

# Introduction

## I

### Introduction


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**T**he study *Security Council Resolutions under Chapter VII: Design, Implementation and Accountabilities. The Cases of Afghanistan, Côte d'Ivoire, Kosovo and Sierra Leone* examines the implementation of Security Council mandates and assesses the United Nations Security Council's (UNSC) monitoring role *vis-à-vis* the missions deployed under its authority in the four cases under review. Two of the cases considered – Côte d'Ivoire and Sierra Leone – involve missions entirely under United Nations (UN) command, while the other two – Afghanistan and Kosovo – include UN civilian missions with a peacebuilding mandate deployed in parallel to military operations authorised by the Council under Chapter VII and led by a regional organisation.

With the exception of the resolution establishing the United Nations Assistance Mission in Afghanistan (UNAMA), the resolutions examined in this study were adopted within the framework of Chapter VII of the UN Charter, denoting the possible use of force in defence of the mandate. Although UNAMA is not a Chapter VII mission, its role is strongly conditioned by its co-existence with two enforcement operations, one of which is under the Council's mandate. Hence its inclusion as a specific focus of attention in this study. The impact of the use of force on the peacebuilding objectives of the operations under review, whether by the North Atlantic Treaty Organisation (NATO) as in Afghanistan and Kosovo, or by the UN blue helmets and by a member state, as in Côte d'Ivoire and Sierra Leone, is one of the main threads followed in all case studies.

Each case presents a review of the context for UN intervention, the role of the world organisation *vis-à-vis* other key international and regional players, and the design of the mandate and its eventual evolution in response to emerging needs. The UN Secretariat has specific responsibilities to service and assist UN field missions, not so to non-UN ones, even if authorised by the Council. Taking into account this role of the Secretariat, the study reviews its implementation, looking into the existing dynamics between the Council and the field and the former's responsiveness to new developments. Another area of analysis is Security Council resolution 1325 (2000) on women, peace and security. Particular attention is paid to the Council's effectiveness in supporting and monitoring implementation of its mandates; its ability to find common grounds on the way forward in the face of new requirements; and the internal divisions that hamper its action.

In this context, the question of accountability emerges as a multi-directional responsibility that involves the Council and other key international actors: from the Council to member states, in supporting and



steering mandate implementation; from the UN Secretariat, in assisting UN field missions effectively; from all operations on the ground, in complying with their mandates and providing good reporting and advice; and from member states, particularly the Permanent Five (P5); as well as from regional organisations, in recognising the Council's authority and providing the authorised missions with political backing and the necessary resources.

Of the peacekeeping missions considered in this work, those in Kosovo and Sierra Leone were deployed before the Brahimi Report, but continued to be in place following its publication; those in Afghanistan and Côte d'Ivoire were established after the report was issued; and in the case of Afghanistan, it was initially led by Brahimi himself. Eventually, all were largely influenced by its thinking and recommendations. The approach taken in this study owes a lot to the principles laid down in the Brahimi Report, as well as to recent literature inspired by the document. These include, among others, the 'Capstone Doctrine', a 2008 document of the Department of Peacekeeping Operations (DPKO) on principles and guidelines for UN peacekeeping operations, and the 2009 *Annual Review of Peacekeeping Operations* of the Centre on International Cooperation (CIC) of the New York University. Since the completion of the study, DPKO has presented the 'New Horizon' non-paper.

## I. Demand on the rise

This work was developed at a time of increasing pressures on UN peacekeeping. Alain Le Roy, Under-Secretary-General of the Department of Peacekeeping Operations, stated on 1 December 2008:

*We manage 18 operations deployed across 12 time zones in five continents, comprising 140,000 authorised personnel, of which 110,000 are currently deployed, directly impacting the lives of hundreds of millions of people. This compares to 30,000 deployed personnel from just 10 years ago.*

In the 2009 *Annual Review of Peacekeeping Operations*, Richard Gowan stresses that the UN peacekeeping system faces 'an extended and dangerous period of strategic uncertainty'. According to Gowan, in spite of setbacks the contribution of UN peacekeeping to the decline of armed conflicts since the 1990s suggests that the demand for peacekeeping will rise in the coming years.

