that this loss of influence can be directly attributed to the development of the norms associated with the concept of Global Governance as these have contradicted more traditional norms which offer states protection from intervention. This then leads states to search for alternatives to the UN in which they can have more influence and power over any potential interventions.

From this it argues that the UN has been co-opted into the liberal project of global governance to act as an enforcer for certain ideals and how this role is detrimental to the organisation as it only serves to highlight the structural and organisational deficiencies of the organisation. It argues that while reform of the Security Council is necessary to improve the legitimacy of operations it is unlikely to succeed as those states in a powerful position are unlikely to relinquish this status. It also argues that reform in fact could be detrimental as although it would make the organisation more representative it might also lead to more clashes and the potential for the council to be unable to act in the face of international crises.

It examines the role of the UN in relation to bestowing legitimacy on interventions and how this has been undermined by member state's actions. It then argues that the UN needs to retain the prime position in relation to the authorisation of peacekeeping interventions particularly in relation to the development of international law and that it

needs to avoid becoming nothing more than a rubber stamp for individual state actions as it increasingly appears to be.

This chapter offers a new argument in that global governance is in fact weakening the UN and having a detrimental impact on its operations, rather than a positive impact as suggested by other literature[85]; that the association of the UN with a particular set of norms is leading some states to question its legitimacy and representativeness which is again having a negative impact on operations. It also offers a slightly different perspective on potential reform of the Security Council which, although seen as necessary does also pose dangers to the institution itself. This will then lead to the conclusion which will synthesis the findings and illuminate the possibilities for future research.

In order to assess the impact which the development of Global Governance is having on the gap between the rhetoric and reality of peacekeeping operations it is important to understand how and why the concept has been developed and what impact it has had on the wider international system. Chapter One goes on to examine the development of the concept of Global Governance and the different ways in which this has impacted on the role of the United Nations as an international peacekeeper.

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[85] See for example Edwards, Michael,*Future Positive International Cooperation in the 21st Century* (Earthscan: London: 1999) and Pugh, Michael and W.P.S Sidhu, *The UN and regional security* (Lynne Rienner: London: 2003). Also Ruggie,*Global Governance (2010)* , Weiss, Thomas G. and Gordenker, Leon, *NGO's,the UN and Global Governance* (Lynne Rienner: London: 1996)

# Chapter One: The United Nations, Global Governance and Peacekeeping.

## Where does the United Nations fit?

In order to understand the position of the United Nations you need to first understand the international system in which it operates. Over the past few decades various different theories as to how the international system operates have both gained and lost popularity.[1] One of the most recent theories to emerge is that of global governance.[2] By unpicking the role of new actors, key issues such as sovereignty and power, and problems surrounding the development of the concept this chapter will demonstrate that global governance is a useful tool in both examining and understanding the United Nations as an organisation and its role as an international peacekeeper.

The international system in which the UN resides today is vastly different to that in place at the time of its inception. As Kaldor argues "The 1990s witnessed the emergence of global governance – stronger and more active international institutions,

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[1] For example during the Cold War, Realism was the dominant theory of international relations. Following the end of the Cold War there was a resurgence of Liberalism as the dominance of Power based politics was called into question. For the liberal view on the post-Cold war international system see Fukuyama, Francis,*The end of history and the last man* (Free Press London: 1992). For a post 9/11 analysis see Mandelbaum, Michael,*The ideas that conquered the world* (Public Affairs London 2003) For analysis of the Realist position see Waltz, Kenneth N., *Structural Realism after the Cold War* (International Security: 25: 1: 2000) 5-41 and Cox, Robert W.,*The new Realism: Perspectives on Multilateralism and World Order* (Macmillan: London: 1997). For a post 9/11 analysis of the realist position see Mearsheimer, John J.,*The tragedy of great power politics* (W.W. Norton: New York 2003). The dissatisfaction with these theories explanation of the changes within the international system then led to the development of alternative concepts such as Global Governance.

[2] For more on the development of Global Governance see Rosenau, James N.,*The study of world politics: globalisation and global governance* (Routledge: New York 2005), Held, David,*Democracy and the global order* (Stanford University Press Stanford: 1995) and Held, David,*Global Covenant* (Polity Press Cambridge: 2004). For critiques of the concept see Soederberg, Susanne,*Global Governance in Question* (Pluto Press: London: 2006) and Murphy, Craig N., *Global Governance: Poorly done and poorly understood* (International Affairs: 76: 4: 2000) 789-803.

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more multilateralist behaviour by states, a new discourse of human rights and humanitarianism, and the rise of global civil society pressing for treaties on landmines, climate change, or the International Criminal Court."[3] The number of actors has increased exponentially as has the number of problems with which the organisation has to grapple. With the increasing development of the phenomenon of globalisation and the accompanying complexity this brings to the international system, it has become apparent that "a globalizing world requires the mechanisms to manage the growing complexity of cross-national interactions."[4] This chapter argues that the United Nations has a key role to play in managing these interactions and that the retention of the legitimacy the organisation has gained is essential to ensure success in this role. The organisation needs to demonstrate its continued relevance within the international system and one of the ways it can do so is by working to ensure a greater sense of coordination in dealing with international issues. The reality is that Global Governance is not a form of world government.[5] It has no central overarching authority with sovereignty over resources. It is instead a complicated system of different networks, processes, actors and institutions that attempt to bring a modicum of organisation to a chaotic international system. At the centre of this chaos is the institution that offers the most governmental form of control in global governance, the United Nations. The

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[3] Kaldor, Mary, *New and Old Wars: Organized Violence in a Global Era* (Stanford University Press Stanford: 2007) pg ix

[4] Barnett and Finnemore in Barnett, Michael, and Raymond Duvall, *Power in global governance* (Cambridge University Press: Cambridge: 2005) pg 161

[5] As Nye argues, a hierarchical world government is neither feasible nor desirable, see Nye, Joseph S., *Globalizations democratic deficit* (Foreign Affairs: 80: 4: 2001) . This is contradicted by others such as Baher and Gordenker who argue that "It would seem that only cooperative behaviour - or else a world government and the end of the national states- can lead to regulation and order in a situation of interdependence." For more see Baehr, Peter R. and Leon Gordenker, *The UN at the end of the 1990s* (Macmillan: London: 1999) pg 3

United Nations plays an essential role in coordinating the agenda of global governance,

marshalling the actors and attempting to ensure that progress is made.

Global Governance itself is a highly contested and politicized concept. Developed in

the period following the end of the cold war global governance stemmed from

> "a sense of dissatisfaction with long established ways of thinking, a
> recognition that fundamental changes are occurring in international (or
> better global) politics and less often commented upon, the post cold war
> ideological hegemony of liberal democratic and expert led conceptions of
> social order."[6]

It does not view the international system as a state centric one, instead it tries to

incorporate the many new and varied actors that now have a role to play in global

relations. Actors as varied as Non-Governmental Organisations, Trans-National

Companies, Pressure Groups, International Organisations and International Regimes.

Global Governance is aimed at creating an understanding of "international governance

in the absence of a sovereign"[7] and providing a new viewpoint on how the international

system could or should operate. It is the numerous different and often opposing views

of how the international system should operate which have caused much friction within

the debates surrounding Global Governance. The terminology surrounding the theory

has become increasingly politicized as critics, such as Murphy and Soederberg, raise

questions over the motivations of the 'global governance project' and the motivations

of those behind it.[8] The key question remains as to whether or not it is possible to

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[6] Selby in Cochrane, Feargal, Duffy, Rosaleen, Selby, Jan, *Global governance, conflict and resistance* (Palgrave McMillan: 2003) pg 4
[7] Barnett and Duvall in Barnett, *Power (2005)* pg 7
[8] For more see Murphy, *Global Governance (2000)* , Soederberg,*Global Governance (2006)* , and for a variety of different critiques see Wilkinson, Rorden, *Global Governance: Critical Perspectives* (Routledge London: 2002)

"explain the nature of global governance without understanding the ways in which powerful states construct and pursue their grand strategies."[9] Again the problem remains as to how to view the role of the state, is it the key agent in the conduct of international relations, is it purely an intermediary between other levels of governance or is it something else? Whilst supporters of the development of the concept of Global Governance argue that power is being diffused away from States to a variety of new actors, this viewpoint fails to take into account the power and influence States still retain over these actors, particularly in relation to International Organisations such as the United Nations.[10]

The main aim of supporters of the development of the concept of Global Governance has been to provide an alternative understanding as to how the international system operates today, to incorporate all of the many actors, not only states and to create an understanding of how everything fits together. Proponents of the concept do not view the international system as a state centric one, instead writers such as Rosenau and Cox attempt to demonstrate the important role that international organisations play in limiting the actions of states by providing proscribed boundaries within which it is acceptable for states to operate.[11] What then becomes important is how to understand the intentions of all of the actors involved in the multiple networks,

[9] Murphy, *Global Governance (2000)*
[10] For arguments supporting the relocation of authority away from states see Rosenau,*World Politics (2005)* , Held,*Democracy (1995)* and Held.*Global Covenant (2004)* . For counter arguments see Luck, Edward C., *Rediscovering the state* (Global Governance: 8: 2002) 7-11
[11] See for example. Rosenau, James N.. *Governance in the 21st Century* (Global Governance: 1 1 1995) , also Rosenau in Martin Hewson and Sinclair, Timothy J. , *Approaches to global governance theory* (State University of New York Press: Albany: 1999) and, Cox, Robert W., *Social forces, states and world orders: Beyond International Relations Theory.* (Millenium: 10: 2: 1981) .

processes, organizations and regimes which make up the tangible form of global governance?[12]

This chapter argues that there is indeed a tangible form of global governance and that different parts of this, states, international organisations, and civil society are all involved in trying to create a  more stable international system. That whilst newer actors, such as non-governmental organisations, are becoming increasingly involved in resolving international problems, that states retain their privileged position as the most important actor in the international system.[13] This importance, as the chapter argues, is clearly demonstrated by the continued emphasis placed on the sovereignty and sovereign rights of states. This leaves the United Nations in a precarious position, trying to both ensure the sovereign rights of states whilst also securing the protection of citizens within those states.

The UN is also dealing with increased challenges to its authority, both from member states and other regional organisations. In the aftermath of the September 11th terrorist attacks the USA appeared to turn its back on the international system and returned to a policy of unilateral action with the Invasion of Iraq in 2003. By failing to push for a second UN resolution and bypassing the Council it was argued that the USA had undermined the legitimacy of the United Nations.[14] This left the UN at odds with one

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[12] The 'tangible form of global governance' will be examined later in the chapter. For more see pages 49-73.

[13] For arguments relating to the continued dominance of states, see Waltz, *Structural realism (2000)* Also see, Hannay, David,*New World Disorder* (I.B. Tauris: London: 2009).

[14] For more on this see Johnstone, Ian, *US- UN relations after Iraq: The end of the world (order) as we know it?* (European Journal of International Law: 15: 4: 2004) 813-838, also Nye, Joseph S., *US power and strategy after Iraq* (Foreign Affairs: 82: 4: 2003) 60-73 and Roberts, Adam, *The law and the use of force after Iraq* (Survival: 45: 2: 2003) . For analysis of why the Security Council failed to prevent the intervention see Glennon, Michael J., *Why the Security Council Failed* (Foreign Affairs: 82: 3: 2003)

of its most powerful and influential members and has had a detrimental impact on the

organisations ability to intervene in conflict situations, particularly as American

military might has been focused on both Afghanistan and Iraq.[15] This sidelining of the

UN has also been accompanied by increasing activity amongst regional organisations,

most notably the EU and NATO, who have begun to undertake peacekeeping activities

in regions outside of their normal zone of operation, for example the European Union's

operations in the Democratic Republic of the Congo, codenamed Operation Artemis,

and the ongoing NATO involvement in Afghanistan.[16]

All of these new developments will be examined particularly in relation to their

impact on the UN and its ability to function in a peacekeeping capacity. By looking at

the conflict between the more traditional norms of the international system and more

recent developments the chapter argues that all of these issues are only increasing

tension between what the United Nations Security Council sets out as achievable

through the mandating of peacekeeping missions, and what in reality the troops

deployed are actually capable of achieving.

Finally this chapter demonstrates the essential role the UN plays at the forefront of

international peacekeeping endeavours and argues that, with "its ability to reach out

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and for the contradictory arguments see Luck, Edward C. and Ian Hurd and Ann-Marie Slaughter *Stayin' Alive: The rumors of the UN's death have been exaggerated* (Foreign Affairs: 82: 4: 2003)

[15] For examination of the United Nations after Iraq see, Berdal, Mats, *The UN after Iraq* (Survival: 46: 3: 2004) 83-101 also, Tharoor, Shashi, *Why America still needs the UN* (Foreign Affairs: 82: 5: 2003) See also Misra, Amalendu, *Afghanistan: The Labyrinth of Violence* (Polity Press London: 2004)

[16] For analysis of the EU's Operation Artemis see, Ulriksen, Stale, Catriona Gourlay and Catriona Mace, *Operation Artemis: The shape of things to come?* (International Peacekeeping: 11: 3: 2004) 508 - 525. For NATO operations in Afghanistan see, Daalder, Ivor and James Goldgeier *Global NATO* (Foreign Affairs: 85: 5: 2006) . For a detailed analysis of the ongoing situation in Afghanistan see Misra, *Afghanistan: The Labyrinth of Violence* .

into virtually every society"[17] the UN is a key organisation in the international system

and an important building block in the development of the norms associated with

Global Governance.[18] However the emphasis being placed on the development of these

norms, including democratisation, good governance, and respect for human rights, and

the misuse of these norms by powerful states to justify interventions, is having a

detrimental impact on the ability of the organisation to function in its peacekeeping role

and because of this it is clear that the UN is an organisation under pressure. Pressure

from its member states, from the international system and from those it is meant to help

and protect. It is the only organisation with a specific mandate to maintain international

peace and security but, in order for it to be able to fulfil that mandate, changes need to

occur.

## What is Global Governance?

Global Governance is an emerging theory of international relations. Moving beyond

more traditional theories it attempts to understand the changes taking place in the

international system, to assess the roles of new actors and the influences these have,

and to attempt to merge the old with the new. Global Governance as an idea is hard to

define. It does not fit into more traditional theoretical systems and does not view the

international system from the same perspective. Instead it has developed from a

frustration with more traditional theories such as Realism and Liberal-Institutionalism

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[17] Gaer in Weiss, Thomas G. and Gordenker, Leon, *NGO's,the UN and Global Governance* (Lynne Rienner: London: 1996) pg 55
[18] For more on the role of the UN in the development of Global Governance see Weiss, Thomas G., *Beyond UN subcontracting* (St Martins Press New York: 1998), also Weiss, Thomas G., *Governance, Good governance and Global Governance: conceptual and actual challenges* (Third World Quarterly: 21: 5: 2000) 795-814

and from the realisation that "these failed to capture adequately the vast increase, in both numbers and influence, of non-state actors and the implications of technology in an age of globalisation."[19] Although many of the norms associated with Global Governance are also associated with the development of neo-liberal ideas, supporters of the developing concept argue that it is not a continuation of those ideas and agenda but is instead an attempt to refashion a more equitable and humane form of world governance.[20] The differences are however questioned by critics of the concept, such as Craig N. Murphy, who argues that in spite of the role intergovernmental organisations have played in making moderate advances in the empowerment of women and the promotion of liberal democracy, the current system of global governance is likely to remain lacking in its ability to address global inequalities in income and wealth.[21] By examining the debates around the development of the concept of Global Governance this section demonstrates that whilst the concept does not represent a unified project, it does consist of policies and norm development which are aimed at managing the increasing number of global problems. It also argues that while supporters of the concept argue it will create a more stable and equitable international system through the inclusion of newer actors, this understanding neglects the continued importance of the role of states and the realities of the inherent weakness of already existing international organisations.

The terminology surrounding global governance is highly contested within the academic world. There is no single definition as to what constitutes global governance.

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[19] Weiss, *Governance (2000)* pg 796
[20] For more see Falk, Richard A.,*On Humane Governance* (Penn State Press University Park, PA: 1995)
[21] For more see Murphy, *Global Governance (2000)*

Instead it is used in reference to a wide variety of subjects including, the study of

international organisations, in relation to the increase in multilateral action and the

growth in civil society as well as in relation to the study of globalisation and the

changing authority within the international system. There are also numerous viewpoints

within the study of Global Governance as to how it has developed and why, and what

role this idea will play in the development of world politics. There are however, within

these contested concepts, some generally accepted ideas. These include agreements on

some of the basic principles and definitions of what global governance is and what it is

attempting to do. Some of these concepts can be found in the Commission on Global

Governance report, Our Global Neighbourhood.[22] The report emphasises that, for the

most part, Global Governance is trying to move away from the state based view of

international relations towards a more inclusive understanding of the global system. It

is an attempt to demonstrate that international relations can no longer be

> "Viewed primarily as intergovernmental relationships, but ...must now be
> understood as also involving non-governmental organisations (NGOS),
> citizens' movements, multinational corporations, and the global capital
> market."[23]

That power no longer rests only in the hands of states but with other actors as well. If as

Keohane argues the international system "is anarchic in the sense that it lacks an

authoritative government that can enact and enforce rules of behaviour."[24] The various

debates surrounding global governance are trying to uncover and explain how and why,

in this apparently anarchical system, different actors gain power and influence and then

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[22] See Commission on Global Governance, *Our global neighbourhood* (Oxford: Press, Oxford
University: 1995)
[23] Ibid. pg 2-3
[24] Keohane, Robert, *After Hegemony* (Princeton University Press: Princeton, NJ: 1984) pg 7

utilise the system in place to maintain that position of power and influence. Because of this debates surrounding global governance have become highly politicized.

For some theorists, such as James Rosenau, Global Governance is simply an attempt to understand the "the collection of governance related activities, rules and mechanisms, formal and informal, existing at a variety of levels in the world today."[25] For him, instead of focusing on the actions, reactions and interactions of states Global Governance instead attempts to uncover "the sum of the many ways individuals and institutions, public and private, manage their common affairs."[26] It understands the international system as "a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken."[27] In other words "Global governance is conceived to include systems of rule at all levels of human activity -from the family to the international organization - in which the pursuit of goals through the exercise of control has transnational repercussions."[28] Alongside the political integration that has occurred is a continuing revolution in both industry and technology, the phenomenon of Globalization. This phenomenon has led to "greater integration and interdependence between people and states"[29] and "fostered new and intensified forms of transnational collaboration as well as new social movements that are serving as transnational voices for change."[30] As Koppell argues ""The basic

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[25] Karns, Margaret P. Mingst, Karen A. ,*International Organizations* (Lynne Rienner: Boulder: 2004) pg 4
[26] Commission on Global Governance, *Our global neighbourhood (1995)* pg 2
[27] Ibid. pg 2
[28] Rosenau, *Governance (1995)* pg 13
[29] Karns,*International organizations (2004)* pg 22
[30]Rosenau, *Governance (1995)* pg 13

argument for global governance is that there are benefits to the creation and maintenance of global standards and rules."[31]

For other theorists however Global Governance is an inherently liberal conception, focusing on how power should be diffused throughout the international system and more importantly on how people should be represented within the international system as the world becomes more integrated. Although Global Governance could be viewed as an "attempt to promote a more humane, cooperative and peaceful international order;"[32] For critics, such as Susanne Soederberg, rather than representing a new "way of organizing international politics in a more inclusive and consensual manner"[33], it instead represents "a deepening, heightening and broadening of neoliberal domination."[34] The problem with the more mainstream view of Global Governance is that it fails to question who benefits the most from the new forms of organisation and why?

It is clear to see that

> "the international system has gone through a series of dramatic changes in the past twenty years, unleashing an unusual set of cross-country connections, cooperative effects, and forms of integration. The dramas have largely been connected to the field of international peace and security. They stem from the need for democracy, accountability, welfare, dignity and sustainability."[35]

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[31] Koppell, Jonathan G.S, *Global Governance Organizations: Legitimacy and Authority in Conflict* (Journal of Public Administration Research and Theory 18: 2008) 177-203
[32] Soederberg,*Global Governance (2006)* pg 5
[33] Barnett and Duvall in Barnett, *Power (2005)* pg 5
[34] Soederberg,*Global Governance (2006)* pg 4
[35] Wallensteen in Hettne, Bjorn, *Human Values and global Governance* (Palgrave Macmillan: New York: 2008) pg 198

The world has become increasingly interconnected and the international system now faces numerous problems which are beyond the capacities of individual states to solve on their own. This has led not only to an increase in cooperation between states "rooted in the desire to bring as much of the worlds affairs under rule governed environments as possible"[36] but has also led to "transformations in the locations and scales at which politics is conducted".[37] The international system is now composed of "formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest."[38] What global governance fails to do in some cases is in not asking who these new actors are? Does the development of these institutions benefit all of the actors within the international system equally? And most importantly who is wielding the power?

For its supporters "The core of the global governance argument concerns the acquisition of authoritative decision making capacity by non state and supra state actors"[39] as it demonstrates that states are no longer the only actors in the international system and instead that

> "the world can be represented as a pattern of interacting social forces in which states play an intermediate though autonomous role between the global structures of social forces and the local configurations of social forces within particular countries".[40]

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[36]Stants in Vayrynen, Raimo, *Globalisation and global governance* (Rowman and Littlefield: 2001) pg 72

[37] Selby in Cochrane, *Global Governance (2003)* pg 6

[38] Commission on Global Governance, *Our global neighbourhood (1995)* pg 2

[39] Dingwerth, Claus and Pattberg, Philipp, *Global Governance as a perspective on world politics* (Global Governance: 12: 2: 2006) 185-203

[40] Cox, *Social forces (1981)* , Cox, Robert W. and Timothy J. Sinclair,*Approaches to World Order* (Cambridge University Press Cambridge: 1996) pg 105

It refers simply "to rules and institutions that embody the collective responsibilities of states, citizens and businesses to address global threats through democratic negotiation and burden sharing."[41] For writers such as Rosenau the world is a place where the nature of authority is fundamentally changing: where the structures of global politics are in flux: where "societies implode, regions unify, markets overlap" and where "politics swirl about issues of identity, territoriality, and long-established patterns and emergent orientations."[42] In this understanding the realities of global governance are constantly changing and Global Governance "it seems reasonable to anticipate, is likely to consist of proliferating mechanisms that fluctuate between bare survival and increasing institutionalization, between considerable chaos and widening degrees of order."[43] Rosenau also argues that Global Governance should be transformed from the ground up that "in order to acquire the legitimacy and support they need to endure, successful mechanisms of governance are more likely to evolve out of bottom-up than top-down processes."[44] This argument is supported by other academics such as Slaughter who states that "The foundational norm of global governance should be global deliberative equality."[45]

This is in direct contrast to other writers such as Craig N. Murphy; who examines the relationship between international organisation and industrial change, the link between global governance and globalisation. He focuses on the dominance of liberal

[41] Edwards, Michael, *Future Positive International Cooperation in the 21st Century* (Earthscan: London: 1999) pg vii
[42] Rosenau, James N.,*Along the domestic-foreign frontier: exploring governance in a turbulent world* (Cambridge University Press Cambridge: 1997) pg 6-7
[43] Rosenau,*World Politics (2005)* pg 127
[44] Ibid. pg 152
[45] Slaughter, Ann-Marie, *Disaggregated Sovereignty: Towards the Public Accountability of Global Government Networks* (Government and Opposition: 39: 2: 2004) 159-190

ideology and how this impacts on global governance. For Murphy, Global Governance

goes too far in undermining the traditional concept of sovereignty, which is one of the

key stumbling blocks for supporters of global governance, and in some cases seems "to

be defining a particular form of government which is impossible in some places and

probably highly, certainly biased towards a particular set of cultural practices."[46] For

Murphy

> "Contemporary global governance (or, 'what world government we actually
> have') avoids attacking state sovereignty, favours piece-meal responses to
> crises, and has emerged at a time when creative intellectual leadership was
> not matched by courageous political leadership."[47]

The emphasis on the spread of neo-liberal ideology within Global Governance is

problematic and raises more questions in relation to which actors have power and

influence within the international system.

The introduction of the issue of power into global governance fundamentally

changes the way in which the various relationships and interactions within the system

can be understood. It raises important issues of choice and legitimacy as well as leading

to questions over participation and influence. The understanding of power in global

governance is paramount as it leads to numerous questions over the development and

role which various institutions and actors play in the process. It informs opinion on who

is responsible for decision making in global governance and whether it is states or other

actors who really control the agenda. Power relations in global governance are not only

a matter of "the ability of one actor to deploy discursive and institutional resources in

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[46] Interview with Professor Craig N. Murphy 3rd September 2008
[47] Murphy, *Global Governance (2000)* pg 789 - 803

order to get other actors to defer judgement to them."[48] It is also a matter of who is

setting the agenda? Who is producing or influencing the actions of numerous actors,

and whether or not these actors are truly independent or overwhelmingly influenced

and controlled by others with more power? It is important to establish whether

"International organisations matter not only because states have designed rules to

resolve problems, but because those IOs (international organisations) themselves are

independent actors that interact strategically with states and others"[49] or if states are the

most important actors controlling the actions of international organisations. Questions

of power also lead to important questions concerning the role of non state actors and

how they wield power and influence. Without understanding the power structures

within global governance there is no way to fully understand and appreciate the

complexities within the international system.

The issue of power within Global Governance raises questions in relation to the

substance, aims and possible outcomes of the development of the theory. For writers

such as James Rosenau and David Held, Global Governance is an ideological project. It

is an investigation of the development of new connections, relations and networks and

the development of civil society. For Rosenau civil society and the interactions taking

place within it are neutral and take place within a space devoid of power relations. For

critics of global governance however it is a hegemonic project. Writers such as Murphy

argue that the use of the concept of global governance, it's vague descriptions of power

and control actually disguise the influence of specific actors. In this case Global

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[48]Barnett and Finnemore in Barnett, *Power (2005)* pg 169
[49]Hawkins and Wade in Hawkins Michael J. and Darren G. Lake, David A. Nielson, Daniel L. Tierney, *Delegation and agency in international organizations* (Cambridge University Press: Cambridge: 2006) pg 200

Governance represents the actions of predominant actor type trying to realise a certain

vision of order. For Murphy, Rosenau ignores the predominance of the neo-liberal

agenda within and across states and the impact that this is having on the development of

global governance. This idea is backed by other critics such as Susanne Soederberg

who argues that "mainstream assumptions underpinning global governance assist not

only in supporting, but also legitimising the relations of power associated with the

dominant US state."[50] For critics such as Soederberg Global Governance is merely

another demonstration of "the ability of great powers to establish international

institutions and arrangements to further or preserve their interests and positions of

advantage into the future."[51] This argument is further supported by Luck who argues

that

> "An underappreciation of the centrality of the state has also encouraged
> exaggerated rhetoric about the capacities and purposes of international
> organization and civil society, as well as about the nature of their
> relationship"[52]

If this is the case, it then makes it even more essential to understand the role of power

in the development of global governance.

The traditional understanding of power in international relations stems from Realism

in which "one state uses its material resources to compel another state to do something

it does not want to do".[53] Applied to Global Governance, this understanding of power is

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[50] Soederberg,*Global Governance (2006)* pg 159
[51] Barnett, Michael and Duvall, Raymond, *Power in international politics* (International organisation: 59: 1: 2005) pg 58
[52] Luck, *Rediscovering the state (2002)* 7-11
[53] Barnett, *International Politics (2005)* pg 40

described as Compulsory Power[54], or the ways in which states use their material

advantages to set the agenda. Within Global Governance however writers such as

Robert W. Cox, whose main focus has been on the new sources of authority within the

international system and his concept of the nebuleuse[55], argue that

> "The world can be represented as a pattern of interacting social forces in
> which states play an intermediate though autonomous role between the
> global structures of social forces and local configurations of social forces
> within particular countries."[56]

For Cox power emerges from social processes rather than from the material capabilities

of individual states. This is counteracted by arguments from writers such as Robert

Keohane who explores the ideas of state cooperation through international institutions

and how these institutions have been used by states. He argues that

> "states are crucial actors, not only seeking wealth and power directly but
> striving to construct frameworks of roles and practices that will enable them
> to secure these objectives, among others, in the future."[57]

He also examines the idea of 'global society' and whether or not this idea is universal

and if indeed there is such a thing as common values. Keohane also argues that there is

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[54] Barnett and Duvall offer several different conceptions of power and its use within the international system. They offer four different understanding of power within international relations, compulsory power, institutional power, structural power and productive power. Compulsory power follows in similar vein to a realist understanding of power it does not however limit this power only to state actors and instead emphasises that all actors within global governance have resources which would enable them to utilise compulsory power in order to resolve conflict or achieve particular aims.

[55] The concept of the nebuleuse: As Cox describes, it is an opaque cloud of ideological influences that have nurtured a global consensus around the needs of the world market. In his understanding, the economic restructuring of the global economy has been instigated by a nebuleuse or a system of governance without formal government: Characterised by short range thinking of financial gain not long term thinking of industrial development. The nebuleuse has the ability to command economic reforms which results from the structure of power capital (the ability of business considerations to dominate economic policymaking), the restructuring of production (which has weakened the power of labour), the role of debt (the constraints placed on governments and corporate actors by foreign indebtedness and assessments of credit worthiness.) For more see Cox, *Approaches to World Order (1996)* p87. Or Cox, *Social forces (1981)*

[56] Cox, *Approaches to World Order (1996)* pg 105

[57] Keohane, *After hegemony (1984)* pg 25

a need for greater accountability in Global Governance which is another challenge,

along with the challenges posed by state sovereignty which global governance faces.[58]

In more traditional theory there is a clear understanding of how power is gained and

executed, states are viewed as the only legitimate representatives of their citizens and

are held accountable to those citizens in a myriad of ways. In global governance

however "The broad, complex and differentiated global social context for the operation

of governance is really left as unfathomable and unmasterable, and yet it is taken to be

governable and sustainable."[59] Global Governance is "a broad, dynamic, complex

process of interactive decision-making that is constantly evolving and responding to the

changing circumstances."[60] This reality makes it almost impossible to pin down the

sources of legitimacy in Global Governance and to establish ways in which those in

power are accountable. The issues of power and accountability will be examined in

more detail in Chapter Four, where Nye's arguments relation to the use of 'hard' and

'soft' power will be examined in relation to other illustrations of the use of power such

as Barnett and Duvall's compulsory power.[61]

For supporters of the concept of global governance as an ideological project "the

notion of global governance starts from the assumption that a wide variety of forms of

governance exist next to each other and that a hierarchy amongst these various

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[58] For more on accountability in Global Governance see Keohane, Robert,'*Global Governance and
democratic accountability'*, in Held, David and Mathias Koenig-Archibugi, *Taming Globalization:
frontiers of governance* (Polity Cambridge: 2003), Keohane, Robert and Ruth Grant, *Accountability and
abuses of power in world politics* (American Political Science Review: 99: 1: 2005) 29-43,Hale, Thomas
N., *Transparency, accountability and Global Governance* (Global Governance: 14: 2008) 73-94, and
Slaughter, *Disaggregated sovereignty (2004)*
[59] Latham in Martin Hewson and Sinclair, *Global Governance Theory (1999)* pg 33
[60] Commission on Global Governance, *Our global neighbourhood (1995)* pg 4
[61] For more see Chapter Four, pg 179 - 181

mechanisms is hard, if not impossible to discern."[62] Therefore there is no overarching

authority, no power to be held accountable. This situation becomes increasingly

questionable when it is recognised that the majority of those with influence over the

global governance agenda are unelected officials or experts working in the numerous

international organisations and non governmental organisations. Many writers on

global governance call for an increase in accountability and democracy within the

system.[63] There are too many actors in the system with no one regulating their actions

or holding them responsible for any consequences of these actions. This is especially

dangerous if these actors have access to large amounts of material resources.

Unfortunately

> "Asymmetrical power relations drive many of the decisions in international
> forums, whether intergovernmental or civil society, and the capacity to go it
> alone or to revert to extra-institutional venues seems increasingly the rule
> rather than the exception in international behaviour."[64]

It is the ability to take exception to the rules which has led to demands for an increase

in the democratic accountability of organisations along with an increase in transparency

in the functioning of many international organisations and other key actors. As Ignatieff

argues

> "To the extent that the process of global governance is, at bottom, a
> conversation, a collective deliberation about common problems and towards

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[62] Dingwerth, *Global Governance (2006)* pg 192
[63] See Held, David, *Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective* (Government and Opposition: 39: 2: 2004) 364-391, Scholte, Jan Aart, *Civil Society and Democratically Accountable Global Governance* (Government and Opposition: 39: 2: 2004) 211-233, Slaughter, Ann-Marie, *Global Government Networks, Information Agencies and Disaggregated Democracy* (Harvard Law School:Network, Social Science Research: 2010),and *Bexell, Magdalena and Jonas Tallberg and Anders Uhlin, Democracy in Global Governance: The Promises and Pitfalls of Transnational Actors* (Global Governance: 16: 2010) 81-101
[64] Forman, Shepard and Segaer, Derek, *New coalitions for Global Governance* (Global Governance: 12: 2: 2006)

common global objectives, then all affected individuals, or their representatives,are entitled to participate."[65]

It is important to remember that Global Governance is essentially viewed as "control and orientation in the absence of formally legitimated coercive power"[66], and although it has been suggested that "as a possible answer to the question of political order.....global governance provides a concurrent model to state sovereignty as the basic principle of political organization."[67] Within the international system states still retain their formal, legitimate coercive power which lends them an elevated status in international affairs. The continuing importance which many states place on their perceived sovereign rights, and the reality that international organisations are severely limited in their abilities to challenge this also challenges that assumption. Although there has historically "never been a set concept of state sovereignty"[68] since the signing of the Treaty of Westphalia in 1648 state sovereignty defined as, "that in which prime political authority is conceded to those institutions, called states, claiming the monopoly of violence within their respective territorial borders"[69] has been the defining norm of the international system. As states are still viewed as the "primary source of political legitimacy" [70] it means they "are able to determine the content and direction of global governance by using their decisive material advantages."[71] This directly impacts

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[65] Ignatieff, Michael,*Human Rights as Politics and Idolatry* (Princeton University Press Princeton: 2001) pg 94-95

[66] Cox, Robert W., *Civil society at the turn of the millenium: prospects for an alternative world order* (Review of International Studies: 25: 1999) 3-28 pg 10

[67] Spaith in Lederer, Markus and Philipp S. Muller, *Criticizing Global Governance* (Palgrave Macmillan New York: 2005) pg 21

[68] Interview with Professor Ian Johnstone 3rd July 2008

[69] Strange, Susan, *The westfailure system* (Review of international studies: 25: 1999) 345 - 354

[70] Buzan, Barry and Little, Richard, *Beyond Westphalia?* (British International Studies Association 1999) pg 7

[71] Barnett, *International Politics (2005)* pg 59

on the efforts of organisation such as the UN as the privilege afforded to "state

sovereignty and the lack of political will by members inhibit the long-term prospects of

those organizations for creating effective structures of global governance."[72]

Over the past twenty years progress has been made towards the evolution of this

concept however the continued importance placed on the norm by states has made it

impossible to "envisage global solutions to the major problems facing the world today,

without recognition of the constraints imposed by state sovereignty."[73] Whilst

"sovereignty's status and relevance are contested increasingly within international

organisations and forums"[74] states still retain their privileged position. There are

however those who would argue that global governance is undermining this privilege

and the concept of state sovereignty. Although there are clear rules on state recognition

and for some it would be an overreach to change the concept of state sovereignty.[75] An

idea which is backed by academics, such as Professor Ian Johnstone, who argues that

redefining sovereignty is a counterproductive move. Instead he argues that any changes

should occur incrementally on a case by case basis, rather than through "some rewriting

of the rules of international law."[76]

One attempt to redefine sovereignty is the development of the responsibility to

protect, based on Francis Deng and Roberta Cohen's work on sovereignty as

responsibility. It is based on the argument that "international law should see state

sovereignty as requiring the state to protect its citizens from at least gross violations of

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[72] Diehl in Diehl, Paul F., *The politics of global governance* (Lynne Riener: usa: 2001) pg 5
[73] Diehl in Ibid. pg 3
[74] Weiss, *Governance (2000)* 795-814
[75] Interview with former UN official 26th August 2009
[76] Interview with Professor Ian Johnstone 3rd July 2008

human rights".[77] However, for many involved in the debate, such as Former NATO Secretary General Lord George Robertson, "it won't be easy because issues of national sovereignty are still involved"[78] and states fiercely guard that right. This would seem to be demonstrated by the fact that rather than cooperating for mutual gain many states are utilising the organisations involved in global governance to meet their own ends and secure their own futures. This is particularly apparent in the United Nations Security Council which is viewed by many as the "closest approximation to global governance in the peace and security realm yet achieved."[79] Whilst it may be at the forefront of establishing the norms and ideas of global governance, the Security Council's "performance never the less offers compelling testimony to the limits of global governance in an era of sovereign states"[80], this was clearly demonstrated by the US Invasion of Iraq and the bypassing of the Security Council.[81]

Within the supporters of global governance however there are many who argue that "states and governments should be posited not as first among equals, but simply as significant actors in a world marked by increasing diffusion of authority and a corresponding diminution of hierarchy."[82] That "understanding is no longer served by clinging to the notion that states and national governments are the essential

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[77] Interview with Professor Craig N. Murphy 3rd September 2008

[78] Interview with Lord George Robertson 28th July 2009

[79] Luck, Edward C.,*United Nations Security Council Practice and Promise* (Routledge: London: 2006) pg 3

[80]Ibid. pg 3

[81] There has been much debate surrounding the legality of the intervention in Iraq, with the US and UK arguing that previous Security Council Resolutions justified the action, whilst other member states question the authority which these resolutions provided. For a more detailed analysis see Berdal, *UN after Iraq (2004)* and Johnstone, *US-UN (2004)*

[82] Rosenau in Martin Hewson and Sinclair, *Global Governance Theory (1999)* pg 292

underpinnings of the world's organization."[83] These challenges to sovereignty are also

supported by other academics such as Thomas Weiss who argues that global

governance is trying "to capture and describe the confusing and seemingly ever

accelerating transformation of the international system." And that while "States are

central....their authority is eroding." He is less convinced however about the potential

success of global governance as he goes on to argue that the state "creations, inter-

governmental organisations, are no more in control than they were."[84] This is in

contrast to supporters of the theory who argue that global governance offers a way to

"bring more orderly and reliable responses to social and political issues that go beyond

the capacities of states to address individually."[85] The problem is that, as Weiss and

Ruggie argue

> "While the source and scale of most of today's pressing challenges are
> global and any effective solution must also be global, the policy authority
> for tackling them remains vested in states."[86]

They go on to argue that

> "this gap is especially striking within the UN system because neither
> powerful global institutions with overarching authority over members nor
> even flimsy ones with resources commensurate with the size of transborder
> problems they are supposed to address exist."[87]

This contradicts the arguments made by advocates of Global Governance that this is an

entirely plausible scenario when you factor in the growing number of Non-

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[83] Rosenau in Ibid. pg 287
[84] Weiss, *Governance (2000)* pg 808
[85] Gordenker and Weiss in Weiss, *NGO's (1996)* pg 17
[86] Ruggie, John G. and Thomas G. Weiss and Ramesh Thakur,*Global Governance and the UN: An unfinished journey* (Indiana University Press: Bloomington 2010) pg 15
[87] Ibid. pg 15

Governmental Organisations, Multi-National Corporations, and others who have seen

their influence increase as they cooperate with International Organisations such as the

United Nations and the World Trade Organisation providing them with a variety of

services. However the extent to which this influence has increased is still much

debated.   For staff at the United Nations NGOs play a valuable advocacy role in

ensuring that issues are kept on the agendas of both international organisations and

states[88] and whilst "they have had a steadily growing impact on the security council"[89]

this impact seems to come more from their interactions with national governments "for

example Oxfam in the UK or faith based organisations in the USA" as "they have the

potential to embarrass governments into action."[90] This influence then translates into

actions taken by states within international organisations. What is important to note

though is that NGOs still have to act to influence states their emphasis is on achieving

their agendas by gaining support from the powerful states within these organisations.

This is in direct contrast with the suggested diffusion of power to non-state actors

which global governance emphasises and in contradiction to the idea that there are now

"a plethora of forms of social organization and political decision making ... that are

neither directed towards the state nor emanate from it."[91] Rather it seems that these new

forms of social organisation and political decision making are still reliant on states to

take action, that they are viewed by states as useful tools for greater information and

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[88] Interview with Simon Bagshaw, OCHA 28th August 2008, Interview with UN official August 28th 2008
[89] Interview with Ambassador Colin Keating, Security Council Report, 28th August 2008
[90] Interview with Former UN official 26th August 2008
[91] Dingwerth, *Global Governance (2006)*

understanding[92] and that it is "therefore highly desirable to engage with them to develop that understanding."[93] States remain central to the functioning of the international system and retain their position at the top of the pile again counteracting the ideas established within Global Governance theory. States also retain this position "because they are the principal site where claims are made and policy changes implemented."[94]

Although "a variety of regimes and institutions are providing elements of global governance in some specific areas of policy"[95] or as Chesterman argues

> "Though international agencies might generate norms through intergovernmental processes, the execution of these norms was traditionally the purview of states or exceptional entities such as the European Union (EU). This limited view of global governance is no longer tenable. Though most advanced in the economic sphere, areas such as the environment and, increasingly, international security are subject not merely to regulation but to global administrative control as well."[96]

It is important to remember that states still retain their formal, legitimate coercive power which lends them an elevated status in international affairs. Whilst it is obvious that "the prospects for peace and peaceful change can be enhanced greatly by the collective leadership provided by a dominant coalition of states able and willing to steer the system in a manner that offers incentives for others to follow."[97] It is also clear that "the concepts and practices of global governance privilege certain actors, ideas, values

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[92] Interview with source from the stabilisation unit 19th June 2009
[93] Ibid
[94] Grugel, Jean and Nicola Piper,*Critical Perspectives on Global Governance* (Routledge: London: 2007) pg 155
[95] Cox, *Civil society (1999)* pg 10
[96]
[97] Kegley, Charles W.,*Controversies in international relations theory* (St Martin's Press: New York: 1995) pg 211

and interest groups over others"[98] but does this reality make it a less legitimate means of organising the international system than more traditional theories? When you couple this privilege with the idea that "an institution need not be conducive to the interests of all its members"[99] even more questions are raised about the possible coercive methods used or dominance of particular states or groups. It also raises questions regarding the possibility of some institutions involved in global governance being more legitimate than others.

The question of dominance of particular states within global governance is a difficult one. Since the end of the Cold War international relations has been based on the victory of liberal democracies and for many of its critics global governance is nothing more than an extension of the neo-liberal agenda. For writers such as David Held it is the first step in the creation of a cosmopolitan democracy where diverse and overlapping power centres will be shaped and delimited by democratic law.[100] Following the collapse of the Berlin wall

> "Liberalism is now widely regarded as having an important connection to international security. The twin propositions – that liberal democratic republics do not seem to go to war with one another yet seem to be as war-prone as any other regime – are seen as the foundation of the great global changes of our time".[101]

This is an extension of the so called peace dividend and Democratic Peace Theory, or Immanuel Kant's perpetual peace. For Immanuel Kant the perpetual peace was based on the development of federalism

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[98] Cochrane and Duffy in Cochrane, *Global Governance (2003)* pg 222
[99] Gruber in Barnett, *Power (2005)* pg 103
[100] For more details see Held, *Democracy (1995)*
[101] Doyle, Michael W., *Ways of War and Peace* (W.W. Norton and Co.: New York: 1997) pg 284

"It can be shown that this idea of federalism, extending gradually to encompass all states and thus leading to a perpetual peace, is practicable and has objective reality. For if by good fortune one powerful and enlightened nation can form a republic (which is by nature inclined to seek perpetual peace), this will provide a focal point for federal association among other states. These will join up with the first one, thus securing the freedom of each state in accordance with the idea of international right, and the whole will gradually spread further and further by a series of alliance of this kind."[102]

This idea would support the notion that the spread of liberal democracy can only benefit the international community. The argument being that "they have (liberals) strengthened the prospects for world peace established by the steady expansion of a separate peace among liberal societies."[103]

The supposed benefits of the spread of liberal democracy would then justify the domination of international organisations by liberal democratic states. This domination is what critics of global governance question. The problem stemming from the fact that

"Within liberal theories, international organisations have been viewed not only as facilitators of cooperation but also as carriers of progress, the embodiments of triumphant democracy and purveyors of liberal values, including human rights, democracy and the rule of law."[104]

If international organisations are key actors within the development of global governance then their domination by a particular kind of state gives credence to the suggestion that global governance is nothing more than a hegemonic project, and that "Global governance is a tyranny speaking the language of democracy."[105] This then

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[102] Kant, Immanuel *Perpetual Peace* (Cosimo: New York: 2005 (originally published 1795))
[103] Doyle,*War and peace (1997)* pg 252
[104] Barnett, Michael and Martha, Finnemore,*Rules for the World International Organizations in Global Politics* (Cornell University Press London: 2004) pg ix
[105] Thakur, Ramesh, *Law, Legitimacy and the United Nations* (Melbourne journal of international law: 11: 2010) 1-26

poses problems for the organisations themselves. International organisations are viewed

by academics such as Michael Barnett and Martha Finnemore as powerful institutions

in and of themselves, because of their ability to orient action and create social reality.

For Barnett and Finnemore, "IOs can also constitute the world as they define new

categories of problems to be governed and create new norms, interests, actors and

shared social tasks."[106] For critics of global governance the problem with this role for

international organisations is that "international organisations reflect the underlying

power of the inter-state system."[107]. As Held recognises

> "Of course, nation states have often found it necessary to collaborate and
> establish international institutions in order to solve collective action
> problems. However, the rationale for such institutions has been grounded in
> "reasons of state," and thus they have been shaped through the calculus of
> power politics. The result has been a system of global governance that, by
> and large, freezes the prevailing power structures, and is ill adapted to a
> more complex and interconnected world."[108]

The development of global governance is directly tied to already existing international

institutions and the reality is that

> "Discussions about global governance quickly turn to the global institutions
> we already have (such as the United Nations Security Council) and how
> unprepared they are to deal with the challenges of the 21$^{st}$ century. There are
> many reasons for this, but underlying them all is the gulf that has opened up
> between international regimes and the people whose cooperation is required
> to enforce them."[109]

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[106] Barnett,*Rules for the World (2004)* pg 17
[107] Soederberg,*Global Governance (2006)* pg 8
[108] Held and Wallace in Held, David and Garrett Wallace Brown, *The Cosmopolitanism Reader* (Polity Press London: 2010) pg 12
[109] Edwards,*Future Positive (1999)* pg 166

States still continue to dominate within the international system, and some states are more dominant than others. This is particularly true in relation to the United Nations, as James argues, the UN

> "fundamentally is nothing more than an association of sovereign states...each member will be trying to use the United Nations to further its own interests...States have not joined out of respect for the 'UN idea' (but) for what they can get out of it."[110]

The problem is that dominance within an organisation such as the UN leads to other members questioning the legitimacy of actions as well as the potential for the organisation to be truly representative. The reality is that every state has an agenda which they bring to the Security Council and the real issue is "how many states can it co-opt into helping it realise that agenda."[111] When an organisation's legitimacy is question, the actions it takes are also questioned and in this case that then leads to questioning of the development of the concept of Global Governance.

From the arguments explored above and for the purposes of this project it is clear to see that Global Governance, if not a unified project, does consist of "strategic interventions or policies that aim to manage the stresses of global politics and globalization through global rule making."[112] What then becomes important is who is making the rules, and establishing the interventions? Whilst supporters of global governance emphasise its attempts to create a more stable international system based on the participation of new and varied actors the key actors remain states what becomes apparent is the problems with the "increasing demand for policy to address global

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[110] James in Rivlin, Benjamin and Leon Gordenker, *The challenging role of the UN Secretary General: Making the most impossible job in the world possible* (Praeger: Westport: 1993) pg 24
[111] Interview with Professor Ian Johnstone 3rd July 2008
[112] Grugel,*Critical perspectives (2007)* pg 11

problems versus the recognized weakness of contemporary international organisations and states." [113] Although there has been an increase in the participation of other actors this participation is, as demonstrated above, controlled by states, particularly in relation to civil society actors such as NGOs. This is in direct contrast to the arguments of supporters of global governance who emphasise the diffusion of power away from states.[114]

## **Global Governance and the United Nations**

The following section of this chapter examines the role of peacekeeping as an intervention project within the wider global governance agenda. It assesses the interventions being undertaken and their role in creating stable states which are able to integrate into the international system. It also argues that "the underlying liberal norms that structure global governance projects internationally have been institutionalized in the post-conflict reconstruction efforts undertaken by the UN, EU and NATO."[115] This then leads into the issues raised in Chapter Two which argues that there have been significant changes in the activity of peacekeeping itself with the need for troops to undertake much wider and more varied tasks, leading perhaps to the suggestion that what the UN is now involved in is no longer purely peacekeeping but is something more akin to peacebuilding or nation building.

Within Global Governance the United Nations is seen as the "obvious forum for conciliation not only among governments, but also between governments and

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[113] Mingst in Vayrynen, *Globalisation (2001)* pg 92
[114] For arguments supporting the relocation of authority away from states see Rosenau,*World Politics (2005)* , Held,*Democracy (1995)* and Held,*Global Covenant (2004)* .
[115] Johnson in Lederer, *Criticizing Global Governance (2005)* pg 176

NGOs."[116] It is one of the longest surviving International Organisations and has been given "legitimacy as the premier global international institution" this, coupled with "its ability to reach out to virtually every society and to establish universally applicable norms"[117] makes it an ideal starting point for global governance. In order to understand the role which the UN currently plays in the development of Global Governance it is important to acknowledge the way in which the organisation has developed and the fact that it is an organisation facing numerous problems both political and structural and that these problems pose a potential threat to any future development of both the organisation and global governance.

The United Nations is based on the principle of the sovereign equality of all its member states and the norm of non-intervention. Within the General Assembly all states are equal with one member having one vote, the Security Council however is a different matter altogether. Here the permanent members, Britain, France, the USA, Russia and China all have a veto power. When the organisation was created the veto was "rationalized by the expectation that they would bear the burden of the UN's work"[118] over time however it has created much tension within the organisation as other states call for fairer representation and council reform. The issue arises from the claim that the UN structure is clearly out of date and in relation to the power structures in place at the time of its creation the world doesn't look like that anymore. However, even though this is the case, "the balance of power system is central to cooperation and

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[116] Weiss and Gordenker in Weiss, *NGO's (1996)* pg 8
[117] Gaer in Ibid. pg 55
[118] O'Neill in Diehl, *Global Governance (2001)* pg 135

peacemaking."[119] This again poses the problem, as examined earlier, in relation to dominance within an international organisation, and the questions raised by more powerful states utilising these organisations to support their own agenda. The reality of the council is each member state is looking to co-opt other members to their cause, and the only question is how many will get on board?[120]

This is especially true for the powerful states just as it was during the Cold War when the veto power could have resulted in stalemate in the Security Council. With two superpowers determined to turn an organisation designed to enhance international cooperation into "a political battlefield where victories are to be won, rather than as a conference table where accommodations are to be reached"[121] the United Nations could have foundered before it had truly begun. In order for the United Nations to remain a viable organisation throughout the cold war it had to be viewed by the superpowers as a non-threatening organisation in which all states would be on an equal footing and this meant that the United Nations had to determine "how to intervene in a way that holds the prospect of resolution of a crisis, while remaining within the framework of the UN charter".[122] To do this the organisation focused on interventions based on consent, non-intervention and impartiality.

In the years following the end of the cold War there was an increasing shift away from the idea of non intervention based on state sovereignty towards a more flexible and, some claimed, more moral approach based on the idea of human rights and

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[119] Interview with Professor Craig N. Murphy 3rd September 2008
[120] Interview with Professor Ian Johnstone 3rd July 2008
[121] Wilcox, Francisco and H. Field Haviland Jr.,*The United States and The United Nations* (Johns Hopkins Press Baltimore: 1961) pg 110
[122] Doyle, Michael W. and Olara A. Otunnu,*Peacemaking and Peacekeeping for a new century* (Rowman and Littlefield Oxford: 1998) pg 148

security. The end of the cold war had led to "the nature of the threats to the peace assuming characteristics for which the founders of the UN had not planned and with which the UN was not well prepared to deal"[123] and the increasing emphasis placed on human rights meant that the idea that "sovereign boundaries are moral constructions that are not immutable"[124] became increasingly popular. This lent much weight to arguments in favour of intervention for humanitarian reasons and in response to violations of human rights. It was no longer "the case that states have a right not to be intervened in solely by virtue of their constitutional independence."[125] It was felt that in the post Cold War world "all victims should be equally important."[126] The United Nations was now operating under the notion that national sovereignty was no longer the only guideline to be followed. Instead it embarked on various missions in response to violations of human rights and other humanitarian situations which during the cold war would not have been possible due to the limits imposed by the superpower veto in the Security Council.

As the restrictions on action were lifted there was an increasing belief and "expectation that the international community, in a new global era, could and would act swiftly in the name of peace, justice and global solidarity"[127] but, as the number of peacekeeping missions being deployed to conflict zones increased, it became increasingly clear that the United Nations was relying on inadequate ideas and methods

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[123] Sutterlin, James S.,*The UN and the maintenance of international security* (Praeger: Connecticut: 1995) pg 7
[124] Ibid. pg 39
[125] Semb, Anne Julie, *The new practice of UN authorised interventions* (Journal of Peace Research: 37: 4: July 2000)
[126] Ryan, Stephen,*The UN and international politics* (MacMillan: London: 2000) pg 31
[127] United Nations, *United Nations and Rwanda* (New York: information, United Nations Department of Public: 1996) xi conclusion

designed to fit with Cold War conflicts and Cold War combatants no longer applicable to the increasingly complex internal conflicts developing across the globe. In an increasingly globalised world it was becoming more obvious that a new more moralistic interpretation was required to understand and highlight the importance of the role the UN played in maintaining international peace and security. This led to the development of international norms based on the prioritisation of democratisation, good governance and respect for human rights. These norms have presented a direct challenge to more traditional norms such as sovereignty and non intervention and have also become directly associated with the development of the concept of global governance. The emphasis placed on the spread of these norms has also led to an increased work load for the United Nations in relation to its peacekeeping operations, as will be explored in Chapter Two.

Since the end of the Cold War the Security Council has played a fundamental role in re-examining the importance of the concept of sovereignty and

> "The Councils decisions have eroded conceptions of state sovereignty firmly held during the Cold War years, altering the way in which many of us see the relationship between state and citizen the world over."[128]

At the beginning of the 1990s it seemed that the defining norm of sovereignty was "increasingly ceding moral ground to the rights and needs of groups and individuals within states, particularly in cases where gross human rights violations are being

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[128] Malone in Malone, David M., *The United Nations Security Council* (Lynne rienner: London: 2004) pg 1

committed."[129] Following the 1st Gulf War it was also possible to argue that there was

"an 'emerging norm' that the boundaries of legitimate international concern about the

atrocities within sovereign states should be shifted so as to allow military intervention

as a last resort."[130]

The new focus on the sovereignty of the individual has been coupled with an

increasing occurrence of 'failed states' "where the model of the sovereign state, an

autonomous, self sustaining body that monopolizes the use of force on its territory and

ensures basic security or the inhabitants has temporarily at least broken down"[131]. This

increase in so called state failure coupled with

> "changes in the law on humanitarian intervention as evidenced by security
> council action in Iraq, Somalia and the Former Yugoslavian Republics have
> further enhanced the scope for UN involvement in matters previously
> deemed to be 'essentially within the domestic jurisdiction' of its member
> states."[132]

The norm of non-intervention has been challenged more frequently as the UN has

become increasingly involved in intra-state wars which were defined in the ICISS

report as "a convulsive process of state fragmentation and state formation that is

transforming the international order itself."[133]

Over time the UN has had to adapt to an increasingly interdependent world where

there are new items invading the security agenda. These items cover areas as diverse as

economics, politics, social problems and health issues. Economic problems tend to

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[129] Sarkin, Jeremy, *The Role of the United Nations, the African Union and Africa's Sub-Regional Organizations in Dealing with Africa's Human Rights Problems: Connecting Humanitarian Intervention and the Responsibility to Protect* (Journal of African Law: 53: 1: 2009) 1-33
[130] Newman, Michael, *Revisiting the R2P* (The Political Quarterly: 80: 1: 2009) pg 92
[131] Mortimer, Edward, *International Administration of War-Torn Societies* (Global Governance: 10: 1: 2004) 7-14
[132] Berdal, Mats, *Whither UN peacekeeping?* (IISS: London: 1993) pg 3
[133] ICISS, *The responsibility to protect* (Ottawa 2001) pg 5

revolve around the areas of trade and investment, the organisation of global productions and the ever expanding interlocking financial markets. Political problems have occurred in relation to a number of developments in the international system including, the collapse of empires leading to new independent states, the ending of the cold war, and the increasingly problematic issue of the right to national self determination which has sparked civil wars all across the globe. Whilst the political problems still tend to revolve around the traditional idea of "security in terms of threats, by way of actual or potential military incursion, to the territorial and political sovereignty of states"[134] there are many newer problems in the realm of social and health problems which cannot be tackled in conventional ways. These problems include the pandemic of aids, the increasing trade in illegal narcotics and also the cross border sale of people.

As Former UN Secretary General Boutros-Gahli stated in an interview in 1993 "many of today's pressing international problems are transnational and interrelated in nature and cannot be solved by any one country acting alone."[135] The UN however, as explained above, is not a supranational organisation and cannot act without the support of its member states: The UN as Luard explains "can never be anything but a mirror of the world as it is"[136], and if the member states are unwilling to provide the resources to tackle a particular problem then there is little the UN can do. Whilst some states still attempt to argue that sovereignty should be held in the highest regard and that consent is an important necessity before intervention for the most part it is now respect for

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[134] Evans, Gareth,*Cooperating for Peace* (Allen and Unwin St Leonards: 1993) pg 5
[135] Boutros-Ghali, Boutros and Carolyn, Reynolds, *Setting a new agenda for the United Nations* (Journal of international Affairs: 46: 1993)
[136] Luard, Evan,*The UN:How it works and what it does.* (MacMillan: London: 1987) pg 3

human rights that is placed at the forefront of UN action and ideology. This means that

the United Nations

> "as an institution suffers from the contradiction between a liberal vision that
> makes harmony depend on the right kind of state (liberal national) on the
> one hand, and an international system that requires a heavy dose of
> international regimes and organizations aimed at overcoming the drawbacks
> of state sovereignty on the other."[137]

At the end of the twentieth century it was hoped that states would now start to live up to

their responsibilities to their citizens and that a new era based on respect for human

rights had begun. Fast forward to the beginning of the 21st century however and looking

back "the brutal legacy of the twentieth century speaks bitterly and graphically of the

profound failure of individual states to live up to their most basic and compelling

responsibilities, as well as to the collective inadequacies of international

institutions."[138]

The situation the UN now finds itself in is increasingly precarious. There are more

and more actors becoming involved in the international system and in the resolution of

international problems.[139] Demands on the organisation continue to increase but the

number of resources being allocated to meet those demands is shrinking. The

organisation is becoming involved in challenging some of the key concepts which make

up the foundations of the international system without examining fully the potential

consequences of that challenge. The United Nations was created to help aid the creation

of a more peaceful and stable international system. One of the ways in which has

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[137] Hoffman, Stanley, *The crisis of liberal internationalism* (Foreign Policy: 98: 1995) 159
[138] United Nations, *Report of the Secretary General: Implementing the Responsbility to Protect* 2009)
pg5
[139] For analysis of the role of NGOs see Alger, Chadwick, *The emerging role of NGOs in the UN system*
(Global Governance: 8: 2002) 93-117

attempted to create that ideal system is through peacekeeping, preventing the spread of conflict and hopefully helping to resolve situations within and between countries who are unable to resolve it themselves. The problem with this role and action today is that it has the potential to be misused by powerful states, states who are involved not only in creating a more stable international system, but states who are involved in creating a very particular kind of international system, one based on liberal democratic principles and ideals. This has led to a certain vision of what constitutes a 'good' state taking precedence over alternatives and has led to an increase in activities for the United Nations.

Chapter Two argues that this vision of a 'good state' and the promotion of the norms association with the global governance concept has meant that the United Nations has become directly involved in the development of the  concept and has begun, selecting interventions in order to create a society of 'good states', in line with the democratic peace ideal. It argues that states are using the UN to plug

> "an enforcement gap that needs to be filled if global governance is to be effective at all. Norms of security, democracy and human rights cannot be upheld in the absence of international institutions and other capabilities by which to address the problems of compliance."[140]

And that this use of the UN is having a detrimental impact on the abilities of the organisation in relation to its peacekeeping mandates

By examining the development of peacekeeping operations and the continuous challenges these have faced it argues that the emphasis being placed on the norms associated with global governance is clearly having a detrimental impact on

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[140] Vayrynen in Vayrynen, *Globalisation (2001)* pg xi

peacekeeping operations. It then goes on to argue that this has led to a search for alternatives to the organisation in the form of the development of regional organisation. The chapter will look at the positive benefits which regional organisations represent including the suggestion that the proliferation of serious organisations should help the United Nations.[141] Despite the potential benefits the chapter argues however that these developments must be carefully managed and these organisations must remain under the umbrella of the United Nations charter in order to ensure the legitimacy and accountability required in international interventions because as Keating argues, "if its not handled well by one or both sides of the equation then it could actually be misused, to the detriment of international peace and security."[142]

The development of these alternatives feeds into wider arguments surrounding the development of the concept of global governance, particularly in relation to the suggestion that the concept aims to make the international system more representative and accountable. Again this understanding fails to address the issue of power, and the influence which states continue to have over these organisations. It also ignores the large disparities in the capabilities of these organisation to undertake peacekeeping operations, operations which when they fail lead to increasing calls for UN action, and again increased pressure on the organisations resources and political will, issues which are examined in more detail in the following chapter, Chapter Two.

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[141] Interview with FCO Official 20th May 2009
[142] Interview with Ambassador Colin Keating, Security Council Report, 28th August 2008

## Chapter Two: The impact of Global Governance on United Nations

## interventions in violent conflicts.

Following on from the arguments outlined in Chapter One, this chapter examines in

greater detail the impact that the development of the concept of Global Governance is

having on United Nations peacekeeping. This chapter argues that the evolution of

United Nations peacekeeping, along with the increasing emphasis placed on the

application of norms associated with global governance, has in part led to the crisis now

facing the organisation in relation to this key role. It demonstrates that a large part of

the crisis now facing UN peacekeeping operations stems from the challenges being

articulated against the liberal-peace model of peacekeeping operations as supported by

the development of global governance.[1] Because of these challenges the chapter argues

that the current crisis differs from previous crises as it is not, as in the past, a failure to

respond, but is instead a failure to respond in an appropriate manner to situations which

have a different context to those of the past.[2] This lack of contextualisation and the

continued emphasis on a top-down approach based on the reinstatement of a liberal

democratic form of governance have led to direct challenges to the UN 'paradigm'[3] of

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[1] For more see Duffield, Mark,*Global Governance and the new wars* (Zed Books London: 2001), Duffield, Mark,*Development, Security and Unending War* (Polity Cambridge: 2007), Paris, Roland,*At war's end* (Cambridge University Press Cambridge: 2004), Paris, Roland, *Broadening the study of peace operations* (International studies Review: 2: 3: 2000) and Richmond, Oliver,*Maintaining Order, making peace* (Palgrave Basingstoke: 2002).

[2] For more on previous crisis periods in peacekeeping see Jones, Bruce, *Peacekeeping in Crisis?* (The RUSI Journal: 154: 5: 2009) 78-83, Pugh, Michael, *The crisis in peacekeeping* (International Peacekeeping: 11: 1: 2004) , Roberts, Adam, *The crisis in peacekeeping* (IFS: 2: 1994) and Introduction pg 3

[3] The UN paradigm of peacekeeping is based on various assumptions and concepts that have informed UN practice in the field, the most important of which is the concept of the 'liberal peace'. The clearest outline of the paradigm of peacekeeping operations can be found in the Capstone Doctrine published in

peacekeeping operations as this chapter argues. It also argues that these challenges, coupled with the change in the situational deployment of peacekeeping operations to ongoing conflict zones where peace agreements are not in place, and where the operations lack the necessary leverage and resources to respond to ongoing hostilities, has placed an increasing strain on operations in the field.

The chapter also argues that over time the increasing complexities of the international system in the post cold war era and the development of the concept of global governance have led to the organisation compromising its abilities to respond to crises on an international level. This detriment will be analysed using six key criteria including access to resources, fulfilment of mandates, perceived legitimacy both local and global, challenges faced during the operation from both state and non-state actors, and issues of command and control within the operation including organization and integration with other actors. It will be illustrated using the experience of peacekeeping missions in the field, with direct reference to four specific case studies including the Former Yugoslavia, Somalia, the Democratic Republic of the Congo, and Burundi,[4] as well as the experiences of member states within the Security Council.