In addition to the demand for new operations, those already in place are often assigned additional responsibilities that require further resources. The Security Council 'refined' its resolutions on Afghanistan, adding a series of ambitious tasks to the mandate of the political and peacebuilding mission (UNAMA). Initially, the Council's resolutions on the International Security Assistance Force (ISAF) under NATO command were broad and generic, leaving to NATO the details of the mandate. This changed after 2007, as the Council introduced more elements in its resolutions, following a surge of insecurity and civilian casualties that raised questions within its membership on the role of the security mission. In Côte d'Ivoire, although the mandate of the United Nations Operation (UNOCI) in the country has been relegated to a largely passive role after the signature

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of the Ouagadougou Agreement, due to the fragility of the situation the mission still operates under Chapter VII and requires a substantial military force.


If UN peacekeeping operations are stretching themselves too far, they are also stretching themselves too thin by trying simultaneously to undertake such tasks as self-defence, stabilisation and state-building, reflecting the trend of no longer distinguishing among phases of peacemaking, peacekeeping and peacebuilding. The evolution of the Security Council mandates from peacemaking – not only through diplomatic means, but also through enforcement missions by multinational forces or by NATO – to peacekeeping and peacebuilding has created a new set of challenges for the world organisation. The fusion of these stages, particularly when international forces are still engaged in combat, raises difficult questions in terms of sequencing, delineation of responsibilities and the timing of negotiations with the parties in conflict.

In UN-led missions, an effective operation depends on the concurrence of three groups of countries: the Council members that take the decision to intervene and define the mandates, the P5 in particular; troop-contributing countries from the South; and those rich countries of the North that are the largest contributors. While the latter do not generally place their own troops under UN command (save for cases of political or strategic significance to them), they often make substantive contributions in terms of logistics, *matériel* and specialised troops for targeted operations under their own command structures, thus filling the gaps of the UN military contingents, but also putting at risk the perception of impartiality of the peacekeeping mission, such as in Côte d'Ivoire. The need to seek consensus among the three groups has been all too often neglected in the definition of mandates and the design of field missions. This may have a negative impact on the willingness to implement mandates on the ground: military and civilian personnel may be less than enthusiastic to apply resolutions in whose content their countries had little or no input and that reflect values their own societies may not share.

## II. Challenges posed by the use of force

After the terrorist attacks of 11 September 2001 (9/11), the over-securitisation of international policies through immediate military action seemed to overtake diplomacy and close the door to the possibility of third-party negotiations, thus sidelining the United Nations and ignoring the unique advantages it may have as an honest, credible and impartial broker in conflict situations. The study on Afghanistan presents the contradiction between the military operations conducted by the two international military forces on the ground and the political and peacebuilding character of the responsibilities assigned to its civilian mission, UNAMA.

Chapter VII of the UN Charter refers to 'Actions with Respect to the Peace, Breaches of the Peace and Acts of Aggression' and authorises enforcement measures – included, but not restricted to, the use of military force – to restore international peace and security. Reference to Chapter VII in a resolution denotes the willingness to resort to force when deemed necessary to defend the operation,



the mandate or civilians. The invocation of Chapter VII in a resolution has been a recurrent practice of late when dealing with complex international conflicts. But it represents neither a pre-requisite nor sufficient basis for the use of force. The essential elements for the use of force are the mandate, the rules of engagement (ROE) and the decision of UN commanders on the ground in consultation with the mission's political leadership and counting with the Council's authorisation. This is clearly illustrated in the cases of the United Nations Mission in Sierra Leone (UNAMSIL) and UNOCI in Cote d'Ivoire. As recognised by the Brahimi Report, although the basic principles of UN peacekeeping remain the same, UN peacekeeping operations need a clear, robust mandate with the necessary resources to repel attacks on its own force, stop acts of violence against civilians they may witness, and more generally, act in defence of the mandate. These parameters are rather broad, particularly when referring to the defence of the mandate.