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2008 and in various other official reports, for more see United Nations, *United Nations Peacekeeping Operations Principles and Guidelines* (New York: United Nations:2008), Boutros-Ghali, Boutros *Agenda for Peace* (New York Nations, United: 1992), United Nations, *Comprehensive report on lessons learned from United Nations Assistance Mission for Rwanda (UNAMIR)* (New York: United Nations Deparment of Peacekeeping Operations Nations, United: 1996), United Nations, *Report of the Panel on United Nations Peace Operations to the Secretary-General* (New York: United Nations General Assembly 2000), and United Nations, *High Level Panel Report on Threats, Challenges and Change, A more Secure World: our shared responsbility* 2004). For analysis of the paradigm see CIC, *Peacekeeping Overstretch: Symptoms, Causes, and Consequences* (New York: Center for International Cooperation 2009), Durch, William J. and Madeleine L. England, *The purposes of peace operations* (New York: Center for International Cooperation:2009), Gowan, Richard, *The Strategic Context: Peacekeeping in crisis, 2006-2008* (International Peacekeeping: 15: 4: 2008) For more on the 'liberal peace' see Introduction Pg 3 and Chapter One Pg 69
[4] For more on the case studies see Chapter six pg 243 – 265

This chapter offers a different perspective on the development of peacekeeping and global governance. By examining the impact of global governance on the UNs role as the most prominent international peacekeeper it offers a new lens through which to view the development of the concept of global governance. It offers a practical application of some of the theoretical concepts under debate within global governance and highlights some of the potential problems which the misuse of norms associated with the concept could pose to both the development of global governance, and the role of the United Nations as an international peacekeeper.

The United Nations was founded in the aftermath of the Second World War as a replacement for the failed experiment of the League of Nations. The defining aims of both the League of Nations and the United Nations are outlined in President Woodrow Wilson's Fourteen points speech in which he stated that the main aim of the organisation established at the end of the first world war was to ensure

> "the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression."[5]

These aims formed the basis of the United Nations system, however, following the failure of its predecessor the League of Nations, attempts were made to form a more robust organisation capable of dealing with the realities of the international system. Focusing instead on the rationality of states the UN was based on a much more liberal interpretation of the international system and the belief that while actors will rationally

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[5] Wilson, Woodrow, *Fourteen Points Speech* (8th January 1918)

pursue their own interests there is a great potential for harmony of interests between

actors and therefore a great potential for cooperation.

Although it was rooted in a liberal tradition the founders of the United Nations also

had to make concessions to the realities of the international system. At the time of its

creation states were the key actors and would be the key units in creating and sustaining

the UN as an international organisation. In liberal theory states "attempt to tie one

another down by locking each other into institutions that mutually constrain one

another"[6] which helps to limit the actions of states but, in order to ensure the

cooperation and participation of all states, at the time of its creation the UN had to

provide protection within its charter for the notion of the sovereign equality of all

states. The international system was recovering from a massive conflict in which the

sovereignty of states had been undermined leading to massive abuses of population, and

many states were extremely concerned with how an organisation such as the UN would

impact on their ability to defend themselves should the need arise again.

The emphasis placed on the importance of state sovereignty severely limited the

development of the United Nations especially in relation to the prevention of

international conflict. This meant that although the UN had at its creation been intended

to be "an instrument to prevent war"[7] at the outset of the Cold War it seemed that

instead the UN, rather than being at the forefront of international cooperation, was

instead "groping for a significant role which it might be able to play in the politics of a

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[6] Deudney, Daniel and Ikenberry, John, *The nature and sources of liberal international order* (Review of International Studies: 25: 1999) 179-196
[7] Scott, William A. and Stephen B. Withey *The US and the UN, the Public View* (Manhattan: New York: 1958) pg 252

world torn asunder by the Cold War."[8] The Cold War effectively turned the United

Nations and most importantly the Security Council into "a propaganda battlefield and a

scene of political confrontation."[9] How then did the UN survive when the odds were so

clearly stacked against it? With two superpowers determined to turn an organisation

designed to enhance international cooperation into "a political battlefield where

victories are to be won, rather than as a conference table where accommodations are to

be reached"[10]?

The United Nations did not falter in the face of crisis and instead set about creating a

unique and unexpected role for itself. In order for the United Nations to remain a viable

organisation throughout the cold war it had to be viewed by the superpowers as a non-

threatening organisation in which all states would be on an equal footing and this meant

that the United Nations had to determine "how to intervene in a way that holds the

prospect of resolution of a crisis, while remaining within the framework of the UN

charter."[11] Despite the problems it faced only months after its creation the UN managed

to forge a role for itself within the international system. The Cold War was not simply a

conflict between the two superpowers, "as a power struggle, the Cold War had the

appearance of a traditionally territorial contest but its ideological wrappings gave it a

scope with no territorial boundaries"[12], proxy wars were fought all over the globe as the

USA and USSR attempted to gain global dominance. Rather than focusing on the

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[8] Claude, Inis C.,*Swords into Ploughshares* (Random House New York: 1984) pg 325
[9] Ibid. pg 325
[10] Wilcox, Francisco and H. Field Haviland Jr.,*The United States and The United Nations* (Johns Hopkins Press Baltimore: 1961) pg 110
[11] Doyle, Michael W. and Olara A. Otunnu,*Peacemaking and Peacekeeping for a new century* (Rowman and Littlefield Oxford: 1998) pg 148
[12] Calvocoressi, Peter,*World Politics 1945-2000* (Longman: London: 2001) pg xvii

conflicts of great importance to the two superpowers the UN focused on areas outside of superpower influence and on creating a role for itself as the new 'international peacekeeper'. As Durch illustrates "Peacekeeping became a strategic tool by which the United Nations Security Council could help keep conflict-prone parts of the international system from shaking the stability of the Cold War standoff."[13]

The next section of this chapter is going to explore the development of that role and will argue that the UN's position as an international peacekeeper is under threat as it faces numerous challenges in today's international system. The following chapter will then argue that the challenges facing the UN today can be attributed to the ways in which the United Nations has become increasingly involved in spreading the concepts, norms and ideals espoused by supporters of the development of global governance.

## The Development of Peacekeeping

In order to understand the role which United Nations Peacekeeping has played and is continuing to play in the development of the concept of Global Governance you first need to understand the ways in which the concept of Peacekeeping itself has evolved. This section examines that evolution before the following section demonstrates the ways in which this evolution, and the challenges facing peacekeeping operations today, are in many ways attributable to the development of the concept of Global Governance and the norms associated with that concept.

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[13] Durch, *The purposes of peace operations (2009)* pg 1

Peacekeeping within the United Nations was the brainchild of Secretary General

Dag Hammarskjold, who referred to it as chapter six and a half.[14] Peacekeeping rested

in the grey area between the pacific measures outlined in chapter six of the charter,

including negotiation, arbitration, mediation and conciliation, and the more forceful

measure of chapter seven, which includes the use of armed force.[15] From its original

attempt at peacekeeping with the UNEFI force in Egypt the UN then went on to

intervene in various conflicts across the globe.[16] At a time when the organisation could

have faltered with the onset of the cold war the UN instead created a unique role for

itself as "an effective instrument to reduce violent conflict within the international

system."[17]

Throughout the development of the concept of peacekeeping emphasis was

continually placed on the importance of respect for sovereignty in order to allay the

fears of many world leaders who, at the time of the UN's creation, were not looking for

a form of world government but were instead looking for "a bold prescription for

maintaining international peace and security."[18] In the years following the creation of

the organisation, state sovereignty continued to be defined as "unrivalled control over a

delimited territory and the population residing within it."[19] With each state guaranteed

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[14] United Nations, Peacekeeping website <http://www.un.org/peace/reports/peace_operations/> (12th April 2010)

[15] United Nations, *Charter of the United Nations* Information, Department of Public: 1945)

[16] For a detailed look at various UN operations see Woodhouse, Tom and Oliver Ramsbotham,*Encyclopedia of International Peacekeeping Operations* (ABC-CLIO Ltd: Oxford 1999) also Nations, United,*The Blue Helmets: A review of United Nations Peacekeeping* (United Nations Department of Public Information New York: 1996)

[17] Berdal, Mats,*Whither UN peacekeeping?* (IISS: London: 1993) pg 3

[18] Evans, Gareth,*Cooperating for Peace* (Allen and Unwin St Leonards: 1993) pg 17

[19] Jennifer M. Welsh in Welsh, Jennifer M., *Humanitarian Intervention and International Relations* (Oxford University Press Oxford: 2004) pg 52

autonomy in both their external dealings and internal affairs. This definition continued

throughout the Cold War as it was deemed that

> "The necessary condition for sovereignty among states is non-intervention.
> If states are states only because they have control over force within their
> territory and other states recognise that control, then military intervention is
> an explicit challenge to sovereignty."[20]

The reality was however that non-intervention was never strictly applied. Instead the

UN operated a peacekeeping policy throughout the Cold War based on the three key

principles of consent, neutrality and non use of force. This doctrine worked so well

because, as Duffield explains, conflicts tended to have organisational cohesion, with

well-structured groups of combatants operating along well-defined combat lines.[21] This

enabled the UN and its agencies to operate within and around the conflicts supporting

displaced people outside the conflict zone and providing emergency aid. Whilst the UN

would provide aid to those in need, "during the Cold War, the UN seldom intervened in

ongoing conflicts, when it did it was usually in the context of policing an agreed

ceasefire."[22] This meant that during the Cold War

> "The United Nations had a coherent doctrine of peacekeeping. When there
> were agreements among warring parties who had command and control over
> their people with weapons, the United Nations would interject troops in
> order to assist the parties in keeping the peace."[23]

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[20] Finnemore, Martha,*The purpose of Intervention* (Cornell University Press: London: 2003) pg 7
[21] Duffield in Nederveen, Pieterse, *World Orders in the Making: Humanitarian intervention and beyond* (MacMillan: London: 1998) pp. 80-110
[22] Duffield,*Global governace (2001)* pg 52
[23] Daniel, Donald C.F and Bradd C. Hayes,*Beyond Traditional Peacekeeping* (St Martins Press New York: 1995) pg 41

This doctrine served the UN well during the Cold War culminating in the United

Nations Peacekeeping Forces being awarded the Nobel Peace Prize in 1988.[24] This

policy did however lead to several contradictions in the operation of the UN the most

problematic being the preference accorded to state sovereignty whereby "treating states

as equals prevents treating individuals as equals."[25] Whilst the sovereignty of states was

enshrined in the charter and upheld by the organisation and states were protected from

unwanted intervention, the populations of many states were suffering and the UN was

incapable of response. The matter of consent, whilst overriding the principle of

sovereignty, was a massive roadblock to any UN action throughout the cold war.[26]

With the collapse of the Soviet Union in the late eighties it was hoped that liberal

ideals would finally triumph as the United Nations and peacekeeping were given a

renewed sense of purpose. Throughout the Cold War peacekeeping activities remained

within the realm of what has come to be defined as 'traditional peacekeeping'. This

concept was based on the three key foundations, consent, impartiality and non-use of

force.[27] Developed in the grey area between chapter VI, relating to the peaceful

settlement of disputes, and chapter VII, which focuses on the use of force to resolve

disputes, of the UN Charter peacekeeping as a concept has evolved over time.

In the period immediately following the end of the Cold War much emphasis was

placed on the idea of a 'new world order' where "the cessation of great power war

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[24] Nobel Peace Prize Organisation, http://nobelprize.org/peace/laureates/1988/index.html ( 12th April 2010)
[25] Tharoor, Shashi, *Why America still needs the UN* (Foreign Affairs: 82: 5: 2003)
[26] Interview with Former UN official 26th August 2008
[27] The most widely accepted definition of 'traditional peacekeeping' can be found in the Brahimi Report available online at United Nations, Brahimi Report, http://www.un.org/peace/reports/peace_operations/docs/part2.htm (12th April 2010)

would dethrone military interaction from its millennia long reign as the principal

defining process of the international systems"[28] and where democratic states now

possessed the ability to become the "dominant mode of interaction in world politics."[29]

Whilst for realists the end of the cold war was "no more than an important shift in the

power structure of the international system"[30] for others it signalled a new beginning

for international relations and "a world in which nations would be safe because of the

capacity of the United Nations to guarantee their security through collective

measures."[31] Whilst non-intervention had never been strictly applied throughout the

cold war, it was now hoped that the UN could intervene with greater legitimacy.[32] This

hope was coupled with a realisation on the part of the United States of America that it

"was no longer as balanced in its power and therefore had fewer outside constraints

than it did during bi-polarity."[33] This led to an increasing involvement by the US in

peacekeeping operations, providing support and logistics which during the cold war

was limited by the "traditional question of the extent to which the largest powers are

directly involved in peacekeeping, in the cold war it was rather a taboo."[34] This was

based on the reality that

> "In the first decades of UN peacekeeping operations, the requirement of
> impartiality and disinterestedness was among the factors leading to the
> general practice of not using certain countries' troops. In particular, the UN

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[28]Buzan, Barry and Little, Richard, *Beyond Westphalia?* (British International Studies Association 1999) pg 3

[29] Chan, Steve, *In search of democratic peace* (International studies Review: 41: 1: 1997) 59-91

[30] Buzan, *Beyond Westphalia? (1999)* pg 1

[31] Sutterlin, James S.,*The UN and the maintenance of international security* (Praeger: Connecticut: 1995) pg 51

[32] Interview with Former UN official 26th August 2008

[33] Interview with Professor Joseph Nye 7th May 2008

[34] Ibid, Nye.

for the most part avoided use of contingents from the permanent five (especially China and the two superpowers)."[35]

Following the end of the superpower rivalry however this taboo was lifted and it was hope that the use of permanent five troops would result in peacekeeping operations becoming "a symbol of the determination of the international community to see its decisions implemented."[36]

However the newly emerging international system left the UN with a much more complex and daunting situation as "the end of the Cold War had left many places over-armed, divided, indebted and vulnerable to gangsterism."[37] With the end of superpower dominance the international system and its member states now had to face up to the problems stemming from "boundaries based on colonial expansionism rather than on the preserves of tribal or ethnic entities."[38] Even though decolonisation had occurred during the cold war, "ending empires and making international society multi-continental, multi-racial and multi-religious, the Cold War negated that diversity by demanding ideological conformity and strategic subordination."[39] It was only with the removal of superpower constraint that problems began to surface.[40] With "the increasing volatility and unpredictability of a global security system in which the near-certainties of the Cold War had been replaced by a 'violent peace', with conflicts

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[35] Roberts, *The crisis in peacekeeping (1994)* pg 9
[36] Ibid. pg 27
[37] Douglas, Bennet Jr., *Peacekeeping and multilateral relations* (US Department of State Dispatch: 15: 49: 1994)
[38] Burton and Vayrynen in Groom, A. J. R and Margot Light, *Contemporary International Relations: A guide to theory* (Pinter publishers: London: 1994) pg 70
[39] Daniel,*Beyond Traditional Peacekeeping (1995)* pg 25
[40] See Tharoor, Shashi, *The messy afterlife of colonialism* (Global Governance: 8: 2002) 1-5

continuing across most regions of the world"[41] it was important for the UN to reassess

its position and role within the international system.

Throughout the early 1990s "As the restrictions on action were lifted there was an

increasing belief and expectation that the international community, in a new global era,

could and would act swiftly in the name of peace, justice and global solidarity"[42] and

from 1992 – 1996 the Security Council undertook one of its most active periods with

the average number of decisions taken at a high of 134[43]; but as the number of

peacekeeping missions increased it became increasingly clear that the United Nations

was relying on inadequate ideas and methods designed to fit with Cold War conflicts

and Cold War combatants which were no longer applicable to the increasingly complex

internal conflicts developing across the globe. Traditional peacekeeping which

"referred to the interposition of a neutral force between two warring states once a

ceasefire had been agreed to"[44] was not designed to cope with these new challenges.

The UN soon became overwhelmed and it was clear that the organisation was headed

for disaster. The failure of the UN to respond to the escalating situations in both

Rwanda and Somalia and the fact that

> "The largest slaughter of civilians since Pol Pot's Cambodia could have
> transpired in a context not of international inattention but of multiple forms
> of international engagement provides compelling evidence of just how weak

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[41] Rogers, Paul,*Losing Control* (Pluto Press London: 2002) pg 132

[42] United Nations, *United Nations and Rwanda* (New York: information, United Nations Department of Public: 1996)

[43] Statistics from Report, Security Council, Update report no.4 Reduced Security Council Decision Making in 2009
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.5761801/k.2242/Update_Report_No_4brR EDUCED_SECURITY_COUNCIL_DECISION_MAKING_IN_2009_A_YEAR_OF_DECLINE82120 R_ARE_THE_STATISTICS_MISLEADINGbr22_January_2010.htm (17th March 2011)

[44] Bratt in Pugh, Michael, *The UN, peace and force* (Frank Cass London: 1997) pg 64

the existing multilateral systems for preventing the escalation of violence actually were."[45]

Following these dramatic failures there was "growing reluctance in the capitals of the west, especially Washington, to tackle militarily the ever-burgeoning number of complex emergencies"[46] which led to a marginalisation of the UN and an increasing emphasis on unilateral or coalition action by states. This coupled with "the desire by UN officials and member states to pick winners and to avoid failures meant that the UN was as interested in its own security as it was in human security."[47] The UN was once again fighting for survival in an international system which provided little support both financially and politically.

In an increasingly globalised world it was becoming more obvious that to assume "that the mere presence of 'neutral' soldiers will separate warring parties, calm heated passions and prevent renewed combat of the kind that brought about the need for the mission in the first place" was a misguided hope. The UN also had to deal with the increasing reality of "the huge gap between the demands on the UN to deploy forces in order to secure peace, and the ability of those forces to do the job"[48] coupled with "the willingness of security council members to pass ambitious resolutions and the reluctance of states to provide the means to fulfil them."[49] As demand increased the ability of the UN to perform the tasks assigned to it appeared to be diminishing. During this period there was also an increasing emphasis placed on the importance of

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[45] Jentlesen, Bruce W.,*Opportunities missed, opportunities seized* (Rowman and Littlefield New York: 2000) pg 238
[46] Daniel,*Beyond Traditional Peacekeeping (1995)* pg 14
[47] Barnett, Michael, *The UN Security Council, indifference and genocide in Rwanda* (Cultural Anthropology: 12: 4: 1997) pg 560
[48] Pugh in Pugh, *The UN (1997)* pg ix
[49] Pugh in Ibid. pg ix

expanding the potential roles of regional organisations. This role will be explored later on in the chapter.[50]

Since its creation peacekeeping has been viewed both within the United Nations system and the international system more generally as "one of the most significant innovations of the organisation."[51] It has been the focus of much academic debate, particularly in relation to the way in which the concept has developed and evolved overtime. Peacekeeping was initially established as a unique way for the United Nations to remain valid in an international system divided by the onset of the Cold War. However, following the end of the Cold War the concept became associated with a much wider range of interventions and activities and has been used, as MacQueen argues "to help preserve, by providing a stabilizing mechanism, the state- based international system."[52]

In the early 1990s there was much emphasis placed on the idea of 'humanitarian intervention' and it was hoped that "it was part of a larger process whereby the sovereignty of states would take second place to the human rights of citizens."[53] This emphasis also led to a much broader range of tasks being undertaken by peacekeepers than ever before. They now became involved in issues relating to the domestic governance of states, election monitoring, provision of police and judicial services.[54] The involvement in new tasks can be partly attributed to the

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[50] See Pages 111-120.
[51] Roberts, Adam,*Presiding over a divided world: Changing UN roles, 1945 - 1993* (Lynne Rienner: London: 1994) pg 41
[52] MacQueen, Norrie,*Peacekeeping and the international system* (Routledge New York: 2006) pg 13
[53] Roberts, Adam, *Humanitarian Action in War* (Adelphi Papers: 305: 1996) pg 7
[54] For more on humanitarian intervention see Chapter Three Pages 129-135

"increased public awareness of crises" that "has led to the clamour to 'do something' which has too often encouraged a premature and ill-prepared response, unsupported by a political strategy to deal with the root cause of the problem."[55]

Within the UN system there was a continuous inability throughout this time period to recognise that

"All conflicts have underlying causes and almost all have possible solutions. More often than not the greatest determinant of a successful outcome to any involvement will be whether key decision makers can take the time to understand the causes, and have the political will to vigorously pursue a solution."[56]

The problem within the UN stemmed from the fact that the majority of the key decision makers were unwilling to take the time to understand the root causes and this was exacerbated by "states that were ready to delegate new tasks but without the requisite resources."[57]

The evolution of the concept of peacekeeping has been examined by numerous academics, each of whom has come up with a differing categorisation for the different stages of this development. The first form of analyses, used by academics such as Michael Doyle and Oliver Richmond, is based on the division of operations into three generations. The first generation is defined as 'traditional peacekeeping' based on the three key components of consent, impartiality and non-use of force. The second is intervention into ongoing conflicts where peacekeepers undertake a much broader range of tasks but with the consent of all parties to the conflict, and the 3rd generation is

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[55] Laurence, Commodore Tim, *Humanitarian Assistance and Peacekeeping: An uneasy alliance?* (RUSI Whitehall Papers Series 48: 1999) pg 3
[56] Ibid. pg 3
[57] Barnett, Michael and Martha, Finnemore,*Rules for the World International Organizations in Global Politics* (Cornell University Press London: 2004) pg 131

what has come to be known as peacebuilding, whereby the UN undertakes enforcement

action to end an ongoing conflict, not necessarily with the consent of the parties

involved.[58] This concept is however challenged by other academics who question the

generational development of peace operations, arguing instead that the UN has

undertaken many different types of operations at different points and that these have

evolved over time, not in a particular order but based on the needs of the particular

ongoing crises involved. The number of types of operation varies from academic to

academic. The amount ranges from as few as five types[59] including, preventive

diplomacy, peace enforcement, peacemaking, peacekeeping, and post-conflict

peacebuilding, to as many as twelve.[60]

Within their comprehensive work, Understanding Peacekeeping, Alex J. Bellamy

and Paul D. Williams identify seven key types of operations including, preventive

deployments, and traditional peacekeeping, wider peacekeeping, peace enforcement,

assisting transitions, transitional administrations, and peace support operations.

Bellamy and Williams then go further beyond the definition based on type of operation

and separate peacekeeping activities into two broader categories, Westphalian and Post-

Westphalian. This division is particularly important in relation to the development of

global governance as it divides operations into missions based on the peaceful

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[58] For a more detailed explanation of the generations of peacekeeping see Doyle,*Peacemaking (1998)* For a detailed analysis of what constitutes a peacekeeping operations see MacQueen,*Peackeeping (2006)* For analysis of the changes in peacekeeping see Malone, David M. and Karin Wermenster, *Boom and Bust? The changing nature of UN Peacekeeping* (International Peacekeeping: 7: 4: 2000) 37-54

[59] This is the number of types of operation outlined in Boutros-Ghali's 1992 report 'An agenda for peace' which is available online at Boutros-Ghali, *Agenda for Peace (1992)*
*http://www.un.org Docs SG agpeace.html.*

[60] For a breakdown of the twelve types of operation see Diehl, Paul F. and P. Druckmann and J.A. Wall, *Linking peacekeeping with conflict resolution: A taxonomic analysis with implications* (Journal of Conflict Resolution: 42: 1998) 33-55

resolution of conflicts between states (Westphalian) and newer operations which are

based on the suggestion that "in the long-run, peaceful relations between states require

liberal democratic regimes and societies within state" (post-Westphalian).[61] Under this

division the majority of post-Cold war peacekeeping operations have been about, not

only securing the international peace and security, but also about emphasising the fact

that states' domestic peace and the way in which they conduct their foreign relations is

based on the nature of their internal political system. This is an argument supported by

other academics such as Mary Kaldor who states that

> "The key to any long-term solution is the restoration of legitimacy, the
> reconstitution of the control of organized violence by public authorities,
> whether local, national or, global. This is both a political process – the
> rebuilding of trust in and support for public authorities – and a legal process
> – the reestablishment of a rule of law within which public authorities
> operate."[62]

For Bellamy and Williams UN peace operations are shaped by the global context in

which they operate and with the development of global governance and the emphasis it

places on particular values, these operations have become involved in "the business of

fostering and maintaining world order based on liberal democracy."[63] This raises

difficult questions for the UN, including whether or not the UN should be utilising

peace operation to impose a particular type of ideology, and perhaps more importantly

whether the UN is in fact capable of undertaking these kinds of operations. There is no

doubt that this poses particular challenges to the role of the UN as an international

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[61] Bellamy, Alex J. and Paul D. Williams,*Understanding Peacekeeping* (Polity Press Cambridge: 2010) pg 4
[62] Kaldor, Mary,*New and Old Wars: Organized Violence in a Global Era* (Stanford University Press Stanford: 2007) pg 11
[63] Bellamy,*Understanding peacekeeping (2010)* pg 13

peacekeeper and the next section of this chapter explores some of these other challenges, including the lack of resources and political will. The next section also argues that all of these challenges can be linked to the development of global governance theory, the emphasis being placed on the norms associated with it, and the shift which this has caused within international relations. Following this the final section looks at the role of regional organisations and whether these offer a potential solution to some of the challenges facing the UN or if they might actual present an even bigger to challenge to the organisation with the potential they possess to undermine the UN's role as an international peacekeeper.

## Challenges, Resources, and Political Will

The system in which the UN operates today is vastly different to that in place at the time of its inception. The organisation is facing numerous challenges, not only in the field of peacekeeping, but across the whole range of its activities. Many of these challenges can be attributed to the development of global governance, the emphasis of the norms associated with it including democratisation, good governance and respect for human rights, and the impact this is having on both the behaviour of member states and the organisation itself. The emphasis of these norms is particularly apparent in the mandates and Security Council resolutions relating to peacekeeping operations with missions being assigned a range of tasks. These tasks relate to the conduct of elections, with phrases such as "the establishment of a secure environment for free, transparent

and peaceful elections to take place"[64], and "Assisting also in the ongoing political

process ...which should culminate in the installation of a democratically elected

government"[65] becoming commonplace within peacekeeping mandates. It includes the

promotion of human rights through phrases such as "to assist in the promotion and

protection of human rights, with particular attention to women, children and vulnerable

persons"[66] and "To develop the capacity of national institutions and non governmental

organisations in the field of human rights."[67] In some cases it also provides permission

for tasks involving the extension of the authority of the state in which the mission is

taking place through phrases worded as "extending State authority and utilities

throughout the territory, including civilian police and judicial institutions"[68] and "to

promote and advance political reconciliation.....and the re-establishment of national and

regional institutions and civil administration in the entire country."[69] Through these

tasks peacekeeping missions are now involved in a large number of tasks that fall

within the realm of domestic governance. By emphasising a particular type of domestic

governance, namely liberal democratic institutions, the organisation gives rise to the

argument that "the perceived view of peacekeeping in global governance is not neutral

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[64] See United Nations, United Nations Security Council Resolution 1565, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/531/89/PDF/N0453189.pdf?OpenElement (19th April 2011) and United Nations, Annex 1A of the Dayton Peace Agreement as Referred to in Security Council Resolution 1031, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N95/405/26/PDF/N9540526.pdf?OpenElement (19th April 2011)

[65] See United Nations, United Nations Security Council Resolution 897, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N94/065/62/PDF/N9406562.pdf?OpenElement (19th April 2011)

[66] For more see United Nations, United Nations Security Council Resolution 1565,

[67] See United Nations, United Nations Security Council Resolution 1118, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N97/178/44/PDF/N9717844.pdf?OpenElement (18th April 2011)

[68] See United Nations, United Nations Security Council Resolution 1545 http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/359/89/PDF/N0435989.pdf?OpenElement (19th April 2011)

[69] See United Nations, United Nations Security Council Resolution 814 http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/226/18/IMG/N9322618.pdf?OpenElement (19th April 2011)

but serves the purpose of an existing order within which problem-solving adjustments can occur."[70] This perception is then used to directly challenge the role of the UN as an international peacekeeper. This section examines some of the particular challenges the UN faces in relation to this perception including, resolving the issue of consent, questions regarding the impartiality of the organisation, the use of force in operations, resource deficits, and the problem of generating political will in support of operations.

Today the UN still seeks to gain consent from those parties involved in any conflict and will for the most part refrain from intervening until a peace agreement is in place and levels of violence have decreased. The issue of consent does however pose many problems to other ideals upheld by the UN including the importance placed on upholding human rights, the emphasis on good governance and the developing idea of legitimacy. In order to gain access to a conflict the UN must deal with all parties involved which in many cases involves negotiating with those responsible for perpetrating human rights abuses. It may also involve negotiation with a despotic government which does not conform to the UN's ideals of good governance and finally it can also confer legitimacy to those undeserving of such status. As DeWaal argues in some cases "the peacekeeping mission becomes just another buyer and seller in the auction of loyalties, and usually a rather inept one, readily manipulated or bypassed by the better-endowed and cannier national players."[71] This can then lead to situations where the UN is faced with dealing with either a government who does not want help or one which is completely incapable of helping itself and is therefore entirely reliant

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[70] Pugh, Michael, *Peacekeeping and critical theory* (International Peacekeeping: 11: 1: 2004) 39-58
[71] DeWaal, Alex, *Mission without end? Peacekeeping in the African political marketplace* (International Affairs: 85: 1: 2009) 99-113

on the UN to sustain its existence. Consent has also posed difficulties to UN operations as it can lead to situations whereby the peacekeeping force has "its entire continued existence dependant on the whim of every local leader."[72] This problem is further highlighted by Joseph Nye who makes reference to both Sudan and the DRC,

> "if you look at something like the resistance that the Sudan has mounted to having full cooperation with peacekeeping forces, or if you take the Congo, just the total ineptitude of the Congolese government in terms of dealing with the Eastern Congo."[73]

Both of these situations highlight the difficulties the UN faces when intervening in a conflict situation.

Another concern which the UN often fails to deal with is the reality that the organisation can influence the conflict on the ground by choosing who to deal with, and who is viewed as a legitimate party within the conflict. By dealing with the UN all groups involved in a conflict are granted equal status and as such gain exposure and involvement which may not be justified. In reality what the UN attempts to do is cooperate with a legitimate government if they can find one, if not one with a modicum of authority and legitimacy is acceptable particularly if they espouse democratic principles. Unfortunately in many cases the UN is left simply "to identify the least bad option in order to engage with something."[74] The implication being that consent, even if it is from an illegitimate party, is better than no consent at all. Consent is clearly a key factor in success of some operations and has become "integral in the practice of UN

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[72] Roberts, *The crisis in peacekeeping (1994)* pg 21
[73] Interview with Professor Joseph, Nye 7th May 2008
[74] Interview with MOD Official 24th February 2009

peacekeeping in part because they differentiate the UN from other actors using coercive means of dispute resolution and help define the UN's special role in world politics."[75]

Consent also helps the UN overcome the "widespread suspicions of states that interventions for humanitarian protection purposes may conceal, or lead on to, some broader and more power-political agenda."[76] This suspicion is particularly prevalent in developing countries, which is of course where the majority of UN peacekeeping operations have taken, and continue to take place. As a consequence of the emphasis place on democratization and other norms associated with global governance there is concern that UN operations are involved in a colonial style 'civilizing mission' and that if the reliance on consent was removed peacekeeping would simply be "the new code word for old fashioned intervention undertaken for punitive purposes that had little to do with humanitarian concerns."[77] This concern will be examined in the next chapter in relation to the dangers of state building and the development of the Responsibility to Protect.[78] The reality is that

> "traditional peacekeeping is all very well if the only crises confronting the
> UN are those which are ripe for the peacekeeping treatment. But classical,
> consensual peacekeeping does not respond fully to the nature of the world
> we live in and the challenges the new world disorder poses to the
> international community."[79]

Consent from those involved in the conflict is not the only form of consent the UN must gain it must also persuade its member states that intervention is the most

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[75] Barnett,*Rules for the World (2004)* pg 19

[76] Roberts, Adam, *Intervention: One step forward in the search for the impossible* (International Journal of Human Rights: 7: 3: 2003) 142-153

[77] Ayoob, Mohammed, *Humanitarian Intervention and International Society. (Cover story)* (Global Governance: 7: 3: 2001) 225

[78] For more see Chapter Three Pages 141 - 166

[79] Tharoor, Shashi, *Should UN peacekeeping go back to basics?* (Survival: 37: 4: 1995-6)

appropriate form of action. The UN however, as explained above, is not a supranational

organisation and cannot act without the support of its member states: The UN as Luard

explains "can never be anything but a mirror of the world as it is"[80], and if the member

states are unwilling to provide the resources to tackle a particular problem then there is

little the UN can do.

Following the terrorist attacks on September the 11th 2001 the UN was again faced

with another challenge as the USA retreated to a much more isolationist and aggressive

foreign policy based on President Bush's 'war on terror'. Following 9/11 the United

Nations was increasingly marginalised; to such as point that it was claimed that the

organisation was now only capable of and, would increasingly be "confined to

mandating UN humanitarian, peacekeeping and transitional government mop-up

operations after US led military interventions."[81] As Held argues "the war in Iraq

dramatised the weakness of the UN system as a vehicle for global security cooperation

and collective decision making on the use of force."[82] For Craig N. Murphy however it

was a simple demonstration of the reality that "the UN has never been able to prevent

military action by one of the great powers, if anyone has thought that was the case, they

are missing the point of the organisation, this was just a sign that that's still true."[83]

This argument which is connected to the role which powerful states play in the creation

and control of international institutions will be examined in Chapter Three in relation to

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[80] Luard, Evan,*The UN:How it works and what it does.* (MacMillan: London: 1987) pg 3
[81]Malone in Malone, David M., *The United Nations Security Council* (Lynne rienner: London: 2004) pg 2
[82] Held, David, *Reframing Global Governance: Apocalypse Soon or Reform!* (New Political Economy: 11: 2: 2006)
[83] Interview with Professor Craig N. Murphy 3rd September 2008

global governance and the spread of democracy.[84] It will also be explored in even more

detail in Chapter Four relating to the role of power within the Security Council.[85]

The situation in Iraq also raised questions as to the continuing relevance of another

of the key concepts of peacekeeping intervention, that of impartiality. Traditional

peacekeeping operations were mandated on the basis of their impartiality to the

conflict, troops would not become party to the conflict. For many of those involved in

peacekeeping it "has to be impartial by definition"[86] however those same people accept

that it is "difficult to define what impartial is"[87] and that this is often decided on a case

by case basis due to the many reasons for interventions. What is important however is

> "impartiality in the execution of peacekeeping missions.....impartiality in the
> execution of the mandate and in terms of the principles of the UN charter
> and it doesn't mean neutrality, which means treat both sides equally for all
> purposes at all times."[88]

This idea was most clearly outlined in the Brahimi Report which focused on the issue

of reform within peacekeeping. Within the report impartiality was defined as

> "adherence to the principles of the Charter and to the objectives of a
> mandate that is rooted in those Charter principles. Such impartiality is not
> the same as neutrality or equal treatment of all parties in all cases for all
> time, which can amount to a policy of appeasement. In some cases, local
> parties consist not of moral equals but of obvious aggressors and victims,
> and peacekeepers may not only be operationally justified in using force but
> morally compelled to do so."[89]

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[84] See Chapter Three Pages 122 - 141
[85] See Chapter Four Pages 178 - 192
[86] Interview with FCO Official 20th May 2009
[87] Ibid.
[88] Interview with Professor Ian Johnstone 3rd July 2008
[89] United Nations, Brahimi Report (2010),

This would also seem to imply a shift in policy for peacekeeping operations whereby peacekeeping troops would no longer have to standby in the face of atrocities but would be empowered to act. This shift can be attributed to the continued emphasis being place on the importance of the spread of human rights, a consequence of which has been the increased deployment of UN peacekeeping operations into situations where there is not necessarily a peace to keep. The extent to which this has occurred will be examined in chapter six which relates to operations in the field.[90] The report also argued that

> "Without significant institutional change, increased financial support, and renewed commitment on the part of Member States, the United Nations will not be capable of executing the critical peacekeeping and peace-building tasks that the Member States assign it in coming months and years. There are many tasks which the United Nations peacekeeping forces should not be asked to undertake, and many places they should not go. But when the United Nations does send its forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence with the ability and determination to defeat them."[91]

Within the report several challenges the UN has faced in the past were also outlined. At the top of the list of those challenges is the lack of clarity within mandates. This problem with lack of clarity within mandates is one that continues to plague the UN today, there is often "almost too much room for interpretation and that's been the result of political compromises in the Security Council. You know the only thing you can get agreement on is something kind of fuzzy."[92] This argument is born out by Joseph Nye who argues that the lack of clarity within mandates is one of three key problems facing the UN. For Nye the problem stems from

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[90] See Chapter Six Page 277
[91] United Nations, Brahimi Report (2010),
[92] Interview with Professor Ian Johnstone 3rd July 2008

"the terms of engagement, are they to be pure peacekeepers or can they be more active. That we seem to have made progress on, that they can be somewhat more active. I mean if you look at the Eastern Congo UN peacekeepers have actually used force as opposed to Bosnia where they didn't use force at all."[93]

This issue becomes even more important when you have different organisation on the ground in conflict situations; particularly if those different organisations have different interpretations of what the mandate enables them to do. What is clear is that there has been a change in the amount of force which peacekeepers are allowed to use, from limitations on the use of force within Bosnia and Rwanda which led to criticism of the UN troops, to the situation in the DRC whereby the Security Council has effectively involved the UN in war fighting on behalf of the Congolese government.[94] What is not clear however is the extent to which troops on the ground will actually use this force, or perhaps even more importantly how well they are resourced to enable them to do so?

The issue of resources has also been an ongoing problem for the UN in creating peacekeeping operations capable of dealing with the myriad of problems the organisation faces. The key problem is getting

"the personnel and the equipment that you need and that's been difficult. If you look at Darfur you have a large peacekeeping force but it doesn't have all the equipment it needs and you don't have all the personnel you need."[95]

The UN to some extent has been happy to create mandates on the basis that

"this is what all peacekeeping missions do and it's everything under the sun and you just try to keep doing that for as many years as the US and others

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[93] Interview with Professor Joseph Nye 7th May 2008
[94] For analysis of the change in the use of force and goals of peacekeeping operations see Malone, *Boom and Bust? (2000)* and Pugh, *The UN (1997)*
[95] Ibid, Nye

are willing to fund the operation. Without any real sense of what the circumstances require, the beginning, the middle, the end."[96]

This top down approach can again be connected to the development of global governance and the norms associated with it including democratization, good governance, and the spread of human rights. The Security Council includes these types of tasks in a peacekeeping mandate without assessing whether or not they are appropriate to the ongoing situation and whether or not the mission has the resources in order to complete the tasks successfully. This issue will be examined in greater detail in chapter six, which looks at the impact which the development of global governance is having on UN peacekeeping operations in the field.[97]

Another large problem that the UN currently faces is that of political will, or political acceptance both for the validity of the initial intervention and then for a sustained operation. This is true on two levels, both internationally and then on the ground within the state in which the conflict is occurring. During the Cold War the UN would not intervene in any conflict unless it was specifically invited and when it was invited it tended to remain only in those areas controlled by the recognised government of the country. This changed in the 1990's with the end of the Cold War. During this period it seemed as if the UN would finally be able to fulfil its capacity as an international peacekeeper. The Security Council was more united than it had been in the past and was imbued with a new sense of purpose. This new sense of optimism was however quickly removed by events, including the dramatic failures of the UN missions in both Somalia and Rwanda. The optimism was replaced with a return to caution in

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[96] Interview with Professor Ian Johnstone 3rd July 2008
[97] See Chapter Six Pages Pages 265-284

interventions and restriction on the situations in which peacekeepers would be

deployed.

> "To ensure that peacekeeping would be effective, and to shore up the
> organizations authority and political support, the secretariat and the Security
> council narrowed the conditions under which peacekeepers were deployed
> (emphasizing the need for stability on the ground before deployment) and
> restrained their actions in the field (reemphasizing consent and impartiality.)
> Peacekeepers were no longer to be used in civil wars where there was no
> peace to keep."[98]

Although there was a resurgence of hope between 1998 and 2002 with the authorising

of the missions in East Timor and the NATO action in Kosovo this was again overtaken

by events. In the aftermath of 9/11 the UN again appeared incapable of an adequate

response to America's actions but this lack of response must be analysed in connection

with the reality that as an organisation it has no ability to act independently of its

member states.

The UN is once again facing its biggest underlying problem in that "the charter is

based on assumptions which are invalid in a world in which states are not prepared to

defend the existing order in situations where their national interests are not directly

affected."[99] The danger is that the UN will become embroiled in situations which

undermine its ability to remain impartial and that this will lead to a delegitimizing of it

peacekeeping positions. It is clear that post 9/11 capabilities to tackle failed and failing

states will become increasingly important as "policy makers have come around to the

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[98] Barnett,*Rules for the World (2004)* pg 123
[99] Ciechanzki in Pugh, *The UN (1997)* pg 83

idea that they need focus more on out of area operations, for example in Afghanistan

where undesirables were given freedom to plot attacks."[100]

The problems now facing the UN are ones based on the complexities of today's

international system and also on how to reconcile the need for intervention with the

foundations of UN ideology which were established in the original charter.[101] What is

apparent is that before the UN intervenes there is a need for there to be a peace to keep

and the parties must agree to rules with the UN acting as referee.[102] This understanding

is further illustrated by Durch who argues that

> "Peacekeeping is a very useful tool of international politics, but an
> inherently limited tool. It can and must take on violent local challenges to
> peace implementation, but only at the margins of a peace process. Should
> the core of that process lose cohesion, a multinational operation will itself
> have insufficient cohesion—and likely insufficient military strength—to
> make the center hold."[103]

Whilst some academics such as Duffield argue that "the international system within

which the UN was founded has all but disappeared"[104]. Others, such as Hannay and

Soederberg, argue that states still retain their privileged position and that the UN is a

key organisation in ensuring their retention of that position.[105] What is clear however is

that there is an ever increasing need for cooperation and global action to solve global

problems and that one of the challenges facing international organisations, states and

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[100] Interview with FCO Official 20th May 2009. For a detailed analysis of the situation in Afghanistan see Misra, Amalendu,*Afghanistan: The Labyrinth of Violence* (Polity Press London: 2004).
[101] For more see Chapter Three Pages 124 - 129 on Humanitarian Intervention and Chapter Five Pages 205 - 214 on Sovereignty.
[102] Interview with Former UN Official 26th August 2008
[103] Durch, *The purposes of peace operations (2009)*
[104] Duffield in Nederveen, *World Orders (1998)* pp. 80-110
[105] See Soederberg, Susanne,*Global Governance in Question* (Pluto Press: London: 2006) and Hannay, David,*New World Disorder* (I.B. Tauris: London: 2009)

other actors is how to achieve that level of cooperation whilst still ensuring their own autonomy?

The following section goes on to argue that the developing role for regional organisations is in part an attempt by states to ensure their autonomy and also that it is aimed at reducing some of the difficulties the UN faces. Following on from this it examines the possibility that in fact this developing role constitutes another challenge to the UN and its role as the international peacekeeper, that regional organisations represent a direct threat to both the UN's capability and legitimacy.

### Regional organisations and 'subcontracting': solution or challenge?

This section begins by assessing the increasing role of regional organisations and the challenge this poses to the UN. It examines both the positive and negative aspects which a role for regional organisations presents to UN peacekeeping. It then goes on to argue that unless carefully managed regional organisations present a direct threat to the legitimacy and ability of the United Nations as an international peacekeeper. Finally it demonstrates that this increasing role can be connected to the development of global governance theory and the increasing emphasis this places on accountability and representation within the international system.

Since the end of the Cold War regional organisations including the African Union, the European Union, the Economic Organisation of West African States and NATO, have been involved in peacekeeping missions, either independently of the UN or in coordinated operations. There has been a shift in opinion and the emphasis is now

placed on viewing "regional organisations as an asset not as a liability."[106] It is felt that "involving regional organisations in conflict management provides an opportunity for local actors to have greater input into the conflict management process."[107] Following the end of the Cold War these organisations are now viewed as legitimate tools of intervention, whereas during the cold war the UN was the only body seen as capable of undertaking a peacekeeping intervention.[108]

This shift in opinion can be attributed directly to the fact that the UN, following several failures, came to be viewed as "overburdened, underfunded and incapable of undertaking alone the increasingly complex and diverse range of peace and security operations that the post-Cold War environment presented."[109] It can also be connected to the push for 'local solutions to local problems'[110] which was directly in response to and was designed to reduce the perceived burden of peacekeeping, particularly in relation to the funding and troop provision for operations, which had been placed on more developed countries following the end of the Cold War. In relation to the development of global governance this can be viewed as way of increasing the democratisation and representation within peacekeeping operations. Local actors will provide a more nuanced and perhaps more locally acceptable solution to problems which outside organisations may not understand.

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[106] Interview with Professor Thomas G. Weiss 9th July 2008

[107] Boulden in Boulden, Jane, *Dealing with Conflict in Africa* (Palgrave Macmillan New York: 2003) pg 2

[108] For the proposed development of the UN's relationship with regional organisations in relation to peacekeeping see United Nations, *A new partnership agenda: Charting a new horizon for UN peacekeeping* (New York: United Nations Department of Public Information 2009)

[109] Fawcett in Pugh, Michael and W.P.S Sidhu, *The UN and regional security* (Lynne Rienner: London: 2003) pg 16

[110] See United Nations, *Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict* (New York: United Nations General Assembly:2009)

In many ways the acceptance of a potential role for regional organisations in peacekeeping is a demonstration of the way in which

> "the UN has survived because it is highly adaptable and capable of making midcourse corrections, of championing new agendas, and of learning to employ new tools as the needs, values and demands of the member states shift."[111]

Although the existence of and cooperation with regional organisations is foreseen in the United Nations Charter, under Chapter VIII, an increased role in peacekeeping for these organisations raises some difficult questions which need to be examined further.

The first question relates to the legal authority by which the Security Council mandates operations and whether or not the same kind of authority is attributable to regional organisations. For academics such as Thomas G. Weiss the key issue is who provides authority for operations although he recognised that "after the cold war was slightly different in the sense that there were other options, ECOWAS, NATO etc. which I for one see as just as legitimate as the UN." [112] There is still a need for input from the Security Council however, as he explains;

> "one of the big factors is who signs off, and there is a real pressure to have the Security Council sign off, to suggest that this is not a Trojan horse for western imperialists or whatever the going logic is because if the Security Council approves clearly there is a much wider legitimacy."[113]

This standpoint however, is challenged by other academics such as Craig N. Murphy who argues that the sole legitimacy of the council is questionable and that in some cases regional organisations, from the basis of their makeup and on the legal authority

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[111] Luck, Edward C., *How not to reform the United Nations* (Global Governance: 11: 4: 2005) pg 412
[112] Interview with Professor Thomas G. Weiss 9th July 2008
[113] Ibid, Weiss.

of their agreements, has a stronger form of legitimacy than the Security Council. He

argues that there is

> "stronger legitimacy when you have that kind of international agreement
> that actually describes things that are internal conditions within particular
> countries and therefore the interventions, the intervening bodies probably
> have greater legitimacy than the UN does."[114]

This could be argued in reference to organisations such as the European Union and the

African Union. However in relation to peacekeeping operations the legitimacy of

regional organisations in comparison to the UN is questionable.

There is an argument to be made that in fact "the UNs own moral authority is

potentially undermined by regionalization, fostering a reordering of legitimacy that

dilutes the idealism of universal entitlements."[115] The UN gains its authority from its

universality; this authority therefore is not transferrable to regional organisations. This

argument is furthered by Marrack Goulding in his autobiography where he outlines the

use of regional organisations in peacekeeping as contrary to the ethical vision of

universalism. He argues that decentralizing will lead to the fragmentation of security

and a potential 'peacekeeping apartheid', that it is unethical for people in a region to

only receive the level of peacekeeping that the regional organisation can provide.[116]

This disparity between organisations is underlined by practitioners in the field, one

practitioner states that while

> "The UN certainly welcomes the EU as a player in peacekeeping and it says
> it welcomes the AU, however the AU has got a long way to go before it is
> capable of producing anything worthwhile on the ground."[117]

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[114] Interview with Professor Craig N. Murphy 3rd September 2008
[115] Pugh in Pugh, *The UN (2003)* pg 37
[116] Goulding, Marrack,*Peacemonger* (Johns Hopkins University Press New York: 2003)
[117] Interview with UK Mission Official Two 27th August 2008

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This argument is backed up by academics who argue that "there is an immense gulf as regards means and resources that effectively separates organisations in the developed world from regional organisations in the developing world."[118] This is however contradicted by other viewpoints such as that of academic Ian Johnstone; who argues that "peacekeeping done by regional organisations has to a certain extent strengthened the UN, strengthened the UNs ability to function in some places like the DRC for example it helped to have the EU there."[119] This ability to strengthen the UN is however highly dependant on which regional organisation is involved in the operation.

Whilst regional organisations "can provide legitimacy, local knowledge and experience, and some resources especially in the form of personnel", they also suffer from "several limitations, including a lack of mandate, the difficulty of maintaining impartiality and forging common positions, limited resources and organisational shortcomings."[120] What is clear is the "co-ordination is of utmost importance for success."[121] This co-ordination is not however present in all regional organisations, there is too much variation as to composition, purpose, membership and strength. So whilst "the quality and interoperability of the EU forces and the complementary nature of its contingents could strengthen UN peacekeeping capacities"[122] other organisations with less coordination could be detrimental to the abilities of the UN.

Another problem with utilising regional organisations is also highlighted by Professor Johnstone, who admits that the use of regional organisations has

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[118] Neethling, Theo, *International peacekeeping trends* (Politikon: 31: 1: 2004) 49-66
[119] Interview with Professor Ian Johnstone 3rd July 2008
[120] Alagappa, Muthiah, *Regional institutions, the UN and international security* (Third World Quarterly: 18: 3: 1997) 421-441
[121] Pugh in Pugh, *The UN (2003)* pg 69
[122] Pugh in Ibid. pg 87

"complicated the UNs peacekeeping role, all of these relationships and these partnerships between the UN and regional organisations have proven to be difficult and more time goes into trying to coordinate these relationships than actually doing the work on the ground."[123]

An example provided by Professor Johnstone of these difficulties was the current hybrid UN-AU operation in Darfur where

"you've got a recalcitrant government trying to obstruct the peacekeepers at every step of the way and you can't reach agreement between the two organisations involved, the UN and African union, as to how to react to that recalcitrance."[124]

This problem was further illustrated by a UN official who noted that "in many cases that (coordination between organisations) is a good practice and its working more and more smoothly, however there are also cases where this is a little bit more problematic."[125] Another danger highlighted by Johnstone is the risk "that the multiple organisations involved in peacekeeping can be used by parties against the peacekeepers, they can be played off against each other."[126] Again the example of Darfur was raised with the tension between the AU and UN, also the operations within the Democratic Republic of the Congo where EU forces intervened in support of the UN and in Chad again with the EU and UN.

The problems posed by regional organisational involvement in peacekeeping should not however undermine the positive benefits which these organisations can offer. They provide support to the UN in terms of logistics and capabilities and help to overcome one of the problems of peacekeeping which is of course that

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[123] Interview with Professor Ian Johnstone 3rd July 2008
[124] Ibid, Johnstone
[125] Interview with UN official 28th August 2008
[126] Interview with Professor Ian Johnstone 3rd July 2008

> "it all starts with the political will and the resolution, but then its all
> complicated about who is going to provide the soldiers to go somewhere
> and the troops and its always not very obvious and its very expensive so a
> lot of governments even if they first think it's a very good idea don't have
> the means."[127]

Regional organisations, for the most part can provide troops at short notice, and these

troops more importantly have the ability to work together instantaneously with no need

for translators. It is important to note that

> "In any military operation, personnel, equipment and procedures must be
> integrated in such a way as to achieve unified direction of effort in the field,
> guided by and in support of overall strategic objectives. Recent UN
> operations have exhibited anything but those characteristics" [128]

And regional organisations represent a solution to that problem. The domination of

particular states within regional organisations has led them to act quickly in response to

local situations and this ability has been clearly demonstrated on a number of

occasions, with ECOWAS interventions in Liberia and the NATO intervention in

Kosovo.

However, although the use of regional organisations does remove some of this

pressure, it again raises questions as to the accountability and legitimacy of those

organisations and the actions they are undertaking. For example there is concern that

the failure of the Security Council to address actions taken without explicit Council

authorisations such as the ECOWAS interventions in Sierra Leone and Liberia will lead

to an undermining of the primacy of the UN charter which is key to the position of the

UN as the lead international peacekeeper. There is also a danger that if regional

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[127] Interview with UN Official 28th August 2008
[128] Ruggie in Pugh, *The UN (1997)* pg 14

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organisations undertake action when the UN is unable or unwilling to do so and this action proves successful, that the need for the UN to act as an international peacekeeper will be open to question.

What is clear is that although these organisations are for many, such as Lord Robertson "a patchwork of regional organisations that should be being built up by the United Nations to do these sorts of operations."[129] There is a clear need for careful management of the role they play in peacekeeping. Although regional organisations represent "one way of addressing the growing gap between demand and supply and reducing the burden on the UN"[130], the reality is that many of the peacekeeping operations undertaken by regional organisations are facing similar problems to those undertaken by UN troops. This reality has been "exemplified in conflict stricken African states where the demands for peacekeepers are arguably the greatest and regional contributions to UN peacekeeping face the most constraints."[131] There is also a risk that the use of regional organisations is a way for dominant regional states to serve their own selfish interests. It is also possible that neighbouring states could utilise an intervention as a mask for attempts to gain influence over mineral resources, or to enact revenge for previous conflicts. These realities can be seen in the recent Ethiopian intervention in Somalia, and the numerous interventions by Rwanda, Uganda, Zimbabwe, and other neighbouring states into the ongoing conflict in the Democratic Republic of Congo (DRC).[132]

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[129] Interview with Lord George Robertson 28th July 2009
[130] Alagappa, *Regional Institutions (1997)* pg 421
[131] Neethling, *International peacekeeping trends (2004)* pg 50
[132] For more see Berdal, Mats and David M. Malone,*Greed and Grievance: Economic agendas in Civil Wars* (Lynne Rienner: London: 2000)

There is also a need to focus on the justification for the increased role of regional organisations in peacekeeping activities. This justification comes in two forms, the reduction of the burden placed on the UN, and the increased legitimacy of locally based, locally operated missions. The argument is that these operations provide much more accountability and representation than those undertaken by the United Nations. This does however pose problems as mentioned above in relation to the potential disparity of capabilities between different organisations and the risk of 'a peacekeeping apartheid'. Another strand of the argument is based on the translation of solutions into a locally acceptable solution, with the emphasis being placed on the ability of regional organisations to provide these solutions. The one area this falls down is in the use of regional organisations, such as NATO and the EU, outside of their traditional fields of activity.

The emphasis on accountability and representation feeds directly into the development of norms associated with Global Governance including, democratisation and good governance. The use of regional organisations is a way to increase the accountability of the international system and to improve the development of locally appropriate solutions to global problems. The problem is that this understanding of the use of regional organisations again ignores the role which power and influence play in the mandating of operations. Regional organisations are just as open to influence by powerful member states as is the United Nations. Although they may represent a solution to the increasing challenges facing the UN, the reality is that not all regional organisations are equal, this reality undermines other key arguments of Global Governance in the creation of a more fair and equitable international system, in that

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those in need of peacekeeping operations should be able to receive the same level of capability across the board. If regional organisations are to play a larger role in the development and application of the norms associated with Global Governance then this role needs to be carefully monitored to ensure it doesn't have a detrimental impact on the role of the United Nations as an international peacekeeper.

It is also clear that the use of regional organisations offers a direct way to reduce the burdens on the United Nations in relation to peacekeeping operations, particularly in relation to the increasingly complex types of intervention require. The extent to which that burden will be removed is however questionable as the capacities of regional organisations vary so widely, with some still dependant on the UN to provide the necessary resources to undertake complex operations. If the UN is to continue to be involved in these operations, including the reconstruction of post conflict societies, then the issue of resources needs to be addressed as soon as possible.

The next chapter moves on to look at the role the UN, and other organisations, are playing in the reconstruction of states, the dangers this poses to the organisation, and the transmission of ideals which have become directly associated with the global governance project. The chapter argues that the role the UN is being assigned, as a potential enforcer for the norms associated with global governance, coupled with the increasing pressure being placed on the organisation by the development of new norms such as the Responsibility to protect, R2P, is only going to increase the likelihood of failure, loss of international support and legitimacy which the organisation constantly battles.

## Chapter Three: The development and enforcement of norms of Global

## Governance; Democracy and the Responsibility to Protect.

This chapter examines the role that the United Nations, and in particular the Security Council, has taken in helping to rebuild states in post conflict situations. It argues that the Security Council, through resolutions mandating peacekeeping operations, plays a key role in the transmission of particular norms and ideals. Ideals that influence the way in which these states are reconstructed which is then having a direct impact on the way in which the Security Council is viewed by the wider international community. It also argues that the roles being assigned to the UN by some of its more powerful member states are having a detrimental impact on its role as an international peacekeeper. The argument will be illustrated by outlining the increasing emphasis placed on rebuilding states as liberal democracies and the ways this is being used to underline the importance of creating an international system of stable, democratic states.

Following on from this the chapter then argues that the selective enforcement of particular norms by the Security Council is dependant on the interests of the most powerful members. This selective use of the norms, coupled with the increasing pressure being placed on the organisation by the development of the concept of Responsibility to Protect has only increased the likelihood of failure, loss of international support and, legitimacy which the organisation constantly battles. It argues that the involvement of the UN in the reconstitution of states through peacekeeping and peacebuilding, based on the ideas of Democratic Peace Theory, needs to be more carefully managed as it is currently undermining the legitimacy of the United Nations as an international peacekeeper.

### Global Governance, Democracy and the Dangers of State Building

The United Nations Charter is based on the assumption that the international system

is composed of sovereign states. Since the signing of the Treaty of Westphalia in 1648

state sovereignty has been defined as; "that in which prime political authority is

conceded to those institutions, called states, claiming the monopoly of violence within

their respective territorial borders."[1] As such it has been the key defining norm of the

international system. Whilst the world has become increasingly interdependent and

borders have become ever more porous the norms of state sovereignty and non-

intervention have remained as strong as ever. Together these two norms have in the past

made it impossible to "envisage global solutions to the major problems facing the world

today, without recognition of the constraints imposed by state sovereignty."[2] The

United Nations has had to orchestrate a careful balancing act between respect for state

sovereignty and the other values which it espouses, particularly its emphasis on the

promotion of Human Rights as outlined in the Charter and detailed in the Universal

Declaration of Human Rights.[3]

The main aim of the United Nations Charter was "to delegitimize individual acts of

war by vesting sole authority for the non defensive use of force in the Security

Council."[4] By limiting a states use of force it was hoped that the UN could help bring

about an era of peace and cooperation in the international system. Through its role as an

international peacekeeper the UN has also according to Roland Paris taken on another

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[1] Strange, Susan, *The westfailure system* (Review of international studies: 25: 1999) 345 - 354
[2] Diehl in Diehl, Paul F., *The politics of global governance* (Lynne Riener: usa: 2001) pg 3
[3] United Nations, Universal Declaration of Human Rights,
<http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf> (12th June 2010)
[4] Welsh, Jennifer M., *From Right to Responsibility: Humanitarian Intervention and International Society* (Global Governance: 8: 4: 2002) 503

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role, that of the transmission of standards of appropriate behaviour from the western liberal core of international system to 'failed states'[5] at the periphery. Paris claims it is impossible to "neglect the role that peace operations play in the diffusion of norms and institutional models from one part of the international system to another"[6] and that this transmission bears a close resemblance to the civilizing mission of the colonial era. But what are the norms which the UN is transmitting and transferring from one area of the globe to another? Are they the norms of the organisation or merely of its most powerful members?

As an organisation the United Nations has been instrumental in the furthering of human rights around the globe, rights such as "the right to life, liberty and security of person."[7] It places heavy emphasis on democratization, good governance and respect for human rights as key indicators for a states development. It also emphasises respect for state sovereignty but this respect has been open to interpretation and adaptation. In September 1999 then Secretary General Kofi Annan gave an address to the general assembly in which he went "so far as to suggest that the classical legal concept of state sovereignty may have to yield in some circumstances to the sovereignty of the individual."[8] This is further emphasised by academics in the field including Thomas Weiss who argues that sovereignty does not include a licence to murder even though

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[5] For more on 'Failed States' and the debate surrounding the terminology see: Diehl, *Global Governance (2001)* , Weiss, Thomas G. *,Humanitarian Intervention* (Polity: Cambridge: 2007), Weiss, Thomas G.,*Sword and salve: Confronting new wars and humanitarian crises* (Rowman and Littlefield: New York: 2006), Rotberg, Robert,*State failure and state weakness in a time of terror* (World Peace Foundation: Cambridge, MA: 2003)

[6] Paris, Roland, *International peacebuilding and the mission civilisatrice* (Review of International Studies: 28: 2002) 637-656

[7] United Nations, Universal Declaration of Human Rights, (13th June 2010)

[8] Evans, Gareth and Mohamed Sahnoun, *Intervention and State Sovereignty: Breaking New Ground. (Cover story)* (Global Governance: 7: 2: 2001) 119-126

lots of states claim that Article 2.7 does that, and that "there has been a remarkable

evolution in the last ten or fifteen years which is not over and which not everyone

believes or approves, namely that sovereignty doesn't include the licence to kill."[9]

Despite the support that this argument has gained, both among academics and

practitioners within the field of peacekeeping it has also been open to criticism from

numerous angles. One critic is Lord David Hannay who argues that no-one "has

challenged the basic principle that a state is sovereign and remains sovereign." Instead

he argues that

> "Where the situation has shifted quite a bit in the last few decades has been;
> what is the responsibility of the international community? If the sovereign
> state still recognised as sovereign, does not fulfil its responsibilities under
> international law. Now that is not, I would argue, a challenge to the doctrine
> of state sovereignty, it is recognition that state sovereignty can be abused."[10]

This is backed up by academics such as Jennifer M. Welsh who argues that there need

not be a conflict between sovereignty and intervention, that the issue of sovereignty is

put aside by the reliance of the UN on consent for peacekeeping operations, and the use

of Chapter VII mandates. The argument is also furthered by the idea that "Divisions

over peacekeeping and sovereignty are misleading because the majority of large-scale

UN operations are deliberately designed to extend rather than limit the authority of

states."[11] For Welsh sovereignty only becomes an issue post intervention as the new

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[9] Interview with Professor Thomas G. Weiss 9th July 2008
[10] Interview with Lord David Hannay 6th October 2009
[11] Center for International Cooperation, *Building on Brahimi: Peacekeeping in an Era of Strategic Uncertainty* (New York: Center on International Cooperation 2009) pg 10

state attempts to rebuild legitimacy and viability, which can in some cases, be undermined by the intervention of international administrative authorities.[12]

This issue with international interventions is also raised by Mohammed Ayoob who argues that international intervention could impair rather than improve the ability of states to provide order within their political frontiers.[13] This again fits with the arguments outlined by Michael Walzer; that sovereign states provide a protective shell for the process of self determination, and as such should be provided with the right of non-intervention, this provides protection for developing and former colonial countries. He does however provide a caveat to this, whereby the protective shell is removed if popular sovereignty is called in to question.[14] This would seem to imply that in certain situations interventions are acceptable even if they may potentially undermine state sovereignty. The issues surrounding sovereignty and the arguments regarding intervention will be discussed in more detail in Chapter Five.[15]

What is apparent is that there has been a change in the way sovereignty is viewed. What is not clear however is who accepts this change and how is it being applied? There appears to be a move away from emphasis on traditional state sovereignty towards a focus on the sovereignty of the individual. This emphasis on the individual is connected to the importance that the UN places on respect for human rights and the organisation is now moving towards a new definition of sovereignty, not in the traditional sense of territorial control but as a state demonstrating respect for a

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[12] Welsh, *From Right to Responsibility (2002)*
[13] Ayoob, Mohammed, *Humanitarian intervention and state sovereignty* (International Journal of Human Rights: 6: 1: 2002) 81-102
[14] Walzer, Michael, *The moral standing of states: A response to four critics* (Philosophy and Public Affairs: 9: 3: 1980)
[15] See Chapter Five Pages 201-211

minimum standard of human rights.[16] This does however raise questions as to whose

minimum standard is being enforced and how? It also gives rise to important questions

about who has the power and influence to authorise interventions and this will be dealt

with in chapter five which examines the role of power in the Security Council and again

in chapter six which looks at sovereignty, legitimacy and conditionality.

The new focus on the sovereignty of the individual has been coupled with an

increasing occurrence of 'failed states' "where the model of the sovereign state, an

autonomous, self sustaining body that monopolizes the use of force on its territory and

ensures basic security or the inhabitants has temporarily at least broken down."[17] This

change in the emphasis on traditional sovereignty has also led to questions regarding

the UNs reliance on consent based peacekeeping operations; as the lack of legitimate

governments in situ rendered "the idea that intervention constituted a violation of

sovereignty unless requested by the government…outright absurd."[18] Overtime the UN

has worked to develop a norm of international intervention for humanitarian purposes, a

guideline which "predicates legitimate intervention on the welfare of populations

subjected to persecution rather than on calculations of national interest and security"[19].