Unless UN peacekeepers can be a credible deterrent capable of stopping or restraining violent factions in their attempts to sabotage a peace process, their effectiveness and credibility will be at stake. A difference should be drawn, however, between enforcement and robust operations. As postulated by the Capstone document, there is a difference between the use of force for tactical purposes and waging war or conducting counter-insurgency operations. Even in such cases, a minimum level of strategic consent is considered necessary for a UN mission to operate. A poor assessment or misperception as to the true depth of such consent can severely damage the chances of success. Evidence of this may be found in the case study on Sierra Leone, where the initial optimistic assumption that the Revolutionary United Front (RUF) was truly committed to the Lomé Peace Agreement was one of the main factors that led UNAMSIL to the brink of total failure.

In Afghanistan and Kosovo, the deployment of multinational or regional forces under their own line of command – ISAF and the Kosovo Force (KFOR) – reflected the aim of stabilisation in war-ravaged countries of key strategic importance to the North Atlantic Alliance countries. In both cases, the rules of engagement were decided not by the UN but by troop-contributing capitals or by NATO in Brussels. This situation raised problems of information-sharing and coordination with the civilian mission in Kosovo. In Afghanistan, as illustrated in the case study, it revealed a serious inconsistency of goals.

In Côte d'Ivoire and Sierra Leone, military operations under the UN blue helmets came after intervention from a regional force and were completed by targeted military interventions from France and the United Kingdom (UK), respectively. While the latter two were quite different, they both acted forcefully at particular junctures to freeze the military situation or thwart factions that were threatening the peace process. French Operation *Licorne* was established before UN deployment, and was built on a four-decade long and permanent military presence in the country. *Licorne* then facilitated the deployment of an Economic Community of West African States (ECOWAS) mission in Côte d'Ivoire, ECOMICI. Both operations were given a Security Council mandate. But while the regional force withdrew upon UNOCI deployment, *Licorne* remained in a supportive and durable role for the UN force. The UK intervention in Sierra Leone took place after UNAMSIL was deployed, just as it was on the verge of collapse, initially to evacuate its own nationals, without a Security Council mandate. The presence of UK troops – though accidental – was one of the factors contributing to the 'reversal of fortunes' that accompanied UNAMSIL to its eventual success, as explained in the case study. The

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impact of both bilateral interventions on the host countries and their interaction with the UN forces on the ground is a subject of analysis in the respective case studies.

The participation of non-UN troops in operations with a Security Council mandate, and the Council's authorisation to delegate military functions to coalitions of the willing or other forces under bilateral or regional arrangements, has had mixed results. While on the one hand these developments have ensured the deployment of experienced personnel, equipment and logistics not usually available under UN command, or maintained a secure environment that enabled implementation of the civilian mandate, they have on the other hand raised questions over accountability, coherence of goals and coordination. Authorisation does not mean that the Council has actual authority over the forces deployed or a say in its rules of engagement. Forceful military action by troops deployed under their own national or multinational structures with little or no accountability to the Security Council has on occasion been counterproductive to the political and peacebuilding goals placed under the UN purview, as well illustrated in the case study on Afghanistan.

Ensuring appropriate support, guidance and monitoring for UN mission staff in widely different situations and under increasingly complex mandates has been one of the main challenges for the UN Secretariat and member states since the Brahimi Report. As illustrated by examples in the case studies, measures have been taken on the operational side to enhance action coherence and coordination within the UN and with other key stakeholders, through the Integrated Mission Concept (applied in UNAMA for the first time with mixed results); to expedite the selection and recruitment of personnel by making it more flexible and transferring functions to the field (as done, also for the first time, in UNMIK); and to incorporate more systematically the practice of independent monitoring and evaluation, as exemplified in Sierra Leone after UNAMSIL's near collapse. Progress in some of these areas notwithstanding, the distance between new prescriptions and actual practice continues to be wide.