These interventions have been predicated on a humanitarian response to situations

where people's human rights are being violated on a large scale in a variety of ways.[20]

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[16] Welsh, *From Right to Responsibility (2002)*

[17] Mortimer, Edward, *International Administration of War-Torn Societies* Ibid.10: 1: 2004) 7-14

[18] Ottaway, Marina and Bethany Lacina, *International interventions and imperialism: Lessons from the 1990's* (SAIS Review: XXIII: 2: 2003)

[19] Day, Graham and Christopher Freeman, *Operationalizing the responsibility to protect* (Global Governance: 11: 2005) 139-146

[20] For analysis of these interventions see Woodhouse, Tom and Oliver Ramsbotham, *Humanitarian Intervention in Contemporary Conflict: A reconceptualization* (Polity London: 1996)

In response to these situations the UN is in the process of developing a new norm of intervention predicated on the idea of responsibility to protect, which will be examined in the next section in more detail. That is

> "the argument that international law should see state sovereignty as requiring the state to protect its citizens from at least gross violations of human rights ....is also, connected to the idea there is a global responsibility, regional responsibility, responsibility of neighbours, responsibility of everyone, to deal with those situations where an individual state is not able to do that."[21]

This concept and the arguments in support of it are based on the idea that

> "there are exceptional circumstances in which the very interest that all states have in maintaining stable international order requires them to react when all order within a state has broken down or when civil conflict and repression are so violent that civilians are threatened with massacre, genocide, or ethnic cleansing on a large scale."[22]

In order to resolve these conflicts the UN often becomes involved in much larger projects than can be defined by traditional understandings of peacekeeping. For example the international administrations within Bosnia Herzegovina, Kosovo and East Timor and enforcement operations undertaken within Somalia and the Democratic Republic of the Congo.[23] It is no longer a matter of interposing neutral forces between combatants. Instead the UN Security Council has become involved in many projects involving the rebuilding of conflict torn societies and states. The reconstitution of these states is based on the argument that the key to resolving conflict is the reconstruction of

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[21] Interview with Professor Craig N. Murphy 3rd September 2008
[22] ICISS, *The responsibility to protect* (Ottawa 2001) pg 31
[23] For a detailed analysis of the role of Humanitarian Intervention in Bosnia and Somalia see Chapters Six and Seven in Woodhouse,*Humanitarian Intervention (1996)* . For a review of peacekeeping operations until 1997 see Nations, United,*The Blue Helmets: A review of United Nations Peacekeeping* (United Nations Department of Public Information New York: 1996)

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legitimate political authority.[24] By participating in and mandating these projects the UN

Security Council is furthering the norm that the global political space should be divided

into Westphalian states.[25] The reality is that

> "peace restoration is not possible without the establishment of law and
> order. But in a country where the writ of government has either collapsed or
> is non existent, the law that is made and enforced so as to provide order can
> only be that of the UN or of another foreign power (or coalition)."[26]

It has been argued that peace support operations conducted by the United Nations

sustain a particular order of world politics that privileges the rich and powerful states in

their efforts to control or isolate unruly parts of the world.[27] This argument is furthered

when you examine the role of non-governmental organisations and other actors, such as

the World Bank, IMF, and national governments who predicate their aid on reaching

certain standards, such as free and fair elections.[28] As David Williams and Tom Young

explain, most non-governmental development organisations share a "common vision of

what development means which is rooted in Western notions of the state, "civil

society" and the self."[29] That UN peacekeeping operations carry shades of neo-

colonialism is an issue which has been raised by many critics of the development of the

norm of humanitarian intervention. There are concerns, such as those raised by

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[24] For more on this see: Kaldor, Mary, *New and Old Wars: Organized Violence in a Global Era* (Stanford University Press Stanford: 2007)
[25] Paris, *International peacebuilding (2002)*
[26] Thakur, Ramesh, *From Peacekeeping to Peace operations* (Conflict Trends: 4: 2004)
[27] Pugh, Michael, *Peacekeeping and critical theory* (International Peacekeeping: 11: 1: 2004) 39-58
[28] For more on this see: Baylies, Caroline, *Political conditionality and democratization* (Review of African Political Economy: 65: 22: 1995) and Chand in Weiss, Thomas G., *Beyond UN subcontracting* (St Martins Press New York: 1998)
[29] Williams, David and Tom Young, *Governance, the World Bank and Liberal Theory* (Policy Studies: 42: 1: 1994) pg 98

Mohammed Ayoob, that it threatens to erode the legitimacy of international society.[30]

This is particularly true in relation to the development of the responsibility to protect

which, as will be discussed later on, "has been viewed as a pretext for regime

change."[31] Other arguments raised focus on the potential impact which interventions

with state building facets could have on existing political structures and the possibility

that these interventions might only further impair the capacity of weak states to provide

political order within frontiers with no alternative to take its place.[32]

In reality

> "The blunt approach of international interventions has been to rely on 'free
> and fair' electoral exercises as a single event, and to promote global
> standards of political rights and North Atlantic concepts of democracy that
> do not resonate with local communities and that are not translated into their
> paradigm."[33]

There is a firm belief in certain states that "external actors wield the ability and moral

authority to bring about the peaceful change that local communities failed to do."[34] This

is linked with the idea that states capable of taking action should be authorised to

engineer peaceful solutions to conflicts and, be allowed to undertake the rebuilding of

states under the principle of humanitarian intervention.[35] However, there is an inherent

danger in espousing the principle of humanitarian intervention as Chesterman outlines;

with the clear potential for two negative consequences, firstly that the right of

humanitarian intervention would not operate in the manner prescribed by its advocates

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[30] Ayoob, *Humanitarian Intervention (2002)*
[31] Interview with Former UN Official 26th August 2008
[32] Ayoob, *Humanitarian Intervention (2002)*
[33] Chopra, Jarat and Hohe, Tanja, *Participatory Intervention* (Global Governance: 10: 3: 2004) 289-305
[34] Large in Cochrane, Feargal, Duffy, Rosaleen, Selby, Jan, *Global governance, conflict and resistance* (Palgrave McMillan: 2003) pg 100
[35] For a detailed analysis of Humanitarian Intervention see Woodhouse, *Humanitarian Intervention (1996)*

and will instead likely licence self interested interventionism under the guise of humanitarianism. Secondly the creation of the new norm would be contrary to the project of establishing rule of law by weakening constraints of use of force, enabling unilateral interventions under the norm is not an alternative to collective action under the charter but is instead the antithesis of it.[36]

What is important to remember when discussing the UN is that the organisation has "no power beyond that which its members grant it and no legitimacy beyond that which its members afford it"[37] and "the answer to the question 'why didn't the UN do something? Is often simply that the member states had not given it either the authority or the power."[38]

In traditional or formal empires of the past

> "Colonial conquests and the establishment of many protectorates and trust
> territories were portrayed in their time as humanitarian interventions to deal
> with particularly abusive leaders, to bring civilization and higher standards
> of morality to heathen populations and to improve the world"[39].

Many critics of humanitarian interventions have argued that the new interventionism is merely a reinvention of the old imperial mission of civilization. That the UN and its more powerful member states are engaged in a liberal mission to remake the world and that "post modern colonialism is almost entirely about enforcing a standard of civilization, and in particular a liberal vision of human rights."[40] There are concerns "it may well be the case, for example, that by maintaining and reproducing a particular

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[36] Welsh, *From Right to Responsibility (2002)*
[37] Puchala, Donald J., *American interests and the UN* (Political Science Quarterly: 97: 4: Winter 1982 - 1983)
[38] Ibid.
[39]Ottaway, *International interventions (2003)*
[40] Buzan, Barry and Little, Richard, *Beyond Westphalia?* (British International Studies Association 1999) pg 15

type of world order, UN member states are partly responsible for creating the problems they are trying to resolve."[41] As Thakur argues "A world order in which developing countries are norm-takers and law-takers while Westerners are the rule-setters, interpreters and enforcers will not be viable because the division of labour is based neither on comparative advantage nor on equity."[42] The UN however is not an independent organisation, it relies on its member states for both influence and resources and it is in this reliance that the real crux of the issue emerges.

The UN has been responsible for promoting ideas which have become directly associated with the spread of liberal democracy; mutual respect for the sovereignty of states, democratisation, and respect for human rights, development, and respect for the rule of law. These ideas, although not necessarily unsuitable, are highly subjective and contested. They have been based on the historical understanding of the victory of liberal democracies over communism at the end of the Cold War. Liberal democracy has been declared the victor and the emphasis is now on utilising this concept to further peace and security around the world. As explored in Chapter One the spread of Liberal Democracy is directly tied to the so called 'peace dividend.'[43] This idea would support the notion that the spread of liberal democracy can only benefit the international community. The basis of the argument rests on the assumption that "because liberal democratic states are peaceful in their relations with one another, peace operations need to be in the business of fostering and maintaining world order based on liberal

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[41] Bellamy, Alex J., *The 'next stage' in peace operations theory?* (International Peacekeeping: 11: 1: 2004) 17-38

[42] Thakur, Ramesh, *Law, Legitimacy and the United Nations* (Melbourne journal of international law: 11: 2010) 1-26

[43] For more details see Chapter One Page 68

democracy."[44] For academics such as Duffield the resurgence of the liberal peace represents an ideological mix of neoliberal concepts of democracy, market sovereignty and conflict resolution that determine contemporary strategies of intervention. The problem with this is that, for Duffield, the UN, and more importantly the Security Council has become involved in the globalisation of a particular model of domestic governance - liberal market democracy.[45] This then causes conflict when the absence of democracy is viewed as a threat to international peace and security, a more extreme version of democratic peace theory which could lead to arguments in favour of interventions for democratisation.[46]

There are however arguments in favour of this notion, as outlined by Michele Griffin, who notes that principles of non-interference in internal affairs could be viewed as artificial and unnecessary in an economically, cultural and politically interdependent world. In her view interventions in order to establish democracies can be justified by reference to 'democratic peace theory' and she argues that "a state desiring international legitimacy should manifestly seek to democratize, and that external intervention to promote this is acceptable."[47] This challenges the more traditional argument that "Non-intervention is a vital rule for encouraging order in a world without international government."[48] However there is some evidence to suggest that the international system is moving towards an "international norm of 'pro-democratic' intervention"[49] as

[44] Bellamy, Alex J. and Paul D. Williams, *Understanding Peacekeeping* (Polity Press Cambridge: 2010) pg 13

[45] For more see: Duffield, Mark, *Global Governance and the new wars* (Zed Books London: 2001)

[46] Weiss, *Humanitarian intervention (2007)* pg 49

[47] Griffin in Wilkinson, Rorden, *The Global Governance Reader* (Routledge: London: 2005) pg 194

[48] Doyle, Michael W., *Ways of War and Peace* (W.W. Norton and Co.: New York: 1997) pg 411

[49] Weiss, *Humanitarian intervention (2007)* pg 49

> "The evidence shows that the extension of state authority, through military means and policing as well as civilian assistance, has become a core function of the UN peacekeeping. The UN's large, multi-dimensional missions now frequently use (or at least project) force not merely to fend off direct attacks from spoilers, but as part of deliberate strategies to expand and secure the authority of a government in contested territories."[50]

Overtime the concept of democratic governance has become increasingly embedded in both Security Council resolutions and peacekeeping mandates.

Since the publication of An Agenda for Peace in which then Secretary General Boutros Boutros-Ghali placed "great emphasis on democracy and its significance both for economic development and for international peace"[51] the UN has become increasingly involved in election monitoring which directly "associates the UN with the idea of multi-party democracy."[52] It is clear that "democracy, in the council's repertoire of practice, is above all a means of ending, preventing, sublimating, and diverting violent internal conflict." [53] Whilst there has been some success in the implementation of democratic transitions there are however serious problems. As Roberts outlines,

> "The nature of post-conflict societies can make the realization of democracy a distant goal. A United Nations which concerns itself with the type of government in member states may find itself involved in a wide range of complex and dangerous disputes." [54]

This was clearly demonstrated by the case of Rwanda which

> "suggests rather clearly that there are dangers in pursuing the kinds of ends-growth, democracy, that statistics may show are positively correlated with a

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[50] Center for International Cooperation, *Building on Brahimi (2009)* pg 10
[51] Roberts and Kingsbury in Roberts, Adam and Benedict, Kingsley, *United Nations, Divided World* (Clarendon Press Oxford: 1994) pg 57
[52] Roberts, Adam, *The crisis in peacekeeping* (IFS: 2: 1994) pg 15
[53] Fox in Malone, David M., *The United Nations Security Council* (Lynne rienner: London: 2004) pg 70
[54] Roberts, *The crisis in peacekeeping (1994)* pg 15

lack of conflict without adequately considering the possibility of violence by those threatened by these processes."[55]

The other problems arise from the argument that the supposed benefits of the spread of liberal democracy would then justify the domination of international organisations by liberal democratic states.

The key issue with the spread of liberal ideals arises when you examine the ways in which the agenda of the UN is set by those member states with the most power and influence. These member states include the Permanent Five of the Security Council comprised of, the UK, France, Russia, China and the United States of America. Further problems appear when you also examine the ways in which these states utilise the values of the UN for their own gains. The argument for these states domination of the UN system is that

> "The prospects for peace and peaceful change can be enhanced greatly by
> the collective leadership provided by a dominant coalition of states able and
> willing to steer the system in a manner that offers incentives for others to
> follow."[56]

The area which has not been examined enough is what incentives there are for these states to take the lead in the first place or the problems that occur when they utilise the supposedly international values of the UN to justify their own ends. There is now a valid concern that "humanitarian justifications usually mask the exercise of raw power motivated by strategic, economic, or political interests."[57]

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[55] Berdal, Mats and David M. Malone,*Greed and Grievance: Economic agendas in Civil Wars* (Lynne Rienner: London: 2000) pg 38
[56] Kegley, Charles W.,*Controversies in international relations theory* (St Martin's Press: New York: 1995) pg 211
[57] Weiss,*Humanitarian intervention (2007)* pg 33

Although the United Nations was intended to uphold "the sovereign equality of all its members"[58] there is a distinct hierarchy within the structure of the organisation. At the top of the pile is the Security Council. The Security Councils mandate is outlined in chapter five of the charter which states that

> "In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."[59]

Under the charter the Security Council is therefore designated to be in control of all matters relating to the maintenance of international peace and security; by gaining membership to the UN states are therefore relinquishing a small portion of their sovereignty to the Security Council. The Security Council is composed of fifteen members, including the five permanent members; Russia, the United States of America, The United Kingdom, France and China. Each of the permanent members hold a veto power over any resolution the council may create. This means that the five permanent members have an even greater degree of control over actions which the UN may take in order to secure international peace and security.

As the only remaining superpower the USA has a huge influence on the actions of the Security Council and it seems that "the ability of the United Nations to achieve its goals and expand its roles will be largely determined by the political and material support it receives from the United States."[60] This reliance of the UN on the US has

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[58] United Nations, *Charter of the United Nations* Information, Department of Public: 1945) Chapter 1 Article 2
[59] Ibid. Chapter 5 Article 24
[60] Diehl, *Global Governance (2001)* pg 465

however led to charges that the US is misusing humanitarian arguments to justify its

own attempts to influence the development of the international system and that

> "American imperial ambitions are now legitimated by public relations
> intellectuals as part of the responsibilities of empire-building, which in turn
> is now celebrated as a civilizing process for the rest of the globe."[61]

Following its victory in the Cold War the USA now sees itself as the moral arbiter of

international society, the protector of humanitarian values and the guardian of the

'liberal peace'.   It is this use of humanitarian issues to justify interventions which is

causing concern; there are worries that simply using the phrase humanitarian lends

weight to the argument for intervention purely through the connotations associated with

the   terminology.   There   has   also   been   an   argument   made   that   the   use   of

humanitarianism as a reason for intervention "is no more than a convenient cover used

by  stronger,  developed  countries  to  further  national  interests  that  may  be  far  from

humanitarian."[62] This argument is furthered when you look at the selectivity applied to

interventions across the board, for example the disparity between the NATO response

in Bosnia Herzegovina and the UN operation in Rwanda which occurred at the same

time but received dramatically different levels of political support and resources.

The  failure  to  prevent  the  mass  genocide  in  Rwanda  was  one  of  several  abject

failures to act on behalf of the international community during the 1990s, as was the

inability  to  protect  safe  areas  in  Bosnia  including  Srebrenica  before  the  NATO

intervention, and the reluctance to intervene in states such as Somalia where previous

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[61] Giroux, Henry A.,*The terror of neoliberalism* (Paradigm: London: 2004) pg xix
[62] Evans, *Intervention (2001)*

interventions have ended in the death of western (particularly US) soldiers. Whilst

major world leaders have demonstrated

> "greater willingness to go on the record explicitly promoting the
> international prerogative that state sovereignty can be overridden in the face
> of gross violations of human rights or humanitarian law."[63]

They have been less willing to act on this prerogative where their national interests are

not at stake. In fact it could be argued that "many states may look upon international

organizations principally as instruments for preserving their hegemony or improving

their status"[64] rather than real tools for engineering change in the international system.

What needs to be recognised is that humanitarian interventions undertaken by major

powers often "fuel regional tensions and democratisation can destabilise transitional

societies"[65] and that states "will act on the basis of their interests whatever the

international constraints."[66] These realities need to be taken into account when pushing

for new international norms of interventions based on humanitarianism as

> "eroding the existing normative basis of international society in order to
> provide major powers the facility to intervene selectively in the domestic
> affairs of weaker states ought not to form part of the humanitarian
> intervention argument. Otherwise the moral basis of the argument itself is
> diluted, detracting tremendously from the legitimacy of the humanitarian
> enterprise"[67].

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[63] Griffin in Wilkinson, *Global Governance Reader (2005)* pg 193
[64] Cox and Jacobsen in Diehl, *Global Governance (2001)* pg 102
[65] Miall in Cochrane, *Global Governance (2003)* pg 59
[66] Miall in Ibid. pg 61
[67] Ayoob, Mohammed, *Humanitarian Intervention and International Society. (Cover story)* (Global Governance: 7: 3: 2001) 225

This potential dilution leaves the principle open to exploitation. That is not to say that

the principle of humanitarian intervention should be abandoned entirely instead it

should be made clear that

> "In the absence of a clear legal basis for intervention, political considerations will continue to play a dominant role, and decisions will be made not on the basis of when states can intervene but on the basis of when they will"[68].

That often these interventions will be based on the interests of the states themselves and

not some loftier ideal or as Tanner argues that "the dominance of state sovereignty over

global governance allows for the compartmentalization of peacekeeping actions to

respond to national interests rather than to a common will."[69] There are however many

dangers in allowing states to utilise the justification of humanitarianism for intervening

in other states and the following section will go on to examine some of these dangers.

The UN today is facing numerous challenges to its status as the dominant

international organisation with the responsibility for the maintenance of international

peace and security. It is constantly battling with the "increasing demand for policy to

address global problems versus the recognized weakness of contemporary international

organisations and states"[70], including its own weaknesses and failures as an

organisation. The UN was created with an idealistic goal in mind and it has made great

strides towards achieving it but now many are questioning the abilities of the

organisation insisting that "the united nations has been revitalized to such an extent that

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[68] Griffin in Wilkinson, *Global Governance Reader (2005)* pg 193
[69] Tanner, Fred, *Addressing the Perils of Peace Operations: Toward a Global Peacekeeping System* (Global Governance: 16: 2010) 209-217
[70] Mingst in Vayrynen, Raimo, *Globalisation and global governance* (Rowman and Littlefield: 2001) pg 92

members have become acutely aware of its constitutional deficiencies, neglected

infrastructure, costly budget and outmoded procedures."[71]

The organisation is also facing increasing pressure to justify its actions and to

explain why it has failed, with the help of globalization and the end of the cold war, to

create a global village and why many of the key norms and values it was fighting to

promote have become "a convenient metaphor for the US to promote its own political

and economic thinking on all nations"[72]. There is great concern that "the doctrine of

humanitarian intervention comes not from a renewed commitment to human rights, but

from a need for a new pretext for imperialist interventions"[73] and that the failure of

international organisations to act in defence of these principles has meant that "the

capacity to go it alone or to revert to extra-institutional venues seems increasingly the

rule rather than the exception in international behaviour"[74].

This reversion to unilateral action increasingly marginalises the UN and only serves

to further undermine the little authority it has built up over the past sixty years. It is

clear that "To be authoritative, international organizations must be seen to serve some

valued and legitimate social purpose and, further, they must be seen to serve that

purpose in an impartial and technocratic way"[75]. The increasing misappropriation of

UN values has left the organisation open to charges of selectivity and partiality in their

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[71] Ferguson and Monsbach in Martin Hewson and Sinclair, Timothy J. , *Approaches to global governance theory* (State University of New York Press: Albany: 1999) pg 201
[72] Gaan, Narottam, *Globalization and the international system: economic and political changes* (International Studies: 43: 3: 2006) pg 305
[73] Conlon, Justin, *Sovereignty vs. Human Rights or sovereignty and human rights* (Race and Class: 46: 75: 2004)
[74] Forman, Shepard and Segaer, Derek, *New coalitions for Global Governance* (Global Governance: 12: 2: 2006) pg 208
[75] Barnett and Finnemore in Barnett, Michael, and Raymond Duvall, *Power in global governance* (Cambridge University Press: Cambridge: 2005) pg 175

actions, charges which are not unjustifiable given the differing levels of response to conflict situations, for example the failure to intervene successfully in Somalia in comparison to the action in Kosovo.[76] What is important to highlight is that "The UNs defects are largely attributable to the way it is managed by the most powerful members."[77] The danger is that these powerful members will continue to abuse their power and by doing so will continue to undermine the legitimacy of the UN Security Council which is already under attack.

The UN is aiming to globalize values and systems which have become aligned with the interests of developed nations, to ensure the continuation of the sovereign state as the building block of the international system, to promote liberal democracies as the best way of organising those states, and to ensure liberal economic policies as the foundation of the road to development. The problem with these values is that as the values also aligned with the ongoing process of globalization within the international system they are often viewed by those on the receiving end of the policies as "nothing but another subterfuge for the continuing dominance of the underdeveloped by the wealthiest western countries by controlling their resources and wealth."[78]

The most recent development in the debates on intervention is the development of the concept of the Responsibility to Protect (R2P). The development of the concept and

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[76] For more on the selectivity of the UN Security Council see:Ayoob, Mohammed, *Third World Perspectives on Humanitarian Intervention and International Administration* (Global Governance: 10: 1: 2004) 99-118, Wheeler, Nicholas J.,*Saving Strangers* (Oxford University Press Oxford: 2000), Weiss, Thomas G. and Jane Boulden *Terrorism and The UN* (Indiana University Press 2004: Bloomington: 2004), Hettne, Bjorn, *Human Values and global Governance* (Palgrave Macmillan: New York: 2008), and Roberts, Adam, *Humanitarian Action in War* (Adelphi Papers: 305: 1996)
[77] Pugh, *Peacekeeping (2004)* 39-58
[78] Gaan, Narottam, *United States, Globalization and the international system: Economic and political challenges* (International Studies: 43: 3: 2006) pg 305

the impact it is having on the role of the United Nations in peacekeeping and

peacebuilding will be examined in the final section of this chapter.


## Responsibility to Protect and the UN as Enforcer of Global Governance

As the United Nations remains committed to resolving conflicts around the globe,

> "The ideology of human rights is being embraced by the United Nations and
> academics, among others, as the moral foundation of global order, or the
> 'glue' that holds the political project of global governance together by
> creating the common moral understanding necessary to legitimize global
> political authority."[79]

Whilst this has given new justification for interventions it has however led to a whole

host of new and even more complex issues as "intervention for humanitarian purposes

leads inevitably to political tasks"[80], the majority of which the UN is not capable of

undertaking. In the post-Cold War era

> "The UN is being overwhelmed by escalating demands that cannot be met,
> undermined by the lack of resources and capability and perplexed by the
> complexity of some of these internal conflicts."[81]

Despite numerous failures in the post Cold War world there were increasing "calls

for the UN to do more rather than recognition that the UN might be fundamentally

limited in acting in these contexts."[82] Rather than attempting to reform the United

Nations, to provide more support or to produce more realistic mandates the member

states instead continued to place increasing pressure on the UN to take more action and

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[79] Owen in Lederer, Markus and Philipp S. Muller, *Criticizing Global Governance* (Palgrave Macmillan
New York: 2005) pg 221
[80] Mandelbaum, Marcus, *The reluctance to intervene* (Foreign Policy: 95: 1994)
[81] Doyle, Michael W. and Olara A. Otunnu,*Peacemaking and Peacekeeping for a new century* (Rowman
and Littlefield Oxford: 1998) pg x
[82] Fox in Malone, *Security Council (2004)* pg 103

achieve more in the face of overwhelming obstacles. By pushing the UN without

providing enough support the idea that the UN could be used as "a potential source of

power, to promote common cause or legitimate common action"[83] has been slowly

eroded. Overtime

> "Post cold war peacekeeping has exposed the paradoxes of global
> governance. Peacekeeping is increasingly a phenomenon of situations where
> domestic state sovereignty, as a legal and political principle, is barely
> sustainable and where other states are attempting to act in concert to restore
> it. Yet economic interventionism by the relatively coherent states, through
> such institutions as the IMF and IBRD, may be the cause of social, legal and
> political collapse. Even more paradoxically, the autonomy of troop-
> contributing states in areas of foreign and security policy, broadly
> conceived, may also be increasingly subverted by transnational and global
> processes, not least in the demands for new global doctrines for
> peacekeeping."[84]

It would appear that the more the UN intervenes to ensure stability and prosperity, the

more it "undermines its efforts to develop peaceful, democratic systems that respect

human rights and foster economic prosperity because it strips state leaders' authority

and therefore their capacity to lead."[85]

Along with the renewed importance of Human Rights as a component of United

Nations action is the concept of good governance and this has been adopted by the UN

in relation not only to its own operation but to the operation of those states to which it

is providing assistance. During the cold war years it was not the place of the UN to

comment on the internal governing of any state, based on the dominance of the

concepts of non-intervention and sovereignty it was deemed to be outside the

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[83] Ogata, Sadako, *What is the International community? Guilty parties* (Foreign Policy: 132: 2002) 39
[84] Pugh in Pugh, Michael, *The UN, peace and force* (Frank Cass London: 1997) pg 193
[85] Johnson in Lederer, *Criticizing Global Governance (2005)* pg 183

organisations area of accepted intervention. Today however the UN comments much more freely on the actions of states, both those it is assisting and those which it feels require assistance. However what cannot be denied is the "susceptibility of the UN to the agendas of the most powerful states"[86] and the reality that

> "Asymmetrical power relations drive many of the decisions in international forums, whether intergovernmental or civil society and the capacity to go it alone or to revert to extra institutional venues seems increasingly the rule rather than the exception in international behaviour."[87]

The UN is not capable of taking action without its member states and if its member states do not agree with the stance of the UN they can quite simply bypass it which has occurred with increasing frequency over the past few years. The problem with the UN is that

> "it suffers from the contradiction between a liberalism that makes harmony depend on the right kind of state (liberal national) on the one hand and an international system that requires a heavy dose of international regimes and organizations aimed at overcoming the drawbacks of state sovereignty on the other."[88]

This severely hampers any action that the UN can take as it is in the process of attempting to establish a more peaceful cooperative world made up of liberal democratic states whilst at the same time slowly eroding the concept of the sovereignty of such states by emphasising the importance of human rights and individual freedoms.

In the preamble to the UN charter it states that one of the aims of the organisation is "to reaffirm faith in fundamental human rights, in the dignity and worth of the human

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[86] Held, David,*Global Covenant* (Polity Press Cambridge: 2004) pg 108
[87] Forman, *New coalitions (2006)*
[88] Hoffman, Stanley, *The crisis of liberal internationalism* (Foreign Policy: 98: 1995) 159

person, in the equal rights of men and women and of nations large and small"[89]. As an

Organisation the United Nations "establishes norms that many countries would like

everyone to live by"[90] and it was hoped that with the end of the Superpower conflict it

would become "an instrument for the mobilization of collective concern"[91] on a wide

variety of issues affecting the global community. This came alongside a shift to a more

'morally' based policy towards intervention in conflicts. Many, such as former

Secretary's General, Boutros-Boutros Ghali and Kofi Annan, felt that the world should

no longer tolerate regimes which did not promote or respect the idea of human rights,

that those states who violated human rights should forfeit their right to be treated as a

legitimate sovereign.[92] It was proposed that

> "The focus of a post-Cold War United Nations should be on human security
> – not just the security of the states which are members of the United Nations
> but the security of populations within these states."[93]

This idea can be seen to develop from various other shifts in international awareness

in relation to human rights stemming from the abolition of slavery and the end of

colonialism, both of which promoted the right of self-determination. There had been

throughout the Cold War years a reassessment of who is human and therefore who

deserved protection from violation of their human rights. Human rights had become a

universally applied concept in the period following the end of the Cold War as had the

concept of legitimacy of statehood, no longer would despotic governments be

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[89] United Nations, *Charter (1945)*
[90] Tharoor, Shashi, *Why America still needs the UN* (Foreign Affairs: 82: 5: 2003)
[91] Wilcox, Francisco and H. Field Haviland Jr.,*The United States and The United Nations* (Johns Hopkins Press Baltimore: 1961) pg 107
[92] See for example, Boutros-Ghali, Boutros *Agenda for Peace* (New York Nations, United: 1992) and Annan, Kofi, *Two concepts of Sovereignty* (The Economist 18th September 1999)
[93] Sutterlin, James S.,*The UN and the maintenance of international security* (Praeger: Connecticut: 1995) pg xi

guaranteed de facto statehood, legitimacy was deemed to be limited to the sphere of

democratically governed states. Throughout the Cold War foreign policy and

international relations had been "seen as necessarily amoral"[94] that concern should only

be for the national interest and for the security of the state. In the post-Cold War era

however morality became the basis of and justification for a large proportion of many

states foreign policy actions.

In the years following the end of the Cold War humanitarian intervention, including

international humanitarian law and, international humanitarian assistance in times of

crisis that is based on the principles of impartiality, neutrality and universality has

become the norm. These developments have been enshrined in a variety of sources of

international law including international conventions such as the 1948 Genocide

Convention[95], the 1949 Geneva Conventions and in Security Council resolutions and

General Assembly documents such as the World Summit Outcome Document 2005.[96]

There is an argument to be made that Member States at the UN have realised that they

"have a long term national interest as well as a moral responsibility to promote human

rights"[97] that they should aim to emulate Gareth Evans ideal of 'good international

citizenship.'[98] In today's international system

> "respect for national sovereignty is no longer the guiding principle of the
> relationship between states, where the world community only has the right
> to intervene if one country attacks another."[99]

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[94] Harries, Owen, *Morality and foreign policy* (Policy: 21: 2005)
[95]   United   Nations,   1948   Convention   on   the   prevention   of   the   crime   of   genocide
http://www.un.org/millennium/law/iv-1.htm (12th April 2010)
[96]   United   Nations,   United   Nations   World   Summit   Outcome   Document   2005,   http://daccess-
ods.un.org/TMP/1796323.65703583.html (12th April 2010)
[97] Harries, *Morality (2005)* pg 43
[98] Evans, Gareth,*Cooperating for Peace* (Allen and Unwin St Leonards: 1993)
[99] Harvey, Robert,*Global Disorder* (Constable London: 2003) pg 4

The most recent development in relation to interventions for humanitarian reasons is the proposed development of the concept of a 'Responsibility to Protect'. This concept is predicated on the recognition of a shift in the basis of state sovereignty, which will allow the international community to intervene if a state fails to act to protect the rights of its citizens. If a state fails to do so, and if large scale human rights abuses are being committed then this concept allows the overriding of state sovereignty in order to protect the sovereignty, and safety of the citizens. At the hard end of the concept will be "coercive action by one or more states involving the use of armed force in another state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants."[100] It is based on the idea that there are limits to what the international community will accept. That there is a line and "if you step over that you have gone too far and you temporarily lose your sovereignty and then there's an international obligation, certainly responsibility to act to correct that."[101]

Fast forward to the beginning of the 21st century however and looking back "the brutal legacy of the twentieth century speaks bitterly and graphically of the profound failure of individual states to live up to their most basic and compelling responsibilities, as well as to the collective inadequacies of international institutions."[102] Following the failures of the UN to respond adequately to various crises including Rwanda, Darfur and Somalia and the subsequent NATO intervention in Kosovo a debate was ongoing about unilateral humanitarian intervention and the role this had to play in securing international peace and security. This debate first began with the work of Francis Deng

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[100] Adam Roberts quoted in Weiss, *Humanitarian intervention (2007)* pg 5
[101] Interview with Professor Thomas G. Weiss 9th July 2008
[102] United Nations, *Report of the Secretary General: Implementing the Responsbility to Protect* 2009) pg5

and Roberta Cohen who outlined the concept of sovereignty as responsibility.[103] The

concept was based on the idea that "only those states that cherish, nurture, and protect

the fundamental rights of their citizens and thereby fulfil their sovereign responsibilities

are entitled to the full panoply of sovereign rights."[104]

The idea was then championed by former Secretary General Kofi Annan who posed

a challenge to the international community. How to reconcile the tension between

sovereignty and human rights? The challenge was taken up by the Canadian

government who proceeded to form the International Commission on Intervention and

State Sovereignty (ICISS). The main aim of the commission was to examine the tension

between sovereignty and human rights and to explore potential solutions to this

problem. In doing so "The report aimed to escape the irresolvable logic of 'sovereignty

versus human rights' by focusing not on what interveners are entitled to do (a 'right of

intervention') but on what is necessary to protect people in dire need and the

responsibilities of various actors to afford such protection.[105]

The report divided the responsibilities of the state and those of the international

system. States had to demonstrate that they were capable of fulfilling their

responsibilities to their citizens in terms of protection from human rights abuses and if

a state failed to do so or "if a state is unable or unwilling to carry out that function, the

state abrogates its sovereignty, and the responsibility to protect devolves onto

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[103] For further information see Deng, Francis M., Donald Rothchild, William Zartman, Sadikiel Kimaro, Terrence Lyons *Sovereignty as responsibility* (Brookings Institute New York: 1996)
[104] Bellamy, Alex J.,*Responsibility to protect* (Polity: Cambridge: 2009) pg 19
[105] Bellamy, Alex J., *The responsibility to protect and the problem of military intervention* (International Affairs: 84: 4: 2008) 615 – 639

international actors."[106] In arguing this the commission established the Responsibility to Protect as "a highly significant breach in the doctrines of state sovereignty and non-intervention."[107] In contrast to this breach of sovereignty the report also focused on rebuilding states that would be capable of protecting their citizens in the future. In this respect "the concept of sovereignty as responsibility appears wedded to preserving international order."[108] It is wedded to the creation of a society of stable states capable of protecting their citizens and participating fully in the international system.

There had been several abject failures on behalf of the international community to react to crises such as Rwanda in either a timely or decisive manner. These failures had left the UN open to charges of selectivity and even worse charges of neo-imperial or neo-colonial actions. Many critics of humanitarian interventions have argued that the new interventionism is merely a reinvention of the old imperial mission of civilization. That states are attempting to undertake a "civilizing mission."[109] That the UN and its more powerful member states are engaged in a liberal mission to remake the world and that "post modern colonialism is almost entirely about enforcing a standard of civilization, and in particular a liberal vision of human rights."[110] Whilst for its supporters "'R2P is an ethical response to periodic eruptions of mass killings and genocide it raises hackles among many governments who see themselves in the crosshairs of more powerful actors."[111] It suggests that the UN can take action against

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[106] Badescu, Cristina G. and Linnea Bergholm, *The R2P and the conflict in Darfur: The big let-down* (Security Dialogue: 40: 2009) 287
[107] Newman, Michael, *Revisiting the R2P* (The Political Quarterly: 80: 1: 2009) pg 92
[108] Badescu, *The R2P (2009)* pg 303
[109] Interview with Former UN Official 26th August 2008
[110] Buzan, *Beyond Westphalia? (1999)* pg 15
[111] Ibid. Pg 189

perpetrators of crimes against humanity and other horrors whereas in reality they don't. Political realities make it hollow and there is concern that R2P is more likely to discredit the UN than give it a greater legitimacy or validity because it is so difficult to do.[112]

The Commission hoped to move away from the more sticky debates on the use of force and be able to establish "acceptance of and commitment to new policy behaviour aimed at avoiding mass atrocities."[113] It wanted to move away from the idea of intervention as "various forms of non-consensual action that are often thought to directly challenge the principle of state sovereignty,"[114] to a point where intervention could be viewed as a means of strengthening sovereignty. The development of the principle was aimed at garnering "a political commitment to implement already existing legal obligations in a manner consistent with international law."[115] This commitment was clearly demonstrated at the 2005 World Summit, where all member states of the UN approved the Summit Outcome Document.[116] Whilst generally hailed as a success the adoption of these paragraphs at the World Summit has also been open to criticism. In some cases it has been argued that the paragraphs merely reflect the political realities of R2P. For others, such as Thomas Weiss it has heralded the creation of 'R2P lite',[117] a

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[112] Interview with MOD Official 24th February 2009

[113] Helly, Damien, *Africa, the EU and R2P: Towards pragmatic international subsidiarity?* (IPG: 1: 2009) pg1

[114] ICISS, *The responsibility to protect: Background, Research, Bibliography* 2001) pg 15

[115] Bellamy, Alex J. and Sara G. Davies, *The R2P in the Asia - Pacific region* (Security Dialogue: 40: 2009) 542

[116] The two key paragraphs in the summit document were paragraph 138 which outlined the responsibilities of the state and paragraph 139 which outlined the responsibilities of the international community. For more see United Nations, World Summit (2005),

[117] See for example Weiss, Thomas G., *R2P after 9/11 and the world summit* (Wisconsin International Law Journal: 24: 3: 2006) and Bellamy, Alex J., *Whither the Responsibility to Protect? Humanitarian intervention and the 2005 world summit.* (Ethics and International Affairs: 20: 2: 2006) 143-170

norm which has little political impact and places no pressure on the international community to act in ways different than they have previously.

As Bellamy outlines, the paragraphs of the World Summit only authorise intervention under the auspices of the Security Council, whereas the ICISS recommended the development of the potential of regional and other actors. The paragraphs also limit action to situations where the state is 'manifestly failing' a phrase which lends little further clarity to the situation. The strength of this coalition is however questioned by Ian Johnstone who suggests that the question of the evolution of the concept of R2P is "is now at the point where there is a certain amount of resistance and fear among the developing countries and if the agenda is pushed too much further there could be a backlash."[118]

This argument is furthered by developments since the world summit whereby many states have backtracked from their initial support of the R2P. This potential problem was related to the danger that if pushed too far the reliance on a norm of a responsibility to protect could create a backlash from those who fear a "potential return to colonialism."[119] This fear is linked to the reality that, as Nye explains "if you are living in a society which you fear may be intervened upon and you also have post colonial concerns about sovereignty you are more likely to jealously guard your sovereignty."[120]

One example raised was the debate over Myanmar which

> "appeared in a number of op eds by a lot of the people who came up with the notion of the responsibility to protect. Gareth Evans, Bernard Kouchner, Lloyd Axeworthy, Ramesh Thakur, a couple of other people, Alan Rock I

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[118] Interview with Professor Ian Johnstone 3rd July 2008
[119] Interview with Former UN Official 26th August 2008
[120] Interview with Professor Joseph Nye 7th May 2008

> think the Canadian Ambassador to the UN, all wrote op ed pieces on whether the Myanmar regimes refusal to allow assistance gave rise to R2P. The feeling among some of those people was that this is really pushing it too far and if its pushed that far the suspicion about the responsibility to protect its going to turn into full blown opposition and you'll never see evolution in the direction of more humanitarian principles and good governance."[121]

This reality has led those in retreat from the principle to argue that the summit document only pointed to further debate around the concept. The problem with the development of the concept stems from a lack of clarity surrounding particular issues. When is a situation serious enough for international intervention to be required? What will be the criteria used for deciding this? Should the authorization of the use of force rest only with the Security Council? The failure to clarify these issues has left the concept open to misunderstanding and misuse and has raised many questions about the potential for the operationalisation of the concept.

The main problem with the principle is what does the norm mean? "What does R2P mean in terms of you know do we start characterising crises as R2P crises and how is an R2P crisis different from any other type of crisis."[122] The responsibility to protect is meant to form the basis for a new activism within the international community, as the ICISS report outlines for some it is an internationalization of human conscience but for others it is an alarming breach of an international state order dependant on the sovereignty of states and on the inviolability of their territory.[123] The concept raises as

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[121] Interview with Professor Ian Johnstone 3rd July 2008
[122] Interview with Simon Bagshaw OCHA 28th August 2008
[123] ICISS, *R2P (2001)* pg VII

many questions as it answers, particularly in relation to the potential use of force in

interventions. As Thakur argues

> "The tension is both powerful and poignant with respect to moving the
> globally endorsed responsibility to protect from norm to action (or words to
> deeds, principle to practice). Here we enter the realm both of *normative
> inconsistency* — selective application and enforcement of global norms
> against friends and adversaries, for example downplaying the human rights
> abuses of Central Asian states and Israel while highlighting those of Iraq
> and Iran — and *normative incoherence* — when different norms clash with
> each other — as between human rights requirements and prohibitions
> against the use of force. Is it permissible (or legitimate) to violate some
> aspects of international law in order to enforce respect for human rights
> laws? Is it still legitimate if some states are more equal than others in facing
> international pressure and sanctions, including military intervention as the
> ultimate sanction?"[124]

Although it covers a wider range of activities, most of which the UN is already

involved in various capacities, R2P is a concrete recognition of the much debated issue

that "the sovereignty of individuals can trump that of states"[125] and an attempt to create

"a doctrinal basis for robust UN peace operations" which "must be formulated if the

UN is to have a future in the terrain between traditional peacekeeping and war

fighting."[126] This new concept has led to increased debate surrounding interventions

and how they are authorised.

Opponents argue that "Non-intervention is a vital rule for encouraging order in a

world without international government"[127] and that "Given all the instabilities of

regime change, democratization may provoke more war."[128] This argument relates to

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[124] Thakur, *Law, Legitimacy and the UN (2010)*
[125] Weiss,*Humanitarian intervention (2007)* pg 18
[126] Ruggie in Pugh, *The UN (1997)* pg 11
[127] Doyle,*War and peace (1997)* pg 411
[128] Ibid. pg 299

the writings of John Stuart Mill who once wrote that "it would be a great mistake to export freedom to a foreign people that was not in a position to win it on its own."[129] Without earning freedom, Mill argued, people have no idea of its worth, or how to go about ensuring they retain it. The opponents of R2P also argue that "a right of humanitarian intervention represents a serious threat to the element of order constituted with international society."[130] If the sovereignty of states is overridden then how will states survive, and how will international society be organised? There is a genuine fear among some countries that if R2P is accepted as a legitimate norm of intervention that it could "open a lot of doors that you don't want to open because then what protects sovereign states against intervention by everybody?"[131] This is particularly true in countries where "new generations are still affected by colonialism and have seen governments propped up by outside support." [132]

What is clear is that "today's peace operations are complex affairs that involve a range of activities that go to the heart of domestic governance."[133] The UN is more often than not becoming involved in the reconstitution of states following civil wars, or abject state failure. Whilst these states "fail to exhibit an important demonstration of sovereignty, especially an adequate display of authority over their entire territory"[134], the UN is left attempting to "to conceptualise, legitimise and operate a state that remains awkwardly suspended between the global norms that it is expected to embody,

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[129] Mill, John Stuart, *A few words on non-intervention* (1859)
[130] Brems Knudsen in Pugh, *The UN (1997)* pg 150
[131] Interview with UN Official 28th August 2008
[132] Interview with Former UN Official 26th August 2008
[133] Johnstone, Ian, *US- UN relations after Iraq: The end of the world (order) as we know it?* (European Journal of International Law: 15: 4: 2004) 813-838
[134] Weiss,*Humanitarian intervention (2007)* pg 15

and the local populations from whom it must draw it's support."[135] The UN as an

organisation does not have the resources and capacities to continue to rebuild states.

Today States are contracting out problems to the UN in a form of global burden

sharing. "However the responsibility of permanent members is not less if the problem is

not in their strategic interests even though they often act as if it is."[136] Other opponents

argue that R2P is simply the best example of political rhetoric which pushes buttons

and makes the world feel better. That it

> "squares the circle, it gives at least a rhetorical way of solving a particular
> problem that has been there for a long time. The principle has created a
> coalition of people who believe that it crosses north-south lines which is
> really important because historically intervention, non-intervention has
> primarily been a north-south issue."[137]

Since the 1990s the emphasis on humanitarian intervention has posed problems for

the UN in its role as an international peacekeeper. Overtime the type of missions being

undertaken by the UN have shifted dramatically from traditional peacekeeping in

countries such as Cyprus to much more complex peace building operations in the

Democratic Republic of the Congo and the Former Yugoslavia. The only countries with

the resources able to undertake these kinds of missions are the more developed

countries as "Those states are the only states that could authorize activities that call for

occupying, pacifying and rebuilding countries torn by war. They are the only states

with the military credibility to do so."[138] The danger is that these missions are then

viewed as "no more than a convenient cover used by stronger, developed countries to

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[135] Clapham in Cochrane, *Global Governance (2003)* pg 42
[136] Interview with Former UN Official 26th August 2008
[137] Interview with Professor Craig N. Murphy 3rd September 2008
[138] Jackson, Robert, *International Engagement in War-Torn Countries* (Global Governance: 10: 1: 2004) 21-36

further national interests that may be far from humanitarian."[139] This argument is

furthered by Simon Chesterman who claims that "it (R2P) is likely in practice to

licence self-interested interventionism under the guise of humanitarianism."[140]

Unfortunately the Responsibility to Protect does not provide a clear cut answer to

this problem. While it makes it reasonably clear that missions must be conducted under

the auspices of UN control if they are to have any shred of legitimacy in the eyes of

international society. What needs to be made clear is that "R2P is embedded in existing

international law and that the principle does not expand the scope for coercive

interference in the domestic affairs of states beyond the UN charter."[141] Alongside this

is the argument that "the responsibility to protect does not alter, indeed it reinforces, the

legal obligations of member states to refrain from the use of force except in conformity

with the charter."[142] These arguments are emphasised by supporters of R2P to

demonstrate that the concept does not infringe upon the principle of state sovereignty

and that instead it is "the necessary first step toward the revival of legitimate and

effective state authority."[143]

The R2P focuses on "instilling and installing democracy, human rights promotion

and protection, good governance, the rule of law and anti-corruption strategies."[144] It is

not purely focused on military intervention and is instead, it's supporters argue, focused

[139] Evans, Gareth and Mohamed Sahnoun, *Intervention and State Sovereignty: Breaking New Ground.* *(Cover story)* Ibid.7: 2: 2001) 119
[140] Welsh, Jennifer M., *From Right to Responsibility: Humanitarian Intervention and International Society* Ibid.8: 4: 2002) 503-568
[141] Bellamy, *R2P in Asia (2009)* pg 5
[142] United Nations, *Implementing R2P (2009)* pg 5
[143] Ayoob, *Third World (2004)* pg 101
[144] Sarkin, Jeremy, *The Role of the United Nations, the African Union and Africa's Sub-Regional Organizations in Dealing with Africa's Human Rights Problems: Connecting Humanitarian Intervention and the Responsibility to Protect* (Journal of African Law: 53: 1: 2009) 1-33

on creating strong stable states as "the state, by fulfilling fundamental protection obligations and respecting core human rights, would have far less reason to be concerned about unwelcome intervention from abroad."[145] However despite these arguments in favour of the concept there are equally persuasive questions raised by opponents of the concept. The most convincing of which is that "there is a real danger that states of all stripes will co-opt the language of R2P to legitimate inaction and irresponsibility."[146] There are even arguments to be made that the international community could remain inactive in the face of a situation as serious, or more so, than Rwanda, and could place the blame squarely on the shoulders of the 'irresponsible government'. For some opponents this is the case with the continuing crisis in Darfur. There are also questions as to which situations the R2P could be applied to, should it only be restricted to the four key crimes as outlined in the World Summit? Or is it possible to apply it to natural disasters such as the Cyclone in Myanmar, as called for by the French Foreign Minister Bernard Kouchner at the time? Is the concept only applicable to situations occurring after the 2005 summit? Or can it be applied to ongoing crises such as the Democratic Republic of the Congo and Somalia? Although R2P for many is a new tool in the maintenance of international peace and security what is less clear is "how is that guided, lets say in actions in Darfur the answer is many countries are not particularly willing to live up to what R2P says and that's not just a US problem."[147] This argument is not purely academic and is also borne out by practitioners working in the field who have questions in relation to "what happens to

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[145] United Nations, *Implementing R2P (2009)* pg 6
[146] Bellamy, *Whither R2P? (2006)* pg 169
[147] Interview with Professor Joseph Nye 7th May 2008

existing conflict situations? Do they now get characterised as R2P and how does characterising a situation as an R2P situation then alter the response from the UN?"[148]

One situation in which R2P was claimed successfully applied was in the aftermath of the election in Kenya when violence erupted along ethnic lines. However the claim this action has with those outlined in R2P documentation is tenuous. The action undertaken was not under the auspices of the Security Council, but was rather an independent NGO that negotiated access and a resolution. This only further served to undermine the clarity required to make the concept operational. Alongside the lack of definition in the type of situation to which it is applicable is the lack of clarity in how exactly it should be operationalized. How should the international community help to prevent genocide? Where are the resources going to come from? Who will be the legitimating body for action?

In this respect the R2P faces the same problems as Humanitarian intervention, lack of political will and resources. It is clear that "there is no consistent political will from powerful states, especially those that have declared their support for R2P, to commit military forces in ways that would challenge the traditional meaning of sovereignty."[149] However "traditional notions of sovereignty alone are not the only obstacle to effective action in humanitarian crises. No less significant are the ways in which states define their national interests."[150] As Paul Diehl argues it is that same fundamental problem that confronts the UN in peacekeeping that is preventing the operationalization of R2P and that is "the gap between 1. the wisdom occasionally manifested by representatives

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[148] Interview with UN Official OCHA 28th August 2008
[149] Badescu, *The R2P (2009)* pg 303
[150] Annan, *Two Concepts (1999)*

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of states assembled in UN bodies and 2. the conventional policies for UN participation made in the capitals of these states."[151] This argument is further emphasised by Damien Helly who writes that "what underpins the absence of collective will to intervene (in Africa or elsewhere) is the weakness of transparent and coordinated governance, be it in foreign or domestic policy."[152]

Whilst it is clear that

> "there are exceptional circumstances in which the very interest that all states have in maintaining stable international order requires them to react when all order within as state has broken down or when civil conflict and repression are so violent that civilians are threatened with massacre, genocide, or ethnic cleansing on a large scale."[153]

It is also clear that "a lack of will and political division produces slow, incoherent and under resourced responses which leave civilians facing enduring vulnerability."[154] Although "under the right conditions the UN can indeed help to build a new peace"[155] the conditions do need to be right otherwise taking action can pose more dangers to those suffering within the conflict and to the organisation itself.

For most proponents of R2P "it involves interventions of different kinds in different stages of a situation. The vast majority of which are envisaged to be non-military and to a large extent the UN is already doing a huge number of these anyway through the good offices of the secretary general, the political missions established by the general assembly, the conflict prevention activities supported by the UN, the mediations

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[151] Alger in Diehl, *Global Governance (2001)* pg 49
[152] Helly, *Africa, EU, R2P (2009)*
[153] ICISS, *R2P (2001)* pg 31
[154] Bellamy,*R2P (2009)* pg 2
[155] Bertram, Eva, *Re-inventing Governments* (Journal of Conflict Resolution 39: 3: 2005) pg 390

activities, all of the chapter six activities of the security council." What is less clear is

what will happen

> "at the very hard end of activities, when all that fails and still something
> needs to be done, will anything be done? Is there willingness and capacity
> for hard end involvement against the consent of whoever has got control of
> a particular piece of territory and necessarily being willing to use force to
> prevent mass atrocities? Will the international community be anymore ready
> for that now than they were in Rwanda in 94? I suspect probably not
> because they have not yet really come to terms with the kind of capacity that
> is necessary to do that."[156]

What is clear is that "the concept requires a great deal of development and in real world

situations."[157] However it is likely that "once the concept is in the UN and people are

using it what the UN says to justify missions becomes what others use to justify

missions."[158]

It is clear from this that the UN still plays a leading role in the development of

international norms. The danger then comes from countries unwillingness not to live up

to these norms, and the action which the UN is tasked to undertake to ensure their

compliance. One of the goals of the UN following on from peacekeeping missions is

the reintegration of states into the international system and the argument is that "no

viable global governance architecture can come about without strong and effective

nation states."[159] If the UN is not strong enough, or willing to undertake the tasks

required to ensure this who then is going to take responsibility for ensuring failed states

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[156] Interview with Ambassador Colin Keating 28th August 2008
[157] Interview with Professor Craig N. Murphy 3rd September 2008
[158] Interview with FCO Official 20th May 2009
[159] Messner in Kennedy, Paul; Messner, Dirk and Nushceler, Franz, *Global Trends and Global Governance* (Pluto Press London: 2002) pg 37

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and those recovering from conflict can reintegrate into the international system? And what will the international system look like when they are done?

The concept of a Responsibility to Protect is still, in terms of development, fairly new. It has been hailed as a watershed development in international relations, a representation of a new political commitment to take timely and decisive action in the face of gross human rights violations. In reality however there are still many questions which need to be answered and R2P is perhaps the latest example that "the international community comes to life more on account of the substance to which it aspires rather than the entity it represents."[160] As emphasis has shifted away from the protection of traditional notions of sovereignty toward the sovereignty of individual or 'sovereignty as responsibility' the international community has had to come up with new ways of resolving crises. The responsibility to protect has the potential to become a resolution to many of these problems however "a responsibility to protect must also entail a responsibility to do it right"[161] and before it can be done right a lot more work needs to be done on the concept itself. If this work is not undertaken it risks placing increasing pressure on the United Nations and its peacekeepers to undertake ever more complex tasks with the same limited resources and support which have always been provided.

The responsibility to protect does challenge the traditional understanding of the way the international system functions, but this challenge may not be as successful as its supporters hope. The reality of international intervention is that it occurs only when the situation has developed to such a stage as to shock the world into action, or in other

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[160] Ogata, *Guilty Parties (2002)*
[161] Day, *Operationalizing R2P (2005)* pg 140

words "you don't build a pedestrian crossing until somebody has been killed."[162] In

some cases even this level of shock is not enough to motivate states. Therefore the

emphasis that R2P places on early warning and prevention may be redundant before it

is implemented, there is no way, in the mind of states, to justify spending large amounts

of funding on preventing something that might not happen, because "nothing happens

in a democracy in terms of spending preventive money until a disaster has

happened."[163] In terms of reaction again the R2P will face the same issues as

humanitarian intervention did a lack of resources and political will. With wars still

ongoing in Iraq and Afghanistan those key contributors of support and logistics are

already stretched and without them no operation can get off the ground. The problem is '

that for R2P to become operational "it requires a huge amount of additional investment

in the UN by the member states" and without this investment there is potential for the

norm to be "extremely damaging to the UN and to the existing peacekeeping capacity if

one tried to blur the distinction between the two."[164]

There are also questions to be raised about the final pillar of R2P, rebuilding, who

should be deciding what format the rebuilt state should take? How will it be managed?

This raises challenging issues, most importantly the spectre of colonialism, as weak or

failing states tend to be former colonies that will protect the concept of sovereignty

more fiercely than those who have less likelihood of facing an intervention. Again this

will lead to charges of selectivity and double standards all of which only erode the little

legitimacy which the UN has spent the last sixty years accumulating. This dilemma and

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[162] Interview with Lord David Hannay 6th October 2009
[163] Ibid, Hannay.
[164] Interview with Ambassador Colin Keating 28th August 2008

the issues of power and influence then tie the development of the R2P directly to the

need for Security Council reform.

Without a world body viewed as legitimate by all members of the international

system there is little hope of a successful implementation of the concept.[165] There is

also a danger that if the UN Security Council is seen as a partial body that this will

increase the utilisation of the concept by regional organisation or individual states

justifying their actions on the basis of R2P not justifying interventions from "a renewed

commitment to human rights, but from a need for a new pretext for imperialist

interventions."[166] There is also another danger inherent in the potential failure of the

Security Council, that if another organisation was to take action which did meet the

criteria for an R2P intervention "this may have enduringly serious consequences for the

stature and credibility of the UN itself."[167] The supporters of the R2P need to

> "ensure that R2P is seen not as a trojan horse for bad, old imperial, colonial
> and militarist habits but rather the best starting point the international
> community has and is maybe ever likely to have, in preventing and
> responding to genocide and other mass atrocity crimes."[168]

This will however more than likely prove easier said than done.

Along with the issue of legitimacy the R2P also faces more practical challenges in

its development, the lack of political will and resources. The golden age of

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[165] For more on the issue of legitimacy see, Clark, Ian,*Legitimacy in International Society* (Oxford
University Press Oxford: 2005), Buchanan, Allen and Robert O. Keohane, *The legitimacy of global
governance institutions* (Ethics and International Affairs: 20: 4: 2006) 405-437, Hurd, Ian, *Legitimacy,
Power, and the symbolic life of the UN Security Council* (Global Governance: 8: 2002) 35-51 and, Zurn,
Michael, *Global Governance and Legitimacy Problems* (Government and Opposition: 39: 2: 2004) 260-
287
[166] Conlon, *Sovereignty (2004)*
[167] ICISS, *R2P (2001)* pg 52 and pg 55
[168] Evans, Gareth,*The responsibility to protect: An idea whose time has come and gone?* (David Davies
Memorial Institute Lecture University of Aberystwyth: 2008)

humanitarianism of the 1990s has ended and "military overstretch and the prioritisation of strategic concerns to the virtual exclusion of humanitarian ones is the sad reality of a post 9/11 world."[169] Unfortunately "the new term does not solve the fundamental problems of insufficient political will or provide a politically realistic blueprint for the changes in state practice that would be required to make the responsibility to protect meaningful in policy and operation terms."[170]

The United Nations is still operating with a "lack of coherent doctrine underpinning the growing number of mandates that fall between traditional peacekeeping missions and armed engagement with a specific adversary or adversaries."[171] It also faces the difficulties inherent in "securing general agreement among states about the legitimacy of humanitarian intervention.....because it is impossible to spell out in advance the circumstances in which such interventions might conceivably be justified."[172] If R2P is to become operational through the UN then "the world community must match the demands made on the organization by the resources given to it." [173]

More time will also need to be spent on the practicalities of planning and resourcing missions.[174] In most interventions and "in most of the countries where intervention takes place, a peace process coincides with a double political process of

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[169] Weiss,*Humanitarian intervention (2007)* pg 55

[170] Macfarlane, S. Neil and Carolin J. Thielking and Thomas G. Weiss, *The responsibility to protect: is anyone interested in humanitarian intervention?* (Third World Quarterly: 25: 5 2004) 977-992

[171] Luck, Edward C., *The UN and the Responsibility to Protect* (Policy Analysis Brief The Stanley Foundation: 2008)

[172] Roberts, *Humanitarian Action (1996)*

[173] ICISS, *R2P (2001)* pg 52 and pg 55

[174] For an insight into how the UN DPKO is attempting to achieve this see United Nations, *A new partnership agenda: Charting a new horizon for UN peacekeeping* (New York: United Nations Department of Public Information 2009)

democratization and state building."[175] This increases the number of tasks which any

UN mission needs to be capable of undertaking and therefore increases the demand on

resources. It is true that "All conflicts have underlying causes and almost all have

possible solutions. More often than not the greatest determinant of a successful

outcome to any involvement will be whether key decision makers can take the time to

understand the causes, and have the political will to vigorously pursue a solution."[176]

Getting the key states to sustain that political will is however another key challenge

faced by those proponents of R2P. The problem is that by the time a crisis is brought to

the attention of the Security Council it is generally beyond the limited scope of any

preventive measures. This then requires some form of intervention, be it military or

diplomatic, which requires exponentially more resources than prevention as it requires

a commitment to the intervention and rebuilding process. These situations tend to be

more complex and dangerous and the Security Council is often unable, if not unwilling,

to commit the resources.

The UN has become directly involved in promoting the concept of global

governance and the role that the United Nations, and in particular the Security Council,

has taken in helping to rebuild states in post conflict situations, through resolutions

mandating peacekeeping operations, plays a key role in the transmission of the

particular norms and ideals associated with that concept. These norms and ideals then

influence the way in which these states are reconstructed which is then having a direct

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[175] Pouligny, Beatrice, *Peacekeepers and local social actors: The need for Dynamic, cross-cultural analysis* (Global Governance: 5: 4: 1999) 403 - 425

[176] Laurence, Commodore Tim, *Humanitarian Assistance and Peacekeeping: An uneasy alliance?* (RUSI Whitehall Papers Series 48: 1999) pg 3

impact on the way in which operations mandate by the Security Council are viewed by the wider international community.

The development of norms such as R2P is directly connected to the development of the concept of Global Governance. The problem for the UN is that peacekeeping operations being mandated are now being directly associated with the norms of global governance which is problematic as many member states of the organisation, and many states which face potential interventions in the future, view norms such as R2P as nothing more than an extension of the neo-liberal agenda, and as little more than a mask for powerful states to continue to do as they please. The emphasis placed on rebuilding states as liberal democracies and the ways this is being used to underline the importance of creating an international system of stable, democratic states has placed increasing pressure on UN peacekeeping operations as the number of tasks they are required to undertake has increased exponentially.

The issue of power within the Security Council is examined in the following chapter which argues that asymmetrical power relations within the Council are having a negative impact on peacekeeping operation mandates as these are utilised by member states to transfer particular norms and ideals to conflict situations. This transfer is then directly impacting on the development of the idea of global governance as the UN becomes involved in the reconstitution of states that can once recovered, move forward to become responsible members of the international community, and partners in resolving global problems.

# Power within the Security Council and the failure to manage violent conflicts: Whose to blame?

The previous chapter argued that the UN plays a key role in the transmission of norms throughout the international system and that peacekeeping is one of the tools which it uses to do so. Following on from this it argued that the organisation was being overwhelmed by the tasks assigned to it by member states, in particular in relation to the aims of the development of global governance. This chapter continues that line of argument by looking at the role of the Security Council and the ways in which particular member states are utilising their power and influence. It argues that the asymmetrical power relations within the Council are having a negative impact on peacekeeping operation mandates as these are utilised by member states to transfer particular norms and ideals to conflict situations. This transfer is then directly impacting on the development of the idea of global governance as the UN becomes involved in the reconstitution of states that once recovered, can move forward to become responsible members of the international community, and partners in resolving global problems.

The understanding of power in global governance is paramount as it leads to numerous questions over the development and role which various institutions and actors play in the process. It informs opinion on who is responsible for decision making in global governance and whether it is states or other actors who really control the agenda. Power relations in global governance are not only a matter of "the ability of one actor to deploy discursive and institutional resources in order to get other actors to

defer judgement to them."[1] It is also a matter of who is setting the agenda, who is

producing or influencing the actions of numerous actors and whether or not these actors

are truly independent or overwhelmingly influenced and controlled by others with more

power? It is important to establish whether "International organisations matter not only

because states have designed rules to resolve problems, but because those IOS

themselves are independent actors that interact strategically with states and others"[2] or

if states are the most important actors controlling the actions of international

organisations. Questions of power also lead to important questions concerning the role

of non state actors and how they wield power and influence. Without understanding the

power structures within global governance there is no way to fully understand and

appreciate the complexities within the system.

At the end of the Cold War it was argued that there was "now a genuine prospect of

the Security Council fulfilling the role envisioned for it in the UN charter."[3] This

chapter is going to examine the extent to which this has been achieved. Is the Security

Council fulfilling its mandated role, or is it instead being utilised by its most powerful

members to fulfil another agenda? In the late 1990s it seemed that great powers "found

the UN a useful place to dump intractable conflicts as conflicts peripheral to their core

security interests."[4] With the continuing shifts in what constitutes a security threat this

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[1]Barnett and Finnemore in Barnett, Michael, and Raymond Duvall, *Power in global governance* (Cambridge University Press: Cambridge: 2005) pg 169

[2]Hawkins and Wade in Hawkins Michael J. and Darren G. Lake, David A. Nielson, Daniel L. Tierney, *Delegation and agency in international organizations* (Cambridge University Press: Cambridge: 2006) pg 200

[3] ICISS, *The responsibility to protect* (Ottawa 2001) pg7

[4] Barnett, Michael and Martha, Finnemore,*Rules for the World International Organizations in Global Politics* (Cornell University Press London: 2004) pg 122

may no longer be the case, and if this is true, then the Security Council and its ability to

function becomes even more important than it was before.

## The United Nations Security Council and Global Governance

The international system at the end of the Cold War was a system in transformation.

The continuous conflict between the two superpowers was coming to an end and it was

hoped that states would now be able to work together in "forging cooperative solutions

to global problems."[5] Alongside the transformation in state relations was the ongoing

phenomenon of globalization, fuelled by developments in technology and the

increasing openness of state borders. This ongoing transformation led to a search for

new ways to understand the international system and the actions of states. As explored

in previous chapters global governance theory was one explanation offered for

understanding

> "the efforts to manage and solve world scale problems through cooperative
> and collateral policies and measures by various types of actors, active on the
> different universal, regional, national and sub-national realms of social
> life."[6]

The UN Security Council has been one of the key actors in the international system

since its creation. With the end of the Cold War and the apparent victory of liberal

democracy the ability of the Council to act was vastly increased. It was a

> "Very exceptional period between 1990 and 1995, when on the whole a very
> large range of things could be done which had never been possible to do in
> the cold war. Taboos were overthrown and great tracts of policy area opened

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[5] Hauss, Charles,*Beyond Confrontation* (Praeger: Westport: 1996) pg 113
[6] Hakovirta in Hakovirta, Harko, *Global Order and Governance* (Academy of Finland: Finland: 2002) pg 12

up in which the UN and the Security Council were able to reach consensus
to do something."[7]

This period of exception was important in the development of the role which the

Security Council plays today. The taboos which were removed included the inability of

the Council to intervene in areas previously out of bounds due to the conventions of

sovereignty and non-intervention in internal affairs. This removal of restrictions

enabled the UN to intervene in situations as varied as Somalia, Bosnia and Haiti.