## III. Council dynamics

Beyond the operational challenges stemming from the growing demand for UN peacekeeping forces, concern has arisen about the fundamental political problems surrounding international intervention. These problems range from the dynamics within the Security Council, to the politics of coordination with non-UN actors and the design of peacebuilding models that reflect Western liberal criteria, in disregard of the local context and often in blatant contradiction with the political interests and priorities furthered by the same interveners. There is evidence to this effect in the case studies, particularly Afghanistan, Côte d'Ivoire and Kosovo. These circumstances and disappointing evidence from the field have led to a growing perception that the principles that have underpinned international intervention in the last two decades – influenced by the international 'liberal' peace agenda – are seemingly inadequate to respond to the security challenges of today's world.



A certain reluctance to act and the existing fragmentation within the Council's membership, including among the P5, weaken its response to situations on the ground. The internal dynamics within the Council has been negatively influenced by cleavages among the Permanent Five, of which the case of Kosovo is the most noticeable example, as illustrated both by the early debates on the legality of the intervention and by the more recent irreconcilable division over the future status of Kosovo. Since the 1999 NATO campaign, Russia has become more assertive. Although the 9/11 attacks elicited a unanimous response from the permanent members in support of the operation in Afghanistan with the Council's authorisation, the case study notes that Russia has recently taken a more critical approach. It has played a leading role in the wave of objections raised by a group of countries at the civilian casualties resulting from the military operations of ISAF/NATO and Operation Enduring Freedom (OEF). At one juncture in September 2007, Russia abstained from voting on the renewal of the ISAF mandate out of concern over a reference to maritime interception by the US Operation Enduring Freedom included in the text of the resolution.

Divergent approaches also characterise the rich countries, mainly in North America and Western Europe, where there is widespread support for the notion that human rights, democracy and development are the foundations for peace. Following the attacks of 11 September 2001, the priority given to the fight against terrorism and the ensuing militarisation of security have in practice worked against many of the principles and policies that the countries of the Western Alliance have sought to promote, not least among them the protection and promotion of women's rights. This has undermined the progress achieved in what is a rather recent development, in historical terms, in their own countries, while putting at risk the prospects for improvement in countries that are host to international operations.

Examples of disagreement or different policy priorities among these countries when dealing with specific situations abound. In Kosovo, European Union (EU) members have not found a common position on the final status proposal put forward by UN Envoy Martti Ahtisaari; in Afghanistan, there is discord between emphasis on state-building or stabilisation, between the need to negotiate or not, and over stabilisation and securitisation methods, sequences and approaches. The Nordic countries, with the support of other EU states, have kept the human rights and humanitarian aspects of the situation in Afghanistan under the Security Council's watch, including the thorny question of civilian deaths resulting from international military operations, thus overcoming the reluctance of the US.

Non-permanent Council members usually reflect the divisions of the P5 by aligning their stand in accordance with their own interests and perspectives, depending on the situation. They tend to prioritise development issues over security and are very reluctant to support policies that undermine national sovereignty. Although the reform of the Council to make it more representative is still a distant prospect, the role increasingly played by elected non-permanent members has introduced a new dynamic by giving them a say and some leverage on issues of importance to UN missions. In fact, third world countries can block or delay approval of many administrative or budgetary matters that are necessary for the successful implementation of mandates.