As states across the world entered into the process of democratisation the

"revolution in governance at the national level had an immediate effect on discussion of

governance issues within the council"[8], it was now possible for the Council to consider

intervention without the consent of governments. The other important factor in this

development was, as Hannay notes, the ability of the Security Council to reach a

consensus on what action to take and where. This consensus had been sorely lacking

during the Cold War as the adversarial relationship between the USA and USSR was

played out within the Security Council. With the council now both willing and able to

take action peacekeepers were given ever expanding mandates, in areas where they had

previously been unable to act. This led to the Security Council authorising actions

which involved the UN in much wider projects, projects which in essence involved the

rebuilding of states often within a specified framework of liberal democracy. As

Roberts argues this then means that

> "The UN is best seen, not as a vehicle for completely restructuring or
> replacing the system of sovereign states, so much as ameliorating the

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[7] Interview with Lord David Hannay 6th October 2009
[8] Weschler in Malone, David M., *The United Nations Security Council* (Lynne rienner: London: 2004) pg
72

problems spawned by its imperfections, and managing processes of rapid change in many distinct fields."[9]

The UN, in the post Cold War system is the "only IGO with global scope and nearly universal membership whose agenda encompasses the broadest range of governance issues."[10] Because of this the organisation has become the focal point for the development of Global Governance theory and a key component in the process of creating an international system suitable for the promotion of the ideas contained within it. The organisation's involvement in governance issues has increased dramatically since the end of the cold war as the concepts of good governance, human rights and democratisation have become interconnected with the key foundations of the international system including sovereignty. The Council has had a clear role to play in this connection as its decisions "have eroded concepts of state sovereignty firmly held during the cold war, altering the way in which many of us see the relationship between state and citizen the world over."[11] This is clearly demonstrated with the development of new norms such as the Responsibility to Protect, which was discussed in the previous chapter.[12] The Council was "built on the assumption that five of the strongest nations have the right and duty to safeguard the globe"[13], however this assumption is now under question as the actions of the Council come under question both for their efficacy and legitimacy. For some states

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[9] Roberts and Kingsbury in Roberts, Adam and Benedict, Kingsley, *United Nations, Divided World* (Clarendon Press Oxford: 1994) pg 61
[10] Karns, Margaret P. Mingst, Karen A. ,*International Organizations* (Lynne Rienner: Boulder: 2004) pg 97
[11] Malone in Malone, *Security Council (2004)* pg 1
[12] See Chapter Three Pages 141 - 166
[13] Bosco, David L,*Five to Rule Them All* (Oxford University Press New York: 2009) pg 3

> "governance at the global level will only be acceptable if it does not supersede national governance and if its intrusions into the autonomy of states and communities are clearly justified in terms of cooperative results."[14]

The failure of the council to produce results in an increasing number of situations has led to questioning of the viability of the Council in today's international system.

At the same time as the international system was undergoing a transformation at the end of the Cold War, the council too was undergoing both a

> "quantitative and qualitative transformation, one that placed it at the very heart of global governance as states turned to the security council for action in a number of the major humanitarian and conflict situations that broke out with the end of the superpower competition."[15]

The role of the Council in the development of Global Governance has become increasingly important as the Council becomes increasingly involved in issues which previously fell under the restrictive concept of sovereignty. Part of the reasoning behind the development of Global Governance was an attempt to resolve the problems based on the reality that "the key notions of the sovereign state and the sacrosanct national community, still dominant in international politics, are lagging behind the reality created by globalization."[16] The need to tackle global problems was coupled with a fear that if those problems were not addressed that states would be "likely to retreat behind protective barriers and re-create the conditions for enduring conflict."[17] This need and "the search for a world peace regime places the United Nations, whose raison d'être has

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[14] Keohane and Nye in Nye, Joseph S. and John D. Donahue, *Governance in a globalizing world* (Brookings Institution Press Cambridge, Massachussetts: 2000) pg 14
[15] Rosenau, James N., *Governance in the 21st Century* (Global Governance: 1 1 1995)
[16] Messner in Kennedy, Paul; Messner, Dirk and Nushceler, Franz, *Global Trends and Global Governance* (Pluto Press London: 2002) pg 37
[17] Barnett and Duvall in Barnett, *Power (2005)* pg 1

always been peacekeeping, in the centre of strategies aimed at securing peace."[18] As

Chesterman argues,

> "the most rapid recent growth in administration has been in international
> security. In addition to the assertion of expanding powers over postconflict
> territory through the 1990s—culminating in the United Nations exercising
> effective control over East Timor from 1999 to 2002, and ongoing quasi-
> sovereign control of Kosovo—the sanctions committees of the UN Security
> Council routinely make decisions with substantial impact on countries and
> individuals. Since September 11, 2001, the Council has also been the
> vehicle for swift and extensive powers to be asserted in the fields of
> counterterrorism and counterproliferation, at times acting as a kind of global
> legislature."[19]

As the organ with the designated responsibility for international peace and security, this

then places the Security Council at the forefront of solution finding for global

problems.

The role of the Security Council in the development of the Global governance

agenda can be viewed in a number of ways. For authors such as Edward Luck it

represents "the closest approximation to global governance in the peace and security

realm yet achieved."[20]   For others such as David Bosco however, "even the council's

vigorous post-cold war activity has fallen well short of effective global governance."[21]

These differing opinions are based on assessment of council activities on the ground,

and on the Council's ability to develop internationally respected norms. With one of the

key arguments based on whether "the key contributions of international society to the

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[18] Messner and Nuscheler in Kennedy, *Global trends (2002)* pg 179
[19] Chesterman, Simon, *Globalization Rules: Accountability, Power, and the Prospects for Global Administrative Law* (Global Governance: 14: 2008) 39-52
[20] Luck, Edward C.,*United Nations Security Council Practice and Promise* (Routledge: London: 2006) pg3
[21] Bosco,*Five (2009)* pg 4

security of states have been in the realm of gradual norm development more than in the

realm of responses to specific conflicts."[22] What the authors agree on however is the

key role that the UN Security Council has to play as a "consensual body that is

recognised by all countries as a legitimate arbitrator in international relations."[23] The

ways in which the Council gains legitimacy will be examined in the next section.

What then becomes important to understand is who is influencing council decisions

and why? In a system where sovereignty is still an important concept "international

organizations must be presented as not autonomous but instead as dutiful agents."[24] If

the Security Council is then nothing more than a dutiful agent, whose dutiful agent is

it? If as Keohane argues "institutions that facilitate cooperation do not mandate what

governments must do; rather they help governments pursue their own interests through

cooperation."[25] Whose interests are being pursued through the Security Council?

Within Global Governance

> "Perceived problems are first designated to the global and then characterized
> as unsusceptible to an effective solution at the state level. By this double
> move, the order and authority inside of the state is taken outside into the
> "global" and substituted by governance beyond the state."[26]

This removal of problems from a state to a global level only increases the importance of

international organisations such as the UN and the Security Council. In fact one of the

key criticisms of global governance "is posed by the lack of institutions suitable to

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[22] Zacher in Vayrynen, Raimo, *Globalisation and global governance* (Rowman and Littlefield: 2001) pg 51
[23] Interview with MOD Official 24th February 2009
[24] Barnett and Finnermoe in Barnett, *Power (2005)* pg 172
[25] Keohane, Robert,*After Hegemony* (Princeton University Press: Princeton, NJ: 1984) pg 246
[26] Spaith in Lederer, Markus and Philipp S. Muller, *Criticizing Global Governance* (Palgrave Macmillan New York: 2005) pg 32

enforce compliance with international agreements."[27] Another criticism is that global

governance serves hegemonic interest and insinuates them into international orgs and

regimes[28], an argument which is backed up by Susanne Soederberg who argues that

"one way universal norms of a hegemonic state like the US are transmitted to other

subordinate states is through international organisations such as the UN."[29]

The role of hegemonic states is however questioned by Keohane who argues that

> "What international regimes can accomplish depends not merely on their
> legal authority, but on the patterns of informal negotiation that develop with
> them. Rules can be important as symbols that legitimize cooperation or as
> guidelines for it. But cooperation, which involves mutual adjustment of the
> policies of independent actors, is not enforced by hierarchical authority."[30]

For him changes in an actor's behaviour cannot be enforced, they must instead be of

mutual benefit to occur. Whether change which occurs is forced or not is one of the

biggest challenges facing Global Governance theory, with questions as to whether the

theory is, rather than serving hegemonic interests, instead blind to the power factor of

both the theory's foundations and international relations and is thus at best a utopia for

a world in the future.[31] The failure of global governance seems to rest on

> "A general failure to understand how the council continues to coexist with
> an older form of international relations still based on sovereign states
> pursuing their national interests."[32]

The influence of this older form of international relations is clear to see in the Security

Council, an organisation based on the power structures at the end of World War Two.

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[27] Messner in Kennedy, *Global trends (2002)* pg 59
[28] Messner and Nuscheler in Ibid. pg 154
[29] Soederberg, Susanne,*Global Governance in Question* (Pluto Press: London: 2006) pg 6
[30] Keohane,*After hegemony (1984)* pg 237
[31] Messner and Nuscheler in Kennedy, *Global trends (2002)* pg 154
[32]Malone in  Malone, *Security Council (2004)* pg 1

Because of the structure of the organisation, and the influence given to the five permanent members with the power of the veto, it is extremely important to understand how these members utilise that power and influence in order to uncover the underlying foundations of the concept of global governance and the reasons why the norms associated with the concept have gained such influence in the international system today. The foundations of the concept are rooted in a liberal tradition, and the enforcement of the norms associated with this, such as democratisation, good governance, and respect for human rights, have led to an increase in tasks for peacekeeping operations. It has also led questions of legitimacy as to the mandating of these operations, particularly in relation to enforcement of those norms which might not necessarily fit with the local political climate in which the intervention is occurring. This then leads to broader questions around the development of the concept of global governance and whether or not it is a mask for more powerful states to justify interventions which otherwise might be viewed as illegitimate.

The following section of this chapter examines the role of power and influence within the Security Council and the ways in which supporters of the development of the concept of Global Governance have failed to understand the ongoing impact of the issue of power. It argues that the more powerful states are having a dramatic impact on the role the UN is playing in the development of global governance and that they are utilising their influence and resources to selectively enforce the norms associated with the concept. It then argues that this is having a detrimental impact on the development of the concept as the legitimacy of the enforcement of those norms is called into

question. This then directly impacts on the arguments outlined later in Chapter Six, in

relation to the impact this is having on United Nations peacekeeping in the field.


## Power, Influence and Resources in the Security Council

The Security Council was designed in the aftermath of the Second World War to

reflect the power structure of the international system at the time. Following the horrors

of the war the founders realised that

> "An effective collective security system requires a central decision making
> organ that is empowered to say how and when collective force is to be used,
> with adequate military force available on call to carry out that decision"[33]

The Security Council was intended to fulfil that role. Composed of fifteen members, ten

elected and five permanent, it was assigned "primary responsibility for the maintenance

of international peace and security."[34] The five permanent members were also given the

veto. This was a compromise required to ensure the participation of all the great powers

of the time and was seen as a means to avoid the lack of participation which had led to

the failure of the League of Nations. Overtime as the structure of the international

system has altered the veto has become more contentious and pressure is mounting as

calls for reform of the Council increase, the issue of reform will be examined in chapter

eight. This section examines the power of both the Security Council and its member

states. It argues that the understanding of the use of power and influence in the Security

Council offers a unique insight into the problems of power within global governance. It

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[33] Riggs, R.E and J.C. Plano, *The UN, International Organisation and World Politics* (Dorsey Press London: 1988) pg 125
[34] United Nations, United Nations Charter Article 24 (1),
www.un.org/en/documents/charter/chapter5.shtml (12th April 2010)

also argues that certain members of the council have more influence than others and that this influence is being utilised in pursuit of the development of global governance, in some cases to the detriment of the council's role as international peacekeeper.

In order to examine the role of power within the Security Council it needs to be examined in two different ways, the use of power and influence within the council and the use of power and influence by the council as a whole. The council is composed of fifteen individual member states, each of whom has their own agenda and is working towards achieving that. This section begins by arguing that understanding how the council works, who has the influence and why is key to understanding many of the problems it faces in relation to the creation and mandating of peacekeeping operations.

When looking at the Security Council it is important to remember that "the council is first and foremost a political institution that functions in concentric circles of interests and influences."[35] These circles are outlined by Gambari as follows; on the very outskirts of the Council are the non-permanent members who do not also align themselves with the Non-Aligned Movement (NAM).[36] One ring closer in is the non-

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[35] Gambari in Malone, *Security Council (2004)* pg 519
[36] Non-aligned Movement:  The Non-Aligned Movement is a Movement of 115 members representing the interests and priorities of developing countries. Formed during the Cold War, the Movement has its origin in the Asia-Africa Conference held in Bandung, Indonesia in 1955. At the meeting Third World leaders shared their problems of resisting the pressures of the major powers, maintaining their independence and opposing colonialism and neo-colonialism, especially western domination.  The criteria for becoming a member of the Non-Aligned Movement are The country should have adopted an independent policy based on the coexistence of States with different political and social systems and on non-alignment or should be showing a trend in favour of such a policy. The country concerned should be consistently supporting the Movements for National Independence. The country should not be a member of a multilateral military alliance concluded in the context of Great Power conflicts. If a country has a bilateral military agreement with a Great Power, or is a member of a regional defence pact, the agreement or pact should not be one deliberately concluded in the context of Great Power conflicts. If it has conceded military bases to a Foreign Power the concession should not have been made in the context of Great Power conflicts. Being part of a broad based coalition gives members of the movement more influence on the council than non-permanent member states who are not associated with NAM. For more

permanent members who are aligned with the NAM, thus achieving a marginally higher

level of influence. These outer circles include all of the elected ten members (E10).[37]

Moving closer to the inner circle are the permanent five (P5), the UK, USA, Russia,

China and France. Gambari then goes on to argue that there are then two further circles

within the P5, the P3 constituting of the UK, USA and France and the P1 which is the

USA by itself. The positioning of the USA at the centre of the Security Council is

highly contested, however with its continued predominance within the international

system since the end of the Cold War its influence over Council action is hard to

ignore. In fact it can be argued that "little of substance can happen in the UN system

without American cooperation - and little happens without American resources."[38]

For academics such as Craig N. Murphy the continued dominance of the USA within

the Council is an indication that

> "The UN structure is clearly out of date, relative to the original intent of the
> security council which was to represent the balance of power as it was
> expected to be reconstructed after the Second World War."[39]

This argument is borne out by Roberts and Kingsbury who note that while the balance

of power within the international system has shifted what is clear is that "Inequality, if

not hegemony, is a fundamental feature of international life, and it would be remarkable

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information see Non-Aligned Movement, http://www.nam.gov.za/background/history.htm (26th September 2010)

[37] Elected 10 members: This refers to the ten non-permanent members, elected by the General Assembly for two-year terms and not eligible for immediate re-election. The number of non-permanent members was increased from six to ten by an amendment of the Charter which came into force in 1965. For more information see United Nations, United Nations Security Council Webpage, <http://www.un.org/sc/members.asp> (26th September 2010)

[38] Puchala, Donald J., *American interests and the UN* (Political Science Quarterly: 97: 4: Winter 1982 - 1983) pg 574

[39] Interview with Professor Craig N. Murphy 3rd September 2008

if it were not reflected in the practice of the UN."[40] The question of the representative

nature of the Security Council has become increasingly important, particularly in

relation to the perceived legitimacy of peacekeeping operations. The argument is, as

outlined by Joseph Stiglitz, that "the west has driven the globalization agenda, ensuring

that it gains a disproportionate slice of the benefits, at the expense of the developing

world"[41] and that the Security Council has played a key role in this because of the

domination of western developed states. The issue of reform will be discussed in more

detail in chapter eight, however in relation to the arguments in this chapter the key

question is how this inequality is impacting on the actions of the Security Council.

In order to assess the impacts of power and influence within the council there also

needs to be a clarification of the form which this power and influence takes. For

example Barnett and Duvall offer several different conceptions of power and its use

within the international system. They outline four different categories of power within

international relations, compulsory power, institutional power, structural power and

productive power. Compulsory power follows in a similar vein to a realist

understanding of power. They do not however limit this power only to state actors and

instead emphasises that all actors within global governance have resources which

would enable them to utilise compulsory power in order to resolve conflict or achieve

particular aims. It is essentially "how states are able to determine the content and

direction of global governance by using their decisive material advantages."[42] In the

Security Council compulsory power could be understood as ways in which states

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[40] Roberts and Kingsbury in Roberts, *United Nations (1994)* pg 45
[41] Stiglitz, Joseph,*Globalization and it's discontents* (Penguin: London: 2002) pg 7
[42] Roberts and Kingsbury in Roberts, *United Nations (1994)* pg 45

attempt to control the actions of the Council in relation to particular conflicts, steering

them towards action in places where national interests are at stake and away from those

that are not as strategically important. The use of this form of power would fit with the

arguments explored in Chapter One[43] in relation to critics of Global Governance such

as Murphy and Soederberg, and their contention that the development of the concept of

Global Governance is being dominated by powerful states pushing a particular agenda.

The use of compulsory power, not only by states, but by other actors, also undermines

arguments made by supporters of the development of global governance, such as

Rosenau and Held that it is purely an ideological undertaking and that interactions in

the development of the concept take place in a space devoid of power.[44]

Barnett and Duvall then go on to discuss the idea of institutional power which is a

form of indirect control through both formal and informal institutions. This form of

power is often viewed as "the ability of great powers to establish international

institutions and arrangements to further or preserve their interests and positions of

advantage into the future."[45] This understanding of power is directly applicable to the

Security Council which was established to ensure the maintenance of peace and

security but also ensured the pre-eminence of the permanent five with the provision of

the veto. The Council, it can be argued, has also been utilised to further the interests of

certain states, particularly in relation to the spread of norms and ideals. The concept of

institutional power also fits with the arguments outlined by Keohane that states utilise

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[43] For more see Chapter One Pages 45-49

[44] See Rosenau, James N.,*Along the domestic-foreign frontier: exploring governance in a turbulent world* (Cambridge University Press Cambridge: 1997) pg 6-7 and Held, David and Anthony McGrew, *Governing globalization: Power, authority and global governance* (Polity Press Cambridge: 2002)

[45] Barnett, Michael and Duvall, Raymond, *Power in international politics* (International organisation: 59: 1: 2005) pg 58

international organisations to achieve their own objectives and that there is a need for greater accountability in these organisations.[46] The issue of accountability is also raised by critics of Global Governance such as Murphy, who examines Cox's idea of the nebuleuse and argues that if this phenomenon is occurring then there is a need for actors within that sphere to be held accountable.[47]

Following on from this is their examination of structural power and how this is used by states and other actors to determine social capacities and to shape self understanding and objectives; again an understanding of power which would fit with the analysis of Cox's understanding of power from social processes.[48] Finally they examine the idea of productive power and how this influences the production of social identities and creates classifications of states and people. Barnett and Duvall's understanding of compulsory power can also be compared to Nye's understanding of hard power, the use of coercion to gain support for action. This form of power is in direct comparison to 'soft power' whereby states utilise their culture and ideology in order to attract support.[49]

The use of 'soft power' Nye argues is key to the pre-eminence of the USA. This is backed up by other academics such as Gaan who argues that unlike dominant states in the past the USA "has managed to convince rather than force the conquered to accept

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[46] For more see Introduction Pg 11

[47] For more see Murphy in Wilkinson, Rorden, *The Global Governance Reader* (Routledge: London: 2005)

[48] See Cox, Robert W., *Social forces, states and world orders: Beyond International Relations Theory.* (Millenium: 10: 2: 1981)

[49] For more on 'soft power' see Keohane, Robert and Joseph S. Nye,*Power and Interdependence* (Scott, Foresman and Co: London: 1989) also Nye, Joseph S., *Soft Power and American Foreign Policy* (Political Science Quarterly: 119: 2: 2004)

every major aspect of its culture."[50] Within the Security Council the USA utilises its

'soft power' to gain support for actions and resolutions and in order to be successful

> "it has to attract the other key members of the security council, the so called
> P4, so it needs to make sure that it has policies that they see as legitimate
> otherwise they can veto or prevent policy going ahead."[51]

The ability of the USA to use its 'soft power' to gain support has, in the eyes of

academics such as Soederberg, directly contributed to the hegemony of the USA both

within the council and globally.[52] However, following the intervention in Iraq in 2003 it

can be argued that the USA has squandered its 'soft power' and that this has led to a

loss of legitimacy for the USA in the eyes of the council and the wider international

community.[53]

From the above analysis it is clear to see that the development of the concept of

Global Governance has not, as its supporters argue, occurred in a space devoid of

power. Rather it has developed because of the influences of powerful states who wish

to utilise its norms to further their own agenda, in the same way they have utilised other

forms of power to do so in the past. Although the focus has shifted from 'compulsory'

or 'hard' power to the use of 'soft' power as a means of influence, it is clear that states

are still utilising international organisations, and therefore institutional power, or as

Cox argues, power from social processes, to further their own agendas. The use of this

kind of power, institutional and soft, lends legitimacy to the actions of states. The

importance of that legitimacy has been clearly demonstrated by the loss of 'soft' power

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[50] Gaan, Narottam, *Globalization and the international system: economic and political changes* (International Studies: 43: 3: 2006) pg 308
[51] Interview with Professor Joseph Nye 7th May 2008
[52] Soederberg,*Global Governance (2006)*
[53] Nye, Joseph S., *The new Rome meets the new barbarians* (The Economist: 362: 8265: 2002) 23-25

which the USA has faced in the period following the intervention in Iraq, which was

perceived as illegitimate by powerful members of the Security Council such as

France.[54]

The need for other states to view actions as legitimate has been a continuous

challenge to the member states within the Council, particularly in two recent situations.

The first was the NATO bombing in relation to Kosovo in 1999; the second was the

2003 invasion of Iraq.[55] In both situations the legitimacy of the actions proposed by the

USA and its allies was questioned. In both cases no Security Council resolution was

provided in support of the action undertaken. This then raised the question of the gap

between law and legitimacy. As Thakur outlines

> "When NATO launched a 'humanitarian war' without UN authorisation in
> Kosovo, it raised a triple policy dilemma: 1 To respect sovereignty all the
> time is sometimes to be complicit in humanitarian tragedies; 2 To argue that
> the Security Council must give its consent to international intervention for
> humanitarian purposes is to risk policy paralysis by handing over the agenda
> either to the passivity and apathy of the Council as a whole, or to the most
> obstructionist member of the Council, including any one of the P5
> determined to use the veto clause; 3 To use force without UN authorisation
> is to violate international law and undermine world order. The three
> propositions together highlight a critical law–legitimacy gap between the
> needs and distress felt in the real world and the codified instruments and
> modalities for managing world order. Faced with another Holocaust or
> Rwanda-type genocide on the one hand and a Security Council veto on the
> other, what would we do? Doing nothing would progressively de-legitimise
> the role and undermine the authority of the Security Council as the
> cornerstone of the international law enforcement system. But action without
> UN authorisation would be illegal and also undermine the lawful authority
> of the Security Council. The law–legitimacy distinction was to resurface

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[54] For more on the loss of soft power see, Nye, Joseph S., *US power and strategy after Iraq* (Foreign Affairs: 82: 4: 2003) 60-73 and Nye, Joseph S., *The decline of America's soft power* (Foreign Affairs: 83: 3: 2004) 16-20

[55] See also Chapter Five Pages 225-228

four years later over Iraq and leave many Westerners rather less comfortable than the Kosovo precedent."[56]

These two examples have raised large questions both within and around the Council and have raised the issue of exceptionalism within the Council. This has bred a sense of resentment within and towards the council, with some states arguing that the "rules apply to everyone else not those with power."[57] This resentment then causes problems for the Council in securing support for and mandates for peacekeeping operations as "the resentment of the council's elected members to the hegemony of the five (has) also contributed to the breakdown of close and regular coordination."[58] This problem was highlighted by Professor Johnstone utilising the above examples, who stated that

> "the problem is if the security council doesn't act to authorise an intervention and isn't able to stop it, which it can never do if it's a powerful country or coalition of countries, then there is probably not much it can do to react either. So to imagine the Security Council condemning some action by one of its members especially one of its permanent members is just not realistic. I mean the Russians tried that when NATO intervened in Kosovo, they introduced a resolution condemning it and that resolution was defeated twelve to three or something. You know the Security Council couldn't possible adopt a resolution condemning the US intervention in Iraq so the Security Council can't really react."[59]

The problem for other members of the Security Council then stems from the reaction after the intervention, because as Johnstone goes on to illustrate

> "If there's a humanitarian crisis, if there's a security crisis then the Security Council has some responsibility to help clean up the mess even though it was not responsible for the mess, but there is risk that in so doing it looks

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[56] Thakur, Ramesh, *Law, Legitimacy and the United Nations* (Melbourne journal of international law: 11: 2010) 1-26
[57] Interview with Former UN official 26th August 2009
[58] Bosco,*Five (2009)* pg 197
[59] Interview with Professor Ian Johnstone 3rd July 2008

like it is condoning the original breach of international law. So that's why
it's going to end up being a very political thing."[60]

There is however another side to this argument which is made by academics such as

Adam Roberts who argues that

"Sometimes the willingness of one or more member states to use force in
support of proclaimed Security Council objectives may actually galvanize
the other security council members to take action, because of concern that,
otherwise, they or the council as a whole would become irrelevant."[61]

The real question here is "in what ways can or should the security council reengage in

the situation which has initially flown in the face of international law, the UN charter,

and the Security Council's responsibilities?"[62] Should the UN become involved in post

invasion scenarios or is this likely to encourage more unilateral actions which leave the

international community to fix the inevitable mess? There is no easy answer to this

scenario and it is one which the Security Council is currently facing, as Hurd argues

"the most common malady identified at the Council is that the membership of the

Council contains such inequalities that it threatens to delegitimize the body as a

whole."[63] In both Kosovo and Iraq the Security Council had passed a whole raft of

resolutions prior to the interventions, these resolutions can then be utilised by the

interveners to justify their actions. The issue then becomes one of power and perception

as Weiss argues, "there is a question of perception here but ultimately states do what

they want to do and particularly powerful ones."[64] The problem then becomes, as

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[60] Ibid. Johnstone
[61] Roberts in Malone, *Security Council (2004)* pg 139
[62] Interview with Professor Ian Johnstone 3rd July 2008
[63] Hurd, Ian, *Myths of Membership: The Politics of Legitimation in UN Security Council Reform* (Global Governance: 14: 2008) 199-217
[64] Interview with Professor Thomas G. Weiss 9th July 2008

Johnstone states, "how to force the Security Council, permanent members in particular, to be more responsive and responsible in dealing with the rest of the membership."[65] Because if a "states voluntary compliance depends on their perceptions of the legitimacy of the council and its actions - its symbolic power"[66] then "the chief determinant of failure or success will be the quality of decisions made by member states in the Security Council, led by the permanent five states."[67]

The problem for the Security Council and the wider United Nations is that it's

"Independence is highly constrained: member states, especially the powerful, can limit the autonomy of International Organisations, interfere with their operations, ignore their dictates, or restructure and dissolve them."[68]

This then limits the situations in which the organisation can act, as was explored in the previous chapter in relation to the development of peacekeeping throughout the Cold War. As former Ambassador to the Security Council Sir Jeremy Greenstock explains, "If you take Africa type peacekeeping operations all fifteen members of the Security Council normally want to do their best for the wretched state in trouble."[69] This statement is however contradicted by the level and type of action which the UN has undertaken in Africa, both in the past and today. For example the complete failure of the international community to respond to the genocide in Rwanda, the ongoing crisis in the Democratic Republic of Congo and the situation in Darfur, as well as the limited

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[65] Interview with Professor Ian Johnstone 3rd July 2008
[66] Karns,*International organizations (2004)* , pg 114
[67] Thakur, Ramesh, *From Peacekeeping to Peace operations* (Conflict Trends: 4: 2004) For more on the perception of legitimacy see Hurd, *Myths of Membership (2008)* also, Hurd, Ian, *Legitimacy, Power, and the symbolic life of the UN Security Council* (Global Governance: 8: 2002) 35-51and Clark, Ian,*Legitimacy in International Society* (Oxford University Press Oxford: 2005)
[68] Diehl in Diehl, Paul F., *The politics of global governance* (Lynne Riener: usa: 2001) pg 11
[69] Interview with Sir Jeremy Greenstock 8th December 2009

involvement in the ongoing collapse of Somalia. It is clear that whilst the members of

the Security Council make politically expedient statements, the real problem is finding

the resources and support for taking action. What is clear is that "when humanitarian

and strategic interests coincide, a window of opportunity opens for those seeking to act

on the humanitarian impulse in the Security Council."[70] For example the NATO

intervention in the Former Yugoslavia and Kosovo, the First Gulf War and the

Australian led intervention in East Timor. In situations where strategic interests do not

coincide with the humanitarian crisis however, the outcome is much different. In those

situations it seems more like states are "using the UN as a 'dustbin' into which they

throw urgent and difficult matters that they cannot tackle themselves."[71]

It is clear from past results that

> "When the council is united, its members can wage war, impose blockades,
> unseat governments, and levy sanctions, all in the name of the international
> community. There are almost no limits to the body's authority."[72]

The problem then stems from how to unite the council in order to achieve those

successes. With the cost of peacekeeping operations, the provision of troops and

resources "membership in the magic circle of the permanent five naturally involves

heavy costs, as well as privilege."[73] These costs do not however mean that the

permanent five have carte blanche to do as they please. The issue of exceptionalism has

been raised ever more increasingly as the elected members, troop contributing

countries, and developing powers attempt to increase their influence within the Council.

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[70] Weiss in Malone, *Security Council (2004)* pg 37
[71] Roberts, Adam, *The UN and international security* (Survival: 35: 2: 1993)
[72] Bosco,*Five (2009)* pg 3
[73] Roberts, *The UN (1993)*

There are increasing calls for more inclusive deliberations, more participation and more transparency[74] on the part of both the permanent five and the Council as a whole.

The perceived lack of legitimacy, which will be discussed in the following section, is also having an impact on the amount of power and influence the Council has in the wider international system. Being at the forefront of responses to crises has meant that the Council has become "empowered to decide if there is a problem at all, what kind of problem it is, and whose responsibility it is to solve it."[75] Following the situation in Iraq however the United Nations was viewed by many as a broken flush, an organisation ill suited to the challenging times the international system was facing. The council in the past was an example of International Organisations that

> "Are powerful not so much because they possess material and informational resources but, more fundamentally, because they use their authority to orient action and create social reality."[76]

Following the end of the Cold War, and even during the Cold War, the Council had a profound impact on the way key foundations of the international system were viewed. The expansion of what constitutes a threat to international peace and security has been based on the wording of Council resolutions and actions authorised by the Council. Actions which have led to the emphasis on human rights which now pervades the international system, the suggestion that sovereignty should be conditional on responsibility, these are examples of ways in which the Council has been "defining meanings, norms of good behaviour, the nature of social actors, and categories of

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[74] Interview with Professor Ian Johnstone 3rd July 2008
[75] Barnett,*Rules for the World (2004)* pg 14
[76] Ibid. pg 6

legitimate social action in the world."[77] However, despite its past influence, the Security Council is now facing questions as to whether or not it is the only legitimate and legitimating body that exists in the international architecture.[78]

The following section of this chapter examines how the question of representation on the council is impacting on the perceived legitimacy of its actions. It argues that the failure to reform the council has enabled the legitimacy of its operations to be called into question but it will also argue that reform poses its own set of problems. It is clear that "weighty responsibilities are landing on the shoulders of an organisation that national governments have deliberately kept weak."[79] What is less clear is whether reform of that organisation will improve or undermine its ability to act in crisis situations.

## Representation and legitimacy

As the balance of power in the international system has shifted there have been increasing calls for reform of the Security Council to make it a more representative body. The argument is that "expansion would increase the council's legitimacy"[80] and that "a broader and more diverse council might persuade more states to participate in peacekeeping, to comply with sanctions, and to settle their disputes peacefully."[81] These arguments are born out by academics and practitioners alike with one official

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[77] Ibid. pg 7
[78] Interview with Ambassador Colin Keating 28th August 2008
[79] Power, Samantha, *Business as usual at the UN* (Foreign Policy: 144: 2004)
[80] Bosco,*Five (2009)* pg 203
[81] Ibid. pg 203

arguing that it should improve force generation[82] by increasing the buy-in of member

states. While academics including Craig N. Murphy support this argument, stating that

> "If it were possible to get the kind of Security Council reform that would reflect the balance of power as it currently is that many peacekeeping operations coming from the global level would be more legitimate."[83]

The issue of legitimacy has become increasingly important in the face of recent

challenges to Security Council, including the 2003 invasion of Iraq. As former

Ambassador Sir Jeremy Greenstock explains

> "the UN took a heavy legitimacy hit in the immediate aftermath of the invasion of Iraq. It took a hit from the republicans in the US who felt the UN was useless in overthrowing a very illegitimate Saddam Hussein regime, who had killed and tortured so many of his own people, had used chemical weapons etc. It was seen by others, particularly by many developing countries and some European countries as being impotent in the face of the US desire for regime change against international law. So there was a legitimacy hit in both those camps immediately after 2003."[84]

For a period of time it seemed that the UN had become irrelevant, that the

international system would revert to a system of unilateral interventions. As Professor

Adam Roberts argues, the failure of the Council to agree was a clear demonstration of

the lack of a UN based collective security system, and showed that the UN is not at the

heart of the existing international security system. The inability to agree undoubtedly

showed the limitations of the organisation. At the same time the fact that the operation

proved questionable, was based on questionable grounds and went wrong in the

occupation phase, proved the Security Council was right to be nervous.[85] This is

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[82] Interview with MOD Official 24th February 2009
[83] Interview with Professor Craig N. Murphy 3rd September 2008
[84] Interview with Sam Daws 9th December 2009
[85] Interview with Professor Adam Roberts 8th December 2009

substantiated by Sam Daws went on to state that "the fact that no weapons of mass

destruction were found in Iraq I think in some ways resulted in an uplift of legitimacy

of UN processes."[86]

Since its creation the authority of the Security Council has been continuously

challenged

> "If you read a history of the Security Council it's always had this sort of
> rollercoaster ups and downs ever since it was established. The interesting
> thing is its resilience it comes back from the dead as many times as Lazarus,
> you know it's astonishing."[87]

Despite these challenges the Security Council continues and this continuance is in part

based on the strength of it's legitimacy within the international community. According

to David Bosco this legitimacy comes from a number of areas, representativeness,

effectiveness, power, and procedural propriety.[88] This idea is backed up by Barnett and

Duvall who argue that International organisations have to demonstrate legitimacy in

two ways, procedurally and substantively.[89] The question is then raised as to whether or

not the Council is meeting these necessary requirements for legitimacy.

If you begin with representation the Council is clearly not a reflection of the world

as it is today, instead it reflects a power balance which is long gone. This leads to the

argument, as Hurd outlines that that "the Council's legitimacy is in peril unless the

body can be reformed to account for recent changes in world politics."[90]  Which then

raises the issue of reform, should the membership and structure of the Council be

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[86] Interview with Sam Daws 9th December 2009
[87] Interview with Lord David Hannay 6th October 2009
[88] Bosco, *Five (2009)*
[89] For more see Barnett, *Power (2005)*
[90] Hurd, *Myths of Membership (2008)*

altered to make the council more representative, and would this indeed increase the legitimacy of the body? As mentioned above there are arguments to suggest this would be the case, and whilst there is "an obvious tension between size and representation" [91] as one UK mission official noted

> "It should not be forgotten that if we do nothing with the council the dynamic within the council changes routinely anyway, in terms of which particular member states belong on it and that is something that the expansion or contraction or whatever will have no impact on.[92]

This was borne out by Lord Hannay who stated

> "I don't myself ever buy this idea that the Security Council, constituted as it is now, is completely discredited, incapable of doing anything, its all a lot of nonsense frankly. Just look at it, you'll see its doing things every day and do people say well because you've only got x number of people, three Africans, it cannot be legitimate. Well no of course they don't say that, it's not true, it's simply not true. Do the three Africans on the security council have a very big weight in what's done in Africa of course they do, they don't need to be five in order to do that, its not going to make that much difference. So I think it's an overrated subject and one which every time it's put to the test and you fail, it diminishes the legitimacy of the institution which is what the people who put forward the reform proposals are said to be trying to support, so I think they ought to be more cautious.[93]

This was contradicted by Professor Craig N. Murphy who argued that if reform occurred it "would be easier for example for UN peacekeeping to operate in Africa, in parts of Africa, rather than having to operate with the AU" he did however then go on to state that "my sense is that Security Council reform is almost impossible."[94]

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[91] Interview with UK Mission Official 27th August 2008
[92] Interview with UK Mission Official 27th August 2008
[93] Interview with Lord David Hannay 6th October 2009
[94] Interview with Professor Craig N. Murphy 3rd September 2008

There have been several attempts to raise the question of Security Council reform, originally in 1993 with the establishment of the General Assembly working group on reform, in the High Level Panel Report[95], and at the world summit in 2005. None of the suggestions have been successful and as Lord Hannay implies lead to a scenario which only continues to undermine the legitimacy of the organisation. Whilst reform of the Council would indeed make the institution more representative, there are still too many unanswered questions as to whether or not it would improve the capabilities and efficacy of the organisation. Although it would improve buy in from developing states as to the legitimacy of operations it would not necessarily improve the provision of troops capable of undertaking the increasingly complex peacekeeping missions which are being mandated.

The next standard relates to the efficacy of the organisation, whether or not it is fulfilling its mandate, and producing substantive results. For some academics such as Joseph Nye, whilst "highly technical organisations may be able to derive their legitimacy from their efficacy alone....the more an institution deals with broad values, the more its democratic legitimacy becomes relevant."[96]   Therefore for Nye, the outcome is not as important as the process of decision making. For other academics however the outcome is more important in the provision of legitimacy which in relation to the Security Council this entirely depends on the interpretation of its mandate. Under the Charter it is given primary responsibility for the maintenance of international peace and security. What this means is however open to a variety of interpretations. There

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[95] United Nations, *High Level Panel Report on Threats, Challenges and Change, A more Secure World: our shared responsbility* 2004)
[96]Nye, Joseph S., *Globalizations democratic deficit* (Foreign Affairs: 80: 4: 2001)

have been a number of abject failures on behalf of the Security Council including

Rwanda and Somalia, there have however also been a number of successes, including

Cambodia, Mozambique, and El-Salvador. For some the failures are a clear

demonstration of the "inadequacies of the council's strategies to date for sustaining the

peace it sometimes helps establish."[97] Lord Hannay, a former ambassador on the

Security Council, believes however that "the UN has learned quite a lot of lessons, its

become much more professional in its operations, its headquarters staff are much better

organised, in the field it on the whole seems to be a bit better" whilst still recognising

that "there are still terrible failures."[98] These failures, it can be argued may help

improve the Council

> "by revealing the structural weakness of the council manifested in the lack
> of accountability, the non affirmation of prevailing legal principles, and the
> non representative nature of the council's composition."[99]

The failure to deal with these problems will only further undermine the authority the

council has within the international system.

The issue of power has been dealt with above so the final standard is based on

procedural propriety. For practitioners such as Sir Jeremy Greenstock

> "You get clear legitimacy from a UN security council resolution because
> that has gone through a process and careful thought by quite experienced
> minds backed up the secretariat etc. And it has an established base, in the
> UN which is a treaty based organisation which obliges its member states to
> do certain things under certain conditions, so you've got legitimacy through
> the UN Security Council being properly used to lay the basis for a
> peacekeeping operation."[100]

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[97] Malone in Malone, *Security Council (2004)* pg 3
[98] Interview with Lord David Hannay 6th October 2009
[99] Adelman and Surhke in Malone, *Security Council (2004)* pg 484
[100] Interview with Sir Jeremy Greenstock 8th December 2009

The level of transparency in the inner workings of the Security Council has however raised questions as to the propriety of actions taken. As Polman explains "only the 15 members of the security council know the details of the negotiations which lead to resolutions."[101] This has led to calls for greater transparency in decision making relating to initiation of mandates, mandate renewal and closure or winding down of missions.[102] Because, "as the council acts on behalf of the whole membership, it has a special obligation to act as transparently as possible" although Bailey and Daws do give this statement the caveat "so long as this does not interfere with its primary responsibility for maintaining international peace and security."[103]

The lack of transparency within the council has led to claims that member states are "approving UN missions in Africa, and then having nothing to do with them."[104] That the lack of representation of those directly benefiting from operations, and those providing the largest proportion of troops has resulted in questionable legitimacy for the Security Council. Now is the "time for the international community to be doing more to close the gap between rhetorical support for prevention and tangible commitment."[105] The problem is then, according to Thomas G. Weiss

> "whether the security council will ever sign off on anything and since it was
> unable to do anything in Rwanda or in Kosovo, on one occasion the
> Security Council did nothing, or did too little too late, and on the other
> occasion they did nothing and therefore NATO did something too soon and
> too early according to other observers. I think even an unreformed Security

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[101] Polman, Linda,*We did nothing* (Penguin: London: 2003), pg xiii
[102] Interview with Sam Daws 9th December 2009
[103] Bailey, Sydney and Sam Daws,*The procedure of the United Nations Security Council* (Clarendon Press Oxford: 1998), pg 393
[104] Polman,*We did nothing (2003)* , pg xiii
[105] ICISS, *R2P (2001)* , pg19

Council is unlikely to take a humanitarian decision and a reformed Security Council would never take such a decision."[106]

If the Council's legitimacy remains in question then it will only become harder for it to intervene in ongoing crises around the globe. As Chesterman argues

> "there is a reason why matters of international peace and security were delegated to a smaller body with special rights accorded to the most powerful countries of the day. If the cost of greater accountability were that the capacity of the Security Council to respond to a crisis suffered, many would argue that the cost would be too great. In this respect, those who urge the Council to make decisions in a transparent manner open to a wide range of contesting viewpoints should be careful what they wish for: the only example of the Council functioning in this manner in recent years is on the handling of the Iraq file during 2002–2003. The rifts to which this gave rise are the reason why reform is on the agenda today."[107]

The failure of the council over the past two decades to produce results in an increasing number of situations has led to questioning of the viability of the Council in today's international system. This is despite the dramatic shift in the type of interventions which the council has undertaken. There has been a clear move towards more intervention into crises which would have previously been deemed to fall within the concept of state sovereignty. The failure of the Council to deal with several of these situations, such as Somalia and Rwanda, has left the organisation open to attack.

What is clear is that the Security Council has become involved in much larger projects than ever before. It has become involved in rebuilding entire state infrastructures in post conflict situations. Through these projects the Security Council has then become a key component in the development of global governance. Within the

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[106] Interview with Professor Thomas G. Weiss 9th July 2008
[107] Chesterman, *Globalization rules (2008)* pg 46

projects it is undertaking it is also enabling the transmission of very particular norms and ideals across the globe. This transmission of norms then makes it important to understand whose ideals are being transmitted and why?

In the case of the Security Council this is even more important as the role of peacekeeping operations in the transmission of concepts such as democracy, good governance and human rights has led to questioning of the legitimacy of such operations. The role of the Council in the development of Global Governance has become increasingly important as the Council becomes increasingly involved in issues which previously fell under the restrictive concept of sovereignty. As the organ with the designated responsibility for international peace and security, this then places the Security Council at the forefront of solution finding for global problems.

Within Global governance the removal of problems from a state to a global level only increases the importance of international organisations such as the UN and the Security Council. As Zurn argues, "the removal of numerous decisions from the circuit of national and democratic responsibility gives rise to normative problems, which in turn lead to growing acceptancy problems and resistance to global governance."[108] An issue which is further underlined by the reality that that the role of hegemonic states is a defining factor in how these organisations are viewed by the wider international system. In relation to the Security Council the actions it is able to take are based on its perceived legitimacy within the international system. This legitimacy is unfortunately again being questioned as the role of powerful states and the influence they have on

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[108] Zurn, Michael, *Global Governance and Legitimacy Problems* (Government and Opposition: 39: 2: 2004) 260-287

Council actions is once again called to the fore. Recent situations such as Kosovo and Iraq have demonstrated the inability of the Security Council to deal with its more powerful members and this inability has placed the institution in a precarious position.

It now seems that the inequality within the Council, between permanent members and non-permanent, developed countries and developing, troop contributors and those mandating the operations is having a negative impact on the actions of the Council itself. The next chapter examines three of the issues connected to this inequality which are having a large impact on the provision of peacekeeping operations; sovereignty, legitimacy and conditionality. It argues that the Security Councils legitimacy, whilst under scrutiny is still robust. It also argues that there has been a clear shift in the concept of sovereignty, that there are new conditions being applied in order for states to earn this right and that this is making it easier for interventions to occur. Finally it argues that this is having a direct impact on peacekeeping operations as they are asked to undertake a much wider variety of tasks than ever before.

## Sovereignty, Conditionality and Legitimacy: What makes an intervention legitimate?

In the previous chapter the role of power within the Security Council was examined. The chapter argued that the asymmetrical power relations within the Council are having a negative impact on peacekeeping mandates as powerful member states utilise their influence to ensure that these mandates enable the transference of particular norms of governance and responsible statehood to conflict torn societies. It also argued that the transfer of these norms is directly impacting on the development of the idea of global governance as the UN has become involved in the reconstitution of states that, once recovered, can move forward to become responsible members of the international community, and partners in resolving global problems.

Through these projects the Security Council has then become a key component in the development of global governance. The chapter also argued that because of this transmission of norms it is then important to understand whose ideals are being transmitted and why? In the case of the Security Council this is even more important as the role of peacekeeping operations in the transmission of concepts such as democracy, good governance and human rights has led to questioning of the legitimacy of such operations. As the perception of legitimacy is key to the success of peacekeeping operations the basis for the legitimacy of operations as well as the current problems the organisation is having in ensuring the perception of legitimacy is examined in more detail in this chapter.

This chapter argues that there has been a clear shift in the concept of sovereignty, that there are new conditions being applied in order for states to earn this right and that this is making it easier for interventions to occur. Because of this change in the concept of sovereignty it also argues that the international system is moving towards a reality where sovereignty is becoming conditional and that the concept of sovereignty is not being applied in a consistent and equal manner in relation to interventions. Due to this inequality in application the chapter goes on to argue that the legitimacy of all peacekeeping operations is now being called in to question. It also argues that the traditional limitations of neutrality, non-use of force and respect for sovereignty, which was based on the concept of host state consent, are no longer being applied and that this is having a direct impact on peacekeeping operations as they are asked to undertake a much wider variety of tasks than ever before.

This chapter then goes on to argue that the concept of consent is critical to the success of peacekeeping operations and that undermining this concept is one of the key factors in the loss of legitimacy within peacekeeping operations. This loss of legitimacy has then directly contributed to states searching for alternatives to either supplement or replace the UN in its capacity as the leading international peacekeeper. This chapter argues that although there are plausible alternatives to the UN these alternatives face as many, if not more, challenges than the UN and that they in fact may lead to a more unequal and potentially more volatile international system than is currently in place.

## The evolving concept of sovereignty

Since the signing of the Treaty of Westphalia state sovereignty has been based on the concept of "the independent and unfettered power of a state in its jurisdiction."[1] Throughout the Cold War the "strict observance of the sovereignty of nations remained the foundation of international law"[2] and this was illustrated by the importance the UN placed on gaining consent from the host state or states before deploying any peacekeeping mission. However, since the end of the superpower conflict at the end of the 1980s the strict observance of state sovereignty and the right of non-intervention has become contested and the Security Councils "decisions have eroded concepts of state sovereignty firmly held during the cold war, altering the way in which many of us see the relationship between state and citizen the world over."[3] The key shift in Council decisions has been based on the realisation at the international level that "sovereignty cannot be a licence for states to massacre their citizens with impunity."[4] Throughout the 1990s this realisation manifested in the attempts made to establish a norm of humanitarian intervention[5] supported by "the claim that in the most appalling cases of brutality and slaughter, a state should temporarily forfeit the right to protection from the norm of non-intervention."[6] The argument for limitations on the right of non-

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[1] Weiss, Thomas G. ,*Humanitarian Intervention* (Polity: Cambridge: 2007) pg 12

[2] Messner in Kennedy, Paul; Messner, Dirk and Nushceler, Franz, *Global Trends and Global Governance* (Pluto Press London: 2002) pg 51

[3] Malone in Malone, David M., *The United Nations Security Council* (Lynne rienner: London: 2004) pg 1

[4] Wheeler, Nicholas J., *Legitimating Humanitarian Intervention: Principles and procedures* (Melbourne journal of international law: 2: 2001) pg 6

[5] For a detailed analysis of Humanitarian Intervention see Woodhouse, Tom and Oliver Ramsbotham,*Humanitarian Intervention in Contemporary Conflict: A reconceptualization* (Polity London: 1996)

[6] Wheeler in Welsh, Jennifer M., *Humanitarian Intervention and International Relations* (Oxford University Press Oxford: 2004) pg 37

intervention was furthered by academics such as Francis Deng and Roberta Cohen who argued that sovereignty entails certain responsibilities for which governments must be held accountable, both towards their national constituencies and to the international community.[7] As illustrated in Chapter Three this argument has led directly to the development of the concept of the Responsibility to Protect (R2P).[8] This section is going to examine the idea that sovereignty is not a concrete idea but is rather a fluid concept which has been "arbitrary, contested and ever changing."[9] It will argue that there has been a shift in the understanding of what a state must be in order to be sovereign and that although sovereignty "remains the dominant legitimating principle...it is no longer conceived as an inherent right."[10]

The ICISS report in 2001 outlined four key challenges to sovereignty in today's international system. The first challenge relates to the emphasis now placed on the importance of self determination and the accompanying willingness of some states and non-state actors to either redraw borders to enable this or to pursue violent conflict in order to attain this. The second relates to the expanded definition of threats to international peace and security which have made it much less challenging to breach the traditional notions of sovereignty and non-intervention. Many of these newly defined threats can be directly attributed to the third challenge which is the recurring collapse of state authority, as evidenced in states such as Somalia. The final challenge that the traditional concept of sovereignty faces is the heightened importance which is

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[7] For more see: Cohen, Roberta and Francis M. Deng,*Masses in flight: Global Crisis of Internal Displacement* (Brookings Institute USA: 1996)
[8] See Chapter Three Pages 141 - 166
[9] Moreno in Hobbs, Heidi, *Pondering Postinternationalism* (SUNY Press Albany: 2000)
[10] Wheeler in Welsh, *Humanitarian Intervention (2004)* pg 37

now attached to popular sovereignty and the idea that in order to be legitimate a state must be seen to represent the needs and wishes of the majority of its population, whilst also respecting the minorities within its borders.[11]

These four specific challenges coupled with the development of globalization and global governance, which emphasis the importance of non-state actors "call into question basic understandings of the primacy of the territorial state."[12] Academics such as Thomas G. Weiss argue that with the development of global governance "sovereignty's status and relevance are contested increasingly within international organisations and forums."[13] That many of the newer actors within international relations, such as NGOs, international organisations and advocacy networks, are posing a direct challenge to the sovereignty and autonomy of the nation-state and that sovereignty is no longer the unique preserve of states. This contestation of sovereignty would however be challenged by critics of the development of the concept of Global Governance, such as Muller and Lederer, who would instead argue that the concept is simply masking the fact that specific actors, especially powerful states, are influencing the development of the international system more than others.[14] The undermining, or relocation, of sovereignty is also open to question when you examine the continued emphasis which the Security Council places on reconstituting sovereign states in post conflict societies. This emphasis on sovereignty is a contradiction to arguments

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[11] ICISS, *The responsibility to protect: Background, Research, Bibliography* 2001)
[12] Mingst in Vayrynen, Raimo, *Globalisation and global governance* (Rowman and Littlefield: 2001) pg 88
[13] Weiss, Thomas G., *Governance, Good governance and Global Governance: conceptual and actual challenges* (Third World Quarterly: 21: 5: 2000) 795-814
[14] See Lederer, Markus and Philipp S. Muller, *Criticizing Global Governance* (Palgrave Macmillan New York: 2005)

outlined by writers such as Ian Hurd who argues that today "sovereignty exists wherever processes of legitimation create powerful institutions of authority in world politics."[15] Although his argument would fit with the notion of increased emphasis on self determination and the fact that "sovereignty is less and less seen as resting in nation states and more and more seen as resting in 'peoples' themselves."[16] The selectivity with which the Council chooses to intervene in conflicts involving issues of self-determination again calls into question the extent to which sovereignty has been relocated from states to people.

The emphasis on self determination can be traced to Woodrow Wilson who established self determination as one of the key foundations for recognised statehood.[17] It gained further support following decolonisation, although it was subdued by the Cold War, it again gained traction in the early 1990s as various intrastate conflicts witnessed the attempted secession of separatist groups and regions, including the Former Yugoslavia and Democratic Republic of the Congo. Many of these conflicts have led directly to the expansion of what constitutes a threat to international peace and security, the second challenge to sovereignty. The consequences of these conflicts including

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[15] Hurd, Ian,*After Anarchy* (Princeton University Press Princeton: 2007) pg 185

[16] Conlon, Justin, *Sovereignty vs. Human Rights or sovereignty and human rights* (Race and Class: 46: 75: 2004) pg 78

[17] For a comprehensive look at these ideals and Wilsons other contributions to the development of international norms see: Link, Arthur S., *The papers of woodrow wilson* (Princeton University Press Princeton: 1966 - 1994 ). For more on self-determination seeMarc Weller, Barbara Metzger and Niall Johnson, *Settling Self-determination Disputes: Complex Power-sharing in Theory and Practice* (Brill: New York 2008) also, Hannum, Hurst,*Autonomy, Sovereignty and Self-determination: The Accommodation of Conflicting Rights (Procedural Aspects of International Law)* (University of Pennsylvania Press Philadelphia 1996). For a more European focus on the issue of national self-determination see Ronen, Dov,*The challenge of ethnic conflict, democracy and self determination in Central Europe* (Frank Cass: London: 1997) and for a focus on the connection between globalisation and self-determination see David R. Cameron, Gustav Ranis, and Annalisa Zinn, *Globalization and self-determination: is the nation state under siege?* (Routledge: London: 2006)

large scale refugee problems, internal displacement of populations and humanitarian crises have led the Security Council to adopt much broader mandates authorising interventions into situations which would have previously been deemed to be within the domestic jurisdiction of a state. This has led to a questioning of the continuing relevance of the norm of non-intervention which was previously seen as "a vital rule for encouraging order in a world without international government."[18]

The importance assigned to non-intervention has been eroded as it has become clear that "classical notions of sovereignty provide a poor basis for policy with respect to the post-intervention political decisions in troubled societies."[19] With the shift in conflicts from interstate to intrastate it is now more important for the international community to be able to intervene within the sovereign borders of a state.[20] This does however raise important questions as to the continuing relevance of other key foundations of the international system, in particular the continued importance of the concept of sovereignty itself, as for some academics such as Martha Finnemore "the necessary condition for sovereignty among states is non-intervention."[21] If the international community is then able to intervene much more easily, perhaps under a norm of humanitarian intervention, this then potentially "represents a serious threat to the element of order constituted with international society."[22] This argument is borne out by practitioners in the field who then undermine the importance of recognising

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[18] Doyle, Michael W.,*Ways of War and Peace* (W.W. Norton and Co.: New York: 1997) pg 411
[19]Welsh in Welsh, *Humanitarian Intervention (2004)* pg 276
[20] For a detailed look at the norm of non-intervention see Woodhouse,*Humanitarian Intervention (1996)*
[21] Finnemore, Martha,*The purpose of Intervention* (Cornell University Press: London: 2003) pg 7
[22] Knudsen in Pugh, Michael, *The UN, peace and force* (Frank Cass London: 1997) pg 150

"what you are unleashing by doing it. You've got to think about the effect it's going to cause on the ground, invading a sovereign territory. Ok you might stop an immediate situation if you had the capability to get there at the right place at the right time, but what do you unleash following on from that, are you prepared then to pour more forces in etc?"[23]

The fear is that making interventions easier to undertake or creating "a right of humanitarian intervention represents a serious threat to the element of order constituted with international society."[24] That "restraint in intervention politics is what makes a world of sovereign states possible."[25] The reality is however that

> "Organizations such as the UN, the international monetary fund, and the organization for security and cooperation Europe are entrusted with drafting new constitutions and judicial arrangements, recreating financial institutions, and creating civilian police - in essence remaking entire states."[26]

The need for international organisations to undertake these kinds of projects has only increased as the number of state failures has escalated. This then directly links the requirement for less emphasis on non-intervention to the third challenge facing sovereignty, that of the collapse of state authority. The difficulty is that even in situations where the state has lost its authority "enduring notions of sovereignty make it difficult for outside countries or international organisations to step in."[27] This problem

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[23] Interview with UK Mission Official Two 27th August 2008
[24] Knudsen in Pugh, *The UN (1997)* pg 150
[25] Finnemore,*Intervention (2003)* pgvii
[26] Barnett, Michael and Martha Finnemore,*Rules for the world* (Cornell University Press New York: 2004) pg 2
[27] Waxman, Matthew C., *Intervention to stop Genocide and Mass Atrocities* Council on Foreign Relations:2009) pg vii

extends from the principle of sovereignty by right, whereby the principle of sovereignty "even applies in cases where formal state capacity is practically nil."[28]

In order to understand the importance placed on sustaining state sovereignty, even if that sovereignty is an illusion, the relationship between statehood and global order also needs to be examined. As Christopher Clapham argues, there is in the eyes of most actors within the international system "no alternative to the state as the key regulatory agency at the local level."[29] This then means that state collapse is viewed not only as a local problem but as a threat to systemic stability. Therefore the need to ensure stability has led to continued emphasis on rules and norms which may no longer be suitable or even applicable to the system today. This is because "International society is based on a set of normative structures, with sovereignty being the foremost of them" and many states are concerned that "if these structures are undermined it may lead to either unadulterated anarchy or unmitigated hegemony or a combination of the two - anarchy within and hegemony without."[30] It is also important to recognise the differing levels of importance given to the concept of sovereignty by different states.

Despite the challenges above for many developing and former colonial states sovereignty is still viewed as an essential protective shell providing protection from outside intervention. As Michael Walzer argues this shell has been key to these states development of self determination, providing respite from the fear of external intervention which was so detrimental in the past. For Walzer however, this shell

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[28] Berdal, Mats and David M. Malone,*Greed and Grievance: Economic agendas in Civil Wars* (Lynne Rienner: London: 2000) pg 40

[29] Clapham in Cochrane, Feargal, Duffy, Rosaleen, Selby, Jan, *Global governance, conflict and resistance* (Palgrave McMillan: 2003) pg 41

[30] Roberts in Welsh, *Humanitarian Intervention (2004)* pg 82

breaks down when popular sovereignty is called into question and this issue links in

with the final challenge to sovereignty as outlined in the ICISS report. [31] Although in

theory the

> "International system currently rests on the assumption that the world is
> constituted of independent, sovereign states, equal in their rights and
> prerogative though greatly differing in their size, degree of development and
> military strength."[32]

In reality the "degree and extent of each country's sovereignty depends on the reach of

it's global power."[33] This becomes increasingly important in relation to the

development of norms of intervention, including humanitarian intervention and the

more recent concept of R2P.

With more emphasis being placed on the "obligation of a state to protect the welfare

of its own peoples and meet its obligations to the wider international community"[34]

many weaker states feel more exposed to intervention with the fear being that they will

be classed as a weak or failing state; In other words a state that does "not measure up to

western role models in international political prestige, wealth, military prowess and

national unity."[35] For these states the reality of "an evolving customary international

law that protects human rights and limits sovereignty and that is binding on all states,

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[31] See Walzer, Michael, *The moral standing of states: A response to four critics* (Philosophy and Public Affairs: 9: 3: 1980) and ICISS, *The responsibility to protect* (Ottawa 2001)
[32] Ottaway, Marina and Bethany Lacina, *International interventions and imperialism: Lessons from the 1990's* (SAIS Review: XXIII: 2: 2003)
[33] Gaan, Narottam, *United States, Globalization and the international system: Economic and political challenges* (International Studies: 43: 3: 2006)
[34] United Nations, *High Level Panel Report on Threats, Challenges and Change, A more Secure World: our shared responsbility* 2004)
[35] Weiss, *Humanitarian intervention (2007)* pg 65

whether or not they have ratified existing human rights treaties"[36] does not represent a step forward in international relations. Instead "they conjure up images of colonial domination under the guise of the 19th century 'standard of civilization' doctrine."[37] These states will vigorously defend their sovereign rights including the right to the rule of non-intervention which as Walzer argues "is the respect that foreigners owe to a historic community and to its internal life."[38] This then poses problems for international society when states that vigorously defend their external sovereignty have no capacity to ensure their internal sovereignty, when they are unable to administer and control their territory. They then become "unconventional political units with dramatic security implications"[39], states with externally recognised sovereignty but no internal control. The break up of the Former Yugoslavia provides a good example of this. The collapse bred a number of conflicts that straddled the line between civil war and interstate conflict which then meant that the need to define sovereignty and responsibility over territory became problematic.[40]

This need to define the responsibilities of sovereign states has been coupled with a growing body of legal and academic writing justifying international intervention in defence of human rights. The following section goes on to argue that sovereignty is now viewed by some states as conditional on a state being able to meet particular responsibilities, both internal and external. It then argues that despite this apparent

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[36] Conlon, *Sovereignty (2004)*
[37] Ayoob, Mohammed, *Humanitarian Intervention and International Society. (Cover story)* (Global Governance: 7: 3: 2001) 225
[38] Walzer, *The moral standing (1980)*
[39] Weiss, *Humanitarian intervention (2007)* pg 67
[40] Welsh in Welsh, *Humanitarian Intervention (2004)* pg 61

evolution in the concept of sovereignty not all states agree with these developments. It also argues that not all states believe that sovereignty should be conditional and goes on to argue that this is having a direct impact on peacekeeping operations as making sovereignty conditional has resulted in the need for consent for interventions being eroded, despite the questions this then raises as to the legitimacy of such operations.

## The conditionality of sovereignty

The previous section outlined the apparently "evolving nature of sovereignty"[41] arguing that over time the concrete basis of the principle has been eroded, although the nature of this erosion is not accepted by all states. This section goes on to look at the ways in which sovereignty has become a concept with conditions. It argues that in many cases today "sovereignty yields to the demands of international peace and security."[42] Many of the changes in the way in which sovereignty is understood can be directly attributed to the developments in the concepts of humanitarian intervention and human security as explored in Chapter Three.[43]

Following the end of the cold war, and the claims of the victory of liberal democracy, arguments were made that the world should no longer tolerate regimes which did not promote or respect the idea of human rights, that those states who violated human rights should forfeit their right to be treated as a legitimate sovereign. The culmination of these arguments has been the attempts within the UN to develop the

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[41] Johnstone, Ian, *US- UN relations after Iraq: The end of the world (order) as we know it?* (European Journal of International Law: 15: 4: 2004) 813-838
[42] Weiss, *Humanitarian intervention (2007)* pg 16
[43] See Chapter Three Pages 125-130

concept of the Responsibility to Protect. This concept then makes sovereignty conditional on the behaviour of states; as Mark Duffield argues "the R2P uses threats to human security to argue that sovereignty should now be regarded as contingent."[44] The arguments in favour of the concept are supported by other writers such as Fukuyama who argues that

> "The state retains a critical function that cannot be replaced by any transnational actor: it remains the only source of power that can enforce a rule of law. But for that power to be effective, it must be seen as legitimate."[45]

This then raises the question of how a state becomes legitimate, how does a state meet the necessary conditions of sovereignty, and who decides when these conditions have been met? It also raises issues in relation as to what type of conditions a state should match in order to be sovereign, must it be a democratic state, or are other forms of government acceptable. What level should its respect for human rights be at in order to ensure secure sovereignty? There are also problems in relation as to how to assess criteria or conditions as many of them would be subjective and therefore open to interpretation.

One potential way around these problems is outlined by Grugel and Piper who suggest that the sovereignty of states is already limited, that "the global codification of rights limits the sovereignty of states in principle, by setting uniform and global standards."[46] This codification could include various treaties and international

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[44] Duffield, Mark,*Development, Security and Unending War* (Polity Cambridge: 2007) pg120
[45] Fukuyama, Francis,*After the NeoCons* (Profile Books London: 2006) pg 10
[46] Grugel, Jean and Nicola Piper,*Critical Perspectives on Global Governance* (Routledge: London: 2007) pg 2

agreements including the Human Rights Charter, and perhaps most importantly the

United Nations Charter. Every member state of the United Nations agrees to abide by

the rules outlined in the Charter. Because of this agreement Former Secretary General

Kofi Annan argued that in fact there is no conflict between intervention and

sovereignty; That UN authorised interventions, because of their basis on the consent of

host governments, or through the invocation of Chapter VII of the Charter when

consent is not forthcoming, avoid abrogating sovereignty as the states, by becoming

members of the organisation, have already agreed to abide by these rules and therefore

these limitations on their sovereignty.[47] This argument is also supported by academics

such as Thomas G. Weiss who suggests that "states continually agree to have their

sovereignty impinged upon in a number of ways whether its trade law, immigration

law, and in the case of the UN Charter Security Council decisions."[48] The problem with

this argument is that not every state is having its sovereignty impinged upon to the

same extent, or with the same level of agreement for that impingement.