Resolutions adopted under Chapter VII where the big countries have strategic interests (for instance, in former colonies or in operations deployed within the context of the 'war on terror'), are often

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negotiated in the concerned capitals rather than in the Council chamber. Unless their promoters can demonstrate that there are broader interests at stake and muster the support of key regional players, resolutions proposed by them on peacekeeping operations may in certain circumstances obtain only lukewarm support from the rest of the membership for motives that are not necessarily those sought by the intervention. In such cases, the willingness of Council members to back their own mandates with adequate and timely resources and to provide sustained political support and guidance to missions deployed under its authority cannot always be taken as a given. The example of UNOCI is a case in point, as suggested by the case study presented in this report.

A positive development is the creation of the Peacebuilding Commission (PBC), which keeps on the Council's agenda the situation of countries that after emerging from war and hosting a peacekeeping operation require continued international attention to consolidate the still fragile achievements of peace. Such is the case of Sierra Leone, host to one of the first UN peacebuilding offices. Because of its composition, the Commission opens the Council to the concerns of non-members, including countries from the South that contribute troops to UN peacekeeping missions. This is in itself a step in the right direction, even though it is still to be determined whether it will be a decisive factor in keeping the international community's commitment, preventing recurrence to war and ultimately improving the life of people on the ground.

## IV. Resolution 1325 (2000)

The selection of UNSC resolution 1325 (2000), based on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and which calls for women's participation and the protection of women in conflict and post-conflict situations, for review in this study is founded on several reasons. No international intervention on its own is able to bring durable peace to a country emerging from war. Although the international community has an obligation to, and a role to play in supporting countries in such a situation in order to avoid recurrence to armed conflict and to consolidate peace, this latter goal is mainly the result of domestic processes that require the concurrence of all members of society. In this context, the participation of women is crucial to orient and inform these efforts, to elicit the wide societal support they need and to promote the process aiming at gender equality over time.

Women were the target of atrocious crimes, sexual violence, mistreatment and discrimination in the period preceding, during and after the wars in the four cases selected for review. While the proportion of victims and survivors and the ideological basis for these attacks may have varied, the gravity of the crimes committed was the same. To seek remedy, fight impunity against sex offenders and prevent further sex-related abuses in times of peace is a matter of justice and a human rights imperative. In addition, in order to reconstitute the social fabric after civil war and lay the foundations for future reconciliation it is necessary to apply gender-sensitive policies in all spheres of action.



Women are not only victims and survivors of wars. They are also actors and should participate on their own right in making the decisions that are part of a peace process. One of the groundbreaking elements of UNSC resolution 1325 (2000) is that it establishes women's roles and specific experiences in conflict and peacemaking, in addition to prescribing that parties to armed conflicts must take special measures to protect women and girls from gender-based violence. The resolution also recognises sexual violence as a self-standing security issue, linked with reconciliation and durable peace.<sup>1</sup> Therefore, the three dimensions that require action in addressing the situation of women in relation to conflict are protection, promotion of human rights and participation in decision-making processes, including negotiations.

Yet, before the approval of the resolution, women were very seldom mentioned in the context of peacemaking, peacekeeping or peacebuilding. The Brahimi Report is gender-blind. There is not a single reference to women in UNSC resolution 1244 (1999) authorising the international security and civilian presences in Kosovo; and only a few references in the resolutions on Sierra Leone. However, women and gender are included in the resolutions on Afghanistan and Côte d'Ivoire. In Afghanistan, releasing women from the marginalisation and mistreatment they endured under the Taliban was one of the main banners raised by the US, the European Union and their allies in 2001. But women are still excluded in general from peace-related decision-making structures in all cases. Gender-based violence continues to be used as a war tactic, although in June 2008 the Security Council approved resolution 1820 to end sexual violence as a weapon in conflict and impunity.

## V. Case selection and methodology

The UN had varying levels of involvement in the four cases examined in this work. The selection of cases for this study intends to reflect a diversity of situations brought before the Council, their complexity and their *sui generis* character. Besides apparent similarities between the West African countries that derive from their geographical location and their historical links to European colonial powers, they represent widely different historical backgrounds, socio-political dynamics and cultural environments. The wars that the international community sought to prevent or to end in the four cases are rooted in these realities and should have informed the selection of peace strategies. This was not always the case, as shown by erroneous assessments based on a lack of understanding of some trends and realities of the local context.