The extent to which states agree to have their sovereignty breeched is also

questionable in relation to Security Council interventions based on consent as "behind

the consensus is an assumption that the state has a government with effective territorial

control, allowing it to offer or refuse consent."[49]Attempts have been made to

circumnavigate this problem in the developing concept of R2P which, while "it is very

carefully stated that the primary responsibility of the state is to the citizen, the state to

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[47] Annan, Kofi, *Two concepts of Sovereignty* (The Economist 18th September 1999)
[48] Interview with Professor Thomas G. Weiss 9th July 2008
[49] Weiss,*Humanitarian intervention (2007)* Pg 4

which the citizen belongs is responsible for ensuring their security."[50] The

responsibility of the international community is based on the caveat that it only be

applied in situations when

> "the state becomes incapable of fulfilling the responsibilities to which it's
> sovereignty entitles it, like Somalia where there is no state, there's a country
> but there isn't a state, there are no state institutions. That it is only in those
> situations that the international community has gradually moved on to
> ground which suggests that it, the international community, in most cases
> acting through the security council of the United Nations has a residual
> responsibility in those circumstance."[51]

The problem with this argument is that in most cases the Security Council and the

wider international community fail to meet their responsibilities to intervene and

prevent the disastrous consequences which result from state failure. While the

responsibility might be assumed to exist, both on behalf of the state and the

international community, it is more often than not an unfulfilled responsibility. The

failure to fulfil this responsibility stems in part from the fear of establishing an

"international norm of 'pro-democratic' intervention."[52]

This dilemma is further explained by Robert Jackson who notes that "while states

have a responsibility to pursue international justice where they can, they should not

jeapordize other fundamental values in the process."[53] In other words the moral

obligation to prevent war trumps the moral obligation to promote human rights and

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[50] Interview with Lord David Hannay 6th October 2009
[51] Ibid, Hannay.
[52] Weiss,*Humanitarian intervention (2007)* Pg 49
[53] Jackson, Robert,*The Global Covenant: Human conduct in a world of states* (Oxford University Press: Oxford: 2000) pg 291

democracy elsewhere.[54] Although for academics such as Weiss "we have now limped

towards a notion in which state sovereignty means not just a unit that has a language

and a people and exercises some authority but that has another component that includes

protecting ones population"[55] he does recognise that the concept "needs to be

consolidated in customary law."[56] He argues that "sovereignty is not dead but it is

hardly as sacrosanct as it once was."[57] This stance is however contradicted by others in

the field including Lord Hannay who states that while the option for international

intervention exists

> "I wouldn't say that it was a challenge to the doctrine of state sovereignty,
> it's often said that it's the end of the Westphalian principle. I think that's
> putting it very glibly and to me, these reductions, this willingness to get
> involved in national communities is a kind of a default option, it's only the
> option you go to when all else fails, it's not a preferred option."[58]

The continued importance of sovereignty is further emphasised by the fact that United

Nations "membership is based on formal sovereignty rather than a substantive

definition of justice - in particular it makes no practical demands on its members to be

democratic or to respect the human rights of its citizens."[59] Because of this "the UN is

one of the last bastions of national sovereignty."[60] The variation in acceptance of any

shift in sovereignty is also apparent in the selective importance which the Security

Council continues to place on the norm. In some cases sovereignty is taken as

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[54] Ibid. pg 291
[55] Interview with Professor Thomas G. Weiss 9th July 2008
[56] Ibid, Weiss.
[57] Weiss, *Governance (2000)*
[58] Interview with Lord David Hannay 6th October 2009
[59] Fukuyama, *After the Neo-cons (2006)* pg 158
[60] Urquhart in Chesterman, Simon, *Secretary or General?* (Cambridge University Press: Cambridge: 2007) pg 31

inviolable, but in others the Council is more willing to undermine the norm in order to undertake interventions. The willingness to undermine state sovereignty can also be connected to interventions where member states interests are also at stake, as examined below.

The best example of this is the case of Somalia, where prior to the intervention a request for assistance was received from a Somali Diplomat, of the former Somali government which was no longer in existence. This diplomat was then present at the Security Council meeting in relation to the ongoing crisis but was not allowed to speak in case any member of council challenged the authority of the diplomat to do so, as the government of Somalia was no longer in control of the territory. The presence of the diplomat then meant that "the council was thus able to sustain the fiction that it was operating with the consent of Somalia itself."[61] Although some academics argue that the nation state is in decline and that "the westphalian system of absolute state sovereignty now is falling without a replacement in sight."[62] This argument is contradicted by the actions of both states who continue to emphasise the importance of their sovereign rights and their right to non-intervention and by the actions of the Security Council which still seeks consent before deploying operations.

Despite this however it can be argued that sovereignty is indeed conditional. That member states when undertaking entry to the United Nations have agreed to certain restrictions on their actions. It is not conditional on the basis of human rights or good governance unless the Security Council decides that the failure to meet those conditions

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[61] Hannay, David,*New World Disorder* (I.B. Tauris: London: 2009) pg 108
[62] Gaan, *United States (2006)* pg 312

then constitutes a threat to international peace and security, at which point the states sovereignty can be abrogated by a peacekeeping mission based on a chapter seven mandate. While states have been concerned by the development of new norms such as R2P and by the fear that, "the consequences of this new understanding of sovereignty...would destroy the very pillars of international order without offering a robust alternative."[63] The reality is that the Security Council has, at least in theory, the power to undermine their sovereignty without the need for reference to any norm or concept. In the past the Councils power has been limited, both by international circumstances and by resources but in recent interventions there has been a steady increase in the number of Chapter VII mandates being issued, the council has become more willing to act with limited consent. This new willingness to act is however bringing its own set of problems to the Security Council and to peacekeeping operations. A perceived lack of consent has in some cases led to a perceived lack of legitimacy in relation to peacekeeping operations. As legitimacy is key to the success of any operation it is of paramount importance that it be retained. The next section looks at the issue of consent in operations and whether or not the shifts in sovereignty have made it unnecessary for the deployment of operations, or if because of the need for legitimacy, both real and perceived, means that consent is still an important factor in the successful deployment of peacekeepers.

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[63] Welsh in Welsh, *Humanitarian Intervention (2004)* pg 53

## The end of Consent?

Consent, along with impartiality and non use of force, is a key foundation of traditional peacekeeping operations. Throughout the Cold War the issue of consent could make or break a peacekeeping operation as non-intervention defined as "the prohibition of military incursions into states without the consent of the government"[64] was a bedrock principle of the international system.  Since the end of the Cold War however there has been a downgrading of the principle as outlined by Adam Roberts who identifies three key crises which contributed to this. The first crisis followed the success of the First Gulf War, following the removal of Iraqi forces from Kuwait Saddam Hussein began a campaign of persecution against the Iraqi Kurds in the north of the country. In order to prevent this no-fly zones or a Kurdish safe haven, was established over the north of the country to prevent the continued attacks. Known as Operation Provide Comfort it was undertaken by a coalition of military forces who based their actions on Security Council Resolution 688.[65] This was done without the consent of the Iraqi government and was one of the first operations to be established without direct consent. The legality of the operation was later questioned as the resolution did not explicitly authorise the creation of the safe haven, but it still represents a clear step towards the reduction in the necessity of consent. The second operation which also reduced the importance of consent was the establishment in 1992 of the United Nations Protection Force (UNPROFOR) in the Former Yugoslavia.

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[64] Roberts, Adam, *Humanitarian Action in War* (Adelphi Papers: 305: 1996)
[65] United Nations, Security Council Resolution 688, available at http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/596/24/IMG/NR059624.pdf?OpenElement (29th July 2010)

Established under Security Council resolution 743 the operation again was not based on a request or the consent of a host government.[66]

The final crisis was the collapse of Somalia and the establishment of the United Nations Operations in Somalia (UNOSOM). The operation was established by Security Council Resolution 775[67] in but it is Security Council Resolutions 794[68] of the 3rd December 1992 which David Hannay identifies as "probably the most astonishing single document to be agreed in the immediate post-Cold war period at the UN" because "it swept aside the whole notion, or fiction in the case of Somalia, of consent by the host nation."[69] The resolution established the United Task Force (UNITAF) which under the leadership of the United States of America undertook Operation Restore Hope to secure the delivery of humanitarian aid. Hannay also identifies this resolution as the closest document the UN has ever produced which comes close to recognising a legal case for humanitarian intervention. The situation in Somalia will be examined in more detail in chapter seven. Following these three key crises Adam Roberts went on to argue that the downgrading of consent was taking peacekeeping into dangerous territory and that peacekeeping as a tool of the United Nations was not prepared to deal with the potential consequences of this type of action.[70] What is clear is that "the UN confronted a decision in these cases; either depart from the rules of impartiality and consent in order to confront the humanitarian emergency or allow these

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[66] United Nations, Security Council Resolution 743, available at http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/011/02/IMG/NR001102.pdf?OpenElement  (29th July 2010)

[67] United Nations, Security Council Resolution 775, available at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N92/410/10/IMG/N9241010.pdf?OpenElement (29th July 2010)

[68] United Nations, Security Council Resolution 794, available at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N92/772/11/PDF/N9277211.pdf?OpenElement (29th July 2010)

[69] Hannay,*New world disorder (2009)*  pg 109

[70] Roberts, Adam, *The crisis in peacekeeping* (IFS: 2: 1994)

rules to determine the limits of its humanitarianism."[71] This then had a direct impact on the development of future peacekeeping operations and the extent to which they relied upon the consent of the host state.

The three crises also raised the question of who consent should be sought from?[72] In the case of Somalia the government had completely collapse and was therefore incapable of either requesting assistance or providing consent. In the Former Yugoslavia the break up of the Federation meant that only one of the states had a functioning government which was recognised as such by the international community, this reflected the reality that although "effective and legitimate states remain the most solid foundation for international society, the reality of the post-cold war worlds has frequently seen the opposite."[73] Without an effective state to ask for assistance who then should the UN seek consent from?

In many cases the UN would resort to utilising a similar concept to that of 'negotiated access'[74] used by development agencies whereby they would negotiate with all of the combatants in an attempt to gain consent for the deployment of an operation, often based on a formal peace accord. The difficulty of the lack of legitimate governments to provide consent has led to the creation of different forms of consent as identified by Alex Bellamy and Paul Williams. They identify three main forms of consent including, variable consent when the level and nature of consent changes across

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[71] Barnett, Michael and Martha, Finnemore,*Rules for the World International Organizations in Global Politics* (Cornell University Press London: 2004) pg 123

[72] Bellamy, Alex J., *The 'next stage' in peace operations theory?* (International Peacekeeping: 11: 1: 2004) 17-38

[73] Welsh, Jennifer M., *From Right to Responsibility: Humanitarian Intervention and International Society* (Global Governance: 8: 4: 2002) 503

[74] For a detailed look at negotiated access see: Weiss, Thomas G.,*Sword and salve: Confronting new wars and humanitarian crises* (Rowman and Littlefield: New York: 2006)

the mission timeframe, multilayered consent were consent has to be sought at different

levels, including local, national and regional and finally, malleable consent where

consent is influence through consent management.[75] The issue of malleable consent has

however raised some concerns due to the fact that "while consent remains critical for

the support of UN operations by key member states, it has increasingly been coerced

through economic and political pressure."[76] This has raised questions relating to the

legitimacy of interventions if consent has been coerced because state consent is viewed

as an important source of legitimacy[77] for interventions. The perceived lack of

legitimacy has the potential for negative consequences for operations on the ground as

"UN operations in internal conflicts have to pay at least as much attention to local

sources of legitimacy as they do to that more distant source of legitimacy, the

council."[78] If an intervention is not viewed as legitimate by the population it is working

amongst, that then places peacekeepers at increased risk of attack.

The problem of the perceived legitimacy of operations is examined in the following

section of the chapter. The following section argues that the reduction in the importance

of consent along with the attempts to undermine the importance of sovereignty have

had a negative impact on the United Nations legitimacy within the international system.

It also argues that this loss of legitimacy has contributed directly to states search for

alternatives to the Security Council as a legitimating agent for interventions. It then

goes on to argue that while these alternatives have potential they should be maintained

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[75] Bellamy, Alex J. and Paul D. Williams, *Understanding Peacekeeping* (Polity Press Cambridge: 2010)
[76] Zaum in Lowe, Vaughan and Adam Roberts and Jennifer Welsh and Dominik Zaum, *The United Nations Security Council and War* (Oxford University Press: Oxford 2008), pg 171
[77] Hurd, *After Anarchy (2007)*
[78] Lowe, Roberts, Welsh and Zaum in Lowe, *Security Council (2008)* pg 28

under the influence of the Security Council in order to prevent the uneven development of peacekeeping capacities across the globe.

### The United Nations, Regional Organisations and Legitimating Agents.

In the sections above this chapter has argued that there has been a shift in the concept of sovereignty and that the changes in the way this concept is viewed has led directly to a reduction in the importance placed on gaining consent for peacekeeping operations before they are deployed. Following on from this the chapter now examines the ways in which these changes are impacting on the perceived legitimacy of peacekeeping operations. It argues that despite recent setbacks the United Nations "remains an important source of legitimacy in world politics"[79] but that this legitimacy is increasingly contested by member states that are searching for alternatives to the Security Council to guarantee international peace and security. The section begins by examining the ways in which both the Council and operations gain legitimacy before arguing that these forms of legitimacy are being questioned by member states who feel that the Council is unrepresentative and therefore unable to provide legitimate mandates. It goes on to argue that this perceived loss of legitimacy has directly contributed to the increasing influence of regional organisations in the field of peacekeeping but that this influence needs to be carefully managed to prevent the development of unequal capabilities across the globe.

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[79] Nye, Joseph S., *US power and strategy after Iraq* (Foreign Affairs: 82: 4: 2003) 60-73

Following the end of the Cold War and the success of the First Gulf War it seemed

as if the Security Council had received a new lease on life. That it might finally be able

to fulfil the role assigned to it in the Charter to be the predominant body for securing

international peace and security. However after several failures on behalf of the

Security Council to act in a timely and appropriate manner questions were raised as to

the continued legitimacy of an institution that was failing to fulfil its mandate. These

questions were raised despite the fact that "since the Kuwait operation of 1990, the

council has been treated as the most relevant international institution for granting or

withholding collective legitimation for international war."[80] The most recent challenge

to the legitimacy and power of the Council was sparked by the invasion of Iraq in 2003.

The divisions created within the Council were perhaps the most challenging situation

the institution had faced since the start of the Cold war. As UK Ambassador to the

Council at the time Sir Jeremy Greenstock explains the potential danger the Council

faced in dealing with the situation. He argues that

> "To have a division of that depth and intensity and nasty in the Security
> Council was clearly not good for the UN system. Big states when they are
> trying to avoid blaming themselves will blame other states, but they'll also
> blame the UN for not doing something. States that wanted the UN to be
> involved will blame the US for not using the UN. It all gets contentious and
> the arguments used are sometimes forced and unreasonable and bitter." [81]

At the time these arguments, which were as Ambassador Greenstock describes,

unreasonable and bitter, could potentially have led to the destruction of the Council. It

raised serious questions among member states about the relevance of an institution

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[80] Hurd, *After Anarchy (2007)* pg 124
[81] Interview with Sir Jeremy Greenstock 8th December 2009

which could not prevent the actions of a great power, actions which were viewed by many member states, including other permanent members of the Security Council as illegal under international law.

The irony is that the key arguments around the invasion of Iraq were based on the attempts to pass a second resolution, one which would have justified the invasion explicitly; as opposed to the implicit authorisation that the USA was arguing appeared in the earlier resolutions. This clearly demonstrates the importance that states attach to the legitimacy which a Council resolution can provide. In fact as Ian Hurd argues "the controversy at the council was over the legitimacy that comes from a Council resolution. The two camps were aiming for the same goal, to appropriate that legitimacy for themselves."[82] This argument is supported by other academics such as Thomas G. Weiss who puts forward the argument that the push for a second resolution was eventually dropped because, as the USA and other members of the coalition

> "had signed on to the Charter it would have been harder to move ahead had there been a Security Council vote because one would have ignored what was a vote with one veto, two vetoes, three vetoes whatever. Frequently that's why no resolution comes to the floor. The resolution to invade Iraq in February-March 2003 was taken off the table and the United States and the coalition moved ahead without Security Council approval which some people interpret as illegal; but it would have been even more illegal if they had pushed it to a vote, gotten three vetoes and eight votes and still gone ahead. So they chose not to do that."[83]

Again this demonstrates the importance which states place on having their actions viewed as legitimate, and the legitimacy which a UN Security Council Resolution can

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[82] Hurd, *After Anarchy (2007)* , pg vii
[83] Interview with Professor Thomas G. Weiss 9th July 2008

provide. The debates around the invasion of Iraq and the Security Councils failure to prevent it could have resulted in one of two outcomes, it could have "if things had gone better and the US was triumphantly saying look it just goes to show that sometimes good things, legitimate actions require us to defy the will of the security council, defy the UN Charter" [84] it could potentially have undermined the relevance of the Security Council and led to a situation where the future of the institution was questionable. But, as Ian Johnstone then goes on to argue "it just didn't happen. Now if anything its starting to look like it's enhanced the credibility of the UN because it has demonstrated that however messy and difficult these things are you have a better chance of success if you do it through multilateral channels than unilaterally." [85]

The fact that the UN has emerged from the controversy surrounding the invasion of Iraq is a clear illustration of "how the council's actions have contributed to the development of a set of legitimate and effective norms to govern state behaviour."[86] The invasion of Iraq contravened several established norms of international relations and because of this has come to be viewed as both illegitimate and illegal. The UNs unwillingness to be party to the invasion has in some respects contributed to the organisations survival, although many of the questions raised by the invasion still remain unanswered. The main problem is as Sir Jeremy Greenstock argues that "international legitimacy is a fuzzy concept."[87] It is open to interpretation which means that the legitimacy of the council is also open to interpretation. This also means that

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[84] Interview with Professor Ian Johnstone 3rd July 2008
[85] Ibid, Johnstone 3rd July 2008
[86] Steven R. Ranter in Malone, *Security Council (2004)* , pg 591
[87] Interview with Sir Jeremy Greenstock 8th December 2009

"the power of the council is called into question by contests among the powerful states

regarding how legitimacy should be interpreted."[88] Because of this it is then important

to understand where the Council gets its legitimacy from in order to ensure that it can

be retained.

The main basis of Security Council legitimacy stems from its accepted position as

the prime organisation dealing with matters relating to international peace and security.

As Scholte argues "legitimate rule prevails when people acknowledge that an authority

has a right to govern and that they have a duty to obey its directives."[89] In relation to

the Security Council this means that member states recognise the right of the Council to

govern in matters relating to international peace and security and in theory recognise

their duty to obey its resolutions, even if they do not do so in practice. This recognition

is provided by member states acceptance of the Charter and the acceptance that "the

only legitimate authority for action, other than self defence, is a council resolution."[90]

Although this assertion has also been challenged as Joseph Nye argues. He argues that

although

> "The Security Council still has the legitimacy that comes from the UN
> charter, that actions under article seven have a legal basis stronger than
> other actions. There are for example people who would say that you can't
> limit yourself just to the Security Council because of the problem of the veto
> and the case that's often used to illustrate that is Kosovo. The argument is
> that the Security Council didn't approve the bombing of Serbia over Kosovo
> but that it would be justifiable under international humanitarian law, and the
> fact it was a multilateral operation undertaken by NATO provided
> legitimacy. So there's a dispute, some people say well it was legitimate but

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[88] Hurd, *After Anarchy (2007)* , pg 7
[89] Scholte in Wilkinson, Rorden, *The Global Governance Reader* (Routledge: London: 2005) pg 333
[90] Lawrence, Commodore Tim, *Humanitarian Assistance and Peacekeeping: An uneasy alliance?* (RUSI Whitehall Papers Series 48: 1999) pg 47

not legal, others say no you could make it legal under the evolving international humanitarian law."[91]

Although there are arguments to be made that the intervention in Kosovo was legitimate, if not strictly legal, following the intervention the argument was made that rather than encouraging action outside of the Security Council it in fact "discouraged the members from doing things out with a Security Council resolution in the future."[92] This unwillingness to intervene independently of the Security Council can be attributed to a number of factors, not only the lack of perceived legitimacy and legality, but also the reality of the costs of interventions.

The charter basis is not however the only way in which the Security Council gains legitimacy. It also garners legitimacy in two other key ways as defined by Barnett and Duvall, these are Procedural legitimacy and Substantive legitimacy. Procedural legitimacy comes from the transparency of actions, the democratic deliberation and the extent of local participation. While substantive legitimacy is dependant on the decision output of the Council and the amount of consistency and the values associated with that output.[93] The substantive legitimacy of the Council is directly tied to the outcomes and conduct of peacekeeping operations. As Lord Robertson argues "legitimacy comes from a UN Security Council resolution and it comes from the conduct of any operation."[94] This argument is backed by academics such as Welsh, who argues that "judgements about the legitimacy of an action depend not only on which international

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[91] Interview with Professor Joseph Nye 7th May 2008
[92] Interview with Lord George Robertson 28th July 2009
[93] See Barnett, Michael, and Raymond Duvall, *Power in global governance* (Cambridge University Press: Cambridge: 2005)
[94] Interview with Lord George Robertson 28th July 2009

bodies give it formal approval, but also, quite properly, on perceptions of the facts on the ground."[95] This is reflected in the reality that "operations on the ground that are not regarded as legitimate by the citizens of the country you are working in are a problem."[96] In order to ensure legitimacy on the ground Ian Hurd argues that operations must demonstrate three key facets, favourable outcomes, fairness and correct procedure and that without these, no operation can achieve both local and international legitimacy. [97] The problem is again that legitimacy is a subjective concept and not everyone will have the same idea of what constitutes a favourable outcome, or what the correct procedure is. This is equally as important because "the degree of legitimacy also derives from the perceived effectiveness of the operation"[98] but again not everyone involved will have the same idea of what constitutes an effective operation. This then makes substantive legitimacy hard to achieve.

The Security Council has also faced problems in achieving Procedural legitimacy. It has faced "legitimate complaints from the rest of the membership about the lack of transparency in Security Council proceedings."[99] Particularly in relation to the use of informal consultations and the lack of influence of Troop Contributing Countries (TCCs) in the creation and reformulation of peacekeeping mandates. The Security Council has also faced accusations that "far from replacing power politics, the legitimation of the council changes the context of power politics by institutionalizing

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[95] Welsh in Welsh, *Humanitarian Intervention (2004)* , pg 85
[96] Interview with Sir Jeremy Greenstock 8th December 2009
[97] Hurd,*After Anarchy (2007)* , pg 7
[98] Graeger and Navosselofe in Pugh, *The UN (1997)* Pg 259
[99] Hannay,*New world disorder (2009)* pg 146

it."[100] That the Council is merely a representation of more traditional power politics and that the continuation of the veto prevents weaker states from influencing decisions. In other words the argument is that powerful actors are using the UN for collectively validated legitimacy[101], that they are using the Security Council in situations where an operation "needs the imprint of multi-lateral legitimacy to escape charges of neo-imperialism."[102] This argument is backed up by writers such as Joseph Nye who recognises that "use of the UN is one of the important ways to legitimise policies."[103] The argument is that states do so because "the UN ' stamp' of approval has a more intangible benefit, by enhancing both the lawfulness and the political acceptability of the proposed military campaign."[104] Gaining UN approval for operations is one way which states can therefore enhance their 'soft' power as explored in Chapter Four.[105]

The problem is that these charges question the legitimacy of the council which in turn reduces the power and influence of the organisation.[106] Because as Ian Hurd explains "without understanding the peculiar nature of power based on legitimacy, one cannot understand the behaviour and effects of the council." This is because "the council has power when it is seen as legitimate and loses power as that perception recedes."[107] Many of the questions relating to the Councils legitimacy stem from concerns about "whether the UN decision-making process adequately represents the

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[100] Hurd,*After Anarchy (2007)* pg 133
[101] Smith and Weiss in Weiss, Thomas G., *Beyond UN subcontracting* (St Martins Press New York: 1998)
[102] Johnstone, *US-UN (2004)*
[103] Interview with Professor Joseph Nye 7th May 2008
[104] Lowe, Roberts, Welsh and Zaum in Lowe, *Security Council (2008)* pg 26
[105] See Chapter Four pages 181 - 183
[106] See Abramowitz, Morton and Thomas Pickering, *Making intervention work: Improving the UN's ability to act* (Foreign Affairs: 87: 5: 2008) 100-109
[107] Hurd,*After Anarchy (2007)* pg 2/3

interest of actors in the region of the conflict"[108], whether the region is Africa, Asia, the

Middle East or elsewhere. These questions have led to an increasing emphasis on the

use of regional organisations, such as the African Union because

> "they can provide legitimacy, local knowledge, and experience, and some
> resources especially in the form of personnel. However, they also suffer
> several limitations, including a lack of mandate, the difficulty of
> maintaining impartiality and forging common positions, limited resources
> and organisational shortcomings."[109]

The incorporation of regional organisations under the UN system is covered under

Chapter VIII of the Charter but it wasn't until the 2005 report 'In Larger Freedom' that

the potential these organisations represent was formally recognised.

In the report then Secretary General Kofi Annan stated that

> "The time is now ripe for a decisive move forward: the establishment of an
> interlocking system of peacekeeping capacities that will enable the United
> Nations to work with relevant regional organisations in predictable and
> reliable partnerships."[110]

It was hoped that the international system was about to see

> "the rapid emergence of a two tier conflict management system, where
> regional organisations or groupings of states assume primary responsibility
> for mediation, peacekeeping and peace enforcement activities within their
> geographical area. The UN is at the apex of this system, providing
> authorisation, legitimacy, monitoring, advice, and where needed, diplomatic
> and material support."[111]

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[108]Samii and Sidhu in Pugh, Michael and W.P.S Sidhu, *The UN and regional security* (Lynne Rienner:
London: 2003) pg 259
[109] Alagappa, Muthiah, *Regional institutions, the UN and international security* (Third World Quarterly:
18: 3: 1997) 421-441
[110] United Nations, *In larger Freedom* (2005), available at
http://www.un.org/largerfreedom/contents.htm, (29th July 2010)
[111] Jackson, Richard, *The dangers of regionalising international conflict management: The African
experience* (Political Science 52: 41: 2000)

The increasing emphasis being placed on the utilisation of regional organisations stems

partly from the realisation that "exclusive reliance on the UN Security Council to

authorize intervention often erodes the credibility of threats to intervene"[112] due to the

failure of the Council to intervene in a timely and appropriate manner in some crisis

situations. For others "this sub-contracting to other organizations is a new development

caused by the need to back-up or replace peacekeeping operations by the use of

force."[113] In fact it is in relation to those operations which require more force that an

interesting development has occurred. As Boulden notes,

> "in response to regional military initiatives taken without Security Council
> authorisation, it has demonstrated relatively little concern for ensuring the
> primacy of the charter and has been remarkably unprotective of its own
> turf."[114]

This lack of protectiveness for the primacy of the charter can be attributed to a number

of causes. For authors such as Fukuyama it is a clear demonstration that "the UN, while

useful in certain functions like peacekeeping and nation building, is structurally limited

with regard to both legitimacy and effectiveness." [115] For others the willingness of the

UN to allow regional organisations to act independently "serves as a useful cover for

the UN security council choosing to prevent the UN from playing a greater role."[116]

Again the use of regional organisations has led to questions as to the capability of the

United Nations as an international peacekeeper. The somewhat sporadic use of these

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[112] Waxman, *Intervention (2009)* pg 16
[113] White in Pugh, *The UN (1997)* pg 58
[114] Boulden in Boulden, Jane, *Dealing with Conflict in Africa* (Palgrave Macmillan New York: 2003), pg 29
[115] Fukuyama,*After the Neo-cons (2006)* pg 157
[116] Olanisalam and Ero in Pugh, *The UN (2003)* pg 233

organisations is again an illustration of the selectivity of Council members, and the importance which they assign to some interventions to the detriment of others. It is a demonstration that "the complexities of the international political system militate against developing a predictable and reliable inter-locking system."[117]

Although the use of regional organisations does represent "one way of addressing the growing gap between demand and supply and reducing the burden on the UN,"[118] it also poses a lot of challenging questions. The first question relates to the risk that "the danger in allowing greater unauthorized regional enforcement action as opposed to consensual peacekeeping is that.....they are likely to be abused by the regional superpower."[119] Rather than making peacekeeping more representative and responsive this would then only exacerbate power politics on a regional level rather than an international level. Another argument for the utilisation of regional organisations is that decentralisation, delegation and cooperation would lighten the burden on the UN, especially in relation to resources. But there are questions as to the potential for regional organisations to fulfil this devolved responsibility, particularly in relation to the inherent weaknesses of many regional organisations in capabilities and resources, plus the potential difficulty regional actors may face in remaining impartial in a conflict situation.[120] Although some academics such as Fawcett argue that "The UN and regional actors are intimately and increasingly linked in a common security building

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[117] Sarjoh Bah, A. and Bruce D. Jones, *Peace Operations Partnerships: Lessons and Issues from Coordination to Hybrid Arrangements* (New York: Center for International Cooperation 2008) pg7
[118] Alagappa, *Regional Institutions (1997)*
[119] White in Pugh, *The UN (1997)* pg 58
[120] Berdal, Mats, *Whither UN peacekeeping?* (IISS: London: 1993)

project in which a de facto division of labour has emerged."[121] This ignores the reality

that "reliance on regional operations may mean that a greater burden is carried by those

who are comparatively ill equipped to do so."[122]

One of the key testing grounds for the utilisation of regional organisations has been

Africa, it is on this continent that

> "the limitations of the UN have especially been exemplified in conflict-
> stricken African states where the demands for peacekeepers are arguably the
> greatest and regional contributions to UN peacekeeping face the most
> constraints."[123]

It is the limitations of the UN and the challenges they have faced in several complex

conflicts which have led to arguments by academics such as Craig N. Murphy that the

African Union would be better "able to do things that particularly the UN cannot do

because of the greater legitimacy that comes from being Africans, and African troops

and African governments."[124]

The problem is that in some cases the use of regional organisations can undermine

the UN as one field operative argues

> "It undermines the UN in cases again like UNAMID where you end up with
> some kind of hybrid. What the AU lacks. specifically lacks, is resources and
> therefore the AU is always looking to get the resources of the UN. It is quite
> keen to have ownership of some missions and UNAMID is a case in point,
> but what we have ended up with is an organisation which the UN funds and
> the AU is still providing most of the assets or members of the AU are
> providing most of the assets and that hasn't been helpful."[125]

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[121] Fawcett in Pugh, *The UN (2003)* pg 12
[122] Forman and Grane in Malone, *Security Council (2004)*
[123] Neethling, Theo, *International peacekeeping trends* (Politikon: 31: 1: 2004) 49-66
[124] Interview with Professor Craig N. Murphy 3rd September 2008
[125] Interview with UK Mission Official One 27th August 2008

This then leads to a blurring of lines between what the UN wants to achieve and what the AU is working towards on the ground. It only serves to make the operation more complex and convoluted. It is also a clear demonstration that "there is an immense gulf as regards means and resources that effectively separates organisation in the developed world from regional organisations in the developing world."[126] Although academics such as Robert Rotberg argue that "regional or sub-regional organizations need to be encouraged to intervene militarily for peace in their own areas" and that "big power training and funding ought to be made available to prepare for and sustain such regional or sub-regional intervention capabilities."[127] This ignores completely "the inadequacy of regional organisations as a substitute for the UN."[128]

The reality is that the use of regional organisation instead of the UN "may be politically expedient, but it does not represent a conceptual solution."[129] Instead as Marrack Goulding argues the increased utilisation of regional organisations is in fact contrary to the ethical vision of universalism which the UN claims to represent because of the vast differences between the capabilities of regional organisations it would be unethical for people in a region to receive only the level of peacekeeping that region can provide. Goulding is arguing that increased emphasis on the use of regional organisations and decentralization will lead to the fragmentation of security concerns and that in turn could lead to a 'peacekeeping apartheid.'[130] It could also potentially

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[126] Neethling, *International peacekeeping trends (2004)* pg 63
[127] Rotberg in Rotberg, Robert, *Peacekeeping and Peace Enforcement in Africa* (Brookings Institute Washington: 2000)
[128] Hannay,*New world disorder (2009)* pg 28
[129] Mayall in Welsh, *Humanitarian Intervention (2004)* pg 138
[130] Goulding, Marrack,*Peacemonger* (John Murray (Publishers) Ltd.: London: 2002)

lead to "a brewing competition between the United Nations and regional organizations"[131] in which the primacy of the Security Council would not be guaranteed. This situation becomes even more realistic when you look at arguments such as those raised by Sam Daws who notes that

> "There is a greater, and will in the future be, an increasing requirement that all international institutions prove their value for money and their effectiveness. The debate, the narrative will increasingly shift to looking at burden sharing and subsidiarity and looking at the global regional collaboration on the basis of cost with the global economic climate etc.[132]

The problem is that although the UN is strong in some aspects such as troop access, in the eyes of many member states it lacks other important tools. As one UK official outlined

> "The UN lacks organisation and administrative skill and also military planning skills in comparison to the EU and NATO. NATO has the best planning, the military planning is very focused (logistics / tactics). There is also the problem of the small numbers in the UN in comparison to the EU and NATO particularly in relation to qualified military and administrative staff."[133]

Another official outlined the key differences between the UN and the EU in particular:

> "Some of which is related to the way in which the EU operates. It operates much more as a nation state if you like rather than the UN which operates as a massive bureaucracy. In the sense that if the EU is looking at a peacekeeping mission or a peacekeeping scenario the EU looks at it from a much more pragmatic point of view than the UN does. The UN tends to look at it through a completely political prism and therefore you get missions like UNAMID set up which have no real clear military peacekeeping goal, or achievable clear peacekeeping goal. Whereas the EU on the other hand will look at it and say do we have the means to achieve

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[131] Bosco, David L,*Five to Rule Them All* (Oxford University Press New York: 2009) pg 174
[132] Interview with Sam Daws 9th December 2009
[133] Interview with MOD Official 24th February 2009

this? If yes then we might go and do it if no well we won't even consider it any further. That's not what happens here (at the UN), here the political pressure continues in the security council so the UN can end up getting those kinds of missions. So in that sense the EU can be quite helpful. It also has forces of course which are much more capable than the average forces that come forward as troop contributing countries in the UN."[134]

The increasing importance of regional organisations can be attributed to the fact that "legitimated international organizations affect how states perceive their interests and the payoffs of available policy choices." [135] Regional organisations are gaining increasing legitimacy, particularly larger organisations such as the European Union which has in some respects superseded the sovereignty of its member states.

The growing influence of these organisations also explains why "an emphasis on questions of legitimacy is growing as the belief in the inevitability of a state-centred balance of power is in decline." [136] This is not to say however that the Security Council will become irrelevant. Instead its importance may even increase. Among the many considerations that could point in such a direction is that it can authorise the use of force and of peacekeeping operations in a wide range of circumstances, including the use of force by regional organizations. "Technically speaking under the UN charter regional uses of force should be reported to the UN Security Council and any action should be under Council mandate."[137] This need for Council oversight is supported by other academics such as Ian Johnstone who although he is "not one who thinks that the UN needs to be the sole peacekeeper" still recognises the need for Council oversight

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[134] Interview with UK Mission Official One 27th August 2008
[135] Hurd, *After Anarchy (2007)* pg 111
[136] Ibid. Pg 9
[137] Interview with Professor Adam Roberts 8th December 2009

while making the argument that "there are plenty of situations where a security council mandate and a coalition or regional organisation could do just as well as the UN."[138] As Ramsbotham, Woodhouse and Miall argue however

> "The key danger is that those with the military capacity will take on such interventions outside the ambit of the United Nations, and will thereby forfeit the international legitimacy upon which such operations in the end depend."[139]

At the moment "a UN Security Council resolution is the gold standard of legitimacy."[140] However should the influence of regional organisations continue to increase it is clear to see that the Security Council needs to be even more careful to ensure its own continued legitimacy and position at the top of the pile as "the more the Security Council is asked to do and adjudicate on, the more important the council's own legitimacy becomes."[141] As Tanner argues "such a system cannot be created top down, but rather it needs to be built on peacekeeping practices, norms, and interdependent relations of states and institutions."[142]

This chapter has looked at several key issues which impact on the perceived legitimacy of a peacekeeping operation. It has argued that there has been a change in the concept of sovereignty and that the international system is now moving towards a situation where sovereignty will be conditional. It also argued however that this shift in sovereignty is not recognised by all states and that it is also not being applied on an

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[138] Interview with Professor Ian Johnstone 3rd July 2008
[139] Ramsbotham, Oliver and Tom Woodhouse and Hugh Miall,*Contemporary Conflict Resolution* (Polity Press Cambridge: 2006) pg 147
[140] Interview with MOD Official 24th February 2009
[141] Bellamy, Alex J.,*Responsibility to protect* (Polity: Cambridge: 2009) pg 23
[142] Tanner, Fred, *Addressing the Perils of Peace Operations: Toward a Global Peacekeeping System* (Global Governance: 16: 2010) 209-217

equal basis across the international system. Following on from that the chapter argued that there has been a marked reduction in the importance of the issue of consent in relation to peacekeeping operations, this reduction is directly attributable to both the changes in sovereignty and the increasing number of weak or failing states who are incapable of providing such consent.

The reduction in the importance of consent has made it easier for the UN to intervene but conversely has made interventions much harder to undertake on the ground. It has increased the complexity of such operations as peacekeepers now have to negotiate with multiple parties to ensure access. It has also heightened the fears of weaker states and has led to a loss of legitimacy for some operations which are viewed as illegitimate on the ground. This perception of illegitimacy has led some member states to search for alternatives to the Security Council in order to secure peace and security, but these alternatives come with their own set of problems and challenges as argued above.

Following on from this and the previous chapters, Chapter Six combines all of the issues discussed and examines the impact these are having on peacekeeping operations in the field. The chapter argues that the development of global governance, with its emphasis on liberal democracy, has led to the UN undertaking much wider and more varied tasks than ever before. It argues that the increased number of tasks within mandates has not been matched by an equal increase in resources and political will and because of this operations are unable to achieve their goals. This failure to achieve favourable outcomes then leads states to question the legitimacy of such operations,

particularly in relation to the sometimes marked disparity of resources between different interventions. This then also raises questions as to how these operations are mandated and to questioning of the power and representation on the Security Council. The issue of power is also connected to the changes in the concept of sovereignty which having made interventions easier to create has also had the effect of making interventions more complex in the field. Increased complexity in operations can also be attributed to the increase in the number of actors operating within conflict zones and the need for peacekeeping missions to coordinate all of these actors whilst also working towards its own agenda.

## Chapter Six: The impact of the development of Global Governance on

## Peacekeeping Operations in the field.

Following on from previous chapters this chapter argues that the development of

global governance, with its emphasis on liberal democracy, has led to the UN

undertaking much wider and more varied tasks than ever before. It argues that the

increased number of tasks within mandates has not been matched by an equal increase

in resources and political will and because of this operations are unable to achieve their

goals. This leads into the arguments examined in the following chapter which argues

that the failure to achieve favourable outcomes then leads states to question the

legitimacy and validity of such operations, particularly in relation to the sometimes

marked disparity of resources between different interventions. This then also raises

questions as to how these operations are mandated and to questioning of the power and

representation on the Security Council. The issue of power is also connected to the

changes in the concept of sovereignty which, having made interventions easier to create

has also had the effect of making interventions more complex in the field. Increased

complexity in operations can also be attributed to the increase in the number of actors

operating within conflict zones and the need for peacekeeping missions to coordinate

all of these actors whilst also working towards its own agenda.

Utilising four case studies this chapter argues that the development of the concept of

Global Governance[1] is having a detrimental impact on peacekeeping as operations are

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[1] For a detailed exploration of the ideas and concepts of Global Governance see Chapter One.

given ever increasing mandates. It also argues that the UN has become involved in the transmission of the norms associated with the concept of Global Governance, including democratisation, good governance and respect for human rights, and that through this transmission has become involved in a much wider range of tasks associated with the creation of a society of 'good' states based on the liberal democratic model. It argues that this emphasis is causing problems in the UNs ability to intervene in conflicts, particularly in relation to resource allocation and in the questions it raises as to the legitimacy of the interventions taking place as UN interventions have become associated with a western dominated agenda. It looks at the new organisations developing peacekeeping abilities and how all of these organisations are coordinated within the field. It also looks at the disparity in both resources and action in relation to the different case studies and examine the reasoning behind this arguing that certain conflicts are more important in relation to the development of the liberal project than others. This chapter provides a practical application of the theoretical concepts of the previous chapters. It demonstrates the ways in which the development of the concept of Global Governance and the application of the norms associated with this concept have increased the tasks UN peacekeeping operations are mandated to undertake. This connection between the development of the concept of Global Governance and the increasing tasks will provide a new perspective on the problems facing peacekeeping operations and the evident disconnect between rhetoric and reality within UN operations.

The four case studies utilised in this chapter are the interventions in Somalia and The Former Yugoslavia. The intervention in Somalia includes the initial UN intervention UNOSOM I, the UN mandated intervention by the United States UNITAF and the second UN intervention UNOSOM II. While the interventions in the Former Yugoslavia include the UN interventions UNPROFOR in Croatia and Bosnia Herzegovina, UNCRO in Croatia, UNTAES in Eastern Slavonia, UNMIK in Kosovo and UNMIBH in Bosnia Herzegovina. For the purposes of this study the case study on the Former Yugoslavia will focus specifically on UNPROFOR, and UNMIBH as well as the NATO intervention which resulted in the establishment of UNMIK. The intervention in Burundi falls under a single operation ONUB while the intervention in the DRC covers two different but consecutive operations MONUC and the more recent incarnation MONUSCO. These case studies provide a useful insight into the development of UN peacekeeping operations. They cover a broad time period from the 1990's to the present day and have occurred in a variety of geographical locations. This means they can be utilised to analyse responses of the Security Council in relation to different geo-strategic issues which is particularly relevant when examining the resources and political will in relation to each mission. These case studies also involved a large number of other actors, including single states, non-governmental organisations, and other international organisations such as the European Union and NATO. Again this makes them useful in assessing the impact which these organisations have on wider UN peacekeeping. Finally these case studies are also important as they offer a chance to analyse many of the theoretical issues raised in earlier chapters in a more practical way.

All of the interventions raise questions and issues in relation to the ways in which UN peacekeeping is being utilised to further the development of the concept of Global Governance. These questions relate to issues of sovereignty and consent as explored in the previous chapter, as well as the increasing emphasis being placed on the creation of liberal democratic states in post conflict countries which was explored in chapter four. They also provide a chance to examine the impact of the power structures within the Security Council and the increasing influence of regional and other organisations.

This chapter begins by providing an insight into the role of the UN in relation to the case studies before moving on to analyse key issues relating to the individual interventions that can then be applied to wider peacekeeping operations. These issues will include the mandating and resourcing of operations, the increased complexity of co-ordinating with other organisations, the globalisation of local conflicts and the dangers of state building as well as the potential for the creation of alternatives to the UN. It argues that the development of the global governance project has directly hampered the success of peacekeeping operations and led to the large disparity between what the UN says it will achieve and what it is actually capable of achieving. It also argues that this has then in turn left the UN open to direct challenges to its authority in the field of peacekeeping and the search for alternative ways of securing international peace and security.

## The United Nations in Somalia

Somalia collapsed into civil war as two opposing factions struggled to assert their right to power. With no central government to ensure stability the country was quickly divided between various rival militias as other clans became involved in the conflict seeking a chance to assert their influence. The violent conflict disrupted all areas of Somali life and most dangerously the agricultural process. The inability to produce enough food coupled with the displacement of huge numbers of the population combined to produce one of the worst humanitarian disasters of the nineties. Although the descent into civil war was a major factor in the following humanitarian crisis, the problems the country can be traced even further back. "The famine that gripped Somalia in 1992 resulted from the degeneration of the country's political system and economy"[2] and this degeneration began under the rule of Siad Barre who with his manipulation of aid left Somalia with no functional administration (and essentially no government income except aid flows)."[3] Both Terrence Lyons and Ahmed Samatar liken the process of state collapse in Somalia to a long and complex degenerative disease, which "left behind little but the wreckage of distorted traditions and artificial institutions, a vacuum that the most ruthless elements in the society soon filled."[4] It was the humanitarian crisis rather than the collapse of the state which prompted international intervention. The images of starving children displayed on television

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[2] Clarke, Walter and Jeffrey Herbst, *Somalia and the future of humanitarian intervention* (Foreign Affairs: 75: 2: 1996)
[3] Gilkes, Patrick, *From peacekeeping to peace enforcement: The somalia precedent* (Middle East Report: 185: 1993)
[4] Samatar, Terrence Lyons and Ahmed, *Somalia: State Collapse, Multilateral Intervention and Strategies of Political Reconstruction* (Brookings: Washington D.C: 1995) pg 24

screens across the world introduced the so called 'CNN effect' into humanitarian interventions as world leaders were galvanised into taking action. "International perceptions of the Somali war were straightforward and naïve: thugs were looting humanitarian aid and a military intervention would allow the population to gain free access to food and thereby escape starvation."[5] The situation on the ground however was much more complex.

The United Nations had been involved in providing humanitarian relief within Somalia prior to the collapse of the Barre Government. However following the descent into civil war "amid increasing security concerns, the United Nations withdrew its relief operations in mid-1991, leaving only a few NGOs to deal with the escalating humanitarian crisis."[6] At the time

> "neither the means nor the will existed in the UN to mount a major humanitarian response to the swelling crisis. International assistance for the first year and a half of the civil war was left to the International Committee of the Red Cross and a handful of relief agencies."[7]

The failure of the United Nations to engage with the problems in Somalia was so detrimental that it led to the unprecedented situation of the ICRC publicly criticising the operations of the UN within the country in late 1991. Unfortunately in many ways Somalia was a victim of timing, with the crisis in Somalia starting "at a time when the international community was completely focused on the beginning of the second Gulf

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[5] Marchal, Roland, *Warlordism and terrorism: how to obscure an already confusing situation? The case of Somalia* (International Affairs: 83: 6: 2007)
[6] Western, Jon, *Sources of humanitarian intervention* (International Security: 26: 4: 2002) 112-142
[7] Bryden, Matthew, *Somalia: the wages of failure* (Current History: 94: 591: 1995) pg 145

War."[8] It wasn't until 1992 that Somalia began to garner much attention on the international scene. The introduction of Resolution 733 marked a renewed interest on the part of the United Nations with the problems of the failed state. This resolution implemented an arms embargo on Somalia which many analysts likened to closing the gate after the horse has escaped. This was closely followed by the implementation of peace talks between the major warring factions. Following the signing of a ceasefire the UN provided a mission designed to observe the ceasefire and to ensure the safe delivery of humanitarian aid. The UN Operation in Somalia (UNOSOM I) was ill equipped to deal with the situation in Somalia and with only 500[9] lightly armed observers it was never likely to succeed in fulfilling its mandate to ensure the safe delivery of the huge amount of aid pouring into the country. The situation rapidly deteriorated until "every instance of communal tension had the potential to quickly escalate into a much more lethal conflict"[10]. By the time UNOSOM I was replaced by a US led force in the form of the United Nations authorised Unified Task Force (UNITAF), Somalia was "an anarchistic battleground for rival warlords"[11].

The UNITAF forces arrived in Somalia on the 9th of December 1992[12] setting another precedent within the UN as the first operation mandated under Chapter VII of the Charter to be deployed within an internal conflict. The American led operation had a very clear mandate "to establish a secure environment for humanitarian operations

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[8] Marchal, *Warlordism and terrorism (2007)*
[9] Nations, United,*The UN and Somalia* (Department of Public Information UN: New York: 1996)
[10]Ibid. pg 215
[11] Ambrose, Stephen and Douglas Brinkley,*Rise to Globalism* (Penguin: London: 1997) pg 404
[12] United Nations, The UN and Somalia
http://www.un.org/Depts/dpko/dpko/co_mission/unosom1backgr2.html#three (20th April 2010)

within Somalia"[13]. The forces were not under UN control and instead reported directly to the American military command who were determined to "deploy a large force capable of controlling the violence and making it clear to the faction leaders that order would be restored with or without their cooperation."[14] The aims of the mission were limited to opening supply routes for aid and protecting those routes until a newly formed UN operation was in place. The intervention of the USA in Somalia "suggested that humanitarian intervention was securing a new legitimacy in post-Cold War international society"[15] unfortunately this newfound legitimacy was to be short lived. The US forces were replaced by the reconfigured UNOSOM II in March 1993 with a much broader mandate it was hoped that the new UN force would help bring order to a country in anarchy. The new mandate included tasks which can be associated with the growing influence of the norms associate with global governance including, the development of democratic institutions, with the Security Council "expressing it's readiness to assist the people of Somalia in .......to participate in free and fair elections"[16] and the mission being tasked

> "to assist the people of Somalia to promote and advance political reconciliation, through broad participation by all sectors of Somali society, and the re-establishment of national and regional institutions and civil administration in the entire country."[17]

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[13] Nations,*Somalia (1996)* pg 32
[14] Pugh, Trevor,*The use of force in UN peacekeeping operations* (Oxford University Press Oxford: 2002) pg169
[15] Wheeler, Nicholas J.,*Saving Strangers* (Oxford University Press Oxford: 2000) pg 172
[16] United Nations, United Nations Security Council Resolution 814 http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/226/18/IMG/N9322618.pdf?OpenElement (19th April 2011)
[17] Ibid.

The mandate also called for the protection of human rights and placed direct emphasis on the role of civil society "in the process of political reconciliation."[18] Whilst mandating the mission to undertake these roles, roles which would normally have been the preserve of the state, the Security Council placed continued emphasis on the uniqueness of the situation in Somalia. It was hoped that the mission would be successful in achieving these aims and that Somalia would be reconstituted as a functioning sovereign state, however it was not long before the situation deteriorated. The UN involvement in Somalia came to a swift end with an attack on a Pakistani contingent attempting to conduct a weapons inspection the USA then ordered 400 of its rangers to begin the hunt for the warlord who had claimed responsibility resulting in the deaths of 18 American soldiers and the end of the political support for the operation.

## The United Nations in the Former Yugoslavian Republics

The United Nations involvement in the Former Yugoslavia began on the 25th of September 1991 when the Security Council accepted resolution 713.[19] This resolution called on all states to enact a "general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia."[20] This was followed by several further resolutions condemning the violence in the region and in 1992 the Security Council

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[18] Ibid.
[19] United Nations, United Nations Peacekeeping Website
http://www.un.org/en/peacekeeping/missions/past/unprof_b.htm (20th August 2010)
[20] United Nations Security Council Resolution 713, http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/596/49/IMG/NR059649.pdf?OpenElement (20th August 2010)

established the United Nations Protection Force (UNPROFOR) under resolution in 743.[21]

UNPROFOR was beset with problems from its inception, the mandates were out with

its ability to achieve and they only became more complex and demanding as the

situation escalated. By the end of the initial UN involvement in the region the Security

Council had passed over 60 resolutions in relation to UNPROFOR.[22] As in Somalia

many of these mandates contained reference to the norms of global governance

including democratisation, good governance and respect for human rights. For example

in resolution 1031 in 1995 the mission was given the responsibility of ensuring "the

conduct by others of other tasks associated with the peace settlement, including free

and fair elections."[23] Then in 1996 the mission was tasked with

> "advising law enforcement agencies on guidelines on democratic policing
> principles with full support for human rights, and investigating or assisting
> with investigations into human rights abuses"[24]

Again the UN Peacekeeping mission was authorised to undertake responsibilities

normally assumed to be under the jurisdiction of a sovereign state. A situation which

was still continuing in 2002 when the mission was again tasked with providing

> "a safe and secure environment for all persons in their respective
> jurisdictions, by maintaining civilian law enforcement agencies operating in

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[21] United Nations Security Council Resolution 743, http:. daccess-dds-
ny.un.org/doc/RESOLUTION/GEN/NR0/011/02/IMG/NR001102.pdf?OpenElement (20th August 2010)

[22] Ryan, Stephen, *The UN and international politics* (MacMillan: London: 2000) pg 115

[23] United Nations, Annex 1A of the Dayton Peace Agreement as Referred to in Security Council
Resolution 1031, http://daccess-dds-
ny.un.org/doc/UNDOC/GEN/N95/405/26/PDF/N9540526.pdf?OpenElement (19th April 2011)

[24] United Nations, United Nations Security Council Resolution 1088, http://daccess-dds-
ny.un.org/doc/UNDOC/GEN/N97/026/19/PDF/N9702619.pdf?OpenElement (2nd May 2011)

accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms."[25]

The emphasis of these norms and ideals created an enormous amount of work for the peacekeeping mission in an ongoing conflict situation which was one of the most complicated the UN had faced. Alongside the demands for national self-determination amongst the once united republics was the plan for a greater Serbia being instigated by the then Serbian leader Slobodan Milosevic. Milosevic had an overall aim of an ethnically pure Serbia dominating the region and the first step towards achieving this plan was the invasion of Croatia in 1991. The fighting in Croatia was focused around the Krajina peninsula where there was a large Serbian minority. By the time the United Nations peacekeepers arrived in Croatia the Serbs had gained roughly a quarter of the territory, a situation which was frozen by the arrival of the UN troops.[26] The fighting in Croatia also marked the beginning of the war crimes in the region with the shelling of the cities of Dubrovnik and Vukovar. Although initially deployed as a peacekeeping mission in Croatia the United Nations was soon facing a clear example of "mission creep"[27] as the conflict in Croatia was quickly followed by the conflagration in Bosnia where a three way conflict ensued between the various factions.

The conflict in Bosnia was even more devastating as it followed a "centuries-long tradition of accommodation and mutual coexistence of different religious communities

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[25] United Nations, United Nations Security Council Resolution 1423, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/477/85/PDF/N0247785.pdf?OpenElement (2nd May 2011)

[26] Zimmerman, Warren, *The last ambassador* (Foreign Affairs: 74: 2: 1995)

[27] Mission Creep: Refers to the changing of the mandate of peacekeeping operations from humanitarian to more combat orientated operations. The main example of this was in the intervention in Somalia. Mission Creep is seen as a problem as often the troops involved in the operation are not equipped to handle the escalation in tasks required by the mission change.

and nationalities"[28] along with "historical patterns of coalition politics and compromise, coupled with deeply-rooted traditions of cooperation and coexistence in everyday life."[29] There were three main factions in the Bosnian Conflict, Bosnian-Serbs who wanted to join a greater Serbia, Bosnian Muslims who wished to retain independence from both Serbia and Croatia, and Bosnian Croats who wished to join with Croatia. The division of Bosnia was pursued ruthlessly by both the Serbian Leader Slobodan Milosevic and the Croatian Leader Franz Tudjman, "as a place where Serbs, Croats and Muslims, had coexisted more or less peacefully for centuries, Bosnia was an affront and a challenge to these two ethnic supremacists."[30] The UN intervention was also complicated by the international recognition of some of the seceding republics which placed operations in a grey area, particularly in relation to the issue of consent which, as already argued in chapters three and four, is often key to the success of peacekeeping operations.[31]

UNPROFOR was replaced in Croatia in March 1995 by the United Nations Confidence Restoration Operation, UNCRO, which was predicated on the main policy basis of the UN within Croatia and Bosnia, the establishment and protection of safe havens with the aim of protecting ethnic minorities within the region. In May 1995 President Tudjman of Croatia expelled the UN force from Croatia leaving the UN little choice but to supervise the evacuation of Serbian refugees. Following the reintegration by force of two of the regions under UN protection, Krajina and Western Slavonia,

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[28] Donia, Robert J. And John. V.A. Fine,*Bosnia-Hercegovina: A Tradition betrayed* (C. Hurst and Co.: London: 1994) pg 280
[29] Ibid. pg 280
[30] Zimmerman, *The last ambassador* (1995)
[31] For more on consent see Chapter Three pages 146 - 160 and Chapter Four pages 169 - 186

UNCRO forces remained only in Eastern Slavonia and the Prevlaka peninsula. UNCRO

was replaced in 1996 by the United Nations Transitional Authority in Eastern Slavonia,

UNTAES,[32] whose task was the peaceful reintegration of the region into Croatia and by

the United Nations Mission of Observers in Prevlaka, UNMOP,[33] whose task was to

monitor the demilitarisation of the Prevlaka peninsula. The expulsion of the UN from

Croatia is a clear demonstration of the need for consent in the operation of

peacekeeping missions, and is also a demonstration of what can occur when

peacekeeping troops outstay their welcome, in many cases freezing the conflict and not

allowing a resolution to the underlying causes. As one observer of the conflict in

Croatia argues,

> "When there were problems about how to find a lasting solution, in a way
> they became a burden. When you want to find a lasting solution and you
> have a force which is in the way and cemented like the case of Cyprus, the
> UN forces themselves get an unwelcoming reception by one faction or one
> warring party. Because one party wants to find a lasting solution and they
> are not here to help find the solution, they are here to keep peace and the
> other party may not be that eager to find a lasting solution, and then people
> find themselves in a very unpleasant position."[34]

In this case the UN forces were overrun by Croatian troops who forcibly regained their

territory. However the fall of the safe areas within Croatia demonstrated the inability of

the UN troops to act in defence of the protected populations and quickly led to attacks

on safe areas within other republics and the UN was ill equipped to prevent them. The

most horrific collapse of a safe haven occurred in Srebrenica where the UN forces had

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[32] United Nations http://www.un.org/en/peacekeeping/missions/past/untaes.htm (20th August 2010)
[33] United Nations http://www.un.org/en/peacekeeping/missions/past/unmop/background.html (20th August 2010)
[34] Interview with Igor Ilic Reuters 6th August 2009 6th August 2009

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no choice but to stand aside and watch as thousands of Muslim men and boys were

taken aside and slaughtered. These failures occurred despite the fact that the troops had

a clear mandate to protect those within the protected areas and have led to several

investigations into the failings of both the individual troops and the wider

organisation.[35]

The war in Bosnia was finally halted with the introduction of the Dayton Accords,

this peace agreement coincided with the increased isolation of the Bosnian Serbs as the

Croats and Muslims had formed a federation, under the threat of US economic

sanctions. It also coincided with the Croatian Armies capture of the Serb territory in the

Krajina peninsula which effectively removed UN protection for Serbs in the region.

Serbia itself also came under attack through NATOs 'operation deliberate force'[36] an

air campaign designed to advance the cause of peace in the Balkan region and a prelude

to greater intervention in the region. The Dayton Accord was based on the mutual

respect for the sovereignty of each 'state' in the eyes of the agreement, Croatia, Bosnia

and the Federal Republic of Yugoslavia (comprised of Serbia and Montenegro). Bosnia

was divided into two entities, 51% of the territory formed a Muslim-Croat federation

and 49% a Serb Republic.[37] Following the signing of the peace agreement in 1995

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[35] For the full report into the fall of Srebrenica see: United Nations
http://www.un.org/peace/srebrenica.pdf accessed 29th August 2010. See also Human Rights Watch *'The fall of Srebrenica and the failure of UN peacekeeping'* available at
http://www.hrw.org/en/node/85087/section/3 (29th August 2010).
[36] For a detailed analysis of NATOs air campaign see:Owen, Col. Robert C. Owen, *Deliberate Force: A case study in effective air campaigning: Final Report* (Air University Press Maxwell Airforce Base, Alabama: 2000)
[37] Trbovich, Ana S.,*A legal geography of yugoslavia's disintegration* (Oxford University Press New York: 2008), pg 320

UNPROFOR in Bosnia was replaced by the United Nations Mission in Bosnia Herzegovina (UNMIBH).[38]

The war in Bosnia tested the capacities of the UN and pushed the organisation to its limits. It provides a good example of the limitations to what the UN is capable of achieving in an ongoing conflict zone. It also demonstrates the importance of coordination with other organisations which is highlighted by the role of NATO in the conclusion of hostilities in the region. The Yugoslav conflict also provided the United Nations with a means to demonstrate another of its unique tools, the use of preventive deployment. The United Nations Preventive Deployment Force, UNPREDEP, was the last of the three interlinking peacekeeping operations which replaced the original UNPROFOR in the region. Deployed at the request of the President of Macedonia its mandate was to monitor the border between Macedonia and Serbia as well as the borders with Albania. Although unique

> "The mission has demonstrated that preventive deployment is an effective form of peacekeeping and that results can be achieved even with a small, almost symbolic deployment of United Nations peace-keepers, if it is done at the right time and with a clear mandate."[39]

The signing of the Dayton peace accord did not however signal the end to hostilities in the region which again flared up in 1999 when Serb forces invaded Kosovo causing large scale population displacement and leading to another NATO air campaign

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[38] United Nations http://www.un.org/en/peacekeeping/missions/past/unmibh/ (20th August 2010)
[39] United Nations http://www.un.org/en/peacekeeping/missions/past/unpred_b.htm#PREVENTIVE (20th August 2010)

followed by large scale UN involvement.[40] The final mission deployed in the region is still on patrol today. The United Nations Mission in Kosovo, UNMIK, was deployed in June 1999 following the NATO bombing campaign against Serbia. The mission was given a comprehensive mandate and was asked to undertake a "transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo."[41] For the purposes of this research the chapter will focus mainly on the deployment of UNPROFOR although it will make reference to the other operations when appropriate.

### The United Nations in Burundi

The conflict in Burundi is directly connected to the history of ethnic violence within the Great Lakes Region of central Africa.[42] Since gaining independence in 1962 Burundi has seen outbreaks of large scale ethnic violence no less than five times with massacres of both Hutu and Tutsi occurring in 1965, 1972, 1988, 1991 and 1993.[43]

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[40] For a comprehensive look at the development of the conflict in Kosovo see: Mertus, Julie,*Kosovo: How Myths and Truths started a war* (University of California Press California: 1999) See also Ignatieff, Michael,*Empire Lite: Nation building in Bosnia, Kosovo and Afghanistan* (Vintage: London: 2003) and Naumann, Klaus, *NATO, Kosovo and Military Intervention* (Global Governance: 8: 2002) 13-17

[41] Untied Nation http://www.unmikonline.org UNMIKONLINE2009 glance.htm (20th August 2010)

[42] For a detailed look at the history of Burundi see Krueger, Ambassador Robert and Kathleen Tobin Krueger *From bloodshed to hope in Burundi* (University of Texas Austin: 2007), Vandeginste, Stef, *Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error* (Africa Spectrum: 44: 3: 2009) 63-86, Schweiger, Romana. *Late Justice for Burundi* (International and comparative Law Quarterly: 55: 3: 2006) 653-671 and LeMarchand. Rene,*Burundi: Ethnic Conflict and Genocide* (University of Cambridge: Cambridge: 1994)

[43] For a detailed breakdown of the events around the massacres see Gasana, Jean Marie and Henri Boshoff, *Burundi: Critical challenges to the peace process* (Institute for Security Studies:2003), Daley, Patricia,*Gender and Genocide in Burundi: The Search for Spaces of Peace in the Great Lakes Region* (James Currey: London 2008) and Daley, Patricia, *Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa* (Third World Quarterly: 27: 2: 2006)

These massacres are intertwined with the ethnic violence in neighbouring Rwanda with both sides drawing a direct connection between the 1965 and 1972 genocide of Hutu in Burundi and the 1994 genocide of Tutsi in Rwanda.[44] As Uvin states

> "The destructive mirror-like situation of these two countries is unique in the world. Events in one country are interpreted and used by its (radical) neighbours to confirm their worst suspicions and fears. The rulers in Rwanda have reinforced the "truth" of their racist ideology by pointing to the massacres of Hutu (by the Tutsi-dominated army) in Burundi in 1965, 1972, 1988, 1989, and 1993 to "prove" that all Tutsi seek the ruthless oppression of the Hutu. Conversely, Tutsi rulers in Burundi have pointed since 1960 to Rwanda to demonstrate that, if given the chance, the Hutu are little more than genocidal killers."[45]

Whilst Rwanda garnered world attention for the genocide in the 1990s Burundi, holding its first democratic elections in 1993, was lauded as an example which the rest of Africa should hope to follow. The hope was short lived as only five months after the election of pro-Hutu president Melchior Ndadaye he was assassinated by Tutsi soldiers leading to another downward spiral into ethnic violence. This would continue with brief periods of respite until the signing of the Arusha Peace Agreement for Burundi in August 2000.[46] Unfortunately the peace talks did not include two of the key Hutu rebel groups the National Council for the Defence of Democracy (CNDD-FDD) and Palipehutu the Forces for National Liberation (FNL).

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[44] See LeMarchand, *Burundi*
[45] Uvin, Peter, *Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence* (Comparative Politics: 31: 3: 1999) 253-271
[46] The full text of the agreement is available online, see Burundi, Arusha Peace Agreement for Burundi, http://www.issafrica.org/AF/profiles/Burundi/arusha.pdf (4th May 2011)

Following the establishment of the transitional government in 2001 the fighting

between government forces and these two groups intensified.[47] This continued until the

FDD signed a peace agreement with the government in 2003 leading to the

establishment of the African Union Mission in Burundi (AMIB). This mission was the

first undertaken by the African Union and was a clear demonstration of the new

organisations willingness to undertake interventions. AMIB was established as a

replacement for the South African Protection Support Detachment (SAPSD) which had

been on the ground since 2001 as part of the original Arusha Peace Agreement with the

main aim of protecting politicians returning to take part in the peace process. AMIB's

mandate was substantially larger and more complex involving tasks including

overseeing the implementation of the peace agreement, supporting the disarmament,

demobilisation and reintegration (DDR) of combatants and contributing to the stability

of the political and economic situation. From the outset AMIB was beset with logistical

problems as it became clear that "African states were unwilling to fund the operation

sufficiently".[48] This led to the conclusion outlined in the Secretary Generals report that

"the financial and logistical constraints under which AMIB is operating prevent the

force from fully implementing its mandate."[49] Following the report the Security

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[47] For an examination of the roles of different rebel groups see Watch, Human Rights, *Burundi: To Protect the People: The Government Sponsored 'Self-defense' Program in Burundi* (Human Rights Watch: 13: 7A: 2001)
[48] For analysis of the African Union Mission see Williams, Paul D., *The African Union: Prospects for Regional Peacekeeping after Burundi & Sudan* (Review of African Political Economy: 33: 108: 2006) 352-357
[49] United Nations, Report of the Secretary General on Burundi, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/297/96/PDF/N0429796.pdf?OpenElement ( 19th April 2011)

Council authorised the establishment of the United Nations Operation in Burundi
(ONUB).