The international approach to intervention has also been at variance from one another in the four cases. So has the role of the UN, its degree of involvement and its relationship to other international or regional actors who assumed an active role in diplomatic or military efforts to solve the conflict or who sought to influence the parties through diplomatic or other means. For the purposes of this

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<sup>1</sup> Sexual violence as a weapon of war and as a self-standing security risk was further established in United Nations Security Council resolution 1820 (2008).


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analysis, the common thread that brings such a varied group of cases together is the fact that they have hosted UN and non-UN peacekeeping missions deployed under a Security Council mandate and influenced by the actual or potential use of force implied in the reference to Chapter VII. Even UNAMA in Afghanistan, not itself a Chapter VII mission, was heavily conditioned by its co-existence with an UN-sanctioned enforcement mission. The two West African cases – Côte d'Ivoire and Sierra Leone – had peacekeeping forces under an UN-headed line of command, in addition to forces deployed by individual member states. Afghanistan is host to three distinct operations: a UN civilian mission, alongside a multinational military force authorised by the Council under Chapter VII, and the US Operation Enduring Freedom, which the Council implicitly authorised under the provisions of article 51 of the Charter on self-defence. Kosovo was host to an operation under Council mandate with responsibilities assigned to the UN and other international or regional organisations – the EU and the Organisation for Security and Cooperation in Europe (OSCE) as the civilian presence, and NATO, a politico-military regional organisation, as the security presence.

The four studies also represent different moments of UN involvement in the continuum of war to peace. In Afghanistan, a situation of open conflict (at least in certain areas of the national territory) co-exists with a political and state-building mandate. In Côte d'Ivoire, a five-year peacekeeping presence was established after reiterated deferral of elections and a protracted disarmament, demobilisation and reintegration (DDR) programme. In Kosovo, there was a transfer of peacekeeping and institution-building responsibilities to a EU mission after 10 years of presence as an international protectorate, without having reached an agreed-on formula on final status. And having gone through the whole cycle from war to peace in Sierra Leone, the UN established one of its first peacebuilding offices to follow-up on the achievements reached during the peacekeeping mission's presence. Furthermore, the record of the cases under study exemplifies the extent to which they were influenced by the fluctuating priorities of the international community.

While each study tells its own, unique story, the research was conducted by examining clusters of issues and questions common to all cases:

- The local historical and political context for UN intervention, at the regional and international levels and within the Security Council;
- The mandate's origin, design and eventual evolution, including an analysis of the resolutions and the implications of invoking Chapter VII;
- The implementation of the security mandate, the type of military force and enforcement agent, the rules of engagement, and the level of effective authority, monitoring and follow-up by the Council;
- The impact of the security mandate on the implementation of the peacebuilding strategy, and possible links to an exit strategy;
- The Council's response to developments on the ground and the political constraints under which it acted;

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- The operational challenges that hindered implementation, in particular resources, coordination, training and communication;
  - An overview of the gender dimension through the implementation of UNSC resolution 1325 (2000) on women, peace and security;
  - The question of ownership and the dilemmas posed by state-building.

The review of these issues allows for an assessment of the mandate's implementation organised around the following areas of specific interest to this project and inspired on the criteria used in recent UN literature:

- The question of local consent, the use of force and its impact on the political and peacebuilding mandate;
- A clear, credible and viable mandate with the required resources;
- UNSC support and its willingness and capacity to determine or influence the intervention agenda;
- The participation of women and implementation of resolution 1325 (2000);
- The political environment at the international and regional levels.

The authors based their findings on their own experience and expertise, documentary evidence, and extensive interviews with key actors and witnesses in the field, at UN headquarters and in the capitals where engagement was crucial to the peace process.

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