ONUB was established under resolution 1545 which noted the continued problems
in ensuring stability within Burundi and determined that it constituted a threat to the
international peace and security of the region.[50] The mission was tasked with a number
of roles and as Boshoff argues was "conceptualised as a fully fledged multifunctional
mission and given responsibilities in areas which transcend traditional peacekeeping
activities."[51] This multifunctional mandate included tasks which involved "extending
State authority and utilities throughout the territory, including civilian police and
judicial institutions."[52] The mandate also emphasised many of the norms associated
with global governance. These included contributing to "the successful completion of
the electoral process stipulated in the Arusha Agreement, by ensuring a secure
environment for free, transparent and peaceful elections to take place"[53] and carrying
out

> "institutional reforms as well as the constitution of the integrated national
> defence and internal security forces and, in particular, the training and
> monitoring of the police, while ensuring that they are democratic and fully
> respect human rights and fundamental freedoms."[54]

These tasks underline the importance of establishing democratic principles and support
for human rights within Burundi, both norms which have also been promoted within the

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[50] United Nations, United Nations Security Council Resolution 1545 http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/359/89/PDF/N0435989.pdf?OpenElement (19th April 2011)
[51] Boshoff, Henri, *The United Nations Mission in Burundi (ONUB) Overview* (African Security Review: 13: 3: 2004) 57-59
[52] United Nations, United Nations Security Council Resolution 1545
[53] Ibid.
[54] Ibid.

development of the concept of global governance. Because of the complexity of the tasks it was authorised to undertake ONUB did not complete its mandate within the initial period and was extended by Security Council Resolution 1577 for a further period of six months.[55] The mandate was extended several times after the initial extension until the mission was concluded in December 2006 with the completion of the first democratic elections in 12 years and the DDR of over 22,000 combatants.[56] The UN mission then shifted its focus towards reconstruction with the establishment of the Integrated Political Office in Burundi (BINUB). The conclusion of the peacekeeping operations has not however coincided with a conclusion of hostilities within Burundi. Although the last remaining rebel group the FNL signed a peace agreement with the government in September of 2006 it only held for ten months. There was a further resumption of hostilities in 2008 before a second treaty between the two sides was signed in May 2008. This then led to the FNL laying down its arms in order to become a fully fledged political party in April 2009.[57] The subsequent elections in 2010, with only one candidate standing for president, were marred by suggestions of violence and intimidation and renewed tensions have heightened fears of a resumption of the previous conflict.

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[55] United Nations, United Nations Security Council Resolution 1577, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/630/54/PDF/N0463054.pdf?OpenElement (4th May 2011)
[56] United Nations, Press Release on completion of ONUB mandate, http://www.un.org/en/peacekeeping/missions/past/onub/BACKGROUND.pdf (4th May 2011)
[57] BBC, Leader of Burundi rebels disarms http://news.bbc.co.uk/1/hi/world/africa/8006267.stm (4th May 2011)

## The United Nations in the Democratic Republic of the Congo

The ongoing conflict in the Democratic Republic of Congo (DRC) has been described as the 1st African world war.[58] It is estimated that the five years of conflict between 1997 and 2002 resulted in the deaths of at least three million people, either as a direct result of fighting or through the resulting humanitarian crisis which caused widespread malnutrition and the spread of disease.[59] Even after the conflict was declared officially over the problems continued as the International Rescue Committee reported in 2004;

> "A year after the war in the Democratic Republic of Congo officially ended on 30 June 2003, more than one thousand civilians continued to die every day. Most of the deaths were caused by disease and malnutrition and could have been prevented if outbursts of violence had not impeded access to humanitarian aid."[60]

The conflict began in 1997 with the removal of the authoritarian dictator Mobutu Sese Seko. Mobutu gained power in a military coup in 1965 following five years of unrest after the country gained independence from its former colonial power of Belgium. The removal of Belgian forces during the transition to independence was overseen by one of the first large scale UN peacekeeping operations, the United

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[58] See Prunier, Gerard, *Africa's World War: Congo, the Rwandan genocide, and the making of a continental catastrophe.* (Oxford University Press New York: 2009)

[59] Website, BBC, Democratic Republic of Congo Country Profile http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1076399.stm ((8th May 2011))

[60] International Rescue Committee, *Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey. Conducted April- July 2004* (New York: International Rescue Committee and Burnet Institute:2004)

Nations Operation in the Congo (ONUC).[61] Renaming the country as Zaire Mobutu

established a kleptocracy, based on his authoritarian rule, and accumulated international

influence as an ally in the US proxy war against Soviet backed Angola.[62] Following the

end of the cold war however US interest waned and Mobutu's power began to falter.

Then in 1994 following the genocide in Rwanda groups of Hutu rebels, who had fled

the country following the victory of the Rwandan Patriotic Front (RPF), began to

launch attacks into Rwanda from bases in Zaire. This then left Zaire open to attack

from Tutsi rebels chasing the perpetrators of the genocide across the border and these

groups steadily gained control of much of the eastern borderlands. This invasion

sparked a rebellion against Mobutu, backed by the governments of Rwanda and

Uganda, and in May of 1997 the rebel groups captured the capital, renamed the country

the Democratic Republic of Congo and installed Laurent Kabila as President.

Following a rift between Kabila and his supporters in 1998 he ordered all Rwandan and

Ugandan troops to leave the DRC. This led to a further rebellion supported by Rwanda

and Uganda leading Kabila to call on Zimbabwe. Namibia and Angola to intervene on

his behalf.[63] The conflict raged on until 1999 when the six countries involved signed a

ceasefire agreement, the Lusaka Accord.[64] However as Daley argues

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[61] For more on ONUC see United Nations, United Nations Peacekeeping Website ONUC, http://www.un.org/en/peacekeeping/missions/past/onucB.htm (17th May 2011)

[62] For an interesting investigation of Mobutu's reign see Wrong, Michela,*In the Footsteps of Mr. Kurtz: Living on the Brink of Disaster in Mobutu's Congo* (Harper Perennial London: 2002)

[63] For a detailed breakdown of the rebellions see Patrikarakos, David, *Deliver us from evil* (New Statesman: 2010) , Prunier,*Africa's World War* , and Boulden, Jane,*Peace enforcement: the United Nations experience in Congo, Somalia, and Bosnia* (Praeger Westport: 2001 )

[64] For the text of the agreement see Democratic Republic of Congo, The Lusaka Accord, http://www.iss.co.za/af/profiles/drcongo/cdreader/bin/2lusaka.pdf (8th May 2011)

> "The Lusaka Peace Accord, signed in 1999, that ended the war has not stemmed the violence. The Lusaka Peace Accord was essentially a ceasefire agreement without a peace agreement which led to neither a ceasefire nor peace."[65]

The ceasefire was intended to aid the establishment of and Inter-Congolese Dialogue (ICD) working towards a political resolution to the crisis. The main problem with this was that it gave legitimacy and equal status to all parties to the conflict regardless of their standing before the agreement. Following the signing of the accord the UN Security Council authorised, through resolution 1279, the establishment of the initial United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).[66] The mission was initially mandated to oversee the disengagement of forces and observe compliance with the ceasefire agreement and maintain a liaison between all the parties involved in order to establish the ICD. Since that initial authorisation the mission has grown into one of the largest and longest running peacekeeping operations ever undertaken. The Security Council has so far passed fifty resolutions in relation to the mission and the list of tasks it has been mandated to undertake has grown exponentially.[67]

Despite the signing of a peace agreement the situation in the DRC remained unstable and the peacekeeping mission face numerous challenges in completing its mandate. As Smis and Oyatumbwe outline

> "Unfortunately, the government obstructed the mission from the start, withholding adequate security guarantees while insisting that the mission

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[65] Daley, *Challenges to Peace*
[66] For the full text of the resolution see United Nations, United Nations Security Council Resolution 1279, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1279(1999) (8th May 2011)
[67] See United Nations, United Nations Peacekeeping Website MONUC, http://www.un.org/en/peacekeeping/missions/monuc/resolutions.shtml (8th May 2011)

should only deploy in rebel-held areas preventing the mission from carrying out its mandate."[68]

In 2001 the President Laurent Kabila was assassinated by one of his bodyguards and he was quickly replaced by his son Joseph Kabila. The new president then proceeded to engage in a fresh round of peace talks with Rwanda, Uganda and the various rebel groups. The result of these talks was the negotiated withdrawal of all troops from the Congo and another round of UN backed peace negotiations which resulted in the Global and All Inclusive Agreement. Under the new agreement rebel groups and opposition parties would be free to participate in the interim government. Following the agreement an interim constitution and government were established with a referendum date on the new constitution set for 2005 with elections to follow in 2006.

Throughout this period hostilities and violence continued in the eastern parts of the DRC, most notably the Ituri and Kivu provinces. As the UN forces on the ground were already stretched the Security Council, in resolution 1484 of May 2003, authorised the deployment of an Interim Emergency Multinational Force until the UN mission could be reinforced.[69] This multinational force was conducted under the auspices of the European Union and was codenamed ARTEMIS. This was the first military mission conducted by the European Union outside of Europe and without the involvement of

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[68] Smis, Stefaan and Wamu Oyatambwe, *Complex Political Emergencies, the International Community & the Congo Conflict* (Review of African Political Economy: 93/94: 2002) 411-430
[69] See United Nations, United Nations Security Council Resolution 1484, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1484%282003%29 (9th May 2011)

NATO.[70] The operation remained in place until September of 2003 when it was replaced by a brigade of Bangladeshi soldiers operating under MONUC.

For the next three years the UN force remained in position conducting a large scale mission involving both military and civilian components. The mission was tasked with a variety of responsibilities including contributing to "the successful completion of the electoral process....by assisting in the establishment of a secure environment for free, transparent and peaceful elections"[71] and to assist "in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons."[72] The mission was also mandated to

> "provide assistance, during the transition period, for the reform of the security forces, the re-establishment of a State based on the rule of law and the preparation and holding of elections, throughout the territory of the Democratic Republic of the Congo."[73]

Again these mandates provided by the Security Council resolutions demonstrate an increased emphasis on norms which are associated with the development of the concept of global governance, in particular democratisation, respect for human rights, and the importance of good governance and the rule of law. In the Congo however, the Security Council has gone one step further in order to ensure the implementation of these norms and has become actively involved in combating the rebel groups in order to ensure the

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[70] For more on the role of the EU see, Homan, Kees *Operation Artemis in the Democratic Republic of the Congo* in A. RICCI, E. KYTÖMAA, *Faster and more united? (*European Union Brussels 2006)
[71] See United Nations, United Nations Security Council Resolution 1565, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/531/89/PDF/N0453189.pdf?OpenElement (19th April 2011)
[72] Ibid.
[73] United Nations, United Nations Security Council Resolution 1493, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1493%282003%29 (17th May 2011)

reestablishment of the Congo as a functioning state.[74] This has moved MONUC from the role of peacekeepers to peace enforcers and adds an additional layer of complexity to the operations of the mission, especially in relation to garnering local legitimacy.

Following the elections in 2006, which were marred by violent outbursts, the UN troops become involved in clashes with the forces of General Laurent Nkunda, the National Congress for the Defence of the People (CNDP). For the next two years Nkunda waged a campaign to gain control of the eastern provinces, a campaign which was only halted with his arrest by the Rwandan Government in 2009.[75] The UN troops have also been involved in various altercations with other rebel groups including the Rwandan-Hutu rebels the Democratic Forces for the Liberation of Rwanda (FDLR) and the Ugandan Lords Resistance Army (LRA). The LRA were founded in Uganda by Joseph Kony following the civil war in the mid-1980s and are notorious for their practice of kidnapping children, often forcing them to brutally murder their parents, then enslaving them into their rebel forces.[76] The presence of these groups has also led to joint military operations between the government forces of the DRC and the Rwandan Army, as well as the Ugandan armed forces.[77] The violence between the various groups has led to large scale population displacement and the civilian population has also become the focus of much of the violence with mass rapes being

[74] For more see Autesserre, Severine, *D. R. Congo: Explaining Peace Building Failures, 2003-2006* (Review of African Political Economy: 34: 113: 2007) 423-441
[75] See Website, BBC, Nkunda's spectacular fall, http://news.bbc.co.uk/1/hi/world/africa/7846940.stm ((17th May 2011))
[76] For more on the LRA and its aims see Vinci, Anthony, *Existential Motivations in the Lord's Resistance Army's Continuing Conflict* (Studies in Conflict and Terrorism: 30: 4 2007) 337-352
[77] See Report, Security Council, Historical Chronology of the Democratic Republic of the Congo http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2880409/k.91D6/Democratic_Republic_of _the_Congobr_Historical_Chronology.htm (17th May 2011)

utilised as a tool of warfare.[78] Today the situation on the ground in the DRC is as

difficult as ever. In 2010 the country celebrated fifty years of independence but the

country is far from free of conflict. In July 2010 MONUC was renamed the United

Nations Organisation Stabilization Mission in the Democratic Republic of the Congo

(MONUSCO). Despite the ongoing crisis on the ground the government has called for

the scale down of MONUSCO operations before the upcoming elections in 2011.

The next section of the chapter utilises the above case studies to demonstrate the

connection between the development of global governance and the ongoing problems in

peacekeeping, particularly in relation to the way operations are resourced and

mandated.


## Resources and Mandates

During the 1990s the demand for UN peacekeeping missions increased

exponentially. There have been sixty three peacekeeping missions to date since the first

operation, the United Nations Truce Supervision Organisation (UNTSO) in the Middle

East, was mandated in 1948. Forty Six of these missions were created after the end of

the Cold War in 1990.[79] The increased number of peacekeeping operations was both a

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[78] For an in depth look at the sexual violence in the DRC see United Nations, *Report of the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of Congo to the High Commissioner for Human Rights* (New York: United Nations 2009), Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo* (Boston: Open Society Institute 2009), and Harvard Humanitarian Initiative, *"Now, the world is without me": An investigation of sexual violence in Eastern Democratic Republic of Congo.* (Boston: Oxfam:2010)
[79] All figures from United Nations Website http://www.un.org/en/peacekeeping/bnote.htm (21st August 2010)

demonstration of the new freedom of action which the United Nations gained following

the collapse of the Soviet Union and of

> "The increasing volatility and unpredictability of a global security system in
> which the near-certainties of the Cold War had been replaced by a 'violent
> peace', with conflicts continuing across most regions of the world."[80]

The end of the Cold War not only heralded an increase in the number of violent

conflicts raging around the globe; it also saw a shift in the form of the conflicts being

fought. The focus was no longer on inter-state violence with clear divisions between

combatants instead the conflicts were involving large portions of the populations as

ethnic, religious and tribal groups became involved in disputes over land, resources and

the survival of their individual cultures.[81] This shift in the type of conflicts led the

United Nations into unchartered territory as the organisation undertook a large range of

new tasks which included, the monitoring and running of elections in Namibia,

Nicaragua, El Salvador, Cambodia, and Mozambique. The protection of civilian

inhabitants in designated United Nations Protected Areas (UNPAs), in Croatia, Bosnia

and Rwanda. Assuring the delivery of humanitarian relief in both Yugoslavia and

Somalia and the reconstruction of governmental and police functions in El Salvador,

Cambodia, Bosnia, Kosovo, and East Timor.[82] Peacekeeping was and is no longer a

simple matter of interposing troops between two warring factions, instead "today's

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[80] Rogers, Paul,*Losing Control* (Pluto Press London: 2002) pg 132
[81] For an analysis in the changing realities of conflict see Misra, Amalendu,*Politics of Civil Wars: Conflict, Intervention and Resolution* (Routledge London: 2008)
[82] Roberts, Adam, *The crisis in peacekeeping* (IFS: 2: 1994)

peace operations are complex affairs that involve a range of activities that go to the heart of domestic governance."[83]

Unfortunately the increase in demand for peacekeepers coincided with the so called peace dividend, as one UK mission official explained the increased demand occurred at "a time when a lot of member states armies are getting smaller, the so called peace dividend, so you've got this demand and supply is going down."[84] The reduction in troop numbers is directly attributable to the end of the Cold War as states took the opportunity to downsize and reconfigure their military forces. This has led to a situation where most developed states have "limited troop numbers with multiple commitments." As the official goes on to explain this then means that "funding is not the problem, the lack of troops is the problem."[85] The availability of funding is however directly challenged by academics such as Griffin, who argues that there is a significant shortfall in the financial capacity of the United Nations to operationalise meaningful multidimensional operations, of the type increasingly in demand.[86] For example in 2008 the peacekeeping budget was "estimated at $6.8 billion, representing only about half of one percent of global defense spending" but, "the United Nations estimated that, as of 30 April 2008, outstanding contributions to peacekeeping amounted to $2.3

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[83] Johnstone, Ian, *US- UN relations after Iraq: The end of the world (order) as we know it?* (European Journal of International Law: 15: 4: 2004) 813-838
[84] Interview with UK Mission Official Two 27th August 2008 27th August 2008
[85] Interview with Former UN Official 26th August 2008
[86] For more see Griffin in Wilkinson, Rorden, *The Global Governance Reader* (Routledge: London: 2005)

billion"[87] The lack of troops is also questioned by academics such as Ian Johnstone

who argues that

> "the supply of peacekeepers is going up. A lot of countries that weren't
> really doing much in the past are just starting to do it now, including brazil,
> china, Indonesia, you know big countries that have a lot to offer, So there's
> a fair amount of willingness to provide troops."

He does however go on to stress that the willingness to provide troops is however

undermined by the lack of

> "ability and willingness to provide special forces and the sorts of things you
> need for the more robust operations and that's when the real problems arise.
> When it's not just a matter of throwing thousands and thousands and
> thousand of badly equipped, badly trained troops at a problem."[88]

So while forces are available they are not necessarily of the right kind or calibre to

perform the tasks asked of them. As Paddy Ashdown argues "the trouble is that it

requires a special kind of soldier to do this job."[89] The need for a special kind of soldier

is however coupled with a demonstrated unwillingness on the part of states with those

types of soldiers to place them under UN command. As Craig N. Murphy explains

> "The actual commitments of resources have to be put together, not just from
> the Security Council members, but from everybody else and the
> commitments come based on what other priorities for using those resources
> might be. You know you go back to kind of the simple story about Rwanda
> back in 1994 and the one argument about the Clinton administration which
> was unwilling to give a few million dollars worth of jamming equipment
> and aeroplanes to central Africa. One of the arguments is they didn't want to
> lose American lives but another one of the arguments is that the value of
> Rwandan lives was less than the cost that would be associated with shifting
> equipment from certain places in the United States to certain other places.

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[87] Sheehan, Nadege, *United Nations Peacekeeping: Limitations and Prospects* (The Economics of Peace
and Security Journal: 3: 2: 2008) 74-80
[88] Interview with Professor Ian Johnstone 3rd July 2008 3rd July 2008
[89] Ashdown, Paddy, *Swords and Ploughshares* (Phoenix London: 2008) pg 72

> So that you know there's this declaratory policy thing which is what the States collectively can agree on and then there is the actual priorities, and peacekeeping in many places around the world is a very, very low priority."[90]

Rwanda as one of the UNs biggest failures is a clear demonstration of the unwillingness of member states to provide resources when an intervention holds little national interest, or when a permanent member state such as France opposes it. The unwillingness of some member states to provide troops is counterbalanced by the provision of troops from other nations, even if these troops are perhaps of a lower standard. As one former peacekeeper argues for some countries "it's a big deal to get on a UN mission because of the money that's involved" however the troops provided are not without issues as the peacekeeper goes on to explain

> "we had issues with people that really should have been sent home for their own and for other peoples good. We had lots of issues with confidentiality and things like that and I think that is a big problem. But for other countries the money difference is huge, and that influences trying to get on these missions, how people get on these missions and not wanting to leave them, maybe when it's not the best thing for themselves or others."[91]

As the cost of troops deployed on peacekeeping missions is covered by the UN, having troops deployed is an attractive offer for many developing countries that might not otherwise be able to support their military forces. As Durch outlines

> "UN operations offer unusual opportunities for field experience to the developing countries that contribute most of its troops and police. There is also prestige associated with international deployments, perhaps a sense of competition with regional rivals, and UN troop reimbursements may offer a net financial gain to the

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[90] Interview with Professor Craig N. Murphy 3rd September 2008
[91] Interview with Army Medical Officer 8th July 20098th July 2009

contributing government. Given the increased risk associated with many current
UN operations, such gain might be considered the equivalent of hazard pay."[92]

The UN represents a substantial income for some military forces, this does not

however guarantee that the forces provided are capable of undertaking the tasks

assigned to them. This problem is highlighted by one former peacekeeper who argues

that "the requirement for big cost items is always a difficulty and relatively speaking

there are very few nations that have the capability or the capacity to do that."[93] The

importance of capable forces is also emphasised by academics such as Michael Pugh

who argues "the international force above all must be militarily credible"[94] and in many

cases the credibility of the troops being deployed is at best questionable. The credibility

of troops deployed by the UN is not only being questioned in relation to their military

capacity but also in relation to their behaviour whilst on deployment. With the increase

in peacekeeping missions there has also been an increased in what Thakur et al call the

'unintended consequences of peacekeeping.'[95] These consequences include an increase

in the abuse and exploitation of both the local population and mineral resources in the

countries of deployment, most notably in the DRC.[96] Such cases of abuse not only

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[92] Durch, William J. and Madeleine L. England, *The purposes of peace operations* (New York: Center
for International Cooperation:2009) pg 7
[93] Interview with Col. Ian MacFarlane 8th July 2009
[94] Ruggie in Pugh, Michael, *The U.N. peace and force* (Frank Cass London: 1997) pg 14
[95] Aoi, Chiyuki and Cedric de Coning and Ramesh Thakur, *Unintended consequences of peacekeeping*
(Electronic briefing paper: Center for International Political Studies: 56: 2007)
[96] For more on this see Save the Children, *Policy Brief: Sexual exploitation and abuse of children by aid
workers and peacekeepers* Save the Children 2009), Csaky, Corinna, *Noone to turn to: The under
reporting of child sexual exploitation and abuse by aid workers and peacekeepers* (Save The Children
2008), Harrington, Alexandra, *Victims of Peace: Current Abuse Allegations against U.N. Peacekeepers
and the Role of Law in Preventing Them in the Future* (bepress Legal series: 630: 2005) , Website,
United Nations, UN peacekeepers involved in abuse are being punished, world body says,
http://www.un.org/apps/news/story.asp?NewsID=32857 ((18th May 2011)). Also Hughes, Donna, *The
Natasha Trade: The Transnational Shadow Market of Trafficking in Women* (Journal of international

contravene the Blue Helmets Code of Conduct[97] they also undermine the legitimacy of any UN mission both within that country and on the international stage. The UN is however limited as to how it can respond to such cases with the worst punishment for offenders extending to redeployment or repatriation to their own country as peacekeepers are currently exempt from prosecution by the International Criminal Court.[98] Following the repatriation of offenders their own governments are expected to undertake the appropriate prosecutions however in reality this rarely occurs.[99] One justification for the lack of prosecutions might stem from the potential backlash in relation to the provision of troops which could occur if prosecutions became more frequent and immunity was removed.

The problem is as one official argues that with

> "more and more peacekeeping missions, where will we get these people from? It's the force generation, whether it be military, police or civilian experts to go on peacekeeping missions and that's certainly from the UN experience is getting worse rather than better."[100]

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Affairs: 53: 2: 2000) 625-651. Mackay, Angela. Sex and the Peacekeeping Soldier: The New UN Resolution, http://www.peacenews.info/issues/2443/mackay.html (18th May 2011) and Rehn, Elisabeth and Ellen Johnson Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (New York: UNIFEM 2002) and United Nations, Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. http://www.un.org/News/dh/latest/drcongo.htm

[97] See United Nations, Ten Rules: Code of Personal Conduct for Blue Helmets. http://cdu.unlb.org/UNStandardsofConduct/TenRulesCodeofPersonalConductForBlueHelmets.aspx (18th May 2011)

[98] See United Nations, UN peacekeepers exempted from war crimes prosecution for another year http://www.un.org/apps/news/story.asp?NewsID=7402 (18th May 2011)

[99] See Elliot, Francis and Ruth Elkins, UN shame over sex scandal http://www.independent.co.uk/news/world/politics/un-shame-over-sex-scandal-431121.html (18th May 2011)

[100] Interview with UK Mission Official Two 27th August 2008 27th August 2008

This sentiment is echoed by Lord Robertson the former Secretary General of NATO

who argued that the biggest problem is not only getting the troop numbers but that

"getting usable, mobilisable forces is the biggest challenge and problem that we've got"

and that this needs to be "properly and effectively sorted before you can actually talk

about any kind of intervention."[101] The problem is that the inability to generate troops

has come at a time when

> "Both the conditions that gave rise to civil wars and those that resulted from
> them argued for a more holistic approach to keeping peace that went beyond
> military and security priorities to address issues of governance, democratic
> legitimacy, social inclusion, and economic equality that, if properly treated,
> might enable war-torn countries to increase their resilience to new rounds of
> violence."[102]

The involvement of the UN in the resolution of these new issues can be attributed to the

development of the concept of Global Governance which is emphasising the

improvement of democratisation, good governance, and respect for human rights. As

Tanner argues, "a rethinking of the role of peacekeeping as an instrument of global

crisis response could help to strengthen global governance in peace and security."[103]

The creation of stable sovereign states has now become incorporated into the mandates

of UN peacekeeping operations, involving the organisation in a much wider variety of

tasks. However these larger tasks and civilian elements require a more comprehensive

approach or as one FCO official put it "big missions require force generation"[104] and it

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[101] Interview with Lord George Robertson 28th July 2009
[102] Cousens and Chetan in Cousens, Elizabeth M. and Chetan Kumar, *Peacebuilding as Politics* (Lynne Rienner London: 2001) pg 1
[103] Tanner, Fred, *Addressing the Perils of Peace Operations: Toward a Global Peacekeeping System* (Global Governance: 16: 2010) 209-217
[104] Interview with FCO Official 20th May 2009

is this kind of force generation which the UN seems unable to produce. This argument

is backed up by academics such as Welsh and Roberts who argue that

> "the sheer number of operations and the multi-tasking of UN forces have
> also created severe strains on the organisations limited capacity for
> mounting, managing, and sustaining operations, and revealed major
> bottlenecks (seemingly resistant to reform) especially in the areas of
> logistics organisation and in the planning for large scale operations."[105]

This problem is not however unique to the UN, it also affects the capabilities of

regional organisations particularly in Africa as Craig N. Murphy argues

> "Even inside regions one of the things you are seeing is the difference
> between say ECOWAS peacekeeping and AU Peacekeeping as a whole.
> ECOWAS is a little bit more effective because the Nigerian military for a
> variety of reasons has perceived it as being desirable to have Africa as fairly
> stabilised. The large militaries of the rest of Africa none of which actually
> add up to the level of the Nigerian military, don't see stability in
> neighbouring countries as really being that important a thing, so its hard for
> African governments to even get resources from Africa as well. Again it's
> the priorities, whatever the immediate priorities for those particular
> resources that are necessary."[106]

This is a clear demonstration of what Rotberg and Weiss argue is the skewed

allocation of resources and personnel among geographical areas[107] an issue which was

explored previously in Chapter Five[108] and an issue which is particularly relevant to the

original African Union operation in Burundi. The African Union Mission in Burundi

(AMIB) was the precursor to the United Nations Operation in Burundi (ONUB). As

one of the first operations undertaken by the African Union, the mission in Burundi was

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[105] Berdal in Lowe, Vaughan and Adam Roberts and Jennifer Welsh and Dominik Zaum, *The United Nations Security Council and War* (Oxford University Press: Oxford 2008) pg 191
[106] Interview with Professor Craig N. Murphy 3rd September 2008
[107] Rotberg, Robert and Thomas G. Weiss *From massacres to genocides: The media, public policy and humanitarian crises* (World Peace Foundation Cambridge 1996)
[108] See Chapter Five pages 231-241

seen as a clear demonstration of the new willingness of the organisation to undertake

interventions within its member states. A willingness most clearly demonstrated in the

constitutive act of the African Union which outlines "the right of the Union to intervene

in a Member State pursuant to a decision of the Assembly in respect of grave

circumstances, namely: war crimes, genocide and crimes against humanity."[109] Despite

the organisations emphasis on authorising interventions the AU faced similar problems

to the UN in terms of troop provision and funding. As the mission progressed

> "it was clear that African states were unwilling to fund the operation
> sufficiently, which became part of the reason for transferring the
> peacekeeping baton to the UN force ONUB in June 2004."[110]

This problem is not however unique to the African Union and the issue of troop

provision and logistical planning is also problematic for the United Nations which

seems in some cases incapable of preparing for a complex peacekeeping mission. This

inability to prepare and provide for large scale operations is clearly demonstrated in

both the intervention in Somalia and the Former Yugoslavia.

The original UN mission UNOSOM I "was undermanned and overmatched by

warring Somali clan militias."[111] With only 50 military observers and 500 security

forces there was little hope that it would be able to achieve its mandate to protect the

large amount of humanitarian aid flooding into the country. In an attempt to redress this

Resolution 775 (august 1992) authorised an increase in the number of security forces to

be deployed by a further 3,000, however by December of 1992 the number deployed

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[109] See African Union, Constitutive Act of the African Union Chapter Four
http://www.au.int/en/about/constitutive_act (4th May 2011)
[110] Williams, *The African Union*
[111] Dobbins, James, *The UN's role in nation building* (Survival: 46: 4: 2004-2005) 81-102

had only increased to 564. The failure of UNOSOM I led the Secretary General to

present the Security Council with five options.[112] At this Point the United States offered

to undertake an enforcement operation and UNITAF or 'Operation Restore Hope' was

established. The operation was established with one main aim "to establish a secure

environment for humanitarian operations within Somalia."[113] The ability of the USA to

quickly deploy troops to Somalia and stabilise the situation is a clear demonstration of

the impact that the right kind of resources deployed at the right time can have.

However, the US was unwilling to become involved in any long term operation to

ensure the reconstitution of the Somali state and because of this the situation only

escalated.

There was an attempt made to address this escalation with the deployment of the

second UN mission UNOSOM II. As soon as the Americans felt that the security

situation in Somalia had stabilised they handed over control to the UN and UNOSOM

II. The new UN force was now responsible for ensuring political reconciliation between

the parties involved; assisting in the creation of political and administrative structures;

disarming and demobilising the various militias; enforcing the arms embargo placed on

the county; re-establishing the police force and judicial system; overseeing the return of

refugees;   aiding   the   de-mining   process   and   ensuring   the   rehabilitation   and

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[112] The five options presented were as follows they could expand UNOSOM and retain the original
principles of the mission and its mandate; complete withdrawal was the second option available leaving
the aid agencies to negotiate their own agreements with the conflicting parties; they could construct a
large show of force with UNOSOM in the hope that it would deter the factions from attacking both UN
forces and aid agencies; a country wide enforcement operation undertaken by member states on behalf or
the UN was the fourth option tabled or finally a country wide operation conducted under the control of
the UN. For more see: Sutterlin, James S., *The UN and the maintenance of international security*
(Praeger: Connecticut: 1995) pg 63
[113] Nations,*Somalia (1996)*  pg 32

reconstruction of Somalia.[114] It was expected to achieve all of this with less than half

the number of troops which the Americans had provided for the UNITAF operation.

Whilst "the previous UN and US forces had confined their mission to securing

humanitarian relief activities" UNOSOM II, with a much smaller number of troops was

given an extended mission involving

> "the introduction of grassroots democracy, a process which would put the
> United Nations at cross purposes with every warlord in the country. The
> result was a resurgence of violence to levels that residual US and UN troops
> proved unable to handle."[115]

This resurgence of violence then led to an escalation in the UN and US response,

following the attack on a Pakistani contingent in which 24 peacekeepers died both

UNOSOM II and the remaining US Quick Reaction Force essentially became parties to

the conflict. With their attempts to hunt General Aidid the UN, in the eyes of the

Somalis lost its neutral role. The failure to provided adequate support for the operation

directly led to the escalation of the conflict, the attacks on the UNOSOM II troops and

the perception that the UN was becoming another party to the conflict. . The inability to

deal with the ongoing conflict was in part due to the failure of the Security Council to

provide a clear and achievable mandate for each UN intervention. UNOSOM II was a

clear example of the ways in which "the functions and mandate of a peacekeeping force

are affected by the nature of the conflict" and the reality that "if a force is given a

mandate unsuited to the type of conflict in which it is positioned it will be unable to

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[114] Halim in Ginifer, J., *Beyond the emergency: development within UN peace missions* (Frank Cass
London: 1997) pg 76
[115] Dobbins, *Nation building (2004-2005)* 81-102

achieve its purposes."[116] This not only had negative consequences for the UN troops in

Somalia but also for the organisation as a whole. Unfortunately

> "The resulting setback had a knock-on effect. Successful peacekeeping
> depends critically on the parties to the conflict having respect for and
> confidence in the United Nations. The humiliation and ineffectiveness of
> UN troops in Somalia-and, at about the same time, in Bosnia- undermined
> their credibility in other theatres. 'Welcome to Mogadishu' was the banner
> held aloft by demonstrators on the quayside in Port-au-Prince who
> succeeded in turning away a US Navy ship that was to land the advance
> party of a new peacekeeping operation in Haiti."[117]

As Goulding highlights this problem was not unique to Somalia, the operation in

Bosnia was also facing similar issues.

The original UN mission in the former Yugoslavia was deployed within Croatia,

under the acceptance of a peace agreement by all parties. However as the conflict

spread the mandate for the operation increased to cover Bosnia. Although as Roberts

argues "mission creep is natural"[118] within a peacekeeping operation the problem in

Bosnia was that "unlike Croatia where the frontline was more or less defined and it was

then easier to monitor what was going on, on the ground, in Bosnia the frontline was

not defined at all."[119] This change in operational situation was coupled with the fact

that

> "the peacekeeping forces were relatively lightly armed and their mandate
> was not to impose peace but to keep peace. So whenever there were
> sporadic clashes on the ground it was not an easy task for them to intervene,

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[116] White, N.D,*The United Nations and the maintenance of international peace and security* (Manchester University Press Manchester: 1990) pg 209
[117] Goulding, Marrack, *The United Nations and conflict in Africa since the Cold War* (African Affairs: 98: 391: 1999) 155-166
[118] Interview with Professor Adam Roberts 8th December 2009
[119] Interview with Igor Ilic Reuters 6th August 2009

they immediately tried to negotiate cessation of hostilities, the ending of clashes or hostilities but it was not always an easy task and even more so because they tried of course to remain neutral."[120]

As the conflict in Bosnia was ongoing there was a need for an understanding that "the use of force may be necessary to prevent a more catastrophic development occurring."[121] However the reality of the situation on the ground was that the troops did not have the necessary equipment in order to make the necessary displays of force, as one former peacekeeper put it "you're there, you've got a mickey mouse pistol, these guys have got AK47's they've got RPG's, they're properly tooled up."[122] This then raises the most important question of all, as Roberts argues; is the mandate properly resourced? Providing an example from the Bosnian conflict, Roberts details how the Force Commander of UNPROFOR in Bosnia, General Michael Rose, would not even read the numerous Security Council resolutions as he knew he "could not do all the tasks outlined with the resources he had."[123] This is a clear demonstration of the increasing disconnect between the rhetoric of Security Council resolutions and mandates, and the reality of what troops are capable of achieving on the ground. An issue highlighted by General Rupert Smith who argues that in Bosnia, "the existence and actions of the Security Council negatively affected events ... The consequence of this failing was the destruction of the credibility of the UN."[124]

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[120] Ibid. Ilic
[121] Berdal in Lowe, *Security Council (2008)* pg 197
[122] Interview with Dan Doherty CIMIC 2nd July 2009
[123] Interview with Professor Adam Roberts 8th December 2009
[124] Smith in Lowe, *Security Council (2008)* pg442

The loss of credibility is something which has haunted the United Nations throughout various operations, most recently in the DRC where it had to call in support from the European Union to provide resources until the United Nations could bolster its own operations.[125] Credibility has also been a problem for other organisations including the African Union whose capability was also questioned following the failures in Burundi, where "operational difficulties raise the question of what capacity African states currently possess to conduct complex and multidimensional peace operations."[126] The problem was best articulated by the head of the AU's Peace Support Operations Division, Bereng Mtimkulu who asked

> "How well can the AU salvage institutional pride when clearly it cannot stay the course in complex operations owing to fragile structures and unpredictable funding and other resources?"[127]

As Williams argues "Africa's capacity to keep the peace on the continent is woefully short of what is required."[128] Again the problem is the resourcing and funding of increasingly complex peacekeeping missions.

Roberts argues that under-resourcing is a natural problem in those instances where no one state is really in charge and committed to resolving the situation. Indeed, that this is one of the main problem with multilateralism. There is not enough emphasis placed on the potential interests of state in resolving the conflict: if you are going to get states involved you need to make them feel committed. Again he utilises the example of

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[125] See Homan,*Operation Artemis in the Democratic Republic of the Congo* in , and Ulriksen, Stale Ulriksen; Catriona Gourlay and Catriona Mace, *Operation Artemis: The shape of things to come?* (International Peacekeeping: 11: 3: 2004) 508 - 525
[126] Williams, *The African Union*
[127] Mtimkulu, Bereng, *The African Union and Peace Support Operations* (Peacekeeping Trends: 4: 2005)
[128] Williams, *The African Union*

Bosnia in the summer of 1995 when the large number of British and French troops were

provided for a rapid reaction corps. Which in turn made those states more committed to

resolving the conflict;[129] as argued above this was also demonstrated in Somalia, with

the success of the UNITAF operation under US command, in comparison to the

perceived failures of the UN controlled operations. The same could also be argued in

relation the EU operation ARTEMIS in the DRC, which was viewed by politicians in

Europe, including the then French President, as an excellent chance to demonstrate the

potential of the European Union in relation to peace support operations, without the

inclusion of NATO.[130] This is a clear demonstration that not only are peacekeeping

missions drastically under-resourced but that "the Security council's involvement in

peacekeeping - as evidenced by the mandate(s) given and the resources allocated to a

mission - continues to be shaped, for better and worse, by the strategic calculations of

the P5."[131]

The apparent disconnect between resolutions and the resources provided to meet

those resolutions is also clearly demonstrated in Bosnia and the DRC. Following on

from resolution number 749[132] which called for the cessation of hostilities resolution

number 752[133] in May 1992 reaffirmed the call for the cessation and respect for the

previously signed peace agreement. This was swiftly followed two weeks later by

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[129] Interview with Professor Adam roberts 8th December 2009
[130] See Ulriksen, *Operation Artemis (2004)*
[131] Berdal in Lowe, *Security Council (2008)* pg 202
[132] United Nations Website http://daccess-dds-
ny.un.org/doc/RESOLUTION/GEN/NR0/011/02/IMG/NR001102.pdf?OpenElement (21st August 2010)
[133] United Nations Website http://daccess-dds-
ny.un.org/doc/RESOLUTION/GEN/NR0/011/11/IMG/NR001111.pdf?OpenElement (21st August 2010)

resolution number 757[134] which established the no-fly zone over Bosnia along with

other economic restrictions. Then in June of 1992, as the conflict intensified,

UNPROFOR's mandate and strength were enlarged via resolution 758[135] in order to

ensure the security of the airport at Sarajevo, and the delivery of humanitarian

assistance to that city and its environs. Following resolution 749[136] the then Secretary

General Boutros Boutros Ghali submitted a report to the security council in which it

was estimated that between ten and fifteen thousand troops[137] would be needed to

stabilise the situation in Bosnia. However by February 1993 troop deployment numbers

had only reached 8,723.[138] This was despite the fact that the mandate had been further

enlarged in September 1992 authorising UNPROFOR to support efforts by the United

Nations High Commissioner for Refugees to deliver humanitarian relief throughout

Bosnia and Herzegovina, and to protect convoys of released civilian detainees if the

International Committee of the Red Cross so requested. The increased humanitarian

nature of the mandate was based on the fact that "humanitarian relief remained the one

mission on which all council members could agree."[139] However much emphasis was

placed on providing humanitarian assistance it "could not obscure the reality that

humanitarian relief was a substitute for the more difficult decisions that would have

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[134] United Nations Website http://daccess-dds-
ny.un.org/doc/RESOLUTION/GEN/NR0/011/16/IMG/NR001116.pdf?OpenElement (21st August 2010)
[135]United Nations Website http://daccess-dds-
ny.un.org/doc/RESOLUTION/GEN/NR0/011/17/IMG/NR001117.pdf?OpenElement ( 21st August 2010)
[136]United Nations Website http://daccess-dds-
ny.un.org/doc/RESOLUTION/GEN/NR0/011/02/IMG/NR001102.pdf?OpenElement ( 21st August 2010)
[137] United Nations, *Further report of the Secretary General Pursuant to Security Council Resolution 749*
(S/23900. 12th May 1992)
[138] Durch, William J.,*UN peacekeeping, American Politics, and the uncivil wars of the 1990s* (Palgrave
MacMillan: London: 1996) pg 239
[139] Bosco, David L,*Five to Rule Them All* (Oxford University Press New York: 2009) pg 177

been required to end the war."[140] The situation in the DRC is remarkably similar with

no less than fifty resolutions passed by the Security Council since the mission began.[141]

The mission has been mandated with a variety of tasks many of which are unrealistic

"considering the size of the mission and the unfriendly context in which it had to

operate."[142] Moreover as Neethling argues, the Security Council seems to "have learned

little from the failed UN missions in Rwanda and Somalia where it had been shown

that, to be effective, the mandate should be clear and realistic and be accompanied by

sufficient means to be credible."[143]

The situation on the ground in Somalia, Bosnia and the DRC is a clear

demonstration of "a startling gap between the council's resolutions and the resources it

provided to enforce them."[144] It also highlights the

> "obvious contradictions between resolutions by the UN Security Council
> reacting to public demands to do something on the one hand - and the
> reluctance of governments to provide troops for UN missions on the other
> hand."[145]

The lack of consistency was clearly demonstrated in Bosnia with "council decision

making becoming increasingly, as the mission wore on, divorced from realities on the

ground, making the resulting mandates incapable of translation into realistic military

objectives for UN peacekeepers."[146] The issue of translation of council mandates or

resolutions in to operational realities is important, as is the interpretation of those

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[140] Ibid. Pg 177
[141] See United Nations, United Nations Peacekeeping Website MONUC,
[142] Smis, *Complex Political Emergencies*
[143] Neethling, Theo, *Peacekeeping Challenges in the DRC* (Africa Insight: 2000)
[144] Bosco, *Five (2009)* , pg 194
[145] Biermann and Vadstet in Biermann, Wolfgang and Martin Vadstet *UN Peacekeeping in Trouble: Lessons Learned from the Former Yugoslavia* (Ashgate Aldershot: 1998) pg 21
[146] Berdal in Lowe, *Security Council (2008)* pg 199

mandates. As Holt and Berkman argue, a process of 'mandate creep' means that peace

engagement has come to include achieving democracy, post-conflict rehabilitation,

justice and civilian protection. Operational concepts are not keeping pace with mission

mandates.[147] The danger of differing interpretations was also highlighted in relation to

the US led UNITAF intervention in Somalia. The operation was not under the control

of the UN which meant that the interpretation of the mandate and hence the aims of the

mission were established by the Commanders of the operation, in this case the US

military. The American Command decided that "the goal was to deploy a large force

capable of controlling the violence and making it clear to the faction leaders that order

would be restored with or without their cooperation."[148]

In the eyes of the Americans, including President Bush, the mission had clearly

defined and limited objectives, to open supply routes, get the aid moving and prepare

the way for a more traditional UN peacekeeping force. This was in direct contradiction

to what the Secretary General had hoped UNITAF would achieve, namely the complete

disarmament of the factions involved in the conflict. The Americans had no desire to

become embroiled in the complex process of disarming the factions, they wanted a

clean exit from Somalia and this unfortunately signalled to the factions involved that

the Americans, although exerting their influence at the moment would not be a

continuous thorn in their side and would fairly soon be leaving Somalia in the

somewhat less capable hands of the UN. As the United Nations has learned over the

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[147] Holt, Victoria K. and Tobias C. Berkman,*The impossible mandate? Military prepardness, the responsibility to protect and Modern peace operatiosn* (The Henry L. Stimson Center Washington D.C: 2006)
[148]Pugh,*Use of force (2002)* pg 169

last decade, no amount of good intentions can substitute for the fundamental ability to

project credible force if complex peacekeeping is to succeed.[149]

The failure to deal with the disarmament of all the factions involved in the conflict

meant that

> "Instead of remaining neutral... the United States and United Nations ended
> up enhancing the roles and status of the warlords. U.S. rules of engagement
> in Somalia forbade any interference in Somali-on-Somali violence, despite
> President Bush's rhetoric in defining the mission. Most important, the failure
> to disarm the major combatants meant that the United States and the United
> Nations in effect sided with those who had the most weapons, leaving the
> weak and defenceless to abandon hope."[150]

The problem stemmed from the way in which the US and the UN dealt with those in

charge of the factions, in order to secure the safe delivery of aid the faction leaders had

to be negotiated with, or fought against, this led to them gaining status within the

overall peace process despite the fact that

> "The warlords were widely seen as war criminals who had plunged Somalia
> into chaos and famine. Instead of arresting the warlords, the US treated
> them as legitimate political players at a time when they were on the
> backfoot and their authority was ebbing. Thereafter, the UN's freedom of
> action in searching for a political solution was severely circumscribed by the
> involvement of the faction leaders."[151]

By treating them as legitimate players the UN then gave them legitimacy. This led to

their influence increasing as time went on. It also in many respects led to the

development of an aid based economy and an increasing use for black market trading. It

was clear from the outset that "the warlords benefited financially from the criminal

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[149] For more see: Nations, United, *Report of the Panel on United Nations Peace Operations to the Secretary-General* (New York: United Nations General Assembly 21st August 2000)
[150] Clarke, *Somalia (1996)*
[151] Patman, Robert G., *Disarming Somalia* (African Affairs: 96: 385: 1997) 509-533

activities of their supporters"[152] and that "the country's entire political and economic

systems essentially revolved around plundered food."[153] The situation stemmed from

the fact that "countries such as Somalia are not able to produce even enough food for

their own people."[154] Warlords were then using plundered food to buy loyalty and to

gain influence. This food was being plundered from aid agencies, agencies which it was

the responsibility of the US and UN Forces to protect. However,

> "When U.S. troops intervened in December 1992 to stop the theft of food,
> they disrupted the political economy and stepped deep into the muck of
> Somali politics. By re-establishing some order, the U.S. operation inevitably
> affected the direction of Somali politics and became nation-building because
> the most basic component of nation-building is an end to anarchy."[155]

The problem then became the failure of the forces to follow up on the need for nation

building within Somalia.

The failure in Somalia stands in direct contradiction to both the missions of the AU

and the UN in Burundi whose main aim was the re-establishment of a functioning

government within the state. The problem in Burundi however was the direct

connection between the push for democratization and the corresponding increase in

violence. As Fein argues the relationship between democratization and violence has

long been recognised.[156] A relationship clearly demonstrated in Burundi where

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[152] Ibid.
[153] Clarke, *Somalia (1996)*
[154] Lauderdale, Pat and Pietro Toggia, *An indigenous view of the new world order: Somalia and the ostensible rule of law* (Journal of Asian and African Studies 34: 1999) 157-177
[155] Clarke, *Somalia (1996)*
[156] Fein, Helen, *More Murder in the Middle: Life-Integrity Violations and Democracy in the World, 1987* (Human Rights Quarterly: 17: 1995) 170-191

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"the most recent and most extreme rounds of violence are the direct result of processes of democratization set in motion in large part by pressure from the international community."[157]

The problem is that, as Uvin outlines, if there are no well-organized and powerful explicitly democratic groups within a country then "the process of democratization can be easily subverted by those who have most to lose." [158] This can then lead to a situation more extreme than that at the start. As "Burundi is second only to Rwanda on the list of states subject to recurrent bouts of ethnic insecurity"[159] the only way to prevent a return to that violence is to "develop a system of government that protects the security and rights of the minority, while providing the ethnic majority with the political benefits that they have been deprived of for so long."[160] However as Brown and Kaiser go on to argue "

> "The ethnicisation of politics, often reinforced by politicians themselves, promotes competition for access to resources, rather than the institutionalised compromise that theoretically characterises a democracy."[161]

This then leads to a recurrence of violence as demonstrated within Burundi. The continuing cycles of violence tested the UN peacekeeping operation however the mission was declared a success and the mandate completed in December 2006.[162] Despite the completion of the peacekeeping mission tensions within the country remain high, with post-election clashes in 2010 increasing fears of a return to civil war.

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[157] LeMarchand,*Burundi*
[158] Uvin, *Different Paths to Mass Violence*
[159] LeMarchand,*Burundi*
[160] Brown, Stephen and Paul Kaiser, *Democratisations in Africa: Attempts, Hindrances and Prospects* (Third World Quarterly: 28: 6: 2007) 1131-1149
[161] Ibid.
[162] See United Nations, Press Release on completion of ONUB mandate,

In comparison with Burundi which had only eight resolutions passed by the Security Council,[163] the sheer number of resolutions passed in relation to the conflict in Bosnia seemed to imply that the forces on the ground had "a clear cut inability to carry out and enforce the resolutions of the Security Council."[164] However this suggestion fails to take into account that, as Bosco argues "the gap between the council's lofty resolutions and the reality on the ground was startling."[165] The troops involved in UNPROFOR faced an exceedingly difficult and complex situation on the ground as "they could not impose anything on to the warring parties as they were not specifically mandated to do so."[166] They were being asked to undertake a peace enforcement operation with only the mandate and resources of a peacekeeping operation. This meant that UNPROFOR "lost much of its prestige and credibility by trying, and failing to operate by political means in a situation which was defined by military forces."[167]

Although as one UK mission official argues "UN peacekeeping can be more robust and more aggressive where it needs to be and it can protect civilians and all the rest of it" he then goes on to emphasise that "it can't solve the ills of the world, people expect too much of it and we've ended up mandating missions that are, I think expecting way too much from it."[168] This argument is supported by academics such as Fortnam who argues that UN peacekeeping is

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[163] See United Nations, United Nations Peacekeeping Website - ONUB, http://www.un.org/en/peacekeeping/missions/past/onub/ (20th April 2011)
[164] Rosenau, James N., *Governance in the 21st Century* (Global Governance: 1 1 1995) pg 142
[165] Bosco,*Five (2009)* pg181
[166] Interview with Igor Ilice Reuters 6th August 2009
[167] Vayrynen in Pugh, *The UN (1997)* pg 35
[168] Interview with UK Mission Official One 27th August 2008

"asked to perform miracles, turning countries in which political institutions, economic infrastructure, and the very fabric of society have all been devastated by civil war, into stable, functioning, democratic states."[169]

It is clear from the above examples that while there is a definite consensus that has evolved on the desirability of UN intervention in humanitarian situations "there is a long distance between agreement on goals and a shared perspective on the provision of the necessary means" and that while there is a need for collective action in volatile situations the United Nations should fill that void as "the best available means of achieving a modicum of governance."[170] If the UN is to be successful at creating that governance then the issue of resources needs to be addressed. As argued in a CIC report "Collective support to peacekeeping will be severely weakened if there are significant gaps between expectations and performance on the cases that attract most political scrutiny."[171]The organisation also needs to address the apparent selectivity in the application of the norms associated with Global Governance in order to ensure that operations in the field retain local as well as international legitimacy. What is less clear is what the role of other organisations such as NGOs should be. One of the key arguments of supporters of the development of Global Governance is that these organisations can provide improved accountability and representation in the international system. This argument fails to take into account the structures of many NGOs, whose democratisation and accountability can be somewhat questionable. It

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[169] Fortnam in Ed: Jarstad, Anna K. and Timothy D. Sisk, *From war to democracy* (Cambridge University Press Cambridge: 2008), pg 39
[170] Rosenau, James N.,*The study of world politics: globalisation and global governance* (Routledge: New York 2005)pg 143
[171] Center for International Cooperation, *Building on Brahimi: Peacekeeping in an Era of Strategic Uncertainty* (New York: Center on International Cooperation 2009)

also fails to address the problem that many NGOs have a western dominated, or western influenced agenda, again not a characteristic which is likely to improve the representation and accountability within the international system. The following section of this chapter argues that NGOs and other international organisations are having a detrimental impact on UN peacekeeping operations in the field as they complicate the operational environment of the organisation. It also argues that there is a clear lack of coordination between the various organisations operating in the field and that this is again impacting on the ability of the UN to negotiate a resolution to any ongoing conflicts.

## Co-ordination with other organisations

The increased demand for peacekeeping operations following the end of the Cold War was coupled with a marked increased in the number of actors involved in those operations. The end of the Cold War not only removed the restrictions on the ability of groups to wage war, without the restrictive influence of the Superpowers many groups intent on achieving self-determination instigated civil wars, it also "removed many of the international constraints previously placed in the way of providing humanitarian assistance in rebel or politically contested areas."[172] Many felt that "the geopolitical straitjacket was at last being removed and it seemed that humanitarians could set their own agenda for the first time"[173], what this agenda should be and how it would be enacted however was much debated. Within the international system there was however

[172] Duffield, Mark,*Global Governance and the new wars* (Zed Books London: 2001) pg 31
[173] DeWaal, Alex,*Famine Crimes* (James Currey Oxford: 1997) pg 133

increasing political support for "a broad political and military commitment using international laws, norms and organisations to facilitate protection and assistance for affected populations in complex emergencies."[174] 'Complex emergency' is a post-Cold War term used to define and explain a particular type of conflict, usually within a state. A 'complex emergency' can be defined as "large-scale social breakdown and population displacement (caused by conflict arising for multi-causal reasons)"[175] and they are viewed as "dissolving the conventional distinctions between people, army and government"[176] making them especially difficult to resolve and extremely dangerous to work in. Duffield further expounds this definition in a report for UNICEF in which he defines complex emergencies as "deep, protracted political crises engendered by profound social change"[177] and goes on to detail several unique characteristics of these emergencies. The impact of a complex emergency is one of the most unique and important aspects; they have the ability to destroy cultural institutions, collapse education and health care, erase market economies and business and to remove the skill base.

Complex emergencies make it particularly difficult to gain access to and provide protection for vulnerable people, as the government is often either contested or completely collapsed which also makes it difficult to ensure the security of any personnel working in the area. It is important that any intervention is flexible and that it has a continuous flow of information from a variety of sources. One other major

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[174] Lautze, Sue, *Assistance, Protection and governance networks in complex emergencies* (Lancet: 364: 2004)
[175] Duffield,*Global governace (2001)* pg 86
[176] Ibid. pg 87
[177] Duffield, Mark, *Complex Political Emergencies* An exploratory report for UNICEF:1994)

problem with intervening in complex emergencies is the tendency for those intervening

to become party to the crises. This means, "Complex emergencies present significant

challenges to aid workers who should now more fully understand the political,

economic and military dimensions of modern crises."[178] Whilst the aim of intervening

is to ensure that "all innocent civilians caught in warfare on any side of a conflict

should as a matter of principle have access to assistance"[179] however "the commitment

to being operational in the field is the most enduring and transparent principle followed

by Non-Governmental Organisations (NGOs), and it leaves them open to

manipulation"[180]. These issues have caused numerous problems for international

organisations and NGOs alike. In fact in many cases, such as Somalia, Yugoslavia, and

the DRC the United Nations "have found their efforts complicated by the variety of

international actors involved in humanitarian crises."[181] This added complication can be

attributed, as Berdal argues, to the Post Cold War preferences of Western Powers who,

by encouraging a multiplicity of actors with divergent interests, have complicated the

environment in which peace operations are conducted.[182] For example in the DRC as

Smis and Oyatambwe argue

> "Confronted with this complex political emergency, the international
> community, which has a responsibility for maintaining peace and security,
> adopted an ambiguous attitude. Its inaction jeopardises long established
> legal and humanitarian principles of international relations while
> challenging the relevance of conflict resolution mechanisms.[183]

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[178] Lautze, *Assistance (2004)*
[179] Anderson, Mary B. ,*Do No Harm* (Lynne Rienner: London: 1999) pg 55
[180] DeWaal,*Famine crimes (1997)* pg 146
[181] Fosdick, Anna, *Conflict management learning?* (Global Governance: 5: 4: 1999)
[182] Berdal in Furley, Oliver and Roy May, *Peacekeeping in Africa* (Avebury: London: 1998)
[183] Smis, *Complex Political Emergencies*

Rather than ensuring a coordinated response the international community instead allowed the situation within the DRC to escalate to the point where it is now viewed as "Africa's First World War".[184]

The complications posed by the increase in actors was also clearly demonstrated in Somalia where the coordination of various agencies and actors posed a large problem for the UN; "where humanitarian operations are concerned there are even more actors on stage, including many agencies within the wider UN system and an enormous number of NGOs."[185] All of these agencies were having a direct impact on the conflict through the provision of aid yet there was no real system in place to coordinate or minimise that impact. As there was no central state it was essentially a free for all for NGOs and the warring parties to do as they pleased with no focus on the long term effects. This is partly due to the fact that

> "The UN deals with the most urgent problems at a certain time, given its limited resources and the inherent tendency of organizations to have short-range planning and attention. Once a crisis abates, UN members and the international media tend to turn away from it. Accordingly, the diplomatic efforts and resources needed to ensure long-term stability are often not present."[186]

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[184] See Prunier, *Africa's World War*
[185] Goulding, *The United Nations (1999)* 155 - 166
[186] Diehl, Paul F. and Jennifer Reifschneider and Paul R. Hensel, *United Nations intervention and recurring conflict* (International organisation: 50: 4: 1996) 683 - 7000

From this stand point "for states it seems humanitarianism is too valuable to be left

to humanitarians"[187] and that NGOs are facing a loss of their independent space. This

issue was raised by Lord Hannay who argued that

> "In particular I think the NGOs have terrible difficulties working out
> whether it is a greater evil to intervene by force or to have a lot of people
> killed and not intervene and in places like Somalia and so on they find it
> very difficult. My view is they would do well to not think that they are a
> kind of alternative government that has to have a view on it. They'd do
> better to just keep their heads down, particularly of course if they are
> humanitarian, simply make the best use that is possible of the opportunities
> that are offered to carry out their mission which is to deliver medicine food
> or whatever it may be. But the difficulties come in circumstances where
> very often in a peace operation the NGOs have to work very closely with
> the UN or the regional organisation, that doesn't shock me at all, it shocks
> some NGOs but then I'm sorry I think they are not living in the real
> world."[188]

For Hannay there is a failure on behalf of NGOs to accept that they play an

inherently political role within conflict zones, one which they failed to acknowledge in

Somalia with detrimental consequences.[189] Many NGOs wish to believe that they are

extra-political that they have no impact other than the provision of humanitarian aid, as

Weissman argues "we should remember that modern humanitarian action developed out

of armed conflicts in the 19th century by asking 'who needs help because of this war?'

instead of 'who is right in this war?'"[190] This sentiment does not however fit with

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[187] Rieff in Weissman, Fabrice, *In the shadow of 'Just Wars' Violence, Politics and Humanitarian Action* (Hurst and Company: London: 2004) pg 296
[188] Interview with Lord David Hannay 6th October 2009
[189] For more see Weiss, Thomas G., *Principles, Politics and Humanitarian Action* (Ethics and International Affairs: 13: 1999) 1-22
[190] Brauman and Salignon in Weissman, *In the shadow (2004)* pg 273

modern day conflicts where aid can become a political tool in the conflict, helping to

support the parties and enable them to continue the fighting. As David Keen argues

> "Conflict can create war economies, often in the regions controlled by rebels
> or warlords and linked to international trading networks; members of armed
> gangs can benefit from looting; and regimes can use violence to deflect
> opposition, reward supporters or maintain their access to resources. Under
> these circumstances, ending civil wars become difficult. Winning may not
> be desirable; the point of war may be precisely the legitimacy which it
> confers on actions that in peacetime would be punishable as crimes."[191]

Keen also argues that in many cases, such as the Former Yugoslavia, the ethnic conflict

and hatred can be shaped by the fighting rather than shaping the fighting and that

> "Part of the problem with much existing analysis is that conflict continues to
> be regarded as simply a breakdown in a particular system rather than as the
> emergence of an alternative system of profit, power, and even
> protection."[192]

It is the failure of the NGOs to acknowledge their role in creating and sustaining these

alternative networks or systems of profit and power which raises questions as to their

future role in peacekeeping operations.

The problem is that "there is in the humanitarian NGO world of course an inbuilt

tension between them and the military in general, or peacekeeping operations in

general."[193] The inbuilt tension, or suspicion in some cases is generated by both sides.

Humanitarian agencies in most cases are afraid of losing their independence and most

important their perceived impartiality and neutrality which enables them to operate in

hostile environments. Whereas among the military, as one military operative explains

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[191] Keen, David, *The economic functions of violence in civil war* (Adelphi Papers: 320: 1998)
[192] Ibid.
[193] Interview with UK Mission Official One 27th August 2008

"There is a perception amongst working soldiers that lots of the aid agencies go round in big white 4 X 4's, don't achieve a lot, seem to have a lot of meetings and sometimes bring their own challenges with them and are of dubious benefit, and sometimes get the soldiers into positive danger and also come knocking on the door sometimes and expect to be protected and looked after."[194]

This argument was taken further by another former peacekeeper when talking about the coordination of different agencies in the field;

"coordination does it exist? It ought to exist but it does not exist well. Most soldiers are suspicious of non government organisations, irrespective of what their background is because they tend to have their own agenda and for the best of reasons I accept that they will run to their agenda even if it is not necessarily appropriate from our point of view at the time. I suppose non government organisations under certain circumstances say we are here, we are independent, and we don't have to take orders from you. That is very true except there is a threshold over which they may step which causes difficulties for other people and to try to coordinate that is a nightmare, is an absolute nightmare. So on a massive scale or on a larger scale which would be the United Nations it is an absolute quagmire and again the best you could achieve would be lowest common denominator. That's what I've seen on the ground and sometimes all you've wanted to do would be to grab throats and say right this is what you are going to do and it's not negotiable. This is what we are trying to achieve and you are either with us or against us, but that's just a British soldier speaking having been frustrated."[195]

The need for coordination is paramount. but if you take the above argument it would appear that coordination in the field is minimal at best. not only between the NGOs and any troops on the ground, but between the various NGOs themselves.[196] The potential hazards to peacekeeping troops are twofold. first there is a risk that NGOs will

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[194] Interview with Army Medical Officer 8th July 2009
[195] Interview with Col. Ian MacFarlane 8th July 2009
[196] For a detailed look at the role of NGOS see Schimmel, Volker, *Humanitarianism and Politics: The Dangers of Contrived Separation* (Development in Practice: 16: 3/4: 2006) 303-315

contradict or counteract any policies which the UN might attempt to apply, as Hannay

argues, NGOs

> "must not spend a lot of time promoting alternative policies, they'd do an
> awful lot better saving their money if they were doing that. They can
> advocate different policies to the UN and the governments that are
> supporting an operation at headquarters, but having them sort of kibitzing in
> the field and saying you know I wouldn't do it this way you should do it that
> way is really a recipe for dividing councils and for failure."[197]

NGOs attempting to propose alternative policies run the risk of undermining the UN

operation in the eyes of the population which in the long run will only be detrimental to

the overall security situation, making it more difficult for the NGOs themselves to

operate in the field.

The above perception of NGOs is however challenged by operatives in the field, in

particular one ICRC delegate who argued that

> "There is this almost myth that you the NGOs are uncoordinated. You don't
> work together that we need you know one central coordinating person like a
> Lord Paddy Ashdown that comes in and makes things happen and gets
> everybody working towards the same end etc. But I think that not only
> undermines extensive coordination that does go on. I think it also fails to
> understand, what is the role of the UN particularly in the context of where
> peacekeeping is going on, or post conflict recovery is going on, and what is
> the role of an organisation like the ICRC. That is not there to maintain peace
> or to seek peace but is actually there to deal with the humanitarian
> consequences."[198]

The problem is that in dealing with the humanitarian consequences of conflict, aid

agencies can both directly and inadvertently impact on the continuation of that conflict.

The provision of aid is both a humanitarian and a political act. A reality which has in

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[197] Interview with Lord David Hannay 6th October 2009
[198] Interview with ICRC Delegate 23rd February 2009

part been recognised by scholars who emphasise the potential role for NGOs in improving the democratic accountability of the development of global governance[199], this role is however questioned by other academics such as Luck who argues that NGOs, by their very nature, are unsuited for a governance role.[200] As well as providing comfort to those in need it also enables combatants to both control the flow of aid, if agencies are negotiating access, or to prevent the distribution of aid to the other side by compromising the security of the aid agencies themselves. The lack of security is also the basis for the real disconnect between the two sides which rests on the perceptions of what needs to be done in a conflict environment.

For military personnel the first priority will always be security, securing the environment to enable other actions to occur later, for humanitarian agencies however the first priority is helping those in need. This does however, according to Roberts leave NGOs open to criticism as

> "Some of the emphasis on humanitarianism is vulnerable to the criticism that it reflects the natural desire to do something in the face of disaster, and a tendency to forget that in all these cases the disaster has been man-made, and requires changes in policies, institutions and possibly even in the structure of states and their boundaries."[201]

The failure of aid agencies to recognise this can often lead the two sides into direct conflict, and this is only exacerbated in situations where aid agencies become reliant on the military for their own security as occurred in both Somalia and Bosnia. In situations such as these the two sides "are working together but because of the rivalry, because of

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[199] Scholte, Jan Aart, *Civil Society and Democratically Accountable Global Governance* (Government and Opposition: 39: 2: 2004) 211-233
[200] Luck, Edward C., *Rediscovering the state* (Global Governance: 8: 2002) 7-11
[201] Roberts, Adam, *Humanitarian Action in War* (Adelphi Papers: 305: 1996)

the violence, because of being seen to take sides, the aid agencies try tend to try to keep

to their own thing."[202] Again the issue is the consequences for aid agencies of being too

closely identified with military forces in a conflict situation which means that "the

balance is between achieving good working level cooperation and avoiding too close

identification."[203]

The situation can also be complicated further if aid agencies bring in private security

as they did in Somalia due to the fact that relief aid workers and foreign journalists

became

> "favourite targets as gunmen resumed control of large areas of the city. The
> subsequent upsurge of attacks persuaded prominent aid organizations like
> the Save the Children Fund to continue spending nearly $10,000 per week
> hiring local gunmen to provide 'security'."[204]

This spending then placed even greater emphasis within Somali society on the

importance of owning a gun. The gun in Somalia was a means to make a living. The

reality was that "such spending reflected what was seen as an ambiguous UNITAF

commitment to relief agency security."[205] There was on behalf of the US and aid

agencies within Somalia a failure to recognise the

> "inescapable reciprocity between civil and military goals. Military
> commanders cannot expect a failed state to become inherently peaceful and
> stable and their efforts to be worthwhile in the long run without the work of
> developmental and civil affairs experts. Likewise, humanitarian workers
> must recognize that the relief goods they handle in failed states can become
> the currency of warlords."[206]

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[202] Interview with Dan Doherty CIMIC 2nd July 2009
[203] Lawrence, Commodore Tim, *Humanitarian Assistance and Peacekeeping: An uneasy alliance?*
(RUSI Whitehall Papers Series 48: 1999) pg 61
[204] Patman, *Disarming Somalia (1997)* Statistics from The Sunday Times, 3 January 1993.
[205] Ibid.509-533
[206] Clarke, *Somalia (1996)*

The need for coordination cannot be ignored but it has led to serious debate as to the

extent of such coordination some operatives, particularly those from a military

background

> "feel that missions should be integrated because one of the principles of
> producing a decently run operation is unity of command. If you have no
> unity of command then you lose control of what's going on, on the ground,
> and you're potentially doing things that are counter productive. Some of the
> humanitarian agencies, OCHA for instance, don't have that view and they
> think that there should be clear water between what humanitarians do and
> what's going on in a peacekeeping mission you know it's a difference of
> opinion. My experience of having that argument with various people, their
> counter to my argument that we need to have a coherent response is that ah
> but we get on very well together and we always talk and actually you know
> that's the point. I mean in fact all that is doing, all that is doing by having an
> integrated mission is formalising that relationship so that you are forced if
> you like to talk to each other even if the personalities don't match and in
> some cases personalities don't match."[207]

The problem is that to a large extent any coordination today is dependant on the

personalities of the staff involved as Sam Daws argues

> "it is dependant on the relationship between the Secretary General's special
> representative involved in the peacemaking side and the force commander
> concerned. So that relationship is important and whether those two can work
> together in the situations where it's not one and the same person, then you
> can have better outcomes."[208]

This reliance on personality places many peacekeeping operations in a precarious

position, not only in terms of coordination between the two branches of the operation,

civilian and military, but in terms of relations between the factions involved in the

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[207] Interview with UK Mission Official One 27th August 2008
[208] Interview with Sam Daws 9th December 2009

conflict, the peacekeepers and the NGOs on the ground. There is also the very real

potential for there to be a clash of personalities between the SRSG and force

commander, a situation which could seriously hamper any progress within a

peacekeeping mission. The potential for clashes is not however only based on

personalities but also on how different operatives from different backgrounds approach

different problems. As one former peacekeeper explained

> "You try to get people to listen. It's like any kind of business you need to
> know who they are, you establish a relationship, can you drop in for a cup of
> tea. You try to pull them together, you try to assist them, again you can't
> influence them at all because they want to be totally self contained. You try
> to provide them with information, so it is always face to face. It's about
> relationships, you get meetings, you bring groups together, and you just get
> them to try to work together try to sort things. Most organisations are in
> competition a lot of the time, they want to be seen as our organisation is
> doing this and hence more charity money goes their way if that makes
> sense? It's rivalry, it's rivalry among each other, rivalry. Also their people
> have been killed because they have been seen to be working with the
> military people perceived them to be passing on information and all this
> kind of thing."[209]

As Doherty explains above, it is not only the problem of rivalry between the military

and civilian operatives but also a problem of rivalry between different NGOs

competing for the same funding from the same sources. A rivalry which can lead the

organisations to attempt ever more challenging operations in order to ensure the next

round of funding, a rivalry which can lead to the duplication of resources in an

operation and a lack of concern and focus on those in need.

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[209] Interview with Dan Doherty CIMIC 2nd July 2009

The rivalry between the different branches of a peacekeeping mission can have a negative effect on the success of that operation and again the issue is the tension between security and the provision of humanitarian aid. This tension has only increased in recent years as Daws explains

> "It is an issue particularly because the civilian components of peacekeeping have increased exponentially. So peacekeepers aren't now principally blue bereted or blue helmeted troops. Particularly within the kind of security context which is shifting and civilians being more in the firing line almost literally that sort of coordination is valuable. Safety is not principally about coordination it's about having clear guidance and protocols and that civilians are given sufficient protection to be able to operate, but the UN will need to continue to look at what is possible in terms of international and also local national staff in theatre and what needs to happen in other ways."[210]

The arguments for full integration are far from resolved and these are only further complicated when you factor in the increasing role of other organisation outside of the UN family, in particular the use of NATO forces, which is viewed by many as a purely military alliance, hence making NGO coordination with any of these forces even more tremulous. There have however been moves towards solidifying the role of civil society in the reconstruction of states with specific reference to the importance of civil society being made in both peace agreements and peacekeeping mandates.[211]

As explored in the previous chapter there have been moves towards the creation of alternatives to the UN in the field of peacekeeping operations, and for many regional

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[210] Interview with Sam Daws 9th December 2009

[211] See for example Bell, Christine and Catherine O'Rourke, *The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy* (International Political Science Review: 28: 3: 2007) 293-324, Burundi, Arusha Peace Agreement for Burundi, United Nations, United Nations Security Council Resolution 1118, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N97/178/44/PDF/N9717844.pdf?OpenElement (18th April 2011), and United Nations, United Nations Security Council Resolution 814

organisations represent the future of peacekeeping operations, and the chance to create

a more stable form of multilateralism to ensure international peace and security. The

European Union and NATO are two actors who have taken on increasing roles in

peacekeeping operations. NATO in particular has embraced this new role, and in many

ways it has provided "a welcomed means to gain new relevance in the post cold war

period."[212] These newer actors in peacekeeping are not without their challenges

however.

One of the key problems is, as Bellamy and Williams argue the uneven occurrence

of regionalisation, not all regions have developed capabilities to the same extent and

more importantly not all regional organisations are confined to their own regions.[213] As

one UK mission official explains different organisations have different capacities, for

example

> "the EU can do things that the UN cannot. Some of which is related to the
> way in which the EU operates, operates much more as a nation state if you
> like rather than the UN which operates as a massive bureaucracy. If the EU
> is looking at a peacekeeping mission or a peacekeeping scenario the EU
> looks at it from a much more pragmatic point of view than the UN does, the
> UN tends to look at it through a completely political prism and therefore
> you get missions set up which have no real clear military peacekeeping goal,
> or achievable clear peacekeeping goal. Whereas the EU on the other hand
> will look at it and say do we have the means to achieve this if yes then we
> might go and do it if no well we won't even consider it any further. , So in
> that sense the EU can be quite helpful. It also has forces of course which are
> much more capable than the average forces that come forward as troop
> contributing countries in the UN." He then goes on to argue that other

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[212] Forman and Grane in Malone, David M., *The United Nations Security Council* (Lynne rienner:
London: 2004) pg 298
[213] Bellamy, Alex J. and Paul D. Williams,*Understanding Peacekeeping* (Polity Press Cambridge: 2010)

organisations do not have the same capacities, organisations such as the AU, which he argues "what the AU lacks, specifically lacks is resources."[214]

This lack of resources was clearly demonstrated in Burundi, resulting in the handing over of control to the United Nations.[215] This argument was also backed by an MOD official who noted that some organisations lack the administrative skills and also military planning skills in comparison to the EU and NATO. In his opinion "NATO has the best planning. The military planning is very focused in relation to logistics and tactics" and there is a need for this to be transferred to other organisations. He also noted the problem of the small numbers of military staff within the UN in comparison to NATO.[216]

The lack of capacity of some organisations is directly connected to the involvement of other actors however there is still the issue of control and mandating of operations. Some academics such as Roberts do not believe that it is only the UN that is capable of intervention. Other bodies, with or without UN authorization, can also act as interveners, and may sometimes be successful. He argues that

> "a number of other bodies have engaged in certain kinds of intervention without attracting serious accusations of acting in a colonial manner. Both NATO and the EU have intervened in Bosnia in the years since 1995 – in both cases with UN authorization. This intervention has not attracted negative comments despite having a colonial sounding figure in charge with the glorious title of 'high representative'. Also even in situations such as the UKs intervention in Sierra Leone which had the potential for being seen as blatantly colonial, there were demonstrations in favour of the UK remaining."[217]

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[214] Interview with UK Mission Official Two 27th August 2008
[215] See this chapter pages 254- 258
[216] Interview with MOD Official 24th February 2009
[217] Interview with Professor Adam Roberts 8th December 2009

Although arguing in favour of the ability of other organisations to intervene, Roberts

does however accept that the UN has a form of primacy over regional bodies:

"Technically speaking under the UN Charter regional uses of force should be reported

to the UN and then if the Security Council is able to act they should come under

Council control."[218] The problem then becomes the fact that the UN cannot dictate to

regional organisations and in many cases "the leverage available to the UN to ensure

accountability is limited to its moral authority and, at time, the resources that it can

make available."[219] Although practitioners such as Former UN ambassador Sir Jeremy

Greenstock argue that all interventions "should be retained under UN control," and that

"the UN charter allows for regional organisation to follow their own initiatives so long

as they follow the principles of the UN charter."[220] The problem is that many regional

organisations do not classify themselves as or associate themselves with the United

Nations under Chapter VIII of the charter, which subordinates regional organisations to

the will of the Security Council. This then means that although an operation "if it has a

mandate to use force should be authorised by the security council"[221] according to

Boulden the Security Council

> "In response to regional military initiatives taken without Security Council
> authorisation, has demonstrated relatively little concern for ensuring the
> primacy of the charter and has been remarkably un-protective of its own
> turf."[222]

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[218] Ibid. Roberts

[219] Alagappa, Muthiah, *Regional institutions, the UN and international security* (Third World Quarterly: 18: 3: 1997) 421-441

[220] Interview with Sir Jeremy Greenstock 8th December 2009

[221] Interview with Simon Bagshaw OCHA 28th August 2008

[222] Boulden in Boulden, Jane, *Dealing with Conflict in Africa* (Palgrave Macmillan New York: 2003) pg 29

This is a clear demonstration that "the hierarchy envisioned in the charter does not hold."[223] While academics such as Thomas G. Weiss argue that there is a clear need for an international division of labour based on who does what best or better, the ability of the international system to produce such a division is hampered by the lack of a straightforward hierarchy and the lack of accountability in regional security to the UN. It is clear that in many ways the United Nations is not viewed as the prime organisation for keeping the peace, and in some places regional organisations are viewed as more powerful, particularly because of the practical operational capabilities of regional organisations.[224]

The use of regional organisations not only poses credibility issues to the UN but also practical coordination issues in the same way that the increasing role of NGOs has represented an issue. This was particularly true in Bosnia with the coordination between UN peacekeeping troops under UNPROFOR command and the NATO air strikes. The role of NATO in Bosnia was to provide the coercive military capacity required to create a solution to the conflict. The coordination was based upon the 'dual key' approach in which any NATO action had to be approved by both the UN and NATO before it could take place. This caused large delays in the ability of NATO to deploy air strikes in a timely manner. When the arrangement was first introduced the UN key was held by Yasushi Akashi, the UN Secretary-General's Special Representative in Yugoslavia, however following the massacre in Srebrenica Akashi's key was given to

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[223] Alagappa, *Regional Institutions (1997)* , pg 436
[224] Smith and Weiss in Weiss, Thomas G., *Beyond UN subcontracting* (St Martins Press New York: 1998)

UNPROFOR's military commander, French General Bernard Janvier. The NATO key was held by Admiral Leighton W. Smith, Commander of Allied Forces Southern Europe in Naples. The 'dual key' approach was not the only hamper to both coordination and action between the UN and NATO

> "NATO's inertia was, in part, a reflection of UNPROFOR's composition. Many Allies including Canada, France and the United Kingdom, had deployed their own peacekeepers in UNPROFOR and feared that a more robust approach towards the Bosnian Serbs would produce a backlash against their troops. Meanwhile, the United States, which did not have troops on the ground, was pushing a "lift and strike" policy – lifting the arms embargo against the entire region that penalised in particular the Bosnian Muslims and striking the Bosnian Serb targets from the air."[225]

There were clear disagreements over how best to proceed which were only resolved with the authorisation of 'operation deliberate force'[226] by both the UNPROFOR commander and the NATO commander, who both held the necessary keys to instigate the air strikes. The air strikes however signalled the end of the UN peacekeeping mission in Bosnia as it essentially became a peace enforcement operation instead. This again highlights the complications of coordination with other organisations, especially organisations with a higher level of military capacity than the United Nations. It can lead to the United Nations becoming involved in operations it is not capable of undertaking, and perhaps more detrimental is the potential for the United Nations to

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[225] NATO website http://www.nato.int/docu/review/2005/issue3/english/history.html (21st August 2010)
[226] For an in depth analysis of the role of both the UN and NATO in Bosnia see the Report of the Secretary General pursuant to General Assembly resolution 53/35 available at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/348/76/IMG/N9934876.pdf?OpenElement (23rd August 2010)

become a party to the conflict in the eyes of the belligerents which leaves its troops

open to attack and kidnapping, as then occurred in Bosnia.[227]

The reality is that greater coordination with other international organisations is

unavoidable as the UN itself does not have the resources or capacity to deal with the

increasing number of tasks it is being asked to undertake. As Sam Daws highlights

> "The debate, the narrative will increasingly shift to looking at burden
> sharing and subsidiarity and looking at the global regional collaboration on
> the basis of cost with the global economic climate etc. So NATOs
> development out of area has been very interesting, and it for example in
> Afghanistan, has been blessed by the UN Security Council. There is an
> interesting wider debate going on in most capitals of Donors about the
> extent to which there is coordination between military, foreign office and
> overseas development budgets and to have a more holistic approach to
> countries where there is instability. So I think in many ways that debate is
> stronger than the international architecture in terms of burden sharing."[228]

This burden sharing will become increasingly important if the UN is to continue to

undertake tasks of the magnitude of previous operations, tasks which now involve the

total reconstruction of states as opposed to more traditional peacekeeping. The

following section of this chapter goes on to argue that these roles along with the

increasing globalisation of local conflicts represent a clear danger to the UN and that

the organisation needs to be careful as to the extent in which it becomes involved in

state or nation building activities.

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[227] BBC Website http://news.bbc.co.uk/1/hi/world/americas/892592.stm ( 23rd August 2010)
[228] Interview with Sam Daws 9th December 2009

**The globalisation of local conflicts and the dangers of state building**

In his 1992 report "An Agenda For Peace" then Secretary General Boutros Boutros

Ghali outlined his plans for involving the United Nations in much broader situations,

ones which constituted peace building, essentially the reconstruction of failed states.

Behind his argument was the belief that

> "Existing UN guidelines and rules of engagement were designed for
> traditional peacekeeping and do not offer adequate conceptual and
> organizational guidance for the United Nations' new peace-building roles.
> At root, full-scale peace-building efforts are nothing short of attempts at
> nation building; they seek to remake a state's political institutions, security
> forces, and economic arrangements."[229]

The report represented

> "the ambition of some within the UN system to tackle simultaneously and in
> a coordinated manner different military, political and humanitarian roles -
> restoring peace, assisting refugees and war victims, encouraging respect for
> human rights and promoting socio-economic development."[230]

It also seemed to suggest that "peace operations should be in the business of rebuilding

war-shattered societies along liberal democratic lines."[231] The intervention in Somalia

was seen by some within the UN system as a test case for the new multilateralism being

lauded in the post Cold War era. It was felt by many that "an era might be dawning in

which Western governments, freed from the constraints of the cold war, would use their

armies to save strangers in places far away from home."[232] For others however

> "the initial deployment in Somalia was, with hindsight, a mistake. It
> reflected the mood that prevailed in New York in 1992. A spectacular run of

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[229] Bertram, Eva, *Re-inventing Governments* (Journal of Conflict Resolution 39: 3: 2005) 387-418
[230] Roberts, *Humanitarian Action (1996)* pg 11
[231] Bellamy,*Understanding peacekeeping (2010)* pg 41
[232] Wheeler,*Saving strangers (2000)* pg 172

> UN successes (especially the operation in Namibia) had created a kind of
> inebriation in New York and a feeling that the UN could not put a foot
> wrong. Added to this was a certain pressure from the new Secretary-
> General, Boutros Boutros-Ghali, for more peacekeeping in Africa. He was
> the first African Secretary-General, with deep experience of Africa after
> serving for many years as the Minister responsible for Egypt's relations with
> that continent. This made him sensitive to complaints that Africa was not
> getting its fair share of the UN's new successes (at that time only four of the
> 14 post-Cold War peacekeeping operations had been in Africa). With
> hindsight, the Secretariat (including the writer himself) was not rigorous
> enough in analyzing whether the conditions for successful peacekeeping
> existed before it recommended to the Security Council that new operations
> be established in Africa."[233]

In Somalia the UN also became involved in wider range of activities than it was

used to undertaking. However "the implications of the United Nations' move into peace

building are too often overlooked. Peace building takes the United Nations into territory

unexplored by UN practitioners and uncharted by UN strategists or scholars. Many of

its peace-building tasks cast the United Nations in entirely new roles."[234] Roles which

the organisation is ill equipped to undertake. The UN is reliant on its member states for

the resources to undertake these missions and if the resources are not provided it should

be made clear that the UN should not attempt to undertake the mission. If it does

continue to undertake these kinds of missions then

> "The implications are significant for the organization's credibility; only a
> perception of UN effectiveness will lead warring parties to seek the
> organization's counsel and member states to lend support to such operations.
> This question of capability guides oft-repeated concerns about the need for
> adequate financial and technical capacities for peacekeeping and peace-
> building operations. Attention to such issues is justified and important. But

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[233] Goulding, *The United Nations (1999)* 155 - 166
[234] Bertram, *Re-inventing Governments (2005)* 387-418

> unfortunately, all of the technical capacity in the world will not create the
> necessary conditions for UN success in peace building."[235]

The UN needs to learn that even the apparently neutral provision of humanitarian aid

can have negative consequences on the development of a conflict. Aid in Somalia

became a key factor in the ability of the warlords to sustain the violent conflict. There

needs to be more care taken in the distribution of aid, the control and supply of aid to

ensure that it is not a factor in the continuation of conflicts. There cannot be a

humanitarian intervention of any kind without paying attention to the impact this will

have on the political situation. There is a need for more coordination between the

humanitarian agencies involved on the ground and those involved in attempting to

broker a political solution.

There was a failure to recognise the impact that the involvement of the international

community was having on the conflict in Somalia. It was assumed that, as in traditional

peacekeeping missions, the insertion of forces would simply halt hostilities, enable the

delivery of aid, and would eventually resolve the crisis. It was for the most part a

failure to recognise the very unique circumstances of the Somali case. Whilst for the

most part

> "UN peacekeeping missions can restore order for a time, and in limited
> areas they cannot tackle the source of the disorder, which is political and
> requires a political solution. The international community has been treating
> symptoms, not causes, he continues, because peacekeeping focuses on
> stopping conflict, not remedying the underlying causes of it. Moreover, the
> current system allows economic and humanitarian aid to fall into the hands
> of those who serve to perpetuate the situation. The aid that is donated is too

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[235] Ibid.

easily routed away from those who most need it by corrupt officials, street gangs, or warlords."[236]

Both the UN and USA failed to recognise that although they were claiming neutrality in their actions, the reality was that as soon as they became involved in the conflict they became a party to the conflict. Aid within Somalia was used to gain power and influence and "food supplies were confiscated by warring factions as part of a struggle to succeed a deposed ruler." The failure of the UN to recognise the importance of this meant that

> "When the UN policy escalated to include the disarming of various factions to facilitate relief efforts, the policy jeopardized the United Nations' neutral role. Unless all factions were disarmed simultaneously and in equal measure, observers warned correctly, the United Nations would upset the balance of power and be perceived as another belligerent in the divisive struggle."[237]

The problems within Somalia were symptomatic of a greater problem within UN peacekeeping, the failure to tackle the causes of disorder. In ongoing conflicts Post Cold War

> "the international response has been to insert non-participatory and non-accountable institutions of conventional relief, along with armed protection. Political distance has been achieved by defining this form of humanitarianism as the only possible type of intervention. But military humanitarianism, distrustful of indigenous political relations and institutions, cannot provide a long-term solution. The manner in which internal wars are fought dictates that emergency assistance cannot help but affect the dynamics of the conflict."[238]

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[236] Johnson, Paul, *Colonialism is back and not a moment too soon* (New York Times Magazine: April 18th 1993) 43-44

[237] Bertram, *Re-inventing Governments (2005)* 387-418

[238] Duffield, Mark and John Prendergast, *Sovereignty and intervention after the Cold War: Lessons from the Emergency Relief Desk* (Middle East Report: 187/188: 1994)

This was clearly demonstrated in the intervention in Bosnia as well, where

> "international implementation efforts have also exerted a contradictory effect on Bosnia's democratic development, consistently calling for democratization but with progress that alternately foster or undermine democratic capacities in Bosnian political society."[239]

The intervention in Bosnia is a clear demonstration of the fact that the UN "faces the problem of building democracy in war-torn societies in ways that are fundamentally undemocratic."[240] As Judith Large argues "Peace-building is nothing less than the reallocation of political power"[241] and as Howard goes on to emphasise today "through the mechanisms of multinational, multi dimensional peacekeeping, the UN and its sponsors seek to transform states emerging from civil conflicts into places of liberal democracy in the western image."[242] However peacekeeping operations through their mere presence on the ground adversely affect and in many ways undermine the sovereignty of the state in which they are deployed. They affect the incentives and behaviour of indigenous actors in political, military and economic situations, an impact which has become known as the 'large footprint' and as Fortnam argues while they "help keep the peace very effectively...they do not necessarily foster democratization."[243]

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[239] Cousens in Cousens, *Peacebuilding as politics (2001)* Pg 114

[240] Chesterman, Simon *You, the People: The United Nations, Transitional Administration, and State-Building* (Oxford University Press Oxford: 2004) pg 7

[241] Large in Cochrane, Feargal, Duffy, Rosaleen, Selby, Jan, *Global governance, conflict and resistance* (Palgrave McMillan: 2003) pg 114

[242] Howard, Lise Morje,*UN Peacekeeping in Civil Wars* (Cambridge University Press Cambridge: 2008) pg 341

[243] Fortnam in Ed: Jarstad, *From war (2008)* pg 74

As explained above the international intervention in Bosnia has had a contradictory effect on the democratisation of the country and the same has occurred in Somalia. Unlike in Bosnia in Somalia there was no government to prevent external intervention in the crisis. The Security Council then faced a decision as to how to justify any intervention with the problem that the provision of consent is underwritten by the "assumption that the state has a government with effective territorial control, allowing it to offer or refuse consent."[244] This problem led to the groundbreaking arguments outlined in Resolution 794 which mandated the UNITAF operation. Within this resolution the humanitarian disaster in Somalia was constituted as a threat to international peace and security, the first time a humanitarian situation had been labelled as such. Also included within the resolution was particularly emphasis on the uniqueness of the situation in Somalia which had raised numerous difficult questions. One of the most important issues raised was whether or nor Somalia was still a sovereign state.  This question was predicated on the collapse of the Somali government and whether this collapse had led to loss of sovereignty for the Somali state. It then became the case that whether or not Somalia existed became dependent on the collective judgement of the society of states, as sovereignty is the defining mark of membership of that society. In this sense "states survive either by virtue of their will and capacity to remain sovereign, or by virtue of the externally granted right to territorial integrity and political independence, that is, by virtue of the principle of non-

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[244] Weiss, Thomas G. ,*Humanitarian Intervention* (Polity: Cambridge: 2007) pg 41

intervention."[245] In relation to Somalia the state had no capacity at all in which to

remain sovereign and the question then became does a state which is no longer

classified as sovereign in respect of being "an independent entity in terms of its own

constitution" does it then still retain the right of non-intervention which "has

traditionally been regarded as a logical sequel to sovereignty in the sense of

constitutional independence."[246]

Whilst the Security Council could not demonstrate a loss of sovereignty and had to

therefore classify the problems within Somalia as a threat to international peace and

security, it had, in raising the question of Somalia's sovereignty, demonstrated the

inability of the state to protect that right on both a regional and international level.

There was no central government in control of the territory and therefore no

overarching authority to oversee the development of the state. This undermining of the

position of Somalia as a sovereign state was in direct contrast to the increasing

emphasis that was being placed on "continuing the fiction that Somalia was still a

sovereign nation-state."[247] Although "there is no doubt that Somalia was without an

effective government with territorial control at the time of the UN authorization of

Operation Restore Hope" and that "the internal conditions in Somalia were closer to

anarchy than to empirical statehood,"[248] this reality was challenged by the Security

Council. Whilst the operation in Somalia was lauded as a new type of peacekeeping

operation, designed to protect the distribution of humanitarian aid in an ongoing

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[245] Semb, Anne Julie, *The new practice of UN authorised interventions* (Journal of Peace Research: 37: 4: July 2000)
[246] Ibid.
[247] Herbst, Jeffrey, *Responding to state failure in Africa* (International Security: 21: 3: 1996)
[248] Semb, *UN authorised interventions (2000)*

conflict, the UN and its member states were unwilling to act to address the causes of

that conflict. They continued to position Somalia as a sovereign nation state capable of

rebuilding and this was coupled with the problem that

> "the idea that Somalia was not able to rule itself—now or for a long time
> went so deeply against the organizational grain of the United Nations that an
> approach incorporating long-term reconstruction was never considered."[249]

The problem stems from the reality of

> "The current complete disassociation between a country's economic and
> political performance and its sovereign status means that, no matter how
> poorly a country performs, the international community continues to give it
> legitimacy, pretends that it is a functioning state, and supports efforts to
> preserve its integrity."[250]

The Security Council had, in its resolution, succeeded in both undermining the

sovereign status of the state of Somalia, whilst simultaneously avoiding the need to

intervene in order to prevent even greater failure within the state. The reality was that in

order to gain the support for an intervention "The United States and the United Nations

had to pretend that Somalia could resume self-government quickly." Unfortunately

"that pretence almost automatically led them to cooperate explicitly and implicitly with

the warlords."[251]

The real problems stemmed from the unwillingness of the international community

to become embroiled in a long project of state building. They wanted Somalia to be a

simple operation of humanitarian aid distribution and to continue "the illusion that one

can intervene in a country beset by widespread civil violence without affecting

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[249] Clarke, *Somalia (1996)*
[250] Herbst, *State Failure (1996)*
[251] Clarke, *Somalia (1996)*

domestic politics and without including a nation-building component."[252] This

approach ignored the reality that "ultimately civil wars are about the distribution of

power"[253] and that

> "Attention must be devoted to rebuilding the institutions whose collapse
> helped bring on disaster. Stopping a man-made famine means rebuilding
> political institutions to create order. No intervention in a troubled state such
> as Somalia can succeed in a few weeks. Unless development aid and
> external assistance address the long-term political and economic
> implications of an intervention, it is doomed."[254]

In Somalia the UN and its member states wanted to avoid becoming entangled in a

peace building project, because

> "Peace building is nothing less than the reallocation of political power; it is
> not a neutral act. The claim that there are objective standards of human
> rights and of democracy to which all parties may be held without prejudice
> may be ethically and theoretically compelling. But in the highly politicized
> context of creating or re-creating a state's institutions, it is politics and
> power that dictate who will interpret such standards and how."[255]

By failing to attempt to rebuild the Somali state and involving itself only in the

distribution of aid throughout the ongoing conflict, the UN became "simply another

party to Somalia's civil war and thus become part of the problem rather than the

solution to the country's crisis."[256] This failure has directly contributed to the increased

globalisation of the conflict, particularly in relation to the inability of the state to deal

with external forces.

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[252] Ibid.
[253] Patman, *Disarming Somalia (1997)*
[254] Clarke, *Somalia (1996)*
[255] Bertram, *Re-inventing Governments (2005)*
[256] Patman, *Disarming Somalia (1997)*

The unwillingness to become involved in the reconstruction of Somalia was in direct contrast to the emphasis which was placed on ensuring the survival and reconstruction of Bosnia following the UN intervention. The reconstruction of Bosnia was based on the concept that "all of the basic peace deals are forged within an ideal image that an external (western) liberal democratic system will be placed over the post-civil war society, with the hope that some approximation of the ideal will be created by the overlay of new institutions."[257] However the resulting peace agreement and the "attempts to create a multi ethnic Bosnia by delineating ethnic territories may in fact have strengthened authoritarian tendencies and complicated intergroup relations."[258] What the UN failed to realise in Bosnia is that

> "A lasting solution to civil war depends not simply on creating incentives
> for the acceptance of peace, irrespective of how exploitative it may be, but
> on the creation of a peace that takes account of the desires and the
> grievances that drove people to war in the first place."[259]

The UN also did not take account of the fact that "institutions created before the conflict has been fully stabilised will reflect the character of the conflict, not what the country needs for a stable and enduring peace."[260]As Paddy Ashdown goes on to argue

> "It is not the interveners' job to replicate their own countries in faraway
> places. It is their job to give the people of the country concerned the chance
> to choose their own ultimate form of government - even if the result is one
> which makes us feel uncomfortable.[261]

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[257] Howard,*UN peacekeeping (2008)* pg 341
[258] Cousens, *Peacebuilding as politics (2001)* pg 203
[259] Berdal, Mats and David M. Malone,*Greed and Grievance: Economic agendas in Civil Wars* (Lynne Rienner: London: 2000)pg 39
[260] Ashdown,*Swords (2008)* pg 99
[261] Ibid. pg 136

In Bosnia the western powers appeared to be unresponsive to objective problems and more concerned with maintenance of a particular liberal type of international order.[262] This concern led to a situation in which they effectively froze the conflict situation and then rewarded the aggressor state, Serbia, with 49% of the territory and their own independent federation within the Bosnian State.[263] The conflict in Bosnia was a classic demonstration of conflict as a product of transitional times. As Boulden argues many of today's modern conflicts are the "product of the struggle for power among different groups in the country in the vacuum that results from the transition"[264] in this case the collapse of the former Communist Federation. In Burundi the conflict can be attributed to the shift of power following independence, with the violence stemming from the differing expectations of both ethnic groups. Whereas in the DRC the conflict has tended to be attributed to resources but could also be viewed through a regional lens and connected to the various conflicts based on power transitions occurring along its borders and within its own government.

The emphasis that the UN placed and continues to place on the reconstruction of states into liberal democracies ignores the fact that as Jennifer Welsh argues "attempts to remake the world's political communities into liberal democracies are likely to lead to war, not peace."[265] For example as Lemarchand argues

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[262] Bellamy, Alex J., *The 'next stage' in peace operations theory?* (International Peacekeeping: 11: 1: 2004) 17-38
[263] Goodby, James E., *When war won out: Bosnian Peace Plans Before Dayton* (International Negotiation: 1: 1: 1996) 501-523
[264] Boulden in Boulden, *Conflict in Africa (2003)* pg 13
[265] Welsh in Welsh, Jennifer M., *Humanitarian Intervention and International Relations* (Oxford University Press Oxford: 2004) pg 62

"What makes the DRC so potentially unstable, in other words, is that the distribution of power formalized by the 2002 Agreement reflects a particular moment in the play of forces on the ground, leaving out some critically important players.[266]

It also represents as one former peacekeeper notes "a very difficult and dangerous path to go down because who sets the standards?"[267] The problem is as the peacekeeper goes on to argue that

"Firstly, since the end of the Cold War the certainties have gone, military men tend to like certainty but the only thing you can guarantee is uncertainty. So I think that if anything, intervention is probably more complicated now because there are too many players who are not necessarily aligned as they were once previously. Secondly I think the United Nations as an organisation, because of the desire for nations outside of the Security Council to have a say, its focus is probably more fragmented than it was. Of course that probably makes it much more difficult to get a United Nations resolution for intervention in an area and even if you do get that resolution I rather suspect that it will represent the lowest common denominator. Sadly consensus takes a long time to build and for military intervention in support of a political end game you often require to move quickly and with resolve. Therefore its probably more difficult to get that level of resolve to allow the practitioners who are going to go in to either keep the peace, or more likely peace enforcement. Because although we tend to talk about peacekeeping, the reality is that assumes there is a peace to keep, and by and large my view is that doesn't seem to be the case. You have to impose the peace to keep it."[268]

As the peacekeeper argues the United Nations is based on consensus which means that everything is brought down to the lowest common denominator. In order to get everyone to agree you have to agree with the member who wants to do the least. Which

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[266] LeMarchand, Rene, *Consociationalism and power sharing in Africa: Rwanda, Burundi, and the Democratic Republic of the Congo* (African Affairs: 106: 422: 2006) 1-20
[267] Interview with Col. Ian MacFarlane 8th July 2009
[268] Interview with Col. Ian MacFarlane 8th July 2009

when you are involved in a conflict situation is not necessarily the best way to help

resolve the crisis or to ensure success. He also highlights the uncertainty which the UN

is currently facing today. As it has become involved in larger projects the need for

resources has increased, however the push from member states for the UN to do more

has not been matched by the resources to do so.[269]

These arguments highlight the important fact that, "the international community

should be under no illusions that peacekeeping will be able to transform war-torn states

into ideal democratic societies."[270] As an organisation which operates based on

consensus the UN is restricted in what it can achieve, especially in an environment of

ongoing conflict. This is a lesson which Lord Hannay argues that the UN has learned,

he states that

> "they have learned quite a lot of things yes and nobody would attempt again
> I don't think enforcement operations. They would always be treated as
> authorisations to someone else, another organisation or a coalition of the
> willing to take action and that has very frequently been the case and it seems
> to work better that way."[271]

This is a direct consequence of the situation in the mid 1990s which he outlines in his

book, a new world disorder, whereby the UN must recognise the need for an

intervention end state, as "states were failing and the UN was in many cases proving

unable to prevent that happening and poorly equipped to deal with the consequences

when they had failed."[272] Following past failures the UN has recognised, as Ramesh

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[269] For an in depth analysis of the role of the UN in the international system today see MacQueen,
Norrie,*Peacekeeping and the international system* (Routledge New York: 2006)
[270] Fortnam in Ed: Jarstad, *From war (2008)* pg 77
[271] Interview with Lord David Hannay 6th October 2009
[272] Hannay, David,*New World Disorder* (I.B. Tauris: London: 2009) pg 75

Thakur argues that "political neutrality has too often degenerated into military timidity"[273] and that "impartiality should not translate into complicity with evil."[274] Although in the mid 1990s it seemed that "inaction in the face of atrocity was becoming a common posture for the council"[275] today the Council seems more willing to undertake even more ambitious projects than ever before, including the transitional administration of both Kosovo and East Timor.

Although the UN has learned some lessons it still has a long way to go. It still faces large scale problems in both the mandating and resourcing of its operations, particularly in relation to the often wide disparity between the resources provided in relation to the goals to be achieved. The emphasis of particular goals in those mandates, such as the creation of a stable democratic state from a post conflict society, needs to be carefully monitored to ensure that the end state suits the society, and the capabilities of the peacekeepers to achieve that. While the failures can in part be blamed on the need for the Security Council members to be seen to be doing something, if it continues it will only further undermine the legitimacy of the organisation. Because of the tendency of the Council to make politically expedient statements, which may not be practically achievable, there needs to be a much more strategic approach to the mandating and resourcing of missions. There also needs to be a reduction in the selective use of particular norms, such as democratisation, good governance, and human rights, to justify interventions which in the long run undermine the legitimacy of the institution. In order to secure it's position within the international system the UN also needs to

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[273] Thakur, Ramesh, *From Peacekeeping to Peace operations* (Conflict Trends: 4: 2004)
[274] Ibid.
[275] Bosco,*Five (2009)* pg 193

establish a much clearer hierarchy, or organisational structure, for its dealings with other organisations, be they NGOs or other international organisations. If the UN does not work to protect its roles as the international peacekeeper it could become sidelined in the future, as has already occurred in Kosovo and to some extent with the US invasion of Iraq. There is a clear need for coordination both on a strategic and tactical level with these organisations to ensure the greater success of operations in the field.

The above case studies offer clear demonstrations of how both the failure to intervene and the wrong type of intervention can lead to the deterioration of an entire country. They are a demonstration of the need for greater control in undertaking interventions and the need to address the political as well as the humanitarian issues which underpin large scale conflicts and civil wars. Somalia has also become the focus of interest in how large scale forces, economic globalisation, the war on terror, the influence of new actors are impacting on the role of the state, and if it is possible for a state to function without a government. It is clear to see from the situation in Somalia that global forces are having a massive impact but that governments are still essential to control the influence they have and to ensure the survival of sovereign states. Bosnia on the other hand is a clear demonstration of how the pursuit of a democratic end state can lead to the introduction of a solution which rewards the aggressors and leads to the permanent division of a once multi-ethnic country. Burundi demonstrates the potential for positive interventions, when an operation is given a clear and concise mandate, is properly resourced and is able to achieve that mandate, even if it is unable to resolve all the underlying problems. The DRC however represents the complete opposite, the

increasingly complex operation mired in an even more complex situation which is on the verge of becoming a party to the conflict.

These four case studies provide an important insight into the role of the United Nations as an international peacekeeper and as an institution which is increasingly shifting its focus to the reconstitution of states in a liberal democratic format. As Ramesh Thakur notes today

> "the UN's dilemma is that it must avoid deploying forces into situations where the risk of failure is high: not be so timid as to transform every difficulty into an alibi for inaction; and be flexible and agile enough to be able to adapt missions to fast changing political requirements and operational environments."[276]

The UNs involvement in state building does however pose serious challenges for the future of the organisation and these challenges will be examined in more detail in Chapter Seven. It argues that the failure to achieve favourable outcomes then leads states to question the legitimacy of such operations, particularly in relation to the sometimes marked disparity of resources between different interventions. This then also raises questions as to how these operations are mandated and to questioning of the power and representation on the Security Council. The issue of power is also connected to the changes in the concept of sovereignty which having made interventions easier to create has also had the effect of making interventions more complex in the field.

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[276] Thakur, *From peacekeeping (2004)* pg 7

# Chapter Seven: The end of legitimate interventions?

Chapter Six argued that the development of global governance, with its emphasis on liberal democracy, has led to the UN undertaking much wider and more varied tasks than ever before. It also argued that the increased number of tasks within mandates has not been matched by an equal increase in resources and political will and because of this operations are unable to achieve their goals. Following on from the arguments outlined previously this chapter argues that it is this failure to achieve favourable outcomes then leads states to question the legitimacy of such operations, particularly in relation to the sometimes marked disparity of resources between different interventions. This then also raises questions as to how these operations are mandated and to questioning of the power and representation on the Security Council. The issue of power is also connected to the changes in the concept of sovereignty which having made interventions easier to create has also had the effect of making interventions more complex in the field.

This chapter argues that the issue of power within the Security Council and the question of representation is key to the creation of peacekeeping operations, which carries on from the arguments outlined in chapter five. It also argues that the UN is the only organisation capable of legitimising interventions despite the challenges it faces in the international system. It examines the idea that global governance is in fact weakening the UN by removing its influence in particular areas and bypassing it altogether in others. From this it argues that member states of the United Nations have

been selectively utilising the norms associated with Global Governance to justify interventions and have used Peacekeeping operations as a means to enforce those norms. It then argues that this role is detrimental to the organisation as it only serves to highlight the structural and organisational deficiencies of the organisation. It argues that while reform of the Security Council is necessary to improve the legitimacy of the organisation, and therefore the operations it mandates, it is unlikely to succeed as those states in a powerful position are unlikely to relinquish this status. It also argues that reform in fact could be detrimental as although it would make the organisation more representative it might also lead to more clashes and the potential for the council to be unable to act in the face of international crises. Finally it argues that the UN needs to retain the prime position in relation to the authorisation of peacekeeping interventions particularly in relation to the development of international law and that it needs to avoid becoming nothing more than a rubber stamp for individual state actions.

## The United Nations and State Creation: Beyond the original mandate?

In the previous chapter it was argued that the United Nations peacekeeping operations being mandated today are required to undertake a much broader range of tasks than ever before. It was also argued that this new range of tasks is not being met with the necessary amount of resources to ensure success. This change in the realities of peacekeeping operations can be directly attributed to changes within the wider international system. The United Nations operations being mandated faced increasingly complex situations as many states, facing a loss of financial and military support at the

end of the Cold War, began to fail or completely collapsed. Also following the end of

the Cold War the international system, for the first time, was dominated by

democratically governed states. This gave rise to the belief that the rules governing

democratic states had the ability to become the "dominant mode of interaction in world

politics."[1] This meant that the need to formulate a response to these situations was

paramount as "the idea of statelessness is shocking, undermining the comfortable

assumption that the world rests on solid foundations and that there is a 'proper' way of

doing things."[2] The 'proper' way of doing things is based on the notion that "effective

and legitimate states remain the most solid foundation for international society," despite

the fact that "the reality of the post-Cold War world has frequently seen the opposite."[3]

Because of the continued emphasis on the tradition foundations of the international

system the United Nations initial responses remained reliant on the traditional concept

of peacekeeping based on the norms of non-intervention, impartiality and consent.

However

> "These rules grew out of the strategic and political environments in which
> peacekeepers were deployed and the function that they were supposed to
> serve. Rarely placed where there was ongoing conflict and never expected
> to enforce peace, peacekeepers were authorized to monitor an already
> existing peace agreement and thus help states stick to their political
> commitments, maintain a cease fire, and avoid a return to war."[4]

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[1] Chan, Steve, *In search of democratic peace* (International studies Review: 41: 1: 1997) 59-91
[2] Mayall in Welsh, Jennifer M., *Humanitarian Intervention and International Relations* (Oxford University Press Oxford: 2004) pg 134
[3] Welsh, Jennifer M., *From Right to Responsibility: Humanitarian Intervention and International Society* (Global Governance: 8: 4: 2002) 503
[4] Barnett, Michael and Martha Finnemore,*Rules for the world* (Cornell University Press New York: 2004) pg 127

The new crises emerging in the aftermath of the Cold War did not however fit the previous mould for peacekeeping interventions. Instead the United Nations peacekeeping operations were faced with situations where "outgunned peacekeepers had little chance of imposing their will on more heavily armed states or of operating without states' consent." There was however as Barnett and Finnemore go on to argue a reluctance within the organisation to alter the foundational concepts of peacekeeping as "UN officials also worried that if they compromised their impartiality then they would forgo a principal reason why states and others complied with their decisions."[5] This continued emphasis on impartiality, consent and non-intervention meant that the organisation became

> "caught between those who insist on the primacy of universal human rights (enforced if necessary by overriding national sovereignty) and those who worry about the danger of aggressive military humanitarian intervention, especially when applied selectively by an international community that is ill-prepared and committed only in fits and starts."[6]

The inability of the organisation to formulate an adequate response to the new complex emergencies was based in part on a lack of resources and political will as argued in the previous chapter and as outlined by Weiss, "the success in the cold war and the post cold war being related to more traditional peacekeeping operations is partially an operational question of capacity." As he goes on to argue

> "The UN doesn't do very well, when it comes to war fighting. They are much better at situations in which impartiality and neutrality are in evidence and can actually be applied in the operation. However a Chapter VII

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[5] Ibid. pg 127
[6] Edwards, Michael, *Future Positive International Cooperation in the 21st Century* (Earthscan: London: 1999), pg 89

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resolution is quite different. It points a finger and says you're wrong and I'm right, or there are sanctions against you, or an embargo against you, or there is going to be use of military force if you step over this line. That's not something that the UN does very well, and so the question is whether if it's a Chapter VII operation which, by definition, means that you are not neutral and you're not perceived as being impartial whether the UN ought to be involved at all."[7]

As Weiss argues, the United Nations has difficulty in dealing with situations in which the organisations neutrality can be questioned. Unfortunately the type of conflicts in which the organisation is increasingly involved do not enable the organisation to remain strictly neutral, instead as Murphy argues

"it is impossible to remain strictly neutral in situations where there are armed parties that are going to engage any other armed party. In ways that they are going to try to pull you in to one side or the other so I think that becomes desirable, but an almost impossible goal. The effective peacekeeping missions that have had to sometimes take sides, have had very clear statements about what their mission is and what they are supposed to be doing. Clear enough that the commanders in the field and the special representative of the secretary general can say under these conditions we will be leaning towards this group or that group. It's having that really defined mission and frankly the well defined mission is never going to say we are going to ally with this party or that party, or its very rarely going to do that. So I think it's really a matter of a much more detailed mission and recognising that it is really very difficult to be strictly neutral."[8]

The problem is that this clarity in mandate and a well defined mission is often not provided. As one UN official highlighted, in relation to the protection of civilians, there has been a failure to issue "clear guidance to force commanders on what that actually means and how they should interpret that and what it means for the rules of

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[7] Interview with Professor Thomas G. Weiss 9th July 2008
[8] Interview with Professor Craig N. Murphy 3rd September 2008

engagement."[9] As one former peacekeeper explains this lack of information is anathema to the majority of military forces, instead what troops want is to be given "a timeline, tell us what you want to achieve and we'll try to do it but please don't leave us hanging on the end of a rope not actually knowing where we are going."[10] The need for a defined plan is also becoming increasingly important as the organisation becomes involved in much broader tasks,[11] which in many cases amount to the reconstruction of the architecture of an entire state and where "Peacekeepers, as the agents of an international system set on just such a rebuilding of 'conventional' politics and accountable government, are seen as a major threat by warlords and their supporters."[12] This problem was explored in more detail in an interview with UK mission officials whose arguments are outlined below,

> "The difficulty is you can pass a mandate, you'll also come across this difficulty where there are chapter six and chapter seven mandates mixed, you know you can pass a mandate which has chapter seven provisions, privileges and so on but actually have you given the forces the wherewithal to do that, and by wherewithal I mean not only the equipment to do it but also the training to do it"[13]
>
> "The rules of engagement, and the freedom of language to"[14]
>
> "And the force commander and the SRSG will always be conscious that if the UN does something which one of the spoilers thinks is going overboard then the safety and security of the mission is at risk, and the safety and security of UN mission is paramount in the mind of an SRSG these days following attacks on the UN"[15]

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[9] Interview with Simon Bagshaw OCHA 28th August 2008

[10] Interview with Col. Ian MacFarlane 8th July 2009 8th July 20098th July 2009

[11] For more on how the United Nations and various member states have worked towards improved planning see: Ramsbotham, Oliver and Tom Woodhouse and Hugh Miall,*Contemporary Conflict Resolution* (Polity Press Cambridge: 2006) pg 192 - 194

[12] MacQueen, Norrie,*Peacekeeping and the international system* (Routledge New York: 2006) pg 212

[13] Interview with UK Mission Official One 27th August 2008

[14] Itnerview with UK Mission Official Three 27th August 2008

[15] Interview with UK Mission Official Two 27th August 2008

"And it sounds like a simple issue, but actually if you dig down into that you see the real dilemmas that they had, they might have a mandate that says they have freedom of movement but you have to actually be able to enforce. So again it comes back to availability of assets and it comes back to member states willingness to provide them and it comes back to the Security Council, making a mandate but also giving the force the capability of carrying out this mandate properly."[16]

As the second official highlights there is an increasing concern within the UN for staff safety, following a number of attacks, in both Iraq and Afghanistan, which were aimed at the United Nations directly. The increase in attacks on the organisation can be attributed to the new tasks it is undertaking. In the aftermath of the Cold war

"The UN was not only offering to help states regulate their relations in new way to further mutual security but was also attempting to use its moral and delegated authority to shape the underlying constitution of world politics - it's basic organizing principles and what actions were considered legitimate and desirable. It was also offering to spread those principles where they did not exist."[17]

These principles included an increasing emphasis on the importance of human rights and democratic representation.

As Barnett and Finnemore argue "the result was that peacekeeping and peacebuilding operations promoted a liberal and democratic model of domestic order as they attempted to constitute new states and societies."[18] As Pouligny argues "in most of the countries where intervention takes place, a peace process coincides with a double

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[16] Interview with UK Mission Official One 27th August 2008
[17] Barnett, Michael and Martha, Finnemore,*Rules for the World International Organizations in Global Politics* (Cornell University Press London: 2004) pg 129
[18] Ibid. pg 130

political process of democratization and peace building"[19] this means that the UN

becomes involved in reconstituting the entire fabric of a state. The promotion of

particular forms of government in post conflict societies and the arguments around the

connection between the necessity of a stable society of sovereign states in order to

secure international stability has, along with the "centrality of the notion of statehood to

the global governance agenda"[20] meant that the United Nations has become associated

with the idea of Global Governance. This has however also meant that the organisation

has become associated with Global governance as "a coherent hegemonic project" and

an "attempt to legitimate and consolidate the dominant, neo-liberal norms of

globalisation."[21] Unfortunately this association has been coupled with what Berdal

argues is a "limited comprehension by UN forces of the cultural and social impact of

their presence in a country."[22] The combination of the two has led to a backlash against

UN operations, which has been clearly demonstrated by the attacks in Iraq and

Afghanistan which directly targeted the organisation.

As Lord Hannay argues

> "the only people who can decide what form the state can take are the people
> of that state themselves, and they have to have the final determining word.
> What the international community can do is to enable them to take those
> decisions and to make them stick. but they can't take them for them and
> they should not take them for them."[23]

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[19] Pouligny, Beatrice, *Peacekeepers and local social actors: The need for Dynamic, cross-cultural analysis* (Global Governance: 5: 4: 1999) 403 - 425
[20] Cochrane and Duffy in Cochrane, Feargal, Duffy, Rosaleen, Selby, Jan, *Global governance, conflict and resistance* (Palgrave McMillan: 2003) pg 222
[21] Cochrane and Duffy in Ibid. pg 221
[22] Berdal, Mats,*Whither UN peacekeeping?* (IISS: London: 1993) pg 26
[23] Interview with Lord David Hannay 6th October 2009

The problem is that, as one former peacekeeper argues, the UN tends to take a different approach. Rather than taking the time to listen to the population on the ground they institute top down solutions in a system that the peacekeeper compares to "the salvation army, you feed them first, you water them first, then you try and indoctrinate them, that's the way you go about doing it."[24] This approach contradicts the arguments made by academics such as Berdal that "UN peacekeeping forces must enjoy and through their actions be geared towards obtaining, a maximum measure of local support."[25] It also causes issues for troops on the ground, as another peacekeeper argues

> "it's all very well having a democratic and liberal approach to life but I think you are rather putting the cart before the horse here, we need to impose some sort of order before we start embarking upon what I would consider second order democratization programmes and its always a problem of getting people to agree on the priorities."[26]

This argument is supported by academics such as Edwards who states that "action on the causes of the crisis is much more important: saving livelihoods not just lives, supporting vulnerable institutions not just people, rebuilding social as well as physical capital, and improving governance not just government." [27] The problem is that the failure to get agreement on what to do when and how to do it has led to a situation where, as Ruggie argues "in several recent UN peace operations, neither the UN, nor its member states strictly speaking has fully known what it has been doing or how to do it."[28] This is particularly dangerous given the increasing demands being placed on the

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[24] Interview with Dan Doherty CIMIC 2nd July 2009
[25] Berdal, *UN peacekeeping (1993)* pg 26
[26] Interview with Col. Ian MacFarlane 8th July 2009
[27] Edwards, *Future Positive (1999)*
[28] Ruggie in Pugh, Michael, *The UN. peace and force* (Frank Cass London: 1997) pg 4

organisation and is perhaps an indication that the organisation should place more

emphasis on the involvement of regional organisations, even though these pose their

own problems.

The increased involvement of regional organisations could be beneficial to the

organisation and might also remove the question of selectivity in UN operations. The

issue of selectivity in operations, as explored in chapter five, is directly attributable to

the role of power relations and the influence of national interests within the Security

Council.[29] As Sam Daws argues, this has not necessarily been detrimental to all

operations as

> "The various external reports have shown that UN nation building has been
> very cost effective, has greater legitimacy etc than similar, is more
> efficacious than similar US nation building exercises, so there was a famous
> RAND study that compared a number of operations. So the UN rightly
> wants to preserve its reputation as an institution which can deliver in this
> area and that's important. The main reason for selectivity lies in the fact that
> the UN is and particularly the security council is a marriage of power and
> representation and there will be national interests involved in decisions,
> particularly where money is involved and in terms of the costs of an
> operation which heavily rests on developed country contributors to the UN,
> particularly the permanent five who pay a 25% peacekeeping premium. So
> that will certainly continue to be a consideration. That's not necessarily a
> weakness in the UN system, it's just a political reality that we don't live in a
> perfect world. So I think selectivity results from a combination of member
> states accepting that priority should be given to where the need is greater but
> that there are limits on resources and that they need to be prioritised in part
> to reflect national interest."[30]

As argued in the previous chapter, the issue of value for money is also becoming

increasingly important in relation to peacekeeping and peacebuilding operations. The

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[29] See Chapter Five Pages 227 - 244
[30] Interview with Sam Daws 9th December 2009

increasing emphasis on the use of regional organisations can in part be attributed to this

need for value for money and can also be connected with the argument that regional

organisation might in some ways be a more effective force for peacekeeping than the

United Nations. This is particularly relevant given the more complex situations into

which troops are being deployed, as Weiss argues once the operations cross the line

from traditional peacekeeping

> "My sense is that once you step over that line it's much better to use
> regional institutions rather than the UN. The real problem is that sometimes
> operations evolve; and in terms of making decisions a normal military
> would have a set of contingencies. And you know that if this happens, this
> consequence occurs; and if we take this fork, we do this; and if we take that
> fork, we do that; and if there's an elevation in casualties or the use of force
> or whatever it is, there's a firm and rapid response. However in the UN
> you've got to go back to the Security Council, you've got to go back to the
> troop contributors and therefore if a situation starts out as something that's
> more like a traditional peacekeeping operation and then morphs into
> something more violent you've got to go back to the council. The result is
> that the UN is involved on the ground in a way that doesn't use its
> comparative advantage."[31]

As Weiss outlines, UN peacekeeping operations tend not to be flexible in terms of

operational advantage to respond to developing situations on the ground. Instead they

are often restricted by the rules of engagement and the constant need to refer back to

the Council when the situation changes. This, as one observer notes

> "is something which deals with the very basis of the UN as an organisation.
> Of course in some situations it is not enough to be present on the ground and
> to watch what is going on and to report your experience, because of certain
> atrocities that can happen in the meantime while you are watching and
> reporting but, on the other hand in order to act you have to have an
> authority. You have to be mandated to do something, and who gives that

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[31] Interview with Professor Thomas G. Weiss 9th July 2008

> mandate, the UN and the UN consists of 200 states with different views, different positions globally, different interests. So it is a political issue, to answer your question. I think it would be good if in some situations the UN forces were given support by some militarily more powerful organisations like NATO. But then again NATO is an organisation which largely reflects the views of the western world."[32]

This is one of the key arguments in support of increased reliance on regional organisations, that they will provide a more robust form of peacekeeping, something which the UN is not capable of producing. As Lord Hannay argues "as a broad rule of thumb that beyond a certain level of violence the UN is not likely to be able to cope, but if it cannot cope with any violence at all then it's not a whole lot of use and it has become a lot better at coping with that."[33] It would then be the case that in situations where violence is likely to occur that the UN should authorise a regional organisation to intervene.

The argument is that regionalization is providing "a new, intelligible vision of global governance"[34] and argument supported by other academics such as David Bosco who argues that "a host of other organizations, many at the regional level, might fill the governance vacuum."[35] That these regional organisations might, as Hannay proposes

> "become for example a kind of stop gap mechanism to deploy in the early stages after a mandate has been granted but then to withdraw and leave it to a classical peacekeeping force later on. The disadvantages are of course at least theoretically at least that these could be opened to abuse."[36]

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[32] Interview with Igor Ilic Reuters 6th August 2009
[33] Interview with Lord David Hannay 6th October 2009
[34] Pugh in Pugh, Michael and W.P.S Sidhu, *The UN and regional security* (Lynne Rienner: London: 2003) pg 33
[35] Bosco, David L,*Five to Rule Them All* (Oxford University Press New York: 2009) pg 253
[36] Interview with Lord David Hannay 6th October 2009

As Hannay notes this system would be open to potential abuse, the other problem with this argument in favour of the use of regional organisations is the issue of oversight. The real problem is that "the hierarchy envisioned in the charter does not hold"[37] and the Security Council has little influence over the actions of regional organisations other than its moral authority, which in some cases is limited.

As the NATO intervention in Kosovo highlights "a global multilateral architecture, embodied by UN-centred decisionmaking and implementation, has been made unsteady by instances of hegemonic reluctance to comply with multilateral commitments."[38] This has meant the perception has become that "the major powers have relied increasingly upon the council as a forum to authorize military action, in order to maintain international goodwill for sensitive tasks, reduce the risk of spoilers, and preserve international order."[39] This argument is backed up by other academics such as Neethling who argues that "developed states are still heavily involved in peace support, but their contributions fall outside the framework of the official UN peacekeeping system."[40] An argument again illustrated by the NATO intervention in Kosovo, the United Kingdom's intervention in Sierra Leone, and the ongoing situation in Iraq. As Ambassador Colin Keating argues this situation occurs because

> "When you essentially have one group of civilians killing another group of
> civilians and there is a serious training and preparedness set of exercises that
> need to be undertaken and is there political will for that, who actually has
> the capacity to begin such a process, well probably only four or five

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[37] Alagappa, Muthiah, *Regional institutions, the UN and international security* (Third World Quarterly: 18: 3: 1997) 421-441
[38] Samii and Sidhu in Pugh, *The UN (2003)* pg 255
[39] Forman and Grane in Malone, David M., *The United Nations Security Council* (Lynne rienner: London: 2004) pg 295
[40] Neethling, Theo, *International peacekeeping trends* (Politikon: 31: 1: 2004) 49-66

countries in the whole world and they all seem somewhat distracted at the moment."[41]

The reliance on a few countries to provide the key resources is also a huge challenge

which the United Nations has failed to resolve. As one former peacekeeper argues

> "you have difficulties straight away that you have some nations who will
> sign up to what you might call the cheap and cheerful and what the cynics
> talk about barefoot infantry, there you go son in fact they might not be
> barefoot there's a pair of boots and a rifle and we'll call you an infantryman,
> off you go we'll pay you lots of money or the united nations will pay you
> money or whatever."[42]

But states are much less willing to provide the more important resources, as was argued

in the previous chapter. This problem is also highlighted by academics such as

Johnstone who argues that

> "the problem of mandates and resources not matching has been a problem
> for a long time and it still is and its not going to get better because the
> demands are going up, and while the supply is going up, but you know a
> few attack helicopters and a bit of intelligence resources and what not and
> you know you could make a big difference in a lot of problems. So the
> problem is still there. The solution I suggested is something that could be
> played around with but I think ultimately that the developed world,
> industrialised countries need to participate more and if its not troops then
> police, foreign police units and if its not foreign police units then
> engineering units and medical units and transport and helicopters and all of
> those things. I think there are ways for them all to contribute more and it
> doesn't even have to be the US because a lot of times you know the US
> might do more harm than good but if it can provide logistic support it would
> make a difference and if many Europeans participated more it would make a
> difference. So I would say that's one of the main quick fixes that
> peacekeeping needs, is more participation in UN operations by developed
> countries."[43]

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[41] Interview with Ambassador Colin Keating 28th August 2008
[42] Interview with Col. Ian MacFarlane 8th July 2009
[43] Interview with Professor Ian Johnstone 3rd July 2008

The problem is that at the present moment the states that Johnstone argues should increase their contributions are heavily committed to non-UN actions and are therefore increasingly reluctant to contribute troops and resources to operations.

One of the ways in which the United Nations and member states have attempted to deal with the issue of resources is through the coordinated use of NGOs in operational situations. As Professor Murphy argues "in cases of complex emergencies the security council is consciously or unconsciously relying upon non-governmental organisations to do much of the on the ground work of taking care of refugees and working with resettlement."[44] The integration of NGOs is not without problems however, as Sam Daws argues

> "There is a lot of interest and controversy over the extent to which governments should seek to coordinate NGOs in theatre, for example in Afghanistan. Whereby NGOS sometimes feel that their impartiality is being affected by concerns that so called impartial development assistance doesn't in fact help one party or another. And therefore potentially undermines, or does not support a military or political solution. I think, there are many in NGOs who are wise to the fact that they work in a political environment and that without security there can't be long term development. So it isn't entirely a situation where both sides. NGOs and governments, can't recognise what the other is saying but it is an enduring problem. Military have, in the UK context. and I think elsewhere have taken some pains to consult with NGOs to try and improve. not necessarily coordination but, at least communication on what respective roles are."[45]

The need for clearly defined roles is of paramount importance. There needs to be a much clearer division of labour. not only on the ground in operations but also at the political level. If the UN is to work with a wide range of organisations there needs to be

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[44] Interview with Professor Craig N. Murphy  3rd September 2008
[45] Interview with Sam Daws 9th December 2009

a clear structural hierarchy to ensure enough oversight of operations and also to ensure

consistency in those operations. As Murphy argues there needs to examination of

> "how far can we go, what kind of thing do we have to define, how much
> security do we actually have to create to imagine that these other actors who
> are going to do much of the hard work and be there on the cheap, and the on
> the cheap is the big thing because nobody, the major security council
> members don't want to spend any money."[46]

As one NGO member argues it is "difficult to imagine that the UN would continue to

do this kind of thing without NGO involvement."[47] Particularly given the increasing

number and complexity of the tasks peacekeeping operations are being mandated to

undertake. The need for coordination will therefore continue to be the key to the

success of operations, as a source from the stabilisation unit argued

> "the aspiration is that by taking a more coherent approach it will end up
> with fewer lives lost and a faster process for reaching the desired state
> where the host nation state is in the lead and the external military force is
> either just playing a traditional peacekeeping role or is removed from the
> country completely."[48]

The desire for the host nation to regain control is the impetus behind UN

peacekeeping operations. The focus on the reconstitution of states has however caused

the organisation problems in the past, particularly in relation to the issues of

sovereignty and legitimacy. The following section of this chapter argues that the focus

on the reconstitution of sovereign states in the traditional model has had a detrimental

impact on the success of peacekeeping operations. It also argues that this has led to a

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[46] Interview with Professor Craig N. Murphy 3rd September 2008
[47] Interview with Dr Mick North IANSA 16th June 2009
[48] Interview with Source from the Stabilisation Unit 19th June 2009

loss of legitimacy for the organisation and that the legitimacy it has retained is under

threat from the development of new norms such as R2P.

## Sovereignty, legitimacy, R2P and the future of the United Nations

As argued in previous chapters sovereignty remains one of the key foundations of

the international system and the United Nations plays a large role in securing the

continued importance of the concept. Many of the smaller member states of the

organisation have "always looked to the UN as the guarantor of their independence"[49]

and continue to do so today. The guarantee of independence stems from the United

Nations emphasis on respect for sovereignty and the principle of non-intervention.

Since the end of the Cold War and with the changes in the format of conflicts across the

globe the support for these traditional norms has been tested because, as Berdal argues

> "within the context of intra-state and ethnic conflict, strict adherence to the
> normative principles of consent, impartiality and the non-use of force except
> in self-defence substantially reduces the operational efficiency of a
> peacekeeping force."[50]

The shift in the type of conflicts to which peacekeeping operations are being deployed

has been coupled with an increasing emphasis on the flexibility of the concept of

sovereignty, as demonstrated with the development of the concept of the Responsibility

to Protect. There has been a move within the international system to create a set of

criteria to identify what makes a state sovereign and the underlying argument is based

on the idea that states are only legitimate if they meet certain basic standards of

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[49]Mayall in Welsh, *Humanitarian Intervention (2004)* pg 130
[50] Berdal,*UN peacekeeping (1993)*

common humanity. As Chandler argues this then places the burden of justification for

non-intervention on those states at risk of being intervened in.[51] In other words a state

must be able to demonstrate that it is capable of ensuring the basic human rights of its

population and fulfilling the responsibilities of a sovereign state in order to ensure its

right of non-intervention within the international system.

Alongside the attempts to redefine the concept of sovereignty, as Weiss argues, there

has been a move towards the development of an "international norm of 'pro-democratic'

intervention."[52] This does not necessarily mean an intervention in favour of an already

established democratic government, but instead, as Weiss outlines, is the placing of the

establishment of a democratic form of governance as a priority in all peacekeeping

operations. In fact Weiss argues that the establishment of forms of democratic

governance have been at the forefront of the majority of African interventions since the

end of the Cold War. The emphasis on democratic governance and the establishment of

stable democratic states has also become increasingly important in recent years as Sam

Daws also argues

> "There is greater recognition from the international community that you
> can't allow a state, whether it's a Somalia or Afghanistan, to fail for a long
> period of time. That just creates a space in which transnational terrorist
> networks can operate. Terrorism has been around for probably thousands of
> years but the nature of terrorism in relation to international institutions has
> changed. I mentioned before about al-qaeda now seeing the nation state per
> say and international institutions as legitimate targets. So while the UN
> previously had to work particularly in civil war situations where there were
> terrorist attacks, those terrorist attacks were generally confined to the

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[51] Chandler, David, *The responsibility to protect? Imposing the liberal peace* (International Peacekeeping: 11: 1: 2004) 59-81
[52] Weiss, Thomas G. ,*Humanitarian Intervention* (Polity: Cambridge: 2007) pg 49

military and politicians of the country concerned, sometimes the civilians as well but the nature of suicide bombing and attacks on the UN have changed the kind of security assessment for the feasibility of operations. I do think they haven't necessarily increased the recognition that the UN needs to do more nation building or peace building but it has increased the recognition that the international community through NGOs, governments, private sector, and international institutions and the governments concerned need to do more."[53]

The changing perceptions of the United Nations as Daws outlines above have made it even more important for the organisation to ensure the retention of local legitimacy for any operations on the ground. Now more than ever "all intervenors need to understand and work with local solutions."[54] The problem is, as outlined in the Brahimi report, that peacekeeping operations are facing even more complex environments in which the provision of consent for operations is often unreliable, there is a failure on the behalf of troops and their commanders to understand that impartiality does not mean neutrality and there is a fear of utilising force to take on spoilers.[55] In order to overcome these problems academics such as Johnstone argue that UN operations must pose a 'credible deterrence threat'[56] the problem is again that the resources are often not provided for that deterrence to be achievable. Other academics such as Roberts have argued that there is a need for a change in understanding of what impartiality means, that it is not an issue of being impartial in relations with and between belligerents but is instead a

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[53] Interview with Sam Daws 9th December 2009
[54] Edwards,*Future Positive (1999)* pg 91
[55] United Nations, Brahimi Report, http://www.un.org/peace/reports/peace_operations/docs/part2.htm (12th April 2010)
[56] Johnstone, Ian, *The evolution of peacekeeping policy: unfinished business* (Journal of International Peace and Organization: 80 3-4: 2006)

matter of being impartial in carrying out Security Council resolutions.[57] The need for

this legitimacy is again outlined by Daws, who argues that

> "the relative importance of nation states is the rise of transnational actors
> such as al-qaeda who are both ideologically and fundamentally opposed to
> the concept of nation states as the building block for an international system
> but also who see the United Nations as a biased organisation promoting
> western goals. Hence the attacks now in a number of locations on UN
> humanitarian agencies by al-qaeda and that's an awful and very disturbing
> development. It also again speaks to the issue that there is both the need for
> international legitimacy but also local legitimacy and that local legitimacy is
> contextual, it relates to things going on in that particular conflict zone but it
> can also relate to wider conflicts. So an attack on the UN in Afghanistan
> may relate to the failure of the international community to address the
> Israeli Palestinian problem and conflict. So those things are, particularly in
> nation building, where you can't have heightened security to protect UN
> civilian workers, that's something that in terms of political and operational
> legitimacy, is particularly to the fore."[58]

As Daws argues the United Nations must be seen to be impartial and legitimate in order

to be successful, an argument that is backed up by other academics such as Howard

who argues that "peacekeeping is at it's best when the peacekeepers - both civilian and

military - take their cues from the local population, and not UN headquarters, about

how best to implement mandates."[59] The problem is that operations are generally not

given the freedom within operations to do so and are instead stuck in the cycle of

referring all matters back to the Security Council for further debate before action can be

taken. This problem is highlighted by writers such as Crocker who emphasises the fact

that the UN

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[57] Roberts, Adam, *The crisis in peacekeeping* (IFS: 2: 1994)
[58] Interview with Sam Daws 9th December 2009
[59] Howard, Lise Morje,*UN Peacekeeping in Civil Wars* (Cambridge University Press Cambridge: 2008)
pg 2

> "cannot manage complex political-military operations when its own
> structure is an undisciplined and often chaotic set of rival fiefdoms that
> resist unified command and control in the field at both the civilian and
> military levels. Basic change is needed on the issues of delegation to the
> field, unity of command in the field, and professional military backstopping
> and oversight from U.N. headquarters."[60]

The need for change in the oversight and control of peacekeeping operations is

paramount given the changing context in which operations are being deployed. As

Howard argues, "a doctrinal basis for robust UN peace operations must be formulated if

the UN is to have a future in the terrain between traditional peacekeeping and

warfighting."[61] The creation of a more robust doctrine for peacekeeping is not however

the only hurdle, as Johnston argues "without sufficient resources any form of doctrine is

futile, and without doctrine, resources may prove to be ineffective or inert."[62] As both

Howard and Johnstone highlight there is a real need for the United Nations Security

Council to spend more time assessing the outcomes it wants peacekeeping operations to

achieve and to provide the resources necessary for those outcomes to be achievable.

This issue was clearly highlighted in the Brahimi report in which it was argued that the

mandates and resources for peacekeeping operations have to be guided by pragmatic,

realistic analysis and thinking.[63]

One of the ways in which this could be achieved is the development of criteria

which the Security Council would then apply to interventions before they occurred.

This is not a new idea, and it has received much attention and debate since the mid

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[60] Crocker, Chester A., *The lessons of Somalia: Not everything went wrong* (Foreign Affairs: 74: 3: 1995)
[61] Ruggie in Pugh, *The UN (1997)* pg 11
[62] Johnstone, *Peacekeeping policy (2006)*
[63] United Nations, Brahimi Report (2010),

1990s. The arguments in favour of criteria to be applied to peacekeeping operations are supported by practitioners such as Lord Hannay who states that "I think it would be more predictable and more equitable if these criteria were there, not only were there but were there to be used."[64] The criteria Hannay supports were clearly outlined in the High Level Panel report on threats, challenges and changes and included four main criteria in the assessment of operations. First that the operation be of proper purpose, or right intention, that the intervention or use of military force was the last resort, that the intervention utilised proportional means, and that those involved in the intervention had weighed the balance of consequences and likelihood of success.[65] The problem with the creation of criteria, is as one former UN official argues, whether or not "it would be applied consistently. Also there would be an inability to create a consensus about what the criteria should be."[66] Another problem is raised by Johnstone, who although in support of criteria, highlights the fact that

> "It's only when you don't have consent or the consent isn't reliable or the consent needs to be manufactured in a way that you need to start considering criteria and you start saying you know we're at the point now where either we intervene coercively against the will of the government or we collectively try to put so much pressure on the government diplomatically that it can't resist saying yes to a peacekeeping presence. That's sort of what happened in Kosovo you know and Darfur to a certain extent. So I'm not, I wouldn't argue for a clear set of criteria[67]

Rather than a set of criteria Johnstone instead argues for

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[64] Interview with Lord David Hannay 6th October 2009
[65] United Nations, *High Level Panel Report on Threats, Challenges and Change, A more Secure World: our shared responsbility* 2004)
[66] Interview with Former UN Official 26th August 2008
[67] Interview with Professor Ian Johnstone 3rd July 2008

> "a set of questions that the security council should ask itself when its contemplating the deployment of a peacekeeping mission and perhaps a different set of questions when its contemplating coercive intervention. And it did this in a way with respect to peacekeeping in May 1994, there's a presidential statement in which it sets out a number of considerations that ought to be taken into account in the decision to establish a mission. I think that needs to be updated and I think the sort of criteria that you're talking about here could be built into that kind of set of questions and considerations."[68]

The use of such a set of criteria or questions might improve the doctrine and resources available for peacekeeping missions but it also raises a large number of unanswered questions as to who would select such criteria and how evenly they would be applied. The incorrect or uneven application of criteria could further undermine the legitimacy of the organisation and further threaten the potential use of peacekeeping operations in the future.

One of the ways to avoid such problems would be a systematic overhaul of the Security Council membership and the following section of this chapter is now going to explore the various options available. It will argue that while reform of the Security Council is necessary to improve the legitimacy of the organisation, and therefore the operations it mandates, it is unlikely to succeed as those states in a powerful position are unlikely to relinquish this status. It will also argue that reform in fact could be detrimental as although it would make the organisation more representative it might also lead to more clashes and the potential for the council to be unable to act in the face of international crises. Finally it will argue that the UN needs to retain the prime position in relation to the authorisation of peacekeeping interventions particularly in

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[68] Ibid. Johnstone

relation to the development of international law and that it needs to avoid becoming

nothing more than a rubber stamp for individual state actions.

## Representation and Reform

The issue of Security Council reform has gained increased importance in recent

years as questions have been raised in relation to the perceived selectivity of the

organisation in mandating and resourcing operations. The question of membership has

also been raised as the power structures within the international system have changed,

with rapidly growing powers feeling unrepresented within the institution. These

questions have led some member states to question the legitimacy of the organisation a

question which is increasingly problematic as "the more the Security Council is asked

to do and adjudicate on, the more important the council's own legitimacy becomes."[69]

At a time when the Council is being asked to adjudicate on ever increasing tasks in

increasingly complex environments it needs to work to retain the legitimacy it has built

up since the organisation was created. As one UN official argues

> "the security council is the ultimate guarantor of the UN charter and
> specifies the conditions under which force can be used and I think that's an
> important thing that there should be. Not withstanding the fact that there are
> then issues within the Security Council in terms of the way power is
> distributed within the council."[70]

The issue of power distribution was analysed in detail in chapter five where it was

argued that the inequality within the Council, between permanent members and non-

permanent, developed countries and developing, troop contributors and those

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[69] Bellamy, Alex J. *Responsibility to Protect* (Polity: Cambridge: 2009) pg 23
[70] Interview with Simon Bagshaw OCHA 28th August 2008

mandating the operations is having a negative impact on the actions of the Council itself.[71] The inequality in power distribution has been pinpointed as one of the reasons for the large disparity between mandates and resources, an argument supported by practitioners such as Sam Daws who argues that the problem extends from the fact that

> "the security council is a fire fighting mechanism. Disputes will, first of all its hoped, be dealt with by the nation state, the member state, all member states in conflict can solve their disputes. If that doesn't work then it's hoped that a regional actor can do it. If that doesn't happen it will go to the UN. So the UN usually gets the more intractable conflicts, and also the conflicts where other things have been attempted and have failed. So the UN gets the hard cases. The main reason for the disconnect between mandates and resources is that there is a need for member states to tell their own publics that they are doing something but in fact in the cold light of day and in the longer term there is a lot of pressure for those resources to be delayed, diminished or used for other purposes."[72]

The problem with the provision of resources had led directly to failures in operations on the ground, as one observer notes in relation the Former Yugoslavia "often some political decisions were not followed quickly enough by substantial support to peacekeepers on the ground with all the means necessary for them to implement those decisions taken on the political level."[73] These failures only further undermine the legitimacy of the organisation and lead to increased calls for reform and changes in the means of representation. The arguments are that these reforms would lead to increased transparency and improvement in the Council's ability to respond to crises. These changes are however questioned by some practitioners, because as one UK Mission official argues

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[71] See Chapter Five Pages 227-244
[72] Interview with Sam Daws 9th December 2009
[73] Interview with Igor Ilic Reuters 6th August 2009

> "I don't think additional transparency would make it any more likely because the arguments would always be at the level of the individual violations and something like that is incredibly difficult to prove. Nobody's going to stand up in the council and say we're not doing this because we like Sudan or because we get oil from them or whatever. People stand up in the council and say we're terribly sorry but we don't believe there's a genocide happening there so it doesn't apply."[74]

This again highlights the role which both power and national interest play in Security Council decision making, and the problems the organisation faces in producing a unified response to crises.

There have been various attempts to institute a program of reform, in 2003 then Secretary General Kofi Annan instituted what he termed 'a radical overhauling of intergovernmental machinery', beginning with the Security Council which resulted in the production of the 2005 report 'In Larger Freedom: Towards development, security and human rights for all.'[75] The production of this report as Edward Luck argues is part of a cycle of UN reform which has been ongoing since the organisation was founded. The first step is the statement by the Secretary General and national leaders that "profound changes in the global situation demand sweeping renovations"[76] and that this requires fresh approaches and bold initiatives. The next step is the formation of a blue ribbon commission to provide substantive depth, examples of this include the High Level Panel on threats, challenges and change. Following the report of the commission the Secretary General then translates the report into digestible policy steps, or as Luck

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[74] Interview with UK Mission Official Three 27th August 2008
[75] United Nations, *In Larger Freedom* 2005)
[76] Luck, Edward C., *How not to reform the United Nations* (Global Governance: 11: 4: 2005)

argues "the secretary general proposes and the general assembly disposes."[77] A clear

example of this is the watered down version of R2P that appeared at the World Summit

in 2005, in comparison to the large scale suggestions made in the report produced by

the International Commission on Intervention and State Sovereignty. After the

Secretary General's recommendations the United Nations then moves to the

engagement of member states in an attempt to reach a decision point, the engagement is

coupled with the hunt for modest measures capable of attracting consensus. This is then

followed by a culminating event, such as a summit or meeting. Following this event

both the UN and member states then paint the reforms in glowing colours and proceed

to talk of unfinished business and further reforms that are needed which leads to the

cycle beginning all over again. As Weiss argues it is a process of evolution rather than

reform and

> "The history of reform efforts geared toward making the Security Council
> more reflective of growing UN membership and of changing world politics
> since the organization's establishment conveys the slim prospects for
> meaningful change. UN founders deliberately divided member rights and
> roles by establishing a universal general Assembly with the most general
> functions and a restricted Security Council with executing authority for
> maintaining the peace—unanimity among the great powers was a
> prerequisite for action."[78]

From this standpoint reform efforts on a grand scale are somewhat futile as the

foundations of the Charter, as Weiss highlights, were designed to divide the rights of

members in order to ensure the Security Council's ability to take action. This was based

on the argument that "The prospects for peace and peaceful change can be enhanced

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[77] Ibid.
[78] Weiss, Thomas G., *The Illusion of Security Council Reform* (The Washington Quarterly 2003)

greatly by the collective leadership provided by a dominant coalition of states able and willing to steer the system in a manner that offers incentives for others to follow."[79] This is a role which the Security Council has, for the most part, succeeded in fulfilling. If the founders did intend for the Security Council to stand apart from the broader membership this then raises the question as to whether the issue of reform and the perceived problems of the Security Council are political or structural. If as the High Level Panel report states "the task is not to find alternatives to the Security Council as a source of authority but to make the council work better than it has" [80] how should this be achieved?

There have been several different proposed options for the reformulation of the Security Council, as Lord Hannay states two different options are currently at the fore.

> "Of the two formulas, formula A which is new permanent members, Germany, Brazil, India and so on, that's been tried. Formula B which is a new category of longer term renewable members has some chance, it was killed in 2005 by the putative permanent members. Germany, Japan, Brazil and India. Whether they are wiser now I don't know. that's being tested of course in the negotiations which have just begun in the general assembly but I think it's the only prospect for agreement. What would be the effect of it, well the Security Council enlarged would be more representative, it would get some increase in legitimacy. I think it's fairly hard to argue it would be more effective but it might not be much less effective, but I think people really exaggerate when they say it would be more effective. It's better to recognise the weaknesses in the council rather than to deny that they exist."[81]

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[79] Kegley, Charles W.,*Controversies in international relations theory* (St Martin's Press: New York: 1995)pg 211
[80] United Nations, *Threats, Challenges and Change (2004)*
[81] Interview with Lord David Hannay 6th October 2009

As Hannay illustrates above the more likely option to succeed, option B which is the

creation of a new category of longer term renewable members, is unlikely to succeed as

it is currently being blocked by the potential new permanent members who favour

option A. These potential new permanent members favour this option for the obvious

increase in both power and status which it would provide them. It would give them the

opportunity to not only shape the debate but to play a more active role in the execution

of policy. There are however several obstacles to the proposed reforms. As Sam Daws

argues

> "The three obstacles to quick reform are first that the United States would
> find it difficult to get through the Senate an enlargement which significantly
> diminished US ability to secure resolutions and that is what any particularly
> large expansion of the council would create. Secondly the bar in the charter
> requiring both a two thirds vote in the GA and then two thirds of
> governments to ratify it, including at that stage the P5, is very high and thus
> it's easy for a blocking third of countries to prevent any particular resolution
> or formulation which would expand the Security Council and third, because
> Africa which has 53 votes in the general assembly is divided between those
> African states that see benefit in a few of their number such as Nigeria,
> South Africa or Egypt gaining permanent seats and the larger majority of
> African countries that are ambivalent or opposed to new permanent
> members for Africa means that the position for the African block has been
> put so high, for example having a veto for new African permanent members
> that it would never be acceptable to countries like the United States.
> Eventually when the G77 realise it's better to have some expansion than
> absolute standstill I think that it's possible having an intermediate solution
> without immediate new permanent members is feasible, but only if the
> council size remains small, 21 or 22."[82]

The obstacles highlighted by Daws are not easily overcome, and perhaps the most

important to note is the emphasis he places on gaining US support for any changes to

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[82] Interview with Sam Daws 9th December 2009

the Security Council. The General Assembly has had an open ended working group on

Council reform, which as Hannay argues is recognition of the fact that "enlargement of

the Security Council was not a matter to be decided, or even discussed by the council

itself; it was a matter for the whole membership."[83] However Hannay also notes that

the working groups continued "reference to ratification was a reminder that behind all

this lay the power of the US senate."[84] Without the support of the USA, which is as

argued in chapter five, the most powerful member on the Council, reform suggestions

are dead in the water. This again demonstrates the issue of power within the Council

and why the need for reform is so important. As one UN official notes

> "There's a lot of work going on around this at the moment and there's a lot
> of looking at the working methods and the membership and all those issues
> and its interesting. I think we just need to look at what's happened in the last
> few weeks over Georgia and there I think we've seen the limits of the
> Security Council. What can realistically be expected and the power even
> just the threat of the veto and remember there was no security council
> resolution on the situation in Georgia. I think, in fact in Darfur as well, in
> the discussions and a lot of the resolutions that have been passed they get
> watered down because of the threat of the veto. So I think that the veto is a
> problem there and we'll see how that changes in the next ten, fifteen years
> and whether the P5 will ever give that up. But I think you certainly need to
> have a body like the Security Council which is in a position to authorise the
> use of force for humanitarian purposes if you like. But it's not perfect by
> any means we'll just have to see what happens.[85]

The need for the Security Council is echoed by other practitioners such as Ambassador

Colin Keating who argues that large scale reform is unlikely but that

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[83] Hannay, David, *New World Disorder* (I.B. Tauris: London: 2009), pg 146
[84] Ibid. pg 146
[85] Interview with Simon Bagshaw OCHA  28th August 2008

"The process of incremental reform within the frameworks of the present seems much more likely, the Security Council therefore I think is going to continue to be the preeminent feature of collective efforts for international peace and security. Really the question is whether it works well or it doesn't work well and for large parts of the last sixty years it hasn't worked well essentially due to the cold war and there was a period in the 1990s when it worked passably well but it's been working much less well over the last five years. I think it's also interesting to see that other entities such as, whether you think of the AU or the OSCE, NATO, or the G8 they are all actually also having problems which kind of mirror the difficulties of the Security Council. So the problems of the Security Council actually aren't unique to the Security Council at the moment. They are part of the international condition that we are having to address."[86]

As Keating argues the Council has faced issues at every stage of its development, and it is interesting that he notes the problems now being faced by other intergovernmental organisations; Problems that have developed in relation to both representation and legitimacy in the eyes of populations within states who are subject of interventions. This is an issue which has become increasingly relevant given the US intervention in Iraq and the impact that has had on the standing of both the Security Council and the member states involved. The intervention of Iraq clearly demonstrates the need for the Security Council to address the legitimacy issues it currently faces if it is to retain its preeminent position within the international system. This only adds weight to the arguments in favour of reform as one UN official argues, "if you had a more equitable security council where the power wasn't really vested in just five permanent members if there was a much more democratic approach to the issues amongst all fifteen member states then I think we would hopefully see stronger

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[86] Interview with Ambassador Colin Keating 28th August 2008

peacekeeping mandates if they're needed."[87] The increase in membership does however pose potential problems for the smooth functioning of the council.

As one former UN official argues within the Council "there is not just a problem with a lack of consistency there are also many different viewpoints to each problem. Often disputes are not about countries but about relations with each other (in the security council and elsewhere)."[88] Increasing the number of viewpoints within the Council could then potentially only increase the lack of consistency of Council decisions. This may in some ways be counteracted by the increased buy in of potential new Council members, particularly those who make large troop contributions to peacekeeping operations. As Professor Ian Johnstone argues

> "An ideal change in composition would in my view include major actors from each of the developing regions especially those that have influence over the sorts of things that the Security Council deals with. It would be very useful to have big peacekeeping countries from the developing world participating in the council, especially Africa because that's where most of the peacekeeping missions are. We've got India contributing troops and Brazil now contributing more but Africa is where all of the action is as far as UN peacekeeping is concerned. So more African representation, especially from countries that are participating in the missions, Nigeria, South Africa, but also have influence over the dynamics would certainly help. It's just whether you can come up with a formula that's not going to lead to such a great expansion and not give more in effect veto power over or give veto power to more countries. You could discover that the security council becomes paralysed in a way that it was during the cold war so a delicate balance needs to be struck here and I think its unfortunate that so much effort has in the past gone into seeking to expand the membership and maybe not enough into thinking about how to improve the working methods."[89]

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[87] Interview with Simon Bagshaw OCHA 28th August 2008
[88] Interview with Former UN Official 26th August 2008
[89] Interview with Professor Ian Johnstone 3rd July 2008

Again Johnstone highlights the need for reform, and increased representation for

different regions and troop contributors, but he also highlights the potential problems

mentioned above. The problem of the Veto power is a large stumbling block as the

power associated with the veto is what new potential permanent members are seeking,

but it also represents the potential to bring the Security Council to a standstill. As

Ambassador Keating argues

> "permanence is permanence, once you are there permanently you're stuck
> with whatever you have got and I think that kind of accountability that says
> well we can't always be sure that these current countries will be as nice as
> they now look and actually they may be inappropriate colleagues on the
> security council at some point in time."[90]

The problem of reform was well summed up by a UK mission official who stated

> "Well find me an example of an organisation that works better by getting
> bigger or a committee that works better by getting bigger, I can't see in all
> honesty how it would make peacekeeping per se better or more effective, I
> can see how it would make decision making more representative and I can
> see how you can make with reform of the Security council in particular as a
> bargaining point. a bargaining chip if you like you could also on the back of
> it get wide ranging reforms of the general assembly that would make life a
> lot easier, so swings and roundabouts I guess but I wouldn't be convinced
> that you'd make peacekeeping better by security council reform."[91]

This is where the real focus should be. not necessarily on improving representation,

although this would improve legitimacy. but on improving the output and success of

Council mandated operations. The problem is that reform of the council has become so

politicised and opinion so polarized that progress will be sluggish at best.

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[90] Interview with Ambassador Colin Keating 28th August 2008
[91] Interview with UK Mission Official 27th August 2008

The issue of new membership on the Council has also, as Weiss argues, been

focused on the wrong criteria for potential new members. He states that whilst it is

> "True, the council does not reflect the actual distribution of twenty-first-
> century power, yet reform proposals emanating from diplomats and analysts
> have never addressed the true imbalance between seats at the table and
> actual military capacity outside of the Security Council chamber. They have
> sought to address, instead, the imbalance between the total number of
> countries in the world and Security Council membership as well as to
> dispute the absolute veto right held by five countries."[92]

Rather than focusing on representation and the disparity between the number of

countries and the number of countries with the veto, Weiss is instead arguing that

reform should focus on those countries most capable of providing resources to the

operations which the Security Council mandates. This could potentially improve the

capacities of the organisation, the success rate of operations and therefore the perceived

legitimacy of the Council. The need for reform to improve the UNs resources and

capacities is however questioned by practitioners such as Lord Robertson who argues

that

> "I don't think reform is a prerequisite for the UN having some standing
> force. Reform is another issue and I think reform should take place and the
> composition should be looked at again but you know that doesn't have to
> happen just in order to allow the UN to have some military muscle. My
> personal view is that the United Nations should have an ability to put
> together forces because NATO is very limited in the scope that it has, its not
> going to be a world policeman, it's done a lot of things that an international
> policeman might do but it cant intervene in Africa it cant interfere in central
> America, you know its clearly not suited to doing that so ideally what you
> need to do is you need to create a NATO type operation, you know a
> planning, organising, capability building organisation in other parts of the
> world as well, and you know to be part of the UN machinery, that would be

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[92] Weiss, *Security Council Reform (2003)*

the ideal. NATO can only help in certain circumstances at the moment and that's likely to continue to be the only way it will operate."[93]

Here Lord Robertson recognises the need for the UN to act as the world's policeman as regional organisations such as NATO are not capable of undertaking such a role. He also argues that the UN should be provided with more resources to undertake this role because of regional organisations inability to do so and that work needs to be done on ensuring the UN has the planning and organisational capability to do so. The need for increased firepower is recognised by others. As one observer argues

> "it is welcome to have this kind of firepower behind your mandate because it can help persuade the warring parties to accept certain things which otherwise they wouldn't accept but on the other hand it is very difficult to define or to begin that kind of mandate in the security council because of the composition of the security council and I think this is something which will remain a problem for UN peacekeeping in general in the future unless there is some kind of revision of the way in which the security council works and decides which is not I think very likely in the near future and I think, my opinion is it would be very convenient and helpful to have that kind of support when necessary but I'm very sceptical about it's easiness to push through in the UN as an organisation because of its structure now."[94]

Again the problem is the composition of the Security Council and the issue of the creation of mandates. There is a clear need for the UN to be able to undertake more robust operations, particularly in more complex conflicts where a peace agreement is not necessarily in place. The resources to undertake such an operation are however far from forthcoming.

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[93] Interview with Lord George Robertson 28th July 2009
[94] Interview with Igor Ilic Reuters 6th August 2009

Another problem in relation to the increased us of force within operations was raised

by the UK mission officials. The problems relate in particular to

> "who advises the security council and actually thereby hangs perhaps one of
> the difficulties because in theory as a body the secretariat advise the security
> council but there's a sort of a tension between the security council slash
> member states and the secretariat in that there is a, there is a, I don't want to
> characterise this wrongly but there is a certain degree of a certain degree of
> mistrust, is that the right, is that the right word? It's not the right word"[95]

The issue of advice, particularly in relation to large scale military planning and

organisation was raised again as another official argued that

> "There is a real weakness in the system here, talking about peacekeeping, is
> where does the council get its military advice from, if it doesn't like that
> military advice does it just override that military advice and just carry on
> regardless?"[96]

Although within the UN charter under Chapter Seven Article 47 there was a provision

for the establishment of a Military Staff committee

> "to advise and assist the Security Council on all questions relating to the
> Security Council's military requirements for the maintenance of
> international peace and security, the employment and command of forces
> placed at its disposal, the regulation of armaments, and possible
> disarmament."[97]

The committee has in reality has had very little formal influence over the strategic

direction of armed forces under UN command, instead this is handled by the

Department of Peacekeeping operations. The explanation of one officials experience

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[95] Interview with UK Mission Official One 27th August 2008
[96] Interview with UK Mission Official Two 27th August 2008
[97] United Nations, *Charter of the United Nations* Information, Department of Public: 1945), Chapter Seven, article 47

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demonstrates the problems the committee faces in providing coherent and cohesive

information as he notes

> "I mean I arrived here and the military staff committee were discussing, the
> five of us discussing how we could either expand the military staff
> committee to all fifteen or have more formal briefings from the secretariat,
> and all the rest of it and actually I thought well that's very simple so I wrote
> a half a size of foolscap sized paper saying how we would do this and it just
> ran into political argument after political argument from the Russians, the
> French, everyone has an opposing view. This goes back to the intensely
> political nature of the entire place its about politics, its not about anything
> else really and anything that even seems straightforward isn't because
> everyone will have a different take on it and what this might mean further
> down so any aspiration that we might have that the military staff committee
> could be a you know a formal body for giving advice as a whole to the
> council is just never going to happen I mean perhaps we can make it more
> useful in spreading the advice around but in actually briefing the council as
> a one that's not going to happen. There is no coherent military advice given
> to the security council as a whole other than from the secretariat and again
> there's tensions, an example yesterday when Somalia is coming, it's coming
> up and the secretariat are giving their coherent advice to the security
> council, well not all security council members really want to hear it, its'
> inconvenient so they don't hear it."[98]

The two officials then compared the situation to that in other international organisations

as one noted that "of course NATO and the EU do have more capable military councils

to give advice to the political leaders in these organisations"[99] and the second argued

that "in the NATO, EU system there is no circumstance that I can think of where the

politicians would override the military advice if it were strong military advice and in

here I have no such confidence at all."[100] This is in direct contrast to the United Nations

Security Council where as the officials argued the Council can select the advice to suit

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[98] Interview with UK Mission Official One 27th August 2008
[99] Interview with UK mission official Two 27th August 2008
[100] Interview with UK Mission Official One 27th August 2008

its political goals. This is an argument backed by academics such as Malone who argues that within the Security Council and between member states "the compromises necessary to achieve consensus among them can sometimes result in decisions that do not match the needs on the ground."[101] This relates directly to the arguments in the previous chapter that, as Crocker highlights

> "the linkage between UN peacekeeping mandates and the resources made available by member states must be better understood by Security Council members so that they do not approve missions that will expose UN peacekeepers to severe risk and the UN itself to ridicule.[102]

One solution to this problem is suggested by Johnstone who argues that for greater success the UN should

> "have the security council keep in draft form the resolutions establishing the mandate until enough troops, equipment etc. have been committed to fulfil that mandate. That would work because in a way it puts pressure on everybody to first of all provide the resources or twist the arms of countries that may provide the resources, twist the arms of the government that is going to be the host of this operation to allow these sorts of things, and if it doesn't materialise then you don't establish the peacekeeping mission which looks like it is doomed to fail from the beginning. The problem with that approach is that it just might become an excuse for interminable delay. You could have all the security councils members saying yes its very important that we do something about the terrible crisis in Darfur and they'd draft a beautiful sounding resolution and then say ok now secretariat go out and find the resources and then it sits there in draft form for months and months if not years and everybody's able to say oh we did our best, we're trying to do our best where as you know getting the mandate sort of generates a certain amount of momentum."[103]

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[101] Peck in Malone, *Security Council (2004)* , pg 329
[102] Crocker, *The lessons of Somalia (1995)*
[103] Interview with Professor Ian Johnstone 3rd July 2008

Again the problem is the potential for the council to prevaricate over taking any action or to delay in the provision of resources until action would be futile. This potential excuse for inaction must be avoided at all costs particularly at a time when "military overstretch and the prioritisation of strategic concerns to the virtual exclusion of humanitarian ones is the sad reality of a post 9/11 world."[104] It is clear that, as Lord Ashdown argues, "the UN is necessary as a prime mover in performing many tasks in our increasingly interdependent world. But it is not good at managing conflict in difficult circumstances."[105] As Lord Hannay argues

> "Of course there were absolute terrible disasters, Srebrenica, the Rwandan genocide, the retreat from Somalia, were complete disasters and you know and the UN made many mistakes at that time, so did everyone else and it paid quite heavily for it, but what always strikes me about the UN is that despite that and despite a very sharp dip in UN peacekeeping after the mid 90s by the time of the turn of the century it was bounding up again and now it's over a hundred thousand authorised for deployment. So I don't think there is any doubt whatsoever about the indispensability of the UN, its effectiveness remains open to doubt and open to being tested by spoilers and by people who don't accept agreements things like that and it has never found totally adequate and sometimes it has found completely inadequate responses to that."[106]

However, despite the inadequate responses and the numerous failures of the organisation, it is still true that "peacekeeping is inconceivable without international cooperation and the legal mandate that only the UN Security Council can bestow."[107] It is the legal mandate provided by the UN charter which gives the Security Council it's

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[104] Weiss,*Humanitarian intervention (2007)* pg 55
[105] Ashdown, Paddy,*Swords and Ploughshares* (Phoenix London: 2008)
[106] Interview with Lord David Hannay 6th October 2009
[107] Messner and Nuscheler in Kennedy, Paul; Messner, Dirk and Nushceler, Franz, *Global Trends and Global Governance* (Pluto Press London: 2002) pg 134

influence but as Diehl argues "the ultimate value, viability and usefulness of the UN...depends precisely on its impartiality, objectivity and disinterestedness."[108] This is a reality which could be drastically altered if the format of the council was changed in any way to include more countries from regions where peacekeeping operations are deployed.

It is clear that the United Nations Security Council continues to play an important role in securing international peace and security. It is also clear that it represents good value for money, although some may question in operations such as Cyprus whether the money being spent is being matched with results, as Weiss argues despite the question of "how can you spend money for 45 years and never get anything done? It seems to me that the expense is trivial in comparison with the results, that actually you would say it's worth the gamble."[109] This is particularly true when you recognised that "the cost of one year of US peacekeeping in Iraq is approximately the same as that for all UN peacekeeping operations from 1945 to the present day." [110] Although the United Nations Security Council is in need of reform of some kind, the benefits must clearly outweigh the risk for it represent a positive step forward and as the argument above represent none of the present options provide that security. There also needs to be recognition within the UN that the political goals within peacekeeping operations are placing the organisation in a precarious position, whereby potential future operations will lack legitimacy in the eyes of some member states. If more attention is not paid to

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[108] Washburn in Diehl, Paul F., *The politics of global governance* (Lynne Riener: usa: 2001) pg 469
[109] Interview with Professor Thomas G. Weiss 9th July 2008
[110] Ashdown,*Swords (2008)* pg 160

securing local legitimacy and local solutions the organisation risks irrelevance as states will turn to regional organisations to ensure their voices are heard.

All of the changes debated above have occurred because of the dramatic changes within the international system that have occurred because of two key events, the end of the Cold War and the 9/11 attacks on the United States. The United Nations is no longer operating in the relatively simple environment where states were the key actors. Instead there is an increasing need for a wider variety of actors to share the burden of securing international peace and security. There needs to be a reassessment of peacekeeping doctrine within the UN to ensure that the operations being mandated are meeting the needs of the international system today. There also needs to be an understanding as to the wider implications of peacekeeping missions, particularly in relation to the reformulation of sovereign nation states, a task which is becoming increasingly associated with the organisation. If the UN is going to continue to undertake these tasks then it needs to work to ensure the support of its member states particularly in terms of the provision of resources. In order to gain this support some type of reform of the Security Council may be essential to ensure the buy-in of member states, who if better represented might be more willing to reduce the current disparity between the mandates being given to operations and the resources provided to achieve those goals.

## Conclusion

## Summary of Findings

First and foremost the United Nations was established to aid the creation of a more peaceful and stable international system. One of the ways in which it has attempted to create that system is through peacekeeping, preventing the spread of conflict and hopefully helping to resolve situations within and between countries that are unable to resolve it themselves. The problem with this role and action today is that peacekeeping missions are being mandated to undertake increasingly complex tasks in conflict situations which are dramatically different to those which it was intended to help resolve. The UNs involvement in these crises is based on an inherently Liberal understanding of the international system, the role of states and the role of other international organisations. This understanding of the international system has been promoted by the development of the concept of global governance, a concept which is focused on how power should be diffused throughout the international system and more importantly on how people should be represented within the system as the world becomes more integrated. The most tangible form of global governance is evident in the ways in which different actors within the international system, states, international organisations, and civil society are all involved in trying to create a more stable international system. The United Nations is a key actor in this tangible form of global governance and plays a crucial role in the creation of a more stable international system through its actions as an international peacekeeper. The importance of the organisation is also evident in its position as the most governmental form of control associated with

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the development of the concept of Global Governance. All of the above means that Global Governance represents a new way of analysing the role of the United Nations within the international system, particularly in relation to the mandating of peacekeeping operations.

The United Nations has become involved in both the promotion and enforcement of many of the norms associated with global governance, including human rights, good governance and democratisation. Although the UN is proscribing the boundaries for state action within the international system, states are still privileged within that system through the continued emphasis on the traditional concept of sovereignty. Because of this, the situation the UN now finds itself in is increasingly precarious. The organisation needs to continuously balance the demands of member states for protection of their sovereignty with the emphasis the organisation is placing on the above norms. The problems associated with this balancing act are only compounded by the changing realities of the international system. In the years following the end of the Cold War the international system saw a "shift in world power toward a configuration that was simply incompatible with the way the UN was meant to function."[1] The United Nations was based on the ideal of sovereign equality of all states but with only one superpower dominating the international system the "susceptibility of the UN to the agendas of the most powerful states"[2] has only been magnified. The dominance of powerful states within the organisation and the international system calls into question the way in which the theory of global governance deals with the issues of power and control.

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[1] Gleman, Michael J., *Why the Security Council Failed* (Foreign Affairs: 82: 3: 2003)
[2] Held, David,*Global Covenant* (Polity Press Cambridge: 2004) pg 108

The issue of power within global governance has become politicised with debates around whether it represents an ideological project aimed at creating a fairer more representative international system or whether it represents a hegemonic project aimed at creating a very particular kind of international system based on the supremacy of liberal democratic states. It is clear that without analysing the power structures within global governance there is no way to fully understand and appreciate the complexities within the international system. The issue of power is also important in relation to the role of international and regional organisations as the dominance of powerful states within these organisations undermines their ability to be more representative, accountable and democratic. There are more and more actors becoming involved in the international system and in the resolution of international problems. These new actors represent both a gift and a curse for the United Nations; if managed properly they represent an opportunity to reduce the burdens on the organisation at a time when demands on the organisation continue to increase but the number of resources being allocated to meet those demands is shrinking. If these organisations are not managed however they have the potential to challenge the authority of the United Nations within the field of international peace and security. It is imperative that the United Nations demonstrates its capabilities as a coordinating agent within the realm of international peace and security as this will enable the organisation to both demonstrate and maintain its relevance in an ever changing landscape. Particularly at a time when the organisation is becoming involved in challenging some of the key concepts which make

up the foundations of the international system without fully examining the potential

consequences of those challenges.

There is an inbuilt tension between the increased role of newer actors within the

international system and the emphasis which the traditional norms of sovereignty and

non-interference place on the privileged position of states. This is an area which

requires much more investigation in order to find a resolution. What must be made

clear is the impact this tension has on the ability of organisations such as the United

Nations to deploy operations in ongoing conflict zones. It also has a large impact on the

gap between what the United Nations sets out to achieve and what it is actually capable

of achieving. An issue highlighted by Professor Adam Roberts who noted the increased

aspiration within the international system for some form of global governance and the

connected increase in scope of peacekeeping mandates as a tool for achieving this.[3]

The need to adhere to normative principles within the international system whilst

also ensuring international peace and security was one of the key factors in the creation

of the first peacekeeping operations. Overtime these operations have evolved,

particularly in the Post Cold War period as the demand for interventions increased

exponentially. However despite the increased demand for operations and the more

complex environments in which interventions were taking place the organisation

continued to apply the more traditional style of peacekeeping operations, an application

which led to several dramatic failures. Many of these failures, Murphy argued, can be

connected to the failure to accept the changes in the international system and the fact

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[3] Interview with Professor Adam Roberts, Oxford University, 8th December 2009

that "the extent to which the balance of power system is central to cooperation and peacemaking"[4] had changed. Since the end of the Cold War peacekeeping operations have been based on emphasising how the domestic situations within particular countries can impact on the international system, in other words how domestic crises can become threats to international peace and security. This has been coupled with the perceived victory of liberal democracy over communism a situation which has contributed directly to the emphasis the United Nations now places on the importance of the development of liberal democratic governance as the end state for post conflict societies.

In order to achieve this end state the organisation has become involved in increasingly complex peacekeeping missions. However this involvement has created a new crisis in peacekeeping, based not on a failure to act, but on the failure to take appropriate action in the context of individual crises. As one former UN official argued

> "States are contracting out problems to the UN in the development of global burden sharing. However the responsibility of permanent members is not less if the problem is not in their strategic interests even though they often act as if it is."[5]

The number of tasks peacekeeping operations are required to undertake has increased, tasks which it does not have the resources to undertake. The lack of resources provided in order for the UN to become an effective peacekeeping organisation has contributed directly to the ongoing crisis in peacekeeping operations and has led to questions of

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[4] Interview with Professor Craig N. Murphy, Wellesley College, 3rd September 2008
[5] Interview with Former UN Official, 26th August 2008

selectivity on the part of the Security Council. As Sam Daws highlights in relation to

the problem of selectivity

> "It's just a political reality that we don't live in a perfect world. Selectivity
> results from a combination of member states accepting that priority should
> be given to where the need is greater, but that there are limits on resources
> and that they need to be prioritised in part to reflect national interest.[6]

This reality does however mean that the disparity between the mandates being given to

operations and the resources provided to complete those missions has only increased in

recent years with troops being asked to take on ever more complex tasks in ever more

dangerous environments.

As one UK mission official emphasised

> "Mandates are growing far too long and complex and with few resources to
> carry them out. So you might be able to do certain operative paragraphs
> quite well but others you can't even touch properly because you just don't
> have the resources to do it. The bigger you make a mandate, more complex,
> the more resources you need to give to that SRSG to do his or her job and if
> you don't give them the resources they can't do it and the rub is that
> member states don't want to spend more money on peacekeeping so we're
> giving them mandates, bigger, longer, more complex mandates without
> wanting to spend more money on peacekeeping."[7]

The problem with the mandates created by the Security Council was also highlighted by

Professor Roberts who stated that "Mandates become a wish list of things it would be

nice to get done. It is natural for them to change (mission creep). The real question is, is

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[6] Interview with Sam Daws, UNA-UK, 9th December 2009
[7] Interview with UK Mission Official Two, UK Mission, NYC, 27h August 2008

the mandate properly resourced?"[8] An understanding supported by Professor Craig

Murphy who argued that

> "the mandates that are given to peacekeeping missions are often given as a
> way of the members of the security council being able to publicly say that
> this is our declaratory policy, this is what we want the world to look like,
> this is what we are would think would be a very good thing to have happen.
> The actual commitments of resources have to be put together, not just from
> the Security Council members, but from everybody else and the
> commitments come based on what other priorities for using those resources
> might be."[9]

As Lord Hannay states "a perfect mandate is not ever going to be achieved because

these mandates are the work of many hands, they always contain some obscurities but

some are worse than others." [10] This sentiment was echoed by troops in the field who

argued that "there is too much red tape and it needs to be clearly defined, clearly cut,

clear rules of engagement."[11] Another former peacekeeper argued that the main problem

with Security Council resolutions is that it will always "represent the lowest common

denominator"[12] and that "things are much less clear cut and its much more difficult to

get a political mandate."[13] The peacekeeper also argued that this is contradictory to

what troops on the ground require, that what they want is for the Security Council to

"give us a timeline, tell us what you want to achieve and we'll try to do it but please

don't leave us hanging on the end of a rope not actually knowing where we are

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[8] Interview with Professor Adam Roberts, Oxford University, 8th December 2009
[9] Interview with Professor Craig N. Murphy, Wellesley College, 3rd September 2008
[10] Interview with Lord David Hannay, 6th October 2009
[11] Interview with Dan Docherty, CIMIC, 2nd July 2009 , CIMIC, 2nd July 2009 , CIMIC
[12] Interview with Colonel Ian MacFarlane, UK Army (Retired), 8th July 2009
[13] Ibid.

going."[14] The failure of the Security Council to produce clearly defined mandates is

particularly problematic in ongoing conflict situations where the context of the

operation can shift on an almost daily basis. The changes within a mandate, referred to

as mission creep, although accepted as inevitable by the majority of practitioners in the

field also represent a potential threat to the continued legitimacy of the individual

operation and the organisation as a whole. As Professor Weiss argued

> "The UN's comparative advantage is when there is something like a peace to
> keep and there is a necessity to turn the page on the conflict and move ahead.
> Lot's of studies including the RAND corporation suggest that the UN has a
> comparative advantage in that."[15]

Where the UN doesn't do well he argues is "when it comes to war fighting, they are

much better at situations in which impartiality and neutrality are in evidence and can

actually be implemented."[16] As Ambassador Keating notes this is one of the ongoing

problems with peacekeeping missions stating

> "This is currently one of the huge risks with respect to the positions of some
> countries regarding Somalia, who felt the UN should send a force to replace
> the Ethiopians, so the Ethiopians can withdraw and they can fight the war to
> defend the government of Somalia in its transitional phase. Well that's a
> different kind of operation to a peacekeeping operation and its completely
> fraudulent to call that peacekeeping, that is actually to fight a war, and it
> would overwhelm the capacity of the UN at the moment to try and manage
> such an operation[17]

As Professor Johnstone argued it again "comes down to the mandate. Rarely will you

see a mandate which says you know Serbs bad Bosniaks good, but you'll see a mandate

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[14] Ibid.
[15] Interview with Professor Thomas G. Weiss, SUNY, 9th July
[16] Interview with Professor Thomas G. Weiss, SUNY, 9th July
[17] Interview with Ambassador Colin Keating, Security Council Report, 28th August 2008

which is likely going to lead the peacekeepers to have to take military action against one

side." Then he argues that you have to question whether this is "really peacekeeping or

is this fighting a war, an illegitimate war on behalf of a not entirely legitimate

government?"[18] This is a question which can be directly applied to the ongoing UN

operation in the Democratic Republic of the Congo and other operations where

peacekeeping missions have become involved in ongoing conflicts and where the

complexities involved and "intervention required is beyond traditional peacekeeping."[19]

The danger is as Daws argues that

> "the institution could suffer if the mandate given by member states to
> operations is not matched by sufficient resources or military power to be
> successful and that that may produce a failure not just in the particular
> conflict situation but a wider damage to the institutions reputation for being
> an effective peacekeeper."[20]

The problem, identified by one UK mission official, is that

> "historically missions have been mandated without any clear idea of who is
> prepared to stump up the wherewithal, the enablers and the troops and
> everything else, that's the principle problem, the problem is with member
> states, the member states unwillingness or otherwise to stump up the
> necessary goods."[21]

This has been compounded by the downsizing of many military forces in the post cold

war period[22] as Lord Robertson argues "getting usable, mobilisable forces is the biggest

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[18] Interview with Professor Ian Johnstone, Tufts University, 3rd July 2008
[19] Interview with Professor Adam Roberts, Oxford University, 8th December 2009
[20] Interview with Sam Daws, UNA-UK, 9th December 2009
[21] Interview with UK mission official one, UK Mission, NYC, 27th August 2008
[22] Interview with Former UN Official, 26th August 2008

challenge and problem that we've got."[23] A problem also highlighted by Lord Hannay

who notes that the UN has difficulties in being able

> "to find quick rapid reinforcements to a mission that is in trouble, these are really grave weaknesses and they need to be remedied, both the speed of deployment and the ability to react to testing by spoilers or by awkward parties."[24]

As explored however it is not only a problem of finding enough troops, but also of

engaging the right kind of troops for the missions' requirements. As one former

peacekeeper explained

> "you have difficulties straight away that you have some nations who will sign up to what you might call the cheap and cheerful the barefoot infantry, but the requirement for big cost items is always a difficulty and relatively speaking there are very few nations that have the capability or the capacity to do that."[25]

The problem is that as Daws highlighted "there has been a decrease in actual troops

contributed by countries like the UK."[26] This decrease is directly connected to the fact

that, as on UK official explained "we've got literally thousands of troops of one

description or another deployed on other missions" which means that "we have nothing

available and when you ask most western countries that's the answer that you get."[27] A

problem also recognised by former Security Council Ambassador Colin Keating who

noted that it will often be "the western powers who will be most reluctant about it

because they actually have so much of their military capacity already committed in

[23] Interview with Lord George Robertson , Former NATO Secretary General, 28th July 2009
[24] Interview with Lord David Hannay, 6th October 2009
[25] Interview with Colonel Ian Macfarlane, UK Army (Retired), 8th July 2009
[26] Interview with Sam Daws, UNA-UK, 9th December 2009
[27] Interview with UK mission official one, UK Mission, NYC, 27th August 2008

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non-UN operations in other parts of the world."[28] The reality is that in many operations,

for example the DRC, the number of troops required to "police the whole area would

take vastly more troops than countries are willing to put forward."[29] Or in ongoing

conflict situations, as Professor Nye argued, in order to

> "control these groups that are running around killing. How could you do
> that? How many UN troops would it take? Vastly more than is going to be
> possible and that's the part I find discouraging."[30]

In more complex cases the UN will often "look to a member state to do it under the

umbrella of a UN mandate because quite apart from anything else the UN couldn't react

quickly enough to do anything about a Rwanda."[31] This is because as one UN official

argued "the UN is not equipped to undertake enforcement action. If you want serious

force you need a country to be in the lead."[32] The issue then becomes the maintenance

of the perceived legitimacy of the operations because "if the UN partnership is too close

with what is in effect seen as an exercise in neo-colonialism then its credibility could be

undermined."[33]

As one FCO official noted "Public opinion in region of deployment is key to

success" and a large part of the decision to deploy any troops on the operation.[34]

Particularly as many of the risks are being increased because of the perceived

association of the UN with the norms of global governance and a liberal democratic

ideology. This has also caused issues for the organisation in relation to its perceived

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[28] Interview with Ambassador Colin Keating, Security Council Report, 28th August 2008
[29] Interview with Professor Joseph Nye, Oxford University, 7th May 2008
[30] Interview with Professor Joseph Nye, Oxford University, 7th May 2008
[31] Interview with UK mission official one, UK Mission, NYC, 27th August 2008
[32] Interview with Former UN Official, 26th August 2008
[33] Interview with Professor Ian Johnstone, Tufts University, 3rd July 2008
[34]Interview with FCO Official, UK Foreign Office, 20th May 2009

neutrality and impartiality within the international system. As Daws argues many

spoiler groups

> "see the United Nations as a biased organisation promoting western goals,
> hence the attacks now in a number of locations on UN humanitarian agencies
> by al-qaeda and that's an awful and very disturbing development but it also
> again speaks to the issue that there is both the need for international
> legitimacy but also local legitimacy and that local legitimacy is contextual, it
> relates to things going on in that particular conflict zone but it can also relate
> to wider conflicts."[35]

The Security Council plays a key role in the transmission of norms from one part of

the international system to another. One of the main ways in which it does so is through

the mandates of peacekeeping operations, mandates which emphasis the end state

which post conflict societies should strive to attain in order to be reintegrated into the

international system. The Security Council is responsible for the transmission of

standards of appropriate behaviour and since the end of the Cold War the end state has

been proscribed in terms of liberal democratic governance. It is clear that from the start

"the UN was deeply influenced by the values of the western democracies, and, in

particular, by their insistence on the importance of entrenched human rights." [36]  By

focusing on the transmission of norms such as human rights, democratisation and good

governance the argument is that the UN Security Council has become involved in the

globalisation of a particular model of domestic governance and that the globalisation of

this model carries heavy shades of neo-colonialism. As Roberts argues, "making a

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[35] Interview with Sam Daws, UNA-UK, 9th December 2009
[36] Mayall in Ed: Welsh, Jennifer M., *Humanitarian Intervention and International Relations* (Oxford University Press Oxford: 2004)

country fit for western democracy raises issues locally and clearly has consequences."[37]

The failure of the council to engage with alternative forms of governance and

government has again led to an increased loss of legitimacy for the Security Council as

"operations on the ground that are not regarded as legitimate by the citizens of the

country you are working in are a problem."[38]

In the past the legitimacy of an operation was based on the consent of the host

government. Today however consent poses an increasing problem for both operations

on the ground and the Council at headquarters. In some operations it appears that

consent from anyone is better than no consent at all, a situation which can in many

cases elevate spoilers to a position of legitimacy within a peace process. Traditionally

consent based operations have been the defining attribute of UN peacekeeping. No

operation would be mandated without the consent of the host government. This

therefore meant that there was, in the eyes of the council, no need for conflict between

sovereignty and intervention. In recent interventions however the reliance on consent

has been reduced, as Johnstone highlighted

> "It's only when you don't have consent or the consent isn't reliable or the
> consent needs to be manufactured in a way that you need to start
> considering criteria and you start saying we're at the point now where either
> we intervene coercively against the will of the government or we
> collectively try to put so much pressure on the government diplomatically
> that it can't resist saying yes to a peacekeeping presence."[39]

It is therefore in the role of norm development rather than in specific responses to crises

where the real power of the Security Council resides. The Security Council does not

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[37] Interview with Professor Adam Roberts, Oxford University, 8th December 2009
[38] Interview with Sir Jeremy Greenstock, 8th December 2009
[39] Interview with Professor Ian Johnstone, Tufts University, 3rd July 2008

however fit with the calls for increased representation and democratisation within the international system. It is a hierarchical organisation in which the power and influence of certain states is apparent. The structure is outdated in relation to the way it represents the balance of power within the international system yet it still remains an important institution, both as a template for future cooperation and for the work it currently undertakes. The real problem is the lack of analysis as to the role of power within the Council. Again this is the same debate as raised before in relation to the wider global governance project. If international organisations are key actors within the development of global governance then their domination by a particular kind of state gives credence to the suggestion that global governance is nothing more than a hegemonic project. What becomes clear is that in the case of the UN "its achievements are determined by the degree to which the sovereign states, in which the real power resides, are induced to live up to their charter obligations."[40] The UN in the international system should in most cases be viewed as a stage and not as an actor capable of initiating action independently of its member states.

The UNs limited autonomy as an international actor was demonstrated most clearly by the US intervention in Iraq although in the eyes of some member states it has gained credibility for refusing to support the war against Iraq others feel that it will only become even more irrelevant and that eventually the organisation could find itself "confined to mandating UN humanitarian, peacekeeping and transitional government

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[40] Finger, Seymour and Joseph R. Herbert,*US policy in international institutions* (Westview Press Boulder: 1978) pg 9

mop-up operations after US led military interventions."[41] The intervention again raised the issue of exceptionalism within the Council, as the only remaining superpower the USA had once again taken action unilaterally in the face of overwhelming international opposition. In the immediate aftermath of the invasion the UN suffered a perceived loss of legitimacy in the eyes of the international community. It appeared that because of the influence of the USA within the Security Council "the UN and the western democracies are going to have to be into containment whether they want to be or not but that's a question of political will and the economic decision to do it"[42] However the ongoing situation has restored some of that which was lost to the Council as the failures of the USA demonstrate the dangers of unilateral action in comparison with broad based multilateral interventions. The situation also served to highlight the limitations placed on the UN by the reluctance of the USA to place its troops under UN command. As Nye highlighted "there is a strong preference in the American military to have a leading role when American troops are involved" although he also emphasised that there have been "cases where there's been a willingness to delegate command, particularly within the NATO structure."[43]

These organisations represent an alternative to the UN structure and many, such as the African Union, European Union, and NATO, who have become increasingly involved in peacekeeping style operations. The argument in favour of these organisations is that they will offer increased accountability and representation through

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[41] Malone in Ed: Malone, David M., *The United Nations Security Council* (Lynne rienner: London: 2004) pg 2
[42] Interview with Colonel Ian Macfarlane, UK Army (Retired), 8th July 2009
[43] Interview with Professor Joseph Nye, Oxford University, 8th December 2009

greater local input, and will also reduce the increasing strain on the United Nations. As

Johnstone argues, regional organisations have "strengthened the UNs ability to function

in some places like."[44] Although he also recognises that they have

> "complicated the UNs peacekeeping role, all of these relationships and these partnerships between the UN and regional organisations have proven to be difficult and more time goes into trying to coordinate these relationships than actually doing the work on the ground."[45]

There are also unanswered questions as to the legal authority of regional organisations

to mandate interventions and the potential for what Marrack Goulding termed a

peacekeeping apartheid to develop. An increased reliance on regional organisations also

represents a challenge to the authority of the UN and has also increased the complexity

of the operating situation in the field where the lack of coordination and the risk of

organisations being played off each other is a real danger. As Ambassador Keating

highlighted

> "the interaction between the security council and regional organisations has got both significant potential opportunities but also if its not handled well by one or both sides of the equation then it could actually be misused, to the detriment of international peace and security. The international organisations that operate at the regional level are somewhat ephemeral by comparison to the UN at the present point in time and as a result the relationships often tend to be somewhat one sided."[46]

The risks are somewhat ameliorated by the benefits the organisations can provide

including a faster response time and improved troop provision, as Simon Bagshaw

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[44] Interview with Professor Ian Johnstone, Tufts University, 3rd July 2008
[45] Interview with Professor Ian Johnstone, Tufts University, 3rd July 2008
[46] Interview with Ambassador Colin Keating, Security Council Report, 28th August 2008

stated "they fill a gap in the sense that we don't have the capacity to deploy as quickly as we'd like, so they can get there much quicker and they're often seen as much more acceptable to other African states."[47]

These benefits do not however prevent the organisations facing similar charges to the Security Council in relation to accountability and legitimacy especially when there is a dominant regional hegemon.

The danger becomes clearer when you focus on the impact these different organisations are having on peacekeeping operations in the field. The UN now spends a large amount of time and resources on coordinating different actors within operations in the field. These actors have a variety of mandates and aims, and a huge variety of different capacities. At the present moment there are too many actors in the system with no one regulating their actions or holding them responsible for any consequences of these actions. This is especially dangerous if these actors have access to large amounts of material resources. Newer actors such as NGOS and aid agencies also focus their attention on purely humanitarian interventions. These organisations emphasise their neutrality and impartiality and focus not on the political outcomes of any conflict but on the provision of aid to those in need. This only further complicates the operating situation for peacekeeping troops as humanitarian aid can have a marked impact on any ongoing political process and can potentially shift the balance of power within a conflict. The failure of some organisations to assess their political impact is an ongoing problem which again needs further research, particularly in relation to the coordination

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[47] Interview with Simon Bagshaw OCHA, 28th August 2008

of those organisations in the field and in connection with ongoing UN peacekeeping

operations.

As one former peacekeeper noted

> "Most soldiers are suspicious of non government organisations, irrespective
> of what their background is because they tend to have their own agenda and
> for the best of reasons I accept that they will run to their agenda even if it is
> not necessarily appropriate from our point of view at the time.[48]

This lends itself to the argument that "there is in the humanitarian NGO world of course

an inbuilt tension between them and the military in general, or peacekeeping operations

in general,"[49] Perhaps because of a "sense that the humanitarian issues are marginalised

within the peacekeeping missions."[50] Whereas in many cases the peacekeeping

missions are reliant on other organisations to fulfil tasks, which although within their

mandate, are far outwith the reach of their resources to undertake. As Professor Murphy

argues, many operations spend time focusing on

> "how far can we go, what kind of thing do we have to define, how much
> security do we actually have to create to imagine that these other actors who
> are going to do much of the hard work and be there on the cheap, and the on
> the cheap is the big thing because nobody, the major security council
> members don't want to spend any money."[51]

This problem has also raised the question as to whether peacekeeping missions should

be fully integrated, with the humanitarian, political, and military operations operating

under a unified command structure. As one field operative stated

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[48] Interview with Colonel Ian Macfarlane, UK Army (Retired), 8th July 2009
[49] Interview with UK mission official one, UK Mission, NYC, 27th August 2008
[50] Interview with Simon Bagshaw OCHA, 28th August 2008
[51] Interview with Professor Craig N. Murphy, Wellesley College, 3rd September 2008

"that missions should be integrated because one of the principles of producing a decently run operation is unity of command, if you have no unity of command then you lose control of what's going on, on the ground, and you're potentially doing things that are counter productive." [52]

However he also stated that

"some of the humanitarian agencies, OCHA for instance, don't have that view and they think that there should be clear water between what humanitarians do and what's going on in a peacekeeping mission. Their counter to my argument that we need to have a coherent response is that 'ah but we get on very well together and we always talk' and actually that's the point. All that is doing by having an integrated mission is formalising that relationship so that you are forced to talk to each other even if the personalities don't match and in some cases personalities don't match." [53]

This is an ongoing problem and debate and one whose resolution is not straightforward.

Asides from the coordination of the increasing number of actors involved in peacekeeping operations, the United Nations Security Council also needs to work on improving the perception of these operations around the globe. They need to work on reducing the gap between the mandates and the resources provided to fulfil them. They also need to address the increasing lack of clarity in the mandates as the situations in which they intervene become more complex. In order to do so there will need to be an in-depth assessment of the impact which the Security Councils role of norm transmission is having on the organisation, more attention needs to be paid to ensuring local legitimacy for operations rather than the top down approach which has been taken in the past. This may be easier said than done as the powerful states have a tendency to

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[52] Interview with UK mission official one, NYC, 27th August 2008
[53] Interview with UK mission official one, UK Mission, NYC, 27th August 2008

utilise the council to their own agenda. One way to avoid this is the creation of specific

criteria for interventions, a suggestion which has been made several times in the past.

The problem is then whose criteria are being followed and also whether or not they

would be fairly applied? Another option which is also being debated is reform of the

Security Council itself.

The argument is that a broader membership base that was more representative of the

power structure within the international system today would improve the legitimacy of

the council and reduce the inequality in the provision of peacekeeping operations,

particularly the perceived inequality in the application of state sovereignty and the

provision of resources to operations. As one UN official notes

> "If you had a more equitable security council where the power wasn't really
>
> vested in just five permanent members, if there was a much more
>
> democratic approach to the issues amongst all fifteen member states then I
>
> think we would hopefully see stronger peacekeeping mandates if they're
>
> needed."[54]

The mandates do not however represent the biggest problem; this is instead

presented by the disparity in the resources provided to operations in different regions

that has led some states to search for alternatives to the Security Council. The danger is

however that by increasing the membership of the Council you increase the number of

votes needed in order to authorise a mandate. The problem is that reform of the council

has become so politicised and opinion so polarized that progress will be sluggish at

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[54] Interview with Simon Bagshaw OCHA 28th August 2008

best. Instead the real focus should be, not necessarily on improving representation, although this would improve legitimacy, but on improving the output and success of Council mandated operations.

Whilst the failures of the UN are undeniable these failures should not be laid only on the organisation which is willing to admit its mistakes, instead blame should be passed on to the member states who failed to act to provide the organisation with the resources it needed to undertake the operations in the first instance. In the international system it is "the norms espoused by the most powerful actors which set the standard for the system as a whole"[55] therefore "if realpolitik is to be the sole motivation for supporting the UN it is not the UN that is failing but the privileged members using the UN as a scapegoat."[56] Member states are far too quick to pull out of obligations, to deny the UN the resources it requires in order to maintain international peace and security. The UN has simply become another political tool of governments, used to validate their actions and policies. It is used by member states to appear as if they are taking action in terms of global crisis while buying them time to orchestrate a way to avoid becoming involved. In the future however, if the UN is ever to achieve the ideals on which it was established, member states will have to be much more willing to provide resources and to politically support the organisation and the Secretariat in what they are attempting to achieve. It is not conducive to the international system for what could be the most

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[55] Clapham, Christopher, *Rwanda: perils of peacemaking* (Journal of Peace Research: 35: 2: 1998)
[56] Doyle, E.D. *Reflections of a UN peacekeeper* (International Peacekeeping: 10: 4: Winter 2003)

important organisation to be continuously sidelined and blamed for the actions of its member states.

## Implications for Future Research

Throughout the previous chapters the project has demonstrated the complicated relationship between the development of the concept of Global Governance and the ongoing crisis in peacekeeping operations. As the concept of Global Governance develops there needs to be a focus on the continuing impact of both the theory and the more tangible elements of the transmission of the norms associated with the concept on the international system. There also needs to be more investigation into the potential detrimental impact of linking the United Nations to explicitly liberal ideas particularly in relation to the backlash which is already occurring within Iraq and Afghanistan where the UN has been a direct target of attacks because of its association with the political program of the intervening states.

The organisation and academics also need to move away from preconceived notions of the relationship between non-governmental organisations and military forces involved in peacekeeping operations within ongoing conflicts. Instead there needs to be research into how to improve cooperation without threatening the perceived legitimacy of either operation. There should also be an increased engagement with local sources of authority in order to ensure legitimacy for future operations. The role of alternative organisations also needs to be carefully monitored and understood in order to ensure the

greatest amount of benefit to all involved. This is particularly important in relation to the uneven distribution of resources between regional actors and the potential for the development of a 'peacekeeping apartheid'.

As explored, Global Governance provides a unique viewpoint on the United Nations and its role in the international system but there needs to be more focus on the issue of power within the development of the theory as without this it will lose its relevance. The United Nations is a unique organisation within the international system created at a very unique moment in history and the chances of creating such an organisation again are extremely limited. The impact and legacy of the organisation therefore need to be protected and its future secured through better informed decisions and more in depth research when things do go wrong.

